

WARRANT
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BERKSHIRE, SS.
TOWN OF MONTEREY

On Saturday, May 6, 2006, 122 of 649 voters of the Town qualified to vote in elections and Town affairs met in the Firehouse of the Monterey Fire Company Ltd., at 9:30 o'clock in the morning, and then and there acted on the following articles after waiving the reading of the Warrant by the Town Clerk.

ARTICLE 1. The Moderator opened the polls at 9:30 A.M. and the Town brought in their votes to the election of officers of the Town on the official ballot provided by the Town Clerk for the following officers of the Town, as follows:

Board of Appeals for five years	Robert M. Gauthier	249
Board of Assessors for three years	Robert M. Gauthier	236
Board of Health for three years	Stephen J. Enoch	218
	Morton Sternberg	71
Cemetery Committee for three years	Linda E. Thorpe	274
Finance Committee for three years	Daniel Moriarty	147
	Maryellen A. Brown	137
Two Library Trustees for three years	Carol L. Edelman	213
	Lois Storch	208
Moderator for one year	Mark J. J. Makuc	292
Park Commission for one year	Valerie L. Zantay	237
Two members, Parks Commission for three years	LeRoy E. Thorpe	237
	Andrew Shaw	223
Planning Board for three years	Stephen F. Rose	231
Planning Board for five years	Riccardo S. Boehm	101
	Laurily K. Epstein	181
Select Board for three years	Wayne E. Burkhart	153
	William R. Johnson, Jr.	149
Town Clerk for three years	Barbara B. Swann	266
Tree Warden for one year	Roger C. Tryon	248

And voted their approval of the following question:

“Shall the Town of Monterey be allowed to assess an additional \$300,000 in real estate and personal property taxes for the purposes of general operating expenses for the fiscal year beginning July 1, 2006? “

(Approved by Majority Vote) Yes 152 No 144

The polls remained open until 6:30PM. The Ballot box erroneously rang several times, at 10:55AM, 12:20, and 4:12PM, and recorded three votes that were not cast. The box read 312 votes cast, but only 309 ballots were in the box when the ballots were publicly removed from the box at 6:35PM. The Checkers and Tellers' Lists tallied at 309 votes cast.

After the polls were declared open, the Moderator called for a moment of silence in memory of Peter Phillips for his contribution to Town Boards and in memory of David McAllester for his years of service to the Monterey News.

ARTICLE 2. The Town approved the reports of all Officers, Agents and Committees of the Town.

ARTICLE 3. The Town voted to fix the salaries as indicated below to be paid to elected officials for the period July 1, 2006, to June 30, 2007, pursuant to the provisions of Chapter 41, Section 108, of the General Laws.

Select Board Chair	\$3,996
Select Board 2 nd	\$3,996
Select Board 3 rd	\$3,996
Assessors Chair	\$2,500
Assessors 2 nd	\$2,500

122	Select Board Secretary	\$8,667.00
122	Select Board Expenses	\$3,500.00
124	Part-Time Employee	\$2,500.00
131	Finance Committee Expenses	\$500.00
132	Town Reserve Fund	\$20,000.00
135	Town Accountant Salary	\$13,321.00
135	Town Accountant Expenses	\$300.00
141	Assessors Elected	\$7,500.00
141	Asst. Assessor	\$29,640.00
141	Assessors Clerk Salary	\$6,800.00
141	Assessors Expenses	\$6,995.00
144	Assessors Computer	\$5,200.00
145	Treasurer Elected	\$11,146.00
145	Treasurer Expenses	\$3,325.00
145	Treasurers Tax Titles	\$2,000.00
146	Tax Collector Elected	\$14,168.00
146	Tax Collector Expenses	\$4,000.00
147	Tax Coll. Computer	\$4,500.00
148	Bank Charges	\$200.00
151	Town Counsel	\$8,500.00
158	Printing & Stationery	\$7,000.00
159	Town Secretary	\$29,845.00
160	Procurement Expenses	\$600.00
161	Town Clerk Elected	\$16,540.00
161	Town Clerk Expenses	\$4,266.00
162	Election Expenses	\$3,081.00
162	Bd Registrars Clerk	\$7,416.00
163	Registration	\$255.00
164	Registrars Expenses	\$2,175.00
165	Asst. Town Clerk	\$1,237.00
165	Asst. Town Clerk Expenses	\$1,929.00
171	Conservation Comm.	\$750.00
175	Planning Board Clerk	\$1,200.00
175	Planning Board expenses	\$3,765.00
176	Board of Appeals expenses	\$900.00
176	Board of Appeals Clerk	\$4,500.00
192	Meeting Hall	\$935.00
195	Town Report	\$1,200.00
196	Town Offices	\$27,500.00
197	Computer Software & Supplies	\$10,000.00
198	Accounting Software	\$8,800.00
	Subtotal	\$298,747.00

200 ***PROTECTION, PERSONS & PROPERTY***

209	Constable	\$129.00
210	Police Chief Wages	\$45,632.00
210	Full Time Officer	\$36,561.00
210	Police Expenses	\$51,528.00
212	Police Rental Facilities	\$3,460.00
220	Fire Dept. Expenses	\$27,000.00
221	Berk. Cty. Sheriff Comm.	\$7,059.00
222	Fire Dept Compensation	\$53,000.00
240	Building Inspector	\$21,840.00
240	Building Inspector Expenses	\$4,550.00
240	Building Inspector Clerk	\$1,950.00
243	Plumbing and Gas Inspector	\$3,400.00
243	Plumbing /Gas Inspector Exp	\$520.00
244	Fire Inspector	\$2,400.00
245	Wiring Inspector	\$2,650.00
245	Wiring Inspector Expenses	\$650.00
247	Animal Inspector	\$750.00
291	Civil Defense	\$500.00
292	Animal Control/Dog Officer	\$2,300.00

300	<i>EDUCATION</i>	
301	School Committee	\$1,200.00
310	Schools: Capital	\$191,770.00
310	Schools: Operating	\$727,138.00
	Subtotal	\$920,108.00
400	<i>PUBLIC WORKS AND FACILITIES</i>	
422	Highway Maintenance	\$141,363.00
422	Director of Operations	\$49,527.00
422	Dir. of Operations Snowplow Bonus	\$5,000.00
422	Hwy Foreman Compensation	\$39,338.00
422	Hwy 2 Compensation	\$37,083.00
422	Hwy 3 Compensation	\$32,949.00
423	Salt and Sand	\$100,000.00
423	Overtime, supplies, fuel	\$54,664.00
424	Public Lighting	\$3,000.00
425	Tree Removal	\$1,500.00
426	Tree Planting	\$0.00
427	Machinery & Tools	\$20,000.00
428	Town Garage	\$14,700.00
429	Highway Capital	\$65,000.00
431	So. Berk. Waste District	\$6,257.00
433	Transfer Station	\$85,000.00
434	Rubbish Collection	\$0.00
435	Household Hazardous Waste	\$1,100.00
436	Group Purchasing Regional	\$400.00
491	Cemetery Maintenance	\$500.00
491	Lawn Maintenance	\$18,000.00
495	Soldiers Graves	\$550.00
495	Lake Dam Inspection & Main	\$5,000.00
	Subtotal	\$680,931.00
500	<i>HUMAN SERVICES</i>	
510	Board of Health Salary	\$1,338.00
510	Board of Health Expenses	\$600.00
510	Board of Health Clerk	\$4,500.00
511	Sanitary Inspector	\$19,500.00
522	Visiting Nurse	\$1,866.00
523	Berkshire Mental Health	\$1,030.00
529	Children's Health Program	\$1,250.00
531	So. Berkshire Youth Assoc.	\$600.00
541	Council on Aging	\$500.00
543	Veterans Benefits	\$100.00
	Subtotal	\$31,284.00
600	<i>CULTURE & RECREATION</i>	
610	Library General	\$34,116.00
	Library Maintenance	\$3,250.00
630	Park Commission	\$32,007.00
	Lawn Maintenance	\$4,955.00
640	I Love Monterey Day	\$500.00
641	Cultural Council	\$2,625.00
692	Memorial Day	\$1,200.00
	Subtotal	\$78,653.00
700	<i>DEBT SERVICE</i>	
752	Debt Service	\$4,500.00
900	<i>MISCELLANEOUS EXPENSES</i>	
911	Berk. County Retirement	\$58,532.00
911	State Bd. of Retirement	\$200.00
913	Employment Security	\$750.00
914	Health & Life Insurance	\$84,829.00
915	FICA	\$8,263.83
945	Bonds & Insurance	\$53,500.00
	Subtotal	\$206,074.83

Article 10	\$62,626.00
Article 13	\$4,000.00
Article 14	\$500.00
Article 15	\$5,500.00
Article 16	\$2,500.00
Article 19	\$1,000.00
Subtotal	\$213,633.00

TOTAL SPECIAL ARTICLES \$304,633.00

TOTAL BUDGET \$2,797,724.83

Discussion centered around #124, with the reduction said to have been informed by a reduction in the hours needed to assume the Town Secretary's duties in her absence. Turning then to #141, there was explanation of these increases due to the time required to evaluate all 1700 parcels in the Town and the fact Assessors make themselves available for extra hours, as well as the many extra hours worked by the Assistant Assessor. It was noted that the Assistant Assessor keeps a log, and is working 25 hours a week. His pay is thus brought into parity with the Town Sanitarian's pay. In line #159, it was noted that the Town Secretary is making \$16.40, but clarification was sought regarding her pay under #171, 176, 510 and #240. Discussion revealed the Town Secretary is to be paid additionally from those accounts, and concern was expressed about whether or not that work occurred after hours, whether a log of time was kept to avoid double pay for hours during the regular work week while being paid from #159, and whether there was a proper job description for the job under #159. An amendment was then offered by the Select Board, to drop all accounts referenced except #159 and to raise that figure to \$38,845, since "for personality dependent budget reasons" these accounts had been broken out a year ago into separate figures for each function. Discussion included comments on increases solely on the basis of strong advocacy, as well as a request that a log of hours spent on each function be kept for overtime work after hours as well as development of a clear job description for these positions. Argument against the request for a single job and job description included a request that the jobs be kept separate since each Board should have the right to choose its own secretarial help. Select Board member Michele Miller noted that breaking the job out was not a good idea, and that the new Secretary had asked for more pay than these line items totaled. The motion to amend to a single position failed on voice vote. Under #171, it was noted that the Conservation Commission pays the Town Secretary out of fees collected, but that the funds requested in line item #171 are intended for training for the Commission members. No reductions in the referenced line items were requested. Moving to line #198, it was explained that the software being used by the Treasurer and Accountant is currently a DOS-based program twelve years old. Monterey has been offered a low rate as a test site for the new program, and the sum reflects the cost of support only, with anticipated future costs of \$2200 per annum for future support. Moving to #209, a three percent raise was added, changing this total to \$129, by voice vote, unanimously. As discussion moved to line #210, concerns were raised concerning the narrow width of Main Road and difficulties backing into traffic during the summertime but there were no directions or votes given. Under #240, an amendment was offered to lower the Building Inspector's pay to \$17,500 to be in line with other part-time professionals but this amendment failed by voice vote after discussion. A spokesperson for the study-group which derived the pay listed in #240 noted that the part-timers in this field ranged from \$27 to \$50 per hour and their recommendation was for \$30 an hour as a reasonable rate of pay. At less pay, those willing to do this job part-time would not have the training, and that the pay per hour had been correlated to the number of permits issued each year by other towns compared to ours. Under #240 expenses, the cost of a new software package for issuing permits was referenced. This software is currently being used in Lenox, Pittsfield and Stockbridge and payback would occur in a year to a year and a half in increased efficiency. Discussion on #296 brought out the fact that the Tree Warden would like to plant between 15 and 17 trees per year. The line item was amended referentially to "Tree Warden Expenses" unanimously by voice vote, as he noted the item was for labor and tree purchases. Currently only 6 to 7 trees are planted each year since the labor after planting to water them is extensive and we are currently dependent on volunteer labor. This figure represents actual labor and purchases needed for 15 to 17 trees. Moving to line #422, the fact this total represents \$150,000 more than last year called for clarity. It was noted that the actual budget was \$73,000 over the voted line item last year and \$25,000 over this year and that such emergency costs need to be publicly acknowledged and preparations made. Discussion of the Director's involvement with snowplowing, even though he was not hired to plow snow, met with the comment that a fourth post in the Highway Department was not practical unless that person also did all mowing, since the plowing was seasonal. No amendments were offered. Moving to #425, an increase to \$1,500 was proposed and was passed by voice vote, for emergency tree cutting by the Highway Department. A move to combine the Parks Department's two line items and add \$2,000 for tree care, if it was not needed, and \$1,000 for tree care, if it was needed, was passed by voice vote on the entire article then passed all items as amended.

ARTICLE 8. The Town voted to raise and appropriate the sum of \$40,809 for the lease payment on the 2003 fire truck, by voice vote
Unanimously

ARTICLE 9. The Town voted to raise and appropriate the sum of \$46,698 for the loan and interest on the Town Hall addition by voice vote
Unanimously

ARTICLE 10. The Town voted to raise and appropriate the sum of \$62,626 for the loan and interest on the Osh Kosh truck and Ford 550 truck, by voice vote
Unanimously

ARTICLE 11. The Town voted to transfer from the Stabilization Fund the sum of \$76,000 for the purchase of an 18,000-lb. GVW truck, plow and equipment, by voice vote
Unanimously

ARTICLE 12. The Town voted to authorize the Select Board to trade in or sell the Town's 2000 Ford 550 truck, by voice vote
Unanimously

ARTICLE 13. The Town voted to raise and appropriate the sum of \$4000 for repairs and maintenance of the Bally Gally house on the former Wilson McLaughlin property, by voice vote
Unanimously

ARTICLE 14. The Town voted to raise and appropriate the sum of \$500 sum for the Purple Loosestrife Project for Brewer Pond by voice vote. Discussion of pesticides was countered by information that this is the third year of a three year beetle approach to control these weeds, since chemicals are not effective. Passage was
Unanimous.

ARTICLE 15. The Town voted to raise and appropriate the sum of \$5500 for a new permit application for the Lake Garfield draw-down. The new application is required, and thus the amendment calling for a new permit application occasioned comment that over the years the State has changed requirements for this function, and that flood control is the current focus, as it originally was, but that in intervening years the use of the draw-down over three year cycles to control milfoil was very effective. When this problem was first addressed, in 1971, weevils were used to control milfoil but that the three year cycle was more effective. The primary function of the draw is flood control, however. This expenditure was approved by voice vote
Unanimously

ARTICLE 16. The Town voted to raise and appropriate the sum of \$2500 for Lakefest, deleting reference to "fireworks," as requested, by voice vote
Unanimously

ARTICLE 17. The Town voted to accept the provisions of Massachusetts General Laws Chapter 41, Section 41B, which will allow for the direct deposit of salaries, wages, or other compensation due persons in the service of the Town, by voice vote
Unanimously

ARTICLE 18. The Town voted to accept Chapter 32B, Section 9A, of the General Laws to pay one-half the premium costs payable by a retired employee for group life insurance and for group general or blanket hospital, surgical, medical, dental and other health insurance; and further voted to accept Chapter 32B, Section 18, that all retirees who are enrolled in Medicare Part A be required to enroll, at no cost to the retiree, in a Medicare health benefits supplement plan offered by the Town in the Berkshire Regional Retirement system. Those qualified will have ten years of service to the Town in that system and be at least 65 years of age. The voice vote was
Unanimous

ARTICLE 19. The Town voted to raise and appropriate the sum of \$1000 for retiree group health and life insurance to begin a funding source for retirement health insurance. Approval was by voice vote
Unanimously

ARTICLE 20. The Town voted, in accordance with General Laws Chapter 40, Section 4A, to authorize the Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units. Approval was by voice vote
Unanimously

ARTICLE 21. The Town voted to appropriate the sum of \$5000 from the Receipts Reserve Septic Loan Fund for the Community Septic Loan Program, by voice vote

The Town did vote to approve elimination of Article 20 from the Town Zoning Bylaws Repair, Ordinary: to eliminate the reference in parenthesis (Massachusetts Building Code, Article 20) as it only regulates the use of aluminum in construction. This voice vote was Unanimous.

The Town by unanimous voice vote agreed to pass over a change in Section IV.B. Agricultural-Residential District 2. Uses by Special Permit only. And did not agree to remove “commercial greenhouses” or “riding stable” from Subsection e. They did not agree, by voice vote, to allow kennels without a special permit but to retain the need for control within a neighborhood through a Special Permit process in the current By Laws.

The Town by unanimous voice vote tabled a proposed change in Section VI. Table of Minimums and Maximums, Footnotes, because the matter is currently before a Massachusetts Judge. The change would have added footnote "f. to read “A retaining wall or other retaining structure which is a required part of a septic system plan approved by the Board of Health is exempt from the property line setback for structures, but only when the Board of Health has determined in writing that the only location and configuration of the septic system requires the retaining structure to be within the property line setback.

It was noted that the requested amendment in the first proposed amendment, though rejected by the Town, were among requests on the part of the State. The Zoning Bylaw amendment eliminating reference to Article 20 in the bylaws will be sent for approval to the Attorney General.

ARTICLE 23. The Town voted to accept the Right-To-Farm bylaw, which encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Monterey by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies, after amending the Article to include the words “on file in the Town Hall” (in order to make the referenced bylaw available to citizens). Approval was by voice vote of the amendment and of the article as amended. This bylaw article will be sent for approval to the Attorney General.

ARTICLE 24. The Town voted to accept the following **Citizen Petition** by majority voice vote:

Whereas George W. Bush has misled the nation about Iraq's weapons of mass destruction and about ties between Iraq and Al Qaeda, then used these falsehoods to lead our nation into war unsupported by international law, not told the truth about American policy with respect to the use of torture and has directed the government to engage in domestic spying in direct contravention of U.S. law, to see if the Town will support our representative to the U.S. House of Representatives, John Olver, in his effort to investigate and file articles of impeachment to remove George W. Bush from office.

ARTICLE 25. The Town voted to accept the following **Citizen Petition** by majority voice vote.

To see if the Town should instruct the state representative from this district to vote in favor of legislation or a constitutional amendment to require that elections to statewide office (such as Governor, Treasurer, Auditor and Secretary of the Commonwealth) be conducted according to a system of instant runoff voting, or take any other action relative thereto.

ARTICLE 26. The Town voted to allow the Treasurer to use available funds in the Treasury or, with the approval of the Select Board, to borrow money in anticipation of reimbursement by the Commonwealth of Massachusetts on account of Highway Capital Funds, in accordance with Massachusetts General Laws Chapter 44, Section 6A, and to issue notes therefor for a period not to exceed two years from this date, and the proceeds from such reimbursement shall be applied to discharge the loan.

ARTICLE 27. The Town voted to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2006, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws Chapter 44, Section 17.

ARTICLE 28. The Town voted to authorize the Board of Registrars to appoint any member thereof to another office or position for the term provided by law and to fix the salary and compensation in accordance with Massachusetts General Laws Chapter 41, Section 4A.

The Select Board extended their thanks to Michele Miller, who is stepping down this year from that job, for