

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

To: Raymond W. Tryon, Constable of the Town of Monterey in the County of Berkshire,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn inhabitants of said Town qualified to vote in the elections and Town affairs to meet in the Firehouse of the Monterey Fire Company Ltd. in said Town on Saturday, May 3, 2008, at 9:30 o'clock in the morning, then and there to act on the following articles:

ARTICLE 1. To bring 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, and to see if the Town will vote to assess taxes in excess of the amount allowed pursuant to G. L. c. 59, § 21C, as follows:

- One member of the Board of Appeals for five years
- One member of the Board of Assessors for three years
- One member of the Board of Health for three years
- One member of the Cemetery Committee for three years
- One member of the Finance Committee for three years
- Two Library Trustees for three years
- One Moderator for one year
- One member of the Park Commission for three years
- One member of the Park Commission for one year
- One member of the Planning Board for five years
- One member of the Planning Board for three years
- One member of the Planning Board for two years
- One member of the Select Board for three years
- One Tree Warden for one year

ARTICLE 2. Shall the Town of Monterey be allowed to exempt from the provision of Proposition 2 ½ so called, the amount required to pay for the bond(s) issued for the purchase of a Mack Truck and a ¾ Ton Truck?

Yes _____ No _____

ARTICLE 3. To hear and act on the reports of all Officers, Agents and Committees of the Town.

ARTICLE 4. To see if the Town will vote to fix the salaries as indicated below to be paid to elected officials for the period July 1, 2008, to June 30, 2009, pursuant to the provisions of Chapter 41, Section 108, of the General Laws, or take any other action relative thereto.

Select Board Chair	\$4,300
Select Board 2 nd	\$4,300
Select Board 3 rd	\$4,300
Assessors Chair	\$4,000
Assessors 2 nd	\$4,000
Assessors 3 rd	\$4,000
Board of Health Chair	\$ 500
Board of Health 2 nd	\$ 500
Board of Health 3 rd	\$ 500

ARTICLE 5. To see if the Town will raise and appropriate certain sums of money, including appropriation and transfers from available funds, to defray charges and expenses of the Town, including salaries of certain Town Officers and employees, debt and interest, and provide for a Reserve Fund for the ensuing year, or raise, appropriate or transfer any other sum of money.

Account	Description	FY 08	FY09
		APPROVED	REQUEST
100	GENERAL GOVERNMENT		
114	Moderator	100.00	100.00
122	Select Board Elected	12,750.00	12,900.00
122	Select Board Expenses	4,500.00	4,500.00

124	Temporary Employee	100.00	100.00
131	Finance Committee Expenses	500.00	500.00
132	Town Reserve Fund	30,000.00	20,000.00
135	Town Accountant Salary	13,721.00	16,000.00
135	Town Accountant Expenses	300.00	300.00
141	Assessors Elected	7,500.00	12,000.00
141	Asst. Assessor	30,530.00	31,500.00
141	Assessors Clerk Salary	7,000.00	7,210.00
141	Assessors Expenses	10,165.00	13,675.00
144	Assessors Computer	4,450.00	5,315.00
145	Treasurer Elected	11,703.00	13,203.00
145	Treasurer Expenses	2,340.00	2,340.00
145	Treasurers Tax Titles	2,000.00	2,500.00
146	Tax Collector Elected	14,593.00	15,031.00
146	Tax Collector Expenses	4,150.00	4,300.00
147	Tax Coll. Computer	4,500.00	4,800.00
148	Bank Charges	200.00	200.00
151	Town Counsel	8,500.00	10,000.00
151	Town Counsel Expenses	0.00	1,500.00
158	Printing & Stationery	7,000.00	7,000.00
159	Inter-Departmental Secretary	37,340.00	38,834.00
160	Procurement Expenses	100.00	100.00
161	Town Clerk Elected	17,036.00	17,547.00
161	Town Clerk Expenses	4,650.00	4,650.00
162	Election Expenses	3,082.00	3,236.00
163	Registration	294.00	294.00
164	Bd. Registrars-Clerk	7,638.00	7,867.00
164	Registrars Expenses	2,176.00	2,176.00
165	Asst. Town Clerk	1,288.00	1,457.00
165	Asst. Town Clerk Expenses	1,121.00	1,121.00
171	Conservation Comm.	750.00	750.00
175	Planning Board Clerk	1,200.00	1,500.00
175	Planning Board expenses	3,795.00	250.00
176	Board of Appeals expenses	1,000.00	1,200.00
176	Board of Appeals Clerk	500.00	500.00
192	Meeting Hall	935.00	935.00
195	Town Report	1,500.00	1,500.00
196	Town Offices	30,000.00	30,000.00
197	Computer Software & Supplies	10,000.00	5,000.00
198	Accounting Software	5,800.00	4,829.00
	Subtotal	306,807.00	308,720.00
200	<i>PROTECTION, PERSONS & PROPERTY</i>		
209	Constable	150.00	300.00
210	Police Chief Wages	49,500.00	51,480.00
	Full Time Officer	37,658.00	39,164.00
210	Police Expenses	53,551.00	58,375.00
212	Police Rental Facilities	3,500.00	3,500.00
220	Fire Dept. Expenses	30,000.00	30,000.00
221	Berk. Cty. Sheriff Comm.	7,059.00	7,341.00
222	Fire Dept Compensation	54,590.00	56,590.00
240	Building Inspector	22,495.00	23,395.00
	Building Inspector Expenses	1,900.00	2,118.00
243	Plumbing and Gas Inspector	3,502.00	3,642.00
	Plumbing /Gas Inspector Exp	720.00	720.00
244	Fire Inspector	2,500.00	2,600.00
245	Wiring Inspector	2,650.00	3,150.00
	Wiring Inspector Expenses	650.00	650.00
247	Animal Inspector	800.00	900.00
292	Animal Control/Dog Officer	3,000.00	3,250.00
293	Animal Control Expenses	1,149.00	1,410.00
296	Tree Warden	5,970.00	5,970.00
	Subtotal	281,344.00	294,555.00
300	<i>EDUCATION</i>		

301	School Committee	1,200.00	1,200.00
310	Schools: Capital	180,742.00	168,969.00
310	Schools: Operating	808,853.00	929,017.00
	Subtotal	990,795.00	1,099,186.00
400	<i>PUBLIC WORKS & FACILITIES</i>		
422	Highway Maintenance	141,363.00	141,363.00
422	Director Of Operations	60,000.00	62,400.00
	Foreman	41,698.00	43,366.00
	Hwy 2 Compensation	39,318.00	40,891.00
	Hwy 3 Compensation	36,248.00	37,698.00
423	Salt and Sand	100,000.00	100,000.00
	Supplies & Fuel	57,744.00	43,944.00
	Overtime	0.00	18,000.00
424	Public Lighting	3,000.00	3,000.00
425	Tree Removal	2,500.00	2,800.00
427	Machinery & Tools	28,000.00	28,000.00
428	Town Garage	15,100.00	15,350.00
429	Highway Capital	65,000.00	65,000.00
430	Dam Inspection & Maint.	4,000.00	4,000.00
431	So. Berk. Waste District	3,129.00	3,129.00
433	Transfer Station	90,000.00	95,000.00
435	Household Hazardous Waste	1,600.00	1,600.00
436	Group Purchasing Regional	400.00	400.00
491	Cemetery Maintenance	500.00	1,000.00
	Cemetery Lawn Care	18,000.00	23,000.00
495	Soldiers Graves	600.00	600.00
	Subtotal	708,200.00	730,541.00
500	<i>HUMAN SERVICES</i>		
510	Board of Health Salary	1,338.00	1,500.00
510	Board of Health Expenses	600.00	600.00
	Board of Health Clerk	4,500.00	4,500.00
511	Sanitary Inspector	20,144.00	21,352.00
522	Visiting Nurse	3,200.00	2,000.00
523	Berkshire Mental Health	1,030.00	1,082.00
529	Community Health Program	1,250.00	1,500.00
531	Berkshire South Regional Community Center	2,500.00	2,500.00
541	Council on Aging	500.00	500.00
543	Veterans Benefits	100.00	100.00
	Subtotal	35,162.00	35,634.00
600	<i>CULTURE & RECREATION</i>		
610	Library General	40,568.00	43,610.00
	Library Maintenance	3,425.00	3,768.00
630	Park Commission	32,007.00	32,500.00
	Parks Lawn maint., spring/fall clean up	4,955.00	5,500.00
640	I love Monterey	500.00	500.00
641	Cultural Council	2,800.00	2,800.00
692	Memorial Day	1,500.00	1,500.00
	Subtotal	85,755.00	90,178.00
700	<i>DEBT SERVICE</i>		
752	Debt Service	4,500.00	3,000.00
	Subtotal	4,500.00	3,000.00
900	<i>MISCELLANEOUS EXPENSES</i>		
911	Berk. County Retirement	64,285.00	66,837.00
913	Employment Security	6,320.00	6,800.00
914	Health & Life Insurance	79,650.00	83,633.00
915	FICA	8,264.00	8,852.00
945	Bonds & Insurance	56,175.00	58,477.00
	Subtotal	214,694.00	224,599.00
	Total Operating Expenses	2,627,257.00	2,786,413.00
	Special Articles	235,285.00	275,826.00
	Total	2,862,542.00	3,062,239.00

ARTICLE 6. To see if the Town will vote to discontinue the operation of the Monterey School, or take any other action relative thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$62,626 or any other sum for the loan and interest on the Osh Kosh truck and Ford 550 truck, or take any other action relative thereto.

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$50,000 or any other sum for the Stabilization Fund, or take any other action relative thereto.

ARTICLE 9. To see if the Town will vote to transfer the sum of \$10,000 or any other sum from Overlay Surplus to the Reserve Fund, or take any other action relative thereto.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$3200 or any other sum for repairs and maintenance of the Bally Gally house on the former Wilson McLaughlin property, or take any other action relative thereto.

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$2000 or any other sum to be deposited in a Stabilization Fund for the Retiree Health and Life Insurance; or take any other action relative thereto.

ARTICLE 12. To see if the Town will vote to appropriate the sum of \$5000 or any other sum from the Receipts Reserve Septic Loan Fund for the Community Septic Loan Program, or take any other action relative thereto.

ARTICLE 13. To see if the Town will vote to appropriate the sum of \$175,000 or any other sum for the purchase of a new single axle dump truck and sander and associated equipment, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount, and to authorize the Select Board to trade in or sell at auction the Towns 1993 Mack truck, or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to appropriate the sum of \$32,000 or any other sum for the purchase of a new $\frac{3}{4}$ ton pickup and snowplow and associated equipment, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount, and to authorize the Select Board to trade in the Towns 2002 Chevrolet pickup and plow, or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to authorize and direct the Assessors to transfer \$150,000 or any other sum from Free Cash to reduce the tax levy for the fiscal year beginning July 1, 2008, or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of \$2500 or any other sum for Lakefest, or take any other action relative thereto.

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of \$7,000 or any other sum to replace un-repairable playground equipment and meet safety standards, or to take any other action relative thereto.

ARTICLE 18. To see if the Town will vote to raise and appropriate the sum of \$4,000 or any other sum to survey the Town Beach and surrounding property, or to take any other action relative thereto.

ARTICLE 19. To see if the Town will vote to transfer from stabilization the sum of \$42,500 or any other sum to extend the Corashire Cemetery road, or to take any other action relative thereto.

ARTICLE 20. To see if the Town will vote to raise and appropriate the sum of \$12,000 or any other sum to paint the Town Library, or to take any other action relative thereto.

ARTICLE 21. To see if the Town will vote to raise and appropriate the sum of \$35,000 or any other sum to purchase new turnout gear (PPE) for the Fire Department, or to take any other action relative thereto.

ARTICLE 22. To see if the Town will vote to raise and appropriate the sum of \$27,000 or any other sum to purchase a new Police Cruiser, or to take any other action relative thereto.

ARTICLE 23. To see if the Town will vote to raise and appropriate the sum of \$3,000 or any other sum to create a master plan for the Town, or to take any other action relative thereto.

ARTICLE 24. To see if the Town will authorize the Treasurer with the approval of the Select Board to borrow the sum of \$500,000 for the purpose of paving Main Road, aka Route 23, to be borrowed only if approved for a STRAP GRANT from the Commonwealth, to be reimbursed by the Commonwealth at 100%, or to take any other action thereto.

ARTICLE 25. To see if the Town will vote to amend Article VII Section 4. Holiday Policy of the Town Bylaws in accordance with Massachusetts General Law Chapter 4, Section 7 to include January first, July fourth, November eleventh, and Christmas Day, or the day following when any of said days occurs on Sunday, and the third Monday in January, the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, and Thanksgiving Day..

ARTICLE 26. To see if the Town will vote to amend the zoning bylaws of the Town by adding the following:

Section II. Definitions

Common Driveway: A private roadway shall be considered a common driveway when said road is used to provide access to two, three or four lots. A common driveway will begin where it accesses public ways or suitable private ways, and ends at the property line of the last lot being served.

Section VII. H. Common Driveway

General Regulations

The purpose of this bylaw is to encourage the use of common driveways in the Agricultural-Residential District and the Lake Shore District: 1) in order to minimize the frequency of curb cuts along town ways; 2) provide for the safest possible locations for curb cuts; 3) avoid or minimize the need for alterations of wetlands, tree lines, and stone walls; 4) minimize the amount of impervious surfaces created by driveways providing access to dwellings; and 5) provide standards for safe driveways that are adequate for access by emergency vehicles and delivery vehicles such as home heating oil.

A private roadway shall be considered a common driveway when said road is used to provide access to two, three or four lots. A common driveway will begin where it accesses public ways, or suitable private ways, and ends at the property line of the last lot served.

Any common driveway in existence prior to the date of this bylaw shall not be subject to these regulations.

A common driveway serving two lots shall be allowed by right.

A common driveway serving five (5) or more lots must meet all of the requirements of the Subdivision Control Regulations.

A common driveway shall be connected to a public way, or a suitable private way, at one and only one point. No common driveway shall be allowed within one hundred (100) feet of the intersection of public ways. A common driveway shall provide access to the lots from the way on which the lots served have their frontage.

Approval of a common driveway does not constitute acceptance of said common driveway as an approved town road. Common driveways do not constitute road frontage, and each lot served by a common driveway must meet all the requirements of the Zoning Bylaws. Issuance of a permit to construct a common driveway does not constitute a Building Permit by right.

A common driveway approval does not preclude the necessity for an applicant to apply for and obtain a curb cut from the Department of Operations and to comply with all curb cut regulations.

Each lot served by the common driveway shall have permanent access to the common driveway pursuant to an Easement Agreement that runs with the land.

Any deeds or ownership of lots served by a common driveway shall require that the owners of said lots be members of a maintenance association, whose purpose is to provide for maintenance of the common driveway, which shall include, but not be limited to, snow plowing, road maintenance, maintaining drainage structures and other components of the driveway necessary to provide safe and adequate access to the lots. This maintenance association must be created by a Maintenance Association Agreement.

The Easement Agreement, Maintenance Association Agreement, and Form A plan showing the common driveway that has been endorsed by the Planning Board, shall be recorded with the Southern Berkshire Registry of Deeds or Land Court where appropriate. The Form A shall provide space for two endorsements, one for the Form A and the second for the common driveway.

The Director of Operations shall be the enforcement officer of the Common Driveway Bylaw.

Application for approval of a common driveway

All applications for a common driveway shall be accompanied by the following:

1. An application form completed by the applicant.
2. There shall be an application fee as determined by the Monterey Planning Board.
3. Engineered plans showing the location of the proposed common driveway, along with design details of the proposed roadway, including grades, width and drainage.
4. A proposed Maintenance Association Agreement and a proposed Easement Agreement.
5. A copy of the proposed lot plan showing the lots to be served by the common driveway and including the metes and bounds of the common driveway.
6. The applicant shall file three copies of said application with the Planning Board. In addition, the applicant shall file one copy with the Town Clerk, Conservation Commission, Fire Department, Building Commissioner, and Highway Department for review and comment.

Application for a common driveway does not preclude any and all necessary permits and approvals to be obtained from the Conservation Commission for wetlands, and the Scenic Mountains Act, and any other necessary permits and approvals.

Design Standards

The common driveway must meet the following criteria. Any additional design criteria established by the Planning Board may be required depending on the topography of the land.

1. Common driveways shall be located to take into consideration the alignments with the way, sight distance conditions, topography, avoidance of wetlands and minimizing stream crossings.
2. The traveled way shall be a minimum of twelve (12) feet of wear surface plus a two (2) foot wide shoulder on each side of the roadbed.
3. The final surface of the roadbed shall have a minimum of eight (8) inches of gravel over a suitable sub grade.
4. The length of a common driveway shall not exceed 500 feet.
5. Construct turnouts to allow emergency vehicles to pass at intervals of no more than 400 feet or less where the Director of Operations determines due to topography, alignment, or other conditions. Turnouts shall be at least 35 feet long plus tapers at each end, and create a traveled width of at least 18 feet wide. A branching driveway can serve as an acceptable alternative to a turnout.
6. No driveway shall exceed an average grade of 10% nor have a maximum grade at any point exceeding 12%.
7. The common driveway shall have a minimum centerline radius of at least 40 feet.
8. A street name sign with house numbers of lots served by the common driveway shall be installed in accordance with State and Town laws.
9. The Director of Operations shall be the Planning Board's agent for review of the Common Driveway during construction. The common driveway shall be sufficiently constructed for access to a building lot before the issuance of a building permit for a structure on said lot.
10. At its option, the Planning Board may require that the applicant provide a covenant of other financial performance guarantee guaranteeing completion of the common driveway prior to the issuance of a certificate of occupancy. The performance guarantee shall be in a form acceptable to Town Counsel.
11. The work shall conform to the approved plans and any special conditions in the Planning Board's permit. Any change to the approved plans or permit conditions shall require the applicant to inquire of the Planning Board in writing whether the change is significant enough to require the filing of a new Permit Application. Upon completion of the work, the applicant shall submit a Request for Certificate of Completion to the Director of Operations.
12. Upon satisfactory completion of construction, the Director of Operations shall issue a Certificate of Completion that said Common Driveway has been constructed in accordance with approved plans and permit conditions. No Certificate of Occupancy for a building on the lot served by the Common Driveway shall be issued until the Director of Operations has issued said Certificate of Completion. The Director of Operations may halt any construction not done in accordance with the approved plans.

Final Decision

When deciding whether or not to approve plans for a common driveway, the Planning Board shall consider:

1. The safety of the common driveway as designed for normal use.
2. The safety of the intersection with the Town way. See Regulations for Access to Public Ways.
3. The adequacy of the legal requirements for maintenance and access.
4. The adequacy of the common driveway to provide access for emergency vehicles.

The Planning Board in making its finding, shall consider comments and reviews by the Town of Monterey Director of Operations, the Fire Department, and the Conservation Commission.

The approval of plans under this bylaw does not constitute a waiver of any other applicable bylaw or statute.

The Planning Board may waive strict compliance with the design or construction criteria upon a clear showing that the waiver will not adversely affect public safety or derogate from the intent and purpose of this bylaw.

If the Planning Board fails to act on a completed application for approval of a common driveway within 45 days it shall be deemed to have been approved.

ARTICLE 27. To see if the Town will vote to accept the following **Citizen Petition**, or take any other action relative thereto:

To see if the town will vote to elect Southern Berkshire Regional School District School Committee members with residency requirements in district-wide elections to be held at the biennial state elections beginning at the earliest possible date by amending the SBRSD Regional Agreement by striking the entire section under, '2. THE COMMITTEE.' and inserting in lieu thereof the following:

““The powers and duties of the District shall be exercised by and vested in a Regional District School Committee, (hereinafter referred to as the Committee). The Committee shall consist of 10 members with residency requirements as follows: one from Alford, two from Egremont, one from Monterey, two from New Marlborough and four from Sheffield.

a) Pursuant to MGL c 71 § 14E, members shall be elected in biennial state elections in 2008 or no later than 2010 by way of district-wide elections with residency requirements, which will result in the required number of members who are residents of the appropriate town, to serve for a term of four years and thereafter until their respective successors have been duly elected and qualified. For the purposes of arrangement on the ballot, offices having the same residency requirement shall appear on the ballot distinct from offices having different residency requirements, provided always that there shall appear on the ballot appropriate instruction to the effect, ‘you may vote for every position on the Southern Berkshire Regional School District Committee, regardless of where you live in the District.’

b) Transition from current appointive members to elective members shall be reached by continuing each Town’s appointive process until elected member successors have been duly elected and qualified. In order to manage this transition, all current and any future appointive members of the school committee will have terms that cannot extend beyond the time elective successors would be duly elected and qualified.

c) To fill member’s positions vacated prior to the end of members elected terms, each town shall establish locally elected officials to act as appointive authority pursuant to MGL c 71 § 14E (5).

d) If any vacancy occurs among appointed or elected members after acceptance of this amendment, the appointive authority for school committee members in the town so affected and the remaining Committee member(s) of the town affected, acting jointly, shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. If any vacancy occurs in a town with only one member, the appointive authority from the town involved shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. “

ARTICLE 28. To see if the Town will vote to accept the following **Citizen Petition**, or take any other action relative thereto:

To see if the Town of Monterey will appropriate the sum of \$10,000 to the Lake Buel Watershed Committee for the purpose of research to develop a long term program which will remediate the frequent and hazardous flooding of Monterey homes on and around Lake Buel.

ARTICLE 29. Excavation and Trench Safety Permitting Authority

To see if the Town will vote, pursuant to G.L. c 82A, section 2, to authorize the Board of Selectmen to designate the board or officer to regulate trenches as that term is defined by said law and the provisions of 520 CMR 14.00 et seq., or to take any other action relative thereto.

ARTICLE 30. To see if the Town will vote 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 therefore for a period not to exceed two years from this date, and to apply the proceeds from such reimbursement to discharge the loan, or take any other action relative thereto.

ARTICLE 31. To see if the Town will vote 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, 2007, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, 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, or take any other action relative thereto.

ARTICLE 32. To see if the Town will vote to adopt provisions of General Laws Chapter 59, Section 5, Clause 54, and authorize the Town to establish a minimum fair cash value required for a personal property account to be taxed, and further establish such minimum fair cash value at \$10,000, to be effective for the fiscal year beginning July 1, 2008; or take any action relative thereto.

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Hereof fail not and make return of this Warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands and the seal of the Town of Monterey this 14th day of April 2008.

Jonathan Sylbert, Chairperson

Wayne Burkhart

Scott Jenssen
MONTEREY SELECT BOARD