

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 5, 2007, 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:

- 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 Constable for three years
- One member of the Finance Committee for three years
- Two Library Trustees for three years
- One Moderator for one year
- Two members of the Park Commission for three years
- Three members of the Planning Board for five years
- One member of the Select Board for three years
- One Tax Collector for three years
- One Town Treasurer for three years
- One Tree Warden for one year

And to vote upon the following question: Shall the Town of Monterey be allowed to exempt from the provisions of Proposition 2 ½ so called, the amount required to pay for the bond(s) issued for the building of a salt shed?

Yes _____ No _____

ARTICLE 2. To hear and act on the reports of all Officers, Agents and Committees of the Town.

ARTICLE 3. 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, 2007, to June 30, 2008, pursuant to the provisions of Chapter 41, Section 108, of the General Laws, or take any other action relative thereto.

Select Board Chair	\$4,250
Select Board 2 nd	\$4,250
Select Board 3 rd	\$4,250
Assessors Chair	\$2,500
Assessors 2 nd	\$2,500
Assessors 3 rd	\$2,500
Board of Health Chair	\$ 446
Board of Health 2 nd	\$ 446
Board of Health 3 rd	\$ 446

ARTICLE 4. 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 07	FY 08
		APPROVED	REQUEST
100	GENERAL GOVERNMENT		
114	Moderator	103.00	100.00
122	Select Board Elected	11,988.00	12,750.00
122	Select Board Secretary	8,667.00	0.00
122	Select Board Expenses	3,500.00	4,500.00

124	Temporary Employee	2,500.00	100.00
131	Finance Committee Expenses	500.00	500.00
132	Town Reserve Fund	30,000.00	20,000.00
135	Town Accountant Salary	13,321.00	13,721.00
135	Town Accountant Expenses	300.00	300.00
141	Assessors Elected	7,500.00	7,500.00
141	Asst. Assessor	29,640.00	30,530.00
141	Assessors Clerk Salary	6,800.00	7,000.00
141	Assessors Expenses	6,995.00	10,165.00
144	Assessors Computer	5,200.00	4,450.00
145	Treasurer Elected	11,146.00	11,703.00
145	Treasurer Expenses	3,325.00	2,340.00
145	Treasurers Tax Titles	2,000.00	2,000.00
146	Tax Collector Elected	14,168.00	14,593.00
146	Tax Collector Expenses	4,000.00	4,150.00
147	Tax Coll. Computer	4,500.00	4,500.00
148	Bank Charges	200.00	200.00
151	Town Counsel	8,500.00	8,500.00
158	Printing & Stationery	7,000.00	7,000.00
159	Inter-Departmental Secretary	29,845.00	37,340.00
160	Procurement Expenses	600.00	100.00
161	Town Clerk Elected	16,540.00	17,036.00
161	Town Clerk Expenses	4,266.00	4,650.00
162	Election Expenses	3,081.00	3,082.00
163	Registration	255.00	294.00
164	Bd. Registrars-Clerk	7,416.00	7,638.00
164	Registrars Expenses	2,175.00	2,176.00
165	Asst. Town Clerk	1,237.00	1,288.00
165	Asst. Town Clerk Expenses	1,929.00	1,121.00
171	Conservation Comm.	750.00	750.00
175	Planning Board Clerk	1,200.00	1,200.00
175	Planning Board expenses	3,765.00	3,795.00
176	Board of Appeals expenses	900.00	1,000.00
176	Board of Appeals Clerk	4,500.00	500.00
192	Meeting Hall	935.00	935.00
195	Town Report	1,200.00	1,500.00
196	Town Offices	27,500.00	30,000.00
197	Computer Software & Supplies	10,000.00	10,000.00
198	Accounting Software	8,800.00	5,800.00
	Subtotal	308,747.00	296,807.00
200	<i>PROTECTION, PERSONS & PROPERTY</i>		
209	Constable	129.00	150.00
210	Police Chief Wages	45,632.00	49,500.00
	Full Time Officer	36,561.00	37,658.00
210	Police Expenses	51,528.00	53,551.00
212	Police Rental Facilities	3,460.00	3,500.00
220	Fire Dept. Expenses	27,000.00	30,000.00
221	Berk. Cty. Sheriff Comm.	7,059.00	7,059.00
222	Fire Dept Compensation	53,000.00	54,590.00
240	Building Inspector	21,840.00	22,495.00
	Building Inspector Expenses	4,550.00	1,900.00
	Building Inspector Clerk	1,950.00	0.00
243	Plumbing and Gas Inspector	3,400.00	3,502.00
	Plumbing /Gas Inspector Exp	520.00	720.00
244	Fire Inspector	2,400.00	2,500.00
245	Wiring Inspector	2,650.00	2,650.00
	Wiring Inspector Expenses	650.00	650.00
247	Animal Inspector	750.00	800.00
292	Animal Control/Dog Officer	2,300.00	3,000.00
293	Animal Control Expenses	920.00	1,149.00
296	Tree Warden	6,015.00	5,970.00
	Subtotal	272,314.00	281,344.00

300	EDUCATION		
301	School Committee	1,200.00	1,200.00
310	Schools: Capital	191,770.00	180,742.00
310	Schools: Operating	727,138.00	808,853.00
	Subtotal	920,108.00	990,795.00
400	PUBLIC WORKS & FACILITIES		
422	Highway Maintenance	141,363.00	141,363.00
422	Director Of Operations	49,527.00	60,000.00
	D. of Operations Snow Plow Bonus	5,000.00	0.00
	Foreman	39,338.00	41,698.00
	Hwy 2 Compensation	37,083.00	39,318.00
	Hwy 3 Compensation	32,949.00	36,248.00
423	Salt and Sand	100,000.00	100,000.00
	Overtime Supplies & Fuel	54,664.00	57,744.00
424	Public Lighting	3,000.00	3,000.00
425	Tree Removal	1,500.00	2,500.00
426	Tree Planting	0.00	0.00
427	Machinery & Tools	20,000.00	28,000.00
428	Town Garage	14,700.00	15,100.00
429	Highway Capital	65,000.00	65,000.00
430	Dam Inspection & Maint.	5,000.00	4,000.00
431	So. Berk. Waste District	6,257.00	3,129.00
433	Transfer Station	85,000.00	90,000.00
435	Household Hazardous Waste	1,100.00	1,600.00
436	Group Purchasing Regional	400.00	400.00
491	Cemetery Maintenance	500.00	500.00
	Cemetery Lawn Care	18,000.00	18,000.00
495	Soldiers Graves	550.00	0.00
	Subtotal	680,931.00	707,600.00
500	HUMAN SERVICES		
510	Board of Health Salary	1,338.00	1,338.00
510	Board of Health Expenses	600.00	600.00
	Board of Health Clerk	4,500.00	4,500.00
511	Sanitary Inspector	19,500.00	20,144.00
522	Visiting Nurse	1,866.00	3,200.00
523	Berkshire Mental Health	1,030.00	1,030.00
529	Community Health Program	1,250.00	1,250.00
531	Berkshire South Regional Community Center	600.00	2,500.00
541	Council on Aging	500.00	500.00
543	Veterans Benefits	100.00	100.00
	Subtotal	31,284.00	35,162.00
600	CULTURE & RECREATION		
610	Library General	34,116.00	40,568.00
	Library Maintenance	3,250.00	3,425.00
630	Park Commission	32,007.00	32,007.00
	Parks Lawn maint., spring/fall clean up	4,955.00	4,955.00
640	I love Monterey	500.00	500.00
641	Cultural Council	2,625.00	2,800.00
692	Memorial Day	1,200.00	1,500.00
	Subtotal	78,653.00	85,755.00
700	DEBT SERVICE		
752	Debt Service	4,500.00	4,500.00
	Subtotal	4,500.00	4,500.00
900	MISCELLANEOUS EXPENSES		
911	Berk. County Retirement	58,532.00	64,285.00
911	State Bd. of Retirement	200.00	0.00
913	Employment Security	750.00	6,320.00
914	Health & Life Insurance	84,829.00	79,650.00
915	FICA	8,264.00	8,264.00

945	Bonds & Insurance	53,500.00	56,175.00
	Subtotal	206,075.00	214,694.00
	Total Operating Expenses	2,502,612.00	2,616,657.00
	Special Articles	294,633.00	235,285.00
	Total	2,797,245.00	2,851,942.00
	Permission to Borrow		320,000.00

- ARTICLE 5. 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 6. 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 7. 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 8. To see if the Town will vote to raise and appropriate the sum of \$46,050 or any other sum for the loan and interest on the Town Hall addition, or take any other action relative thereto.
- ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$40,809 or any other sum for the lease payment on the 2003 fire truck, 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 for the Retiree Health and Life Insurance and to create a Stabilization Fund in said name; 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 \$320,000 or any other sum for the building of a salt shed, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount or take any other action relative thereto.
- ARTICLE 14. To see if the Town will vote to authorize and direct the Assessors to take \$50,000 or any other sum from Free Cash to reduce the tax levy for the fiscal year beginning July 1, 2007, or take any other action relative thereto.
- ARTICLE 15. 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 16. To see if the Town will vote to raise and appropriate the sum of \$7,400 or any other sum for the purchase of a new furnace for the Town Hall, or take any other action relative thereto.
- ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of \$5,700 or any other sum for the purchase of a Mapping Program Link for the Board of Assessors, or take any other action relative thereto.
- ARTICLE 18. To see if the Town will vote to allocate the sum of its required contribution to the Southern Berkshire Regional School District, in accordance with the regional agreement presently in effect, in accordance with Massachusetts General Laws Chapter 71, Section 16B, or to take any other action relative thereto.
- ARTICLE 19. 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 the proceeds from such reimbursement shall be applied to discharge the loan, or take any other action relative thereto.
- ARTICLE 20. 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 21. To see if the Town will vote to authorize any Town board to appoint any member thereof to another office or position for the term provided by law (if any), otherwise for the term not to exceed one

year, and to fix the salary and compensation in accordance with Massachusetts General Laws Chapter 41, Section 4A, or take any other action relative thereto.

ARTICLE 22. To see if the Town will vote to adopt the provisions of MGL Chapter 59, Section 5K allowing for a “Senior Citizen Property Tax Work-Off Program” in the Town of Monterey, effective July 1, 2007.

ARTICLE 23. To see if the Town will vote to amend the current bylaws regarding no dogs allowed on the town beach or town park and that a first offense will result in a \$50 fine, a second offense will be a \$100 fine and any offense thereafter will be a \$200 fine.

ARTICLE 24. To see if the town will vote, pursuant to the provisions of Section 4A of Chapter 40 and Section 59A of Chapter 48 of the Massachusetts General Laws, and to accept the provisions of Section 8G of Chapter 40 of the Massachusetts General Laws, to authorize the Board of Selectmen to enter into mutual aid agreements with other area governmental units for the provision of public health, public works, police, fire, animal control, inspectional services, emergency management and emergency medical services, in accordance with an intermunicipal mutual aid agreement to be entered into between the Town of Monterey and the governmental units.

ARTICLE 25. To see if the Town will vote to amend the bylaws of the Town by adding Section 1.1 to ARTICLE 1. Town Meeting

Section 1.1 Minutes of Town Meeting

The minutes of the town meeting shall be kept by the Town Clerk and approved by the Town Moderator and a majority of the members of the Select Board.

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 or more building lots. A common driveway will begin where it accesses approved public ways and ends at the property line of the last lot being served.

Section VII. General Regulations

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

All common driveways shall have a common driveway permit issued by the Planning board.

Building Commissioner shall be enforcement officer of Common Driveway Bylaw.

Common driveway permit applicant must obtain a permit for “Access to a Public Way” from the Highway Superintendent to determine the most appropriate location of “curb cut” on town road.

Approval of common driveway does not constitute acceptance of said common driveway as an approved town road. Common driveways do not constitute road frontage and all lots served by a common driveway must have such road frontage on an approved town road or an approved subdivision road as required by the Monterey Zoning Bylaws.

Approval of a common driveway permit does not constitute approval from the Conservation Commission under the Wetlands Protection Act or the Scenic Mountains Act.

Each lot served by the common driveway must have a permanent access to the Common Driveway pursuant to an Easement Agreement. The Easement Agreement is to be recorded with the common driveway permit in the Southern Berkshire Registry of Deeds or with the Land Court where appropriate.

Owners of all lots served by a common driveway shall be required to be members of a maintenance association whose purpose is to provide maintenance of the common driveway as required, which shall include but not limited to snow plowing, road maintenance, maintaining drainage structures and maintaining design specifications. This maintenance association must be created by a Maintenance Association Agreement. This Maintenance Association Agreement is to be recorded with the Southern Berkshire Registry of Deeds or Land Court where appropriate.

Design Standards of Common driveway serving two to four lots

Common driveways serving two to four lots shall have the following minimum construction standards.

- 1) Fourteen (14) foot minimum width of travel way plus two feet additional on each side for shoulders.
- 2) Maximum length is 600 feet from access to public way to property line of last lot served.
- 3) Common driveway will have 12” of 1 ½” processed gravel as a sub-base.
- 4) Average grade of 10% or less and shall not exceed 12% at any point.
- 5) Signage/Lot & House numbers
- 6) Staging area 40 feet in length by 20 wide at street line

Common Driveways serving five to eight lots

Common Driveways serving five to eight lots shall have the following construction standards.

- 1) Sixteen (16) foot minimum width of travel way plus two feet additional on each side for shoulders.

- 2) Maximum length is 1200 feet.
- 3) Common driveway will have 12" of 1 ½" processed gravel as a sub-base.
- 4) Average grade of 10% or less and shall not exceed 12% at any point.
- 5) Signage/Lot & House numbers
- 6) Staging area 40 feet in length by 20 wide at street line
- 7). Cul-de-sac measurements

Design Standard of Common driveway serving nine lots or more

Any common driveway serving nine lots or more shall be designed in accordance with Monterey Subdivision Standards IV, V and VI.

Additional Requirements

The common driveway shall be sufficiently constructed for access to a building lot before issuance of any building permit for a structure on that lot. The Building Commissioner may, at his discretion, request a review of the common driveway by the Highway Superintendent prior to issuance of a building permit. This is to ensure that the driveway has been constructed according to the common driveway permit specifications and provides safe access to the property for all emergency vehicles.

No certificate of occupancy shall be issued for a residence served by a common driveway until the Planning Board certifies in writing that the common driveway has been completed in accordance with the standards of this section.

Applicant shall submit 5 copies and a check for \$75 to the Planning Board. Application shall include adequate drawings and information such as, but not limited to, engineer calculations, topographic map of proposed driveway, as well as drawings showing proposed driveway grades, drainage and driveway construction details. The Planning Board will distribute copies to the Conservation Commission, the Building Commissioner, the Fire Chief, and the Highway Superintendent for review and comment.

Final Decision

When deciding whether or not to grant the driveway permit, 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.
- 3) The adequacy of the legal requirements for maintenance and access.
- 4) The adequacy of the of the common Driveway to provide access to vehicles carrying materials that are potentially hazardous if spilled, such as home heating oil.
- 5) The environmental impact on wetlands and water resource areas.
- 6) The adequacy of the common driveway to provide access to emergency vehicles, fire trucks, ambulances, police vehicles, etc.
- 7) The adequacy of the common driveway to provide for the needs of prospective occupants of the lots."

or to take any other action relative thereto.

ARTICLE 27. To see if the Town will vote to amend the zoning bylaws of the Town by deleting Section VII.C 3 and, in substitution thereof, insert the following:

“Section VII.C. Non-municipal Educational or Religious Use,

3. Setback – two hundred foot (200’) buffer surrounding the property to be kept undeveloped except for entrance and exit roadways, driveways and walkways, measured from the boundary of any abutter, but excluding roadlines where both sides of the road are owned by the same non-municipal educational or religious institution.”

or to take any other action relative thereto.

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 will vote to direct the Select Board to direct the Police Chief to have a Town Police person that is on duty direct traffic to protect pedestrians in the area of the Monterey General Store on weekends and holidays from the beginning of Memorial Day weekend until the end of Labor Day weekend and Columbus Day weekend from the hours of 8:30am until 11:00am.

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 9th day of April 2007.

Michael Storch, Chairperson

Jonathan Sylbert

Wayne Burkhart
MONTEREY SELECT BOARD

Pursuant to the within Warrant, I have this day, April _____, 2007, notified and warned inhabitants of the Town of Monterey in accordance with the Town Bylaws and the General Laws of the Commonwealth of Massachusetts.

Raymond W. Tryon, Constable