

ANNUAL TOWN MEETING, TOWN OF MONTEREY MAY 3, 2008

This is to certify that at 9:30 o'clock in the morning of May 3, 2008 116 voters of the 650 voters of this Town met in the Firehouse of the Monterey Fire Company Ltd. in said Town and then and there acted on the following articles after waiving reading of the Warrant at 9:32 o'clock:

ARTICLE 1. Of 650 voters, 136 voters of the Town brought in their votes from 9:37 A.M. until 6:30 P.M. when the polls closed for the election of officers of the Town on the official ballot provided by the Town Clerk, and assessed taxes in excess of the amount allowed pursuant to G. L. c. 59, § 21C (noted originally as ARTICLE 2 but without reference to placement on the same ballot) as follows. (An asterisk indicates the winner of a contested election.)

	Candidate	Votes
Board of Appeals for five years	*Fred Chapman	80
	Richard Piepho	52
Board of Assessors for three years (Write In)	Robert Lazzarini	24
Board of Health for three years	John D. Makuc	125
Cemetery Committee for three years	Thomas Haugh	119
Finance Committee for three years	Michael Storch	110
Two Library Trustees for three years	Laurie Shaw	105
	Linda Thorpe	124
Moderator for one year	Mark J.J. Makuc	129
Parks Commission for three years (Write In)	Chandler Crawford	8
Parks Commission for one year	Bridget Krans	110
Planning Board for five years	Alan Salamon	113
Planning Board for three years	Lawrence Klein	109
Planning Board for one year (Write In)	John Sellew	19
Select Board for three years	John Sylbert	114
Tree Warden for one year	Roger C. Tryon	111

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 98 No 29

ARTICLE 3. The Town did not act on the reports of all Officers, Agents and Committees of the Town.

ARTICLE 4. The Town voted 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, asking only for discussion on the salary increase for the Board of Assessors. Two members of that Board noted the increased hours they spend on the job. Following discussion, the following salaries were voted on positively by voice vote:

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. The Town voted to raise and appropriate the following 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, as follows

Account	Description	FY 09
100	GENERAL GOVERNMENT	
114	Moderator	\$100.00
122	Select Board Elected	\$12,900.00
122	Select Board Expenses	\$4,500.00
124	Temporary Employee	\$100.00
131	Finance Committee Expenses	\$500.00
132	Town Reserve Fund	\$20,000.00
135	Town Accountant Salary	\$16,000.00
135	Town Accountant Expenses	\$300.00
141	Assessors Elected	\$12,000.00
141	Asst. Assessor	\$31,500.00
141	Assessors Clerk Salary	\$7,210.00
141	Assessors Expenses	\$13,675.00
144	Assessors Computer	\$5,315.00
145	Treasurer Elected	\$13,203.00
145	Treasurer Expenses	\$2,340.00
145	Treasurers Tax Titles	\$2,500.00
146	Tax Collector Elected	\$15,031.00
146	Tax Collector Expenses	\$4,300.00
147	Tax Collector Computer	\$4,800.00
148	Bank Charges	\$200.00
151	Town Counsel	\$10,000.00
151	Town Counsel Expenses	\$1,500.00
158	Printing & Stationery	\$7,000.00
159	Inter-Departmental Secretary	\$38,834.00
160	Procurement Expenses	\$100.00
161	Town Clerk Elected	\$17,547.00
161	Town Clerk Expenses	\$4,650.00
162	Election Expenses	\$3,236.00
163	Registration	\$294.00
164	Board of Registrars-Clerks	\$7,867.00
164	Registrars Expenses	\$2,176.00
165	Asst. Town Clerk	\$1,457.00
165	Asst. Town Clerk Expenses	\$1,121.00
171	Conservation Comm.	\$750.00
175	Planning Board Clerk	\$1,500.00
175	Planning Board expenses	\$250.00
176	Board of Appeals expenses	\$2,100.00
176	Board of Appeals Clerk	\$500.00
192	Meeting Hall	\$935.00
195	Town Report	\$1,500.00
196	Town Offices	\$30,000.00
197	Computer Software & Supplies	\$5,000.00
198	Accounting Software	\$4,829.00
	Subtotal	\$309,620.00

200	PROTECTION, PERSONS & PROPERTY	
209	Constable	\$300.00
210	Police Chief Wages	\$51,480.00
210	Full Time Officer	\$39,164.00
210	Police Expenses	\$60,875.00
212	Police Rental Facilities	\$3,500.00
220	Fire Dept. Expenses	\$30,000.00
221	Berk. Cty. Sheriff Comm.	\$7,341.00
222	Fire Dept Compensation	\$56,590.00
240	Building Inspector	\$23,395.00
240	Building Inspector Expenses	\$2,118.00
243	Plumbing and Gas Inspector	\$3,642.00
243	Plumbing /Gas Inspector Exp	\$720.00
244	Fire Inspector	\$2,600.00
245	Wiring Inspector	\$3,150.00
245	Wiring Inspector Expenses	\$650.00
247	Animal Inspector	\$900.00
292	Animal Control/Dog Officer	\$3,250.00
293	Animal Control Expenses	\$1,410.00
296	Tree Warden	\$5,970.00
	Subtotal	\$297,055.00
300	EDUCATION	
301	School Committee	\$1,200.00
310	Schools: Capital	\$168,969.00
310	Schools: Operating	\$929,017.00
	Subtotal	\$1,099,186.00
400	PUBLIC WORKS & FACILITIES	
422	Highway Maintenance	\$141,363.00
422	Director Of Operations	\$62,400.00
422	Foreman	\$43,366.00
422	Hwy 2 Compensation	\$40,891.00
422	Hwy 3 Compensation	\$37,698.00
423	Salt and Sand	\$100,000.00
423	Supplies & Fuel	\$43,944.00
423	Overtime	\$18,000.00
424	Public Lighting	\$3,000.00
425	Tree Removal	\$2,800.00
427	Machinery & Tools	\$28,000.00
428	Town Garage	\$15,350.00
429	Highway Capital	\$65,000.00
430	Dam Inspection & Maint.	\$4,000.00
431	Southern Berkshire Waste District	\$3,129.00
433	Transfer Station	\$95,000.00
435	Household Hazardous Waste	\$1,600.00
436	Group Purchasing Regional	\$400.00
491	Cemetery Maintenance	\$1,000.00
491	Cemetery Lawn Care	\$23,000.00
495	Soldiers Graves	\$600.00
	Subtotal	\$730,541.00

500	HUMAN SERVICES	
510	Board of Health Salary	\$1,500.00
510	Board of Health Expenses	\$1,000.00
	Board of Health Clerk	\$4,500.00
511	Sanitary Inspector	\$21,352.00
522	Visiting Nurse	\$2,000.00
523	Berkshire Mental Health	\$1,082.00
529	Community Health Program	\$1,500.00
531	Berkshire South Reg. Community Center	\$2,500.00
541	Council on Aging	\$500.00
543	Veterans Benefits	\$100.00
	Subtotal	\$36,034.00
 600	 CULTURE & RECREATION	
610	Library General	\$43,610.00
610	Library Maintenance	\$3,768.00
630	Park Commission	\$32,500.00
630	Parks Lawn maint. spring/fall clean up	\$5,500.00
640	I Love Monterey	\$500.00
641	Cultural Council	\$2,800.00
692	Memorial Day	\$1,500.00
	Subtotal	\$90,178.00
 700	 DEBT SERVICE	
752	Debt Service	\$3,000.00
	Subtotal	\$3,000.00
 900	 MISCELLANEOUS EXPENSES	
911	Berkshire County Retirement	\$66,837.00
913	Employment Security	\$6,800.00
914	Health & Life Insurance	\$83,633.00
915	FICA	\$8,852.00
945	Bonds & Insurance	\$58,477.00
	Subtotal	\$224,599.00
	Total Operating Expenses	\$2,790,213.00
	Total Special Articles:	
	Raise and Appropriate	\$218,326.00
	TOTAL RAISE AND APPROPRIATE:	\$3,008,539.00
	ADDITIONAL BUDGET ITEMS:	
	Appropriate receipts reserved	\$5,000.00
	Transfer from Stabilization	\$42,500.00
	Transfer from Overlay Surplus	\$10,000.00
	TOTAL BUDGET FOR FY 2009	3,066,039.00
 	 OTHER TRANSFERS AND AUTHORITY TO BORROW	
	Borrowing Authorized	\$207,000.00
	Ability to Borrow, Conditional	\$500,000.00
	Transfer Free Cash to Lower Rate	\$150,000.00

Discussion focused on the following line items: Town Counsel's request for a \$1,500.00 expense fund to cover occasions when other towns he serves are involved in a conflict of interest with his firm. This was explained as providing only a small amount for each contract as a base stipend for other attorneys not in a conflict situation to be hired. Further legal expenses would have to come before Town Meeting for approval, should the alternate attorney accept a case. This will free Town Counsel from being asked for an interpretation of the law without consideration of conflict of interest. In further discussion, the Board of Appeals expense item was increased to \$2,100 because the original amount (\$1,200) was in error. That amendment was passed by voice vote. It was suggested that under Police Expenses, an additional \$2,500 could enable our Police Department to take training in psychiatric situations and that amendment was approved by voice vote, thus raising that item to \$60,875.00. Next, the School Operating Budget was addressed, with information that this budget reflects a 5.4% increase. Mr. Sybert noted that an initial request of \$100,000 to reduce class sizes to under 20 pupils informed the original total budget but the original budget did not pass a School Committee vote. This item does reflect the \$100,000 additional, to avoid class size increases. Turning to Board of Health expenses, a request to amend and increase \$600 to \$1000 was met with voice vote approval. Mr. Stephen McAlister then spoke of the need for our contribution to Berkshire South Regional Community Center as it is utilized to lower the cost of membership, through grants in financial aid, to Montereyans. There being no further discussion of Article 5, a motion to approve this article was made, seconded and approved.

unanimously.

ARTICLE 6. The Town did not vote to discontinue the operation of the Monterey School. Initial remarks by Dean Amidon noted we have an agreement that this school can be kept open, that kindergarteners are in the district in sufficient numbers and that it is the responsibility of the School to fill this kindergarten. Gige O'Connell noted the many ways in which the kindergarten experience here is enriched by volunteers, such as the sheepshearers who shared their craft while she taught there, the many hours spent in our Library, and the fact this school is an important enrichment to the Town. Karen Shreefter noted it could be marketed as multigraded, and Lois Storch asked for an explanation of why the School Committee was asking it be closed. Valerie Spriggs noted that there has been pressure due to declining enrollment, that only one early student was pre-enrolled and she could wish for more students but that the issue is enrollment. Her observation was addressed first by Rosemary McAlister, who noted that this school provides such an intense personal experience, producing well socialized pupils, but that enrollment is discouraged by school authorities. Lisa Smyle, in answer to Oswald Dugan's concern there might be no students, replied that there were natural fluctuations in the population of one age group in our town, and that this was the wrong time to make a decision to close the school. Bridget Krans noted that in her family alone, she has three coming along. Muriel Lazzarini echoed the point that it is our responsibility to fund the school and the school district's responsibility to find a solution to the current temporary shortage of pupils from this town. A guest-speaker from Otis noted that he choiced all four of his children to our Monterey Kindergarten because their experiences grounded them so well for further school. Mary Makuc noted that there would be five families interested in sending their children to the Monterey School this coming year if there were a Kindergarten-First Grade combination offered, which has been a solution in the past to low Monterey enrollment. After that, there are eight students from Monterey alone, and the trend continues upward. Linda Thorpe noted that before the establishment of a Kindergarten in New Marlborough there were always an average of 17 to 18 students a year, that the year 2003 was the lowest year we've had in a while for births, and that the children are beginning to be born again to go to the school. After a vote to move the question, a vote was taken. With only one vote in favor of Article 6 to approve closing the Kindergarten the article:

Failed by Voice Vote.

ARTICLE 7. 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, with no discussion

Unanimously

ARTICLE 8. The Town voted to raise and appropriate the sum of \$50,000 for the Stabilization Fund with no discussion; Unanimously

ARTICLE 9. The Town voted to transfer the sum of \$ 10,000 or any other sum from Overlay Surplus to the Reserve Fund, with no discussion. Unanimously

ARTICLE 10. The Town voted to raise and appropriate the sum of \$3200 for repairs and maintenance of the Bally Gally house on the former Wilson McLaughlin property, with no discussion. Unanimously

ARTICLE 11. The Town voted to raise and appropriate the sum of \$2000 to be deposited in a Stabilization Fund for the Retiree Health and Life Insurance. Unanimously

ARTICLE 12. The Town voted to appropriate the sum of \$5000 from the Receipts Reserve Septic Loan Fund for the Community Septic Loan Program, with no discussion. Unanimously

ARTICLE 13. The Town voted to appropriate the sum of \$175,000 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, with no discussion. Unanimously

ARTICLE 14. The Town voted to appropriate the sum of \$32,000 for the purchase of a new 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, with no discussion. Unanimously

ARTICLE 15. The Town voted to authorize and direct the Assessors to transfer \$150,000 from Free Cash to reduce the tax levy for the fiscal year beginning July 1, 2009, with only the correction that the original article read 2008 in clerical error. Unanimously

ARTICLE 16. The Town voted to raise and appropriate the sum of \$2500 for Lakefest, with no discussion. Unanimously

ARTICLE 17. The Town voted to raise and appropriate the sum of \$7,000 to replace un-repairable playground equipment and meet safety standards with no discussion. Unanimously

ARTICLE 18. The Town voted to raise and appropriate the sum of \$4,000 to survey the Town Beach and surrounding property. Discussion began with a question by Oswald Dugan concerning why this keeps coming up for hadn't the property been surveyed before? Jonathan Sylbert replied that a survey was done when the overflow tubes were put in and takings of property were made and the road was moved but it is very difficult to find those surveys, it seems, since they were County surveys and the County has been dissolved. There seem to be no satisfactory legal documents and the survey money seems worth the expense. Dean Amidon asked whether it was a survey with the purpose of situating a boat ramp and was told that was only part of the reason, that Foresight Land Survey has agreed to do the survey and the Boat Ramp Committee has been charged with finding an appropriate ramp site where it is physically or monetarily possible, given that the Town Beach is possibly the worst choice. Martin Cherneff noted that we are possibly simply throwing more money at what could be a major Land Court battle, and Jules Dahlman noted that land title is a different matter from a survey. Stephen McAlister observed that a survey is a great precaution, boat ramp or not, and his comment was echoed by Mr. Pollard, who noted

that a survey answers more questions than a deed and serves the Town in setting boundaries. Surveyors have records we do not have, and there is too much uncertainty in the current situation at that location. The land survey was approved by voice vote:

Unanimously

ARTICLE 19. The Town voted to transfer from stabilization the sum of \$42,500 to extend the Corashire Cemetery road. Discussion involved the determination that there would be about 500 additional plots added, with about 100 of them for cremation burials, that the road would commence at the side of the Veterans' Memorial on Blue Hill Road and proceed to a large circle, wide enough for hearses and other vehicles, and that the larger trees separating this cemetery from Corashire Cemetery would be preserved as much as possible but, as Steve Pullen pointed out, the issue regarding trees is how not to wipe out headstones. This article was approved by voice vote:

Unanimously

ARTICLE 20. The Town voted to raise and appropriate the sum of \$12,000 to paint the Town Library, with no discussion, by voice vote:

Unanimously

ARTICLE 21. The Town voted to raise and appropriate the sum of \$35,000 to purchase new turnout gear (PPE) for the Fire Department. Asked whether the current gear would have any value, the reply was that after ten years' use, it has little value or use. This article was approved, by voice vote:

Unanimously

ARTICLE 22. The Town voted to raise and appropriate the sum of \$27,000 to purchase a new Police Cruiser. Discussion centered on how this sum could cover the cost, and it was noted that equipment would be swapped out of the current cruiser and the price is governed by State Contracts for cruisers. The article was approved by voice vote:

Unanimously

ARTICLE 23. The Town voted to raise and appropriate the sum of \$3,000 to create a Master Plan for the Town, with no discussion, by voice vote:

Unanimously

ARTICLE 24. The Town authorized 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%. and it was noted that the whole of Route 23 in Monterey would be improved. It is possible that the State might provide us with these funds since they contemplate a change to lower the eligibility level to towns with populations under 5,000 instead of the current 10,000. Approval by voice vote was:

Unanimous

ARTICLE 25. The Town voted 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. The article was approved:

Unanimously

ARTICLE 26. The Town voted to table an article which would have changed the zoning bylaws of the Town by adding an article detailing common driveways. Tabling the article was approved by a hand-count vote of 58 Yes and 11 No. This was over the 2/3 majority requirement to table the article.

ARTICLE 27. The Town voted to accept a Citizen Petition to see if the town would 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. " A vote was taken then and there on a ballot with the above wording, and the count was:

80 YES 0 NO

ARTICLE 28. The Town voted to accept a Citizen Petition asking if the Town of Monterey would raise and appropriate the sum of \$10,000 to the Lake Buel Watershed Committee for the purpose of research to develop a long term program, by funding a preliminary plan to present to various State and Federal agencies, which would remediate the frequent and hazardous flooding of Monterey homes on and around Lake Buel. The words "raise and" were added by voice vote to the term "appropriate," to correct a clerical error. It was noted that homes in Monterey are affected as well as in Hartsville, that the Lake Buel Association has already contributed \$10,000 and would be contributing \$10,000 more, and that they were asking New Marlboro (where the stream silting and blockages are occurring) for \$10,000. The article was approved by voice vote:

Unanimously

ARTICLE 29. Excavation and Trench Safety Permitting Authority. The Town voted, 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.. Discussion centered on the fact this gives the Select Board only the authority to appoint a board or officer to over see trenches, and that any trench three or more feet deep would thus require a permit. The article was approved by voice vote in the affirmative.

ARTICLE 30. 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 therefore for a period not to exceed two years from this date, and to apply the proceeds from such reimbursement to discharge the loan.

Unanimously

ARTICLE 31. 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, 2008 (amended by voice vote from 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.


Unanimously

ARTICLE 32. The Town voted to adopt provisions of General Laws Chapter 59, Section 5, Clause 54, and authorized the establishment of a minimum fair cash value required for a personal property account to be taxed, and further established such minimum fair cash value at \$10,000, to be effective for the fiscal year beginning July 1, 2008. Discussion concerned the fact that this level of property tax (levied on the personal property of second home owners and on local businesses and all farm animals) accounts for 2% of our total tax revenue. There are currently 573 of these bills, and most are very small, and this authorization would allow the Town to exclude all but 80 of those bills. The total income from them is currently nearly \$11,000 and the total cost to issue and collect is \$4,000. Larger second homes (those over \$330,000 in valuation), larger businesses, and larger farms would continue to need to pay these personal property bills. About 2 cents per thousand will be added to everyone's tax bill to accommodate this authorization, bringing a \$5.10 per thousand assessment to \$5.12 per thousand. The authorization to accept these provisions was approved by voice vote as follows:

One voice vote "no", All others "yes"

The Annual Town Meeting voted to adjourn by unanimous voice vote at 12:23 o'clock in the afternoon. The polls remained open until 6:30 o'clock in the evening.

Respectfully submitted,


Barbara B. Swann
Town Clerk