

REPORT ON THE ANNUAL TOWN MEETING, SATURDAY MAY 5, 2012

This is to certify that, on May 5, 2012, 128 of the 723 inhabitants of said Town qualified to vote in the elections and Town affairs met in the Fire Station of the Monterey Fire Company, LTD. At 411 Main Road in said Town at 9:30 o'clock in the morning and then and there acted on the following articles after waiving the reading of the entire warrant.

A customary moment of silence was called by the Moderator in memory of residents Kenneth "Bob" Heath and Thomas Haugh for their years of dedication and service to the Town.

ARTICLE 1. A motion was made to pass over Article 1. After no discussion it was passed unanimously by voice vote.

ARTICLE 2. The Town voted by voice vote to fix the salaries as indicated below to be paid to elected officials for the period July 1, 2012 to June 30, 2013 pursuant to Chapter 41, Section 108 of the General Laws:

| | |
|---------------------------------|---------|
| 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 | \$ 400 |
| Board of Health 2 nd | \$ 400 |
| Board of Health 3 rd | \$ 400 |

ARTICLE 3. 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 provided for a Reserve Fund for the ensuing year, as follows:

| | | |
|-----|----------------------------|-----------|
| 100 | GENERAL GOVERNMENT | |
| 114 | Moderator | \$ 100.00 |
| 122 | Select Board | 12,900.00 |
| 122 | Select Board Expenses | 5,000.00 |
| 124 | Temporary Employee | 1.00 |
| 131 | Finance Committee Expenses | 150.00 |
| 132 | Town Reserve Fund | 15,000.00 |
| 135 | Town Accountant Salary | 14,560.00 |

| | | |
|-----|------------------------------|-----------|
| 135 | Town Accountant Expenses | 200.00 |
| 141 | Assessors Elected | 12,000.00 |
| 141 | Assistant Assessor | 34,754.72 |
| 141 | Assessors Clerk | 8274.24 |
| 141 | Assessors Expenses | 14,975.00 |
| 141 | Assessors Software | 6,200.00 |
| 145 | Treasurer Elected | 14,567.28 |
| 145 | Treasurer Expenses | 2,255.00 |
| 145 | Treasurer Tax Titles | 2,500.00 |
| 146 | Tax Collector Elected | 16,590.08 |
| 146 | Tax Collector Expenses | 5,300.00 |
| 147 | Tax Collector Computer | 4,800.00 |
| 148 | Bank Charges | 200.00 |
| 151 | Town Council | 11,033.36 |
| 151 | Town Council Expenses | 1,500.00 |
| 158 | Printing & Stationary | 1,500.00 |
| 159 | Inter-Departmental Secretary | 42,846.96 |
| 160 | Procurement Expenses | 1.00 |
| 161 | Town Clerk Elected | 16,215.00 |
| 161 | Town Clerk Expenses | 4,650.00 |
| 162 | Election | 6,186.00 |
| 163 | Registration | 294.00 |
| 164 | Street List/Census | 2,000.00 |
| 164 | Street List/Census Expenses | 750.00 |
| 165 | Assistant Town Clerk | 1,800.00 |
| 171 | Conservation Commission | 750.00 |
| 175 | Planning Board Clerk | 1,500.00 |
| 175 | Planning Board Expenses | 700.00 |
| 176 | Board of Appeals Expenses | 4,000.00 |
| 176 | Board of Appeals Clerk | 1.00 |
| 192 | Meeting Hall | 975.00 |
| 195 | Town Report | 1,000.00 |
| 196 | Town Offices | 30,000.00 |
| 197 | Computer Software & Supplies | 4,000.00 |
| 198 | Accounting Software | 5,800.00 |

| | | |
|------------|---|---------------------|
| GEN. GOV | SUBTOTAL | 307,829.64 |
| 200 | PROTECTION, PERSONS & PROPERTY | |
| 209 | Constable | 300.00 |
| 210 | Police Chief Wages | 60,180.64 |
| 210 | Police Officer | 40,347.84 |
| 210 | Police Expenses | 74,669.00 |
| 212 | Police Rental Facilities | 3,600.00 |
| 220 | Fire Department Expenses | 39,800.00 |
| 221 | Berkshire Cnty. Sheriff Communications | 8,022.00 |
| 222 | Fire Department Compensation | 76,500.00 |
| 240 | Building Inspector | 26,748.80 |
| 240 | Building Inspector Expenses | 6,868.00 |
| 243 | Plumbing & Gas Inspector | 3,000.00 |
| 243 | Plumbing & Gas Inspector Expenses | 100.00 |
| 244 | Fire Inspector | 2,600.00 |
| 245 | Wiring Inspector | 2,500.00 |
| 245 | Wiring Inspector Expenses | 100.00 |
| 246 | Alternate Inspectors | 500.00 |
| 247 | Animal Inspector | 900.00 |
| 292 | Animal Control/Dog Officer | 1.00 |
| 293 | Animal Control Expenses | 500.00 |
| 296 | Tree Warden Salary | 3,150.00 |
| 296 | Tree Warden Expenses | 15,230.00 |
| | SUBTOTAL | 365,617.28 |
| 300 | EDUCATION | |
| 301 | School Committee | 1,200.00 |
| 310 | Schools: Capital | 41,858.00 |
| 310 | Schools: Operating | 1,102,222.00 |
| | SUBTOTAL | 1,145,280.00 |

| | | |
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| 400 | PUBLIC WORKS & FACILITIES | |
| 422 | Highway Maintenance | 143,363.00 |
| 422 | Director of Operations | 68,848.00 |
| 422 | Foreman | 47,847.28 |
| 422 | Hwy 2 Compensation | 45,117.28 |
| 422 | Hwy 3 Compensation | 45,117.28 |
| 423 | Salt & Sand | 150,000.00 |
| 423 | Supplies & Fuel | 43,944.00 |
| 423 | Winter Overtime | 21,000.00 |
| 424 | Public Lighting | 3,000.00 |
| 427 | Machinery & Tools | 32,000.00 |
| 428 | Town Garage | 17,465.00 |
| 429 | Highway Capital | 70,000.00 |
| 430 | Dam Inspection & Maintenance | 4,000.00 |
| 431 | South Berkshire Waste District | 3,220.00 |
| 433 | Transfer Station | 102,000.00 |
| 435 | Household Hazardous Waste | 1,069.00 |
| 436 | Group Purchasing Regional | 600.00 |
| 491 | Cemetery Maintenance | 1,000.00 |
| 491 | Cemetery Lawn Care | 24,350.00 |
| 495 | Soldiers Graves | 1,250.00 |
| | SUBTOTAL | 825,190.84 |
| | | |
| 500 | HUMAN SERVICES | |
| 510 | Board of Health Salary | 1,200.00 |
| 510 | Board of Health Expenses | 400.00 |
| 510 | Board of Health Clerk | 4,500.00 |
| 511 | Sanitary Inspector | 22,653.00 |
| 522 | Visiting Nurse | 2,107.00 |
| 523 | Berkshire Mental Health (The Brien Center) | 1,100.00 |
| 529 | Community Health Program | 1,200.00 |
| 531 | Berkshire South Regional Community Center | 1,000.00 |
| 541 | Council on Aging | 2,000.00 |
| 543 | Veterans Benefits | 5,000.00 |
| | SUBTOTAL | 41,160.00 |

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| 600 | CULTURE & RECREATION | |
| 610 | Library General | 52,500.00 |
| 611 | Library Maintenance | 5,080.00 |
| 630 | Park Commission | 35,280.00 |
| 630 | Parks Lawn Maintenance, spring/fall clean-up | 6,500.00 |
| 640 | I Love Monterey | 0.00 |
| 641 | Cultural Council | 3,000.00 |
| 692 | Memorial Day | 1,500.00 |
| | SUBTOTAL | 103,860.00 |
| | | |
| 700 | DEBT SERVICE | |
| 700 | Debt Service | 0.00 |
| | SUBTOTAL | 0.00 |
| | | |
| 900 | MISCELLANEOUS EXPENSES | |
| 911 | Berkshire County Retirement | 80,161.00 |
| 913 | Employment Security | 925.00 |
| 914 | Health Insurance | 128,450.00 |
| 914 | Life Insurance | 648.00 |
| 915 | Medicare | 10,550.00 |
| 945 | Bonds & Insurance | 56,000.00 |
| | SUBTOTAL | 276,734.00 |
| | TOTAL OPERATING EXPENSES | 3,065,671.76 |
| | SPECIAL ARTICLES | 264,791.00 |
| | TOTAL | 3,330,462.76 |

Holds were placed on line # 543 and 611. Accountant Steve Pullen explained that, regarding line 543, the amount is dictated by a State mandated formula for reimbursements and could not be adjusted. Regarding line 611, there was a typo. It was moved and seconded to amend the amount to \$5,080.00, and passed unanimously by voice vote. A motion to pass Article 3 as amended, was made and seconded. The Article passed

by voice vote

ARTICLE 4. The Town voted to amend the Monterey Zoning Bylaws Sections I thru XL, including revisions proposed by the Planning Board entitled: Monterey Zoning Bylaw Section 1 thru 10 with the following amendments (see attached document, 57 pages). The Report of the Planning Board was read by Maggie Leonard. The consultant, Mark Bobrowski, hired by the

Planning Board was introduced and there followed a detailed discussion on many of the finer aspects of the wording to some sections of the existing, as well as the proposed bylaws. The results are as follows: See attached copy of exact wording:

Section 2.0 Districts

2.3 Maps-unanimously approved

2.3.1 Map-motion to retain the written description of the districts--unanimously approved

Section 3.0 Use Regulations

C. Agricultural and Related Uses-2nd line down, Commercial Agriculture not exempt pursuant to Massachusetts General Law Chapter 40A, Section 3, proposal to add "Yes" or "Y" next to district--unanimously approved

I. Light Manufacturing, Manufacturing and Related Uses-proposal to delete from the table "Large scale solar and photovoltaic facility"--unanimously approved

Section 5.0

Nonconforming Uses and Structures

5.1.3 Nonconforming Uses-2. Proposal to change the sentence to read: "Change from one nonconforming use to another equally or less detrimental nonconforming use."--unanimously approved

5.1.4 Nonconforming Structures-proposal to substitute "Except as provided in sub-section 5.1.6....." with "Except with respect to one and two family dwellings" (as provided in subsection 5.1.6 below)....."--unanimously approved

5.1.5 Variance Required-proposal to substitute "Except and provided in subsection 5.1.6..." with "Except with respect to one and two family dwellings (as provided in subsection 5.1.6 below)..." --unanimously approved

5.1.6 Nonconforming Single and Two Family Residential Structures-proposal to add 3. In all other cases a Special Permit may be granted pursuant to Section 5.1.4--unanimously approved

Section 9.0 Administration and Procedures

9.1.3-see attached document for wording--unanimously approved

There being no further amendments, the motion was made and seconded to call the vote. Article 4 with the amendments

Passed unanimously

ARTICLE 5. The Town voted to raise and appropriate the sum of \$50,000 for the Stabilization Fund.

Passed unanimously

ARTICLE 6. The Town voted to transfer the sum of \$15,000 from Overlay Surplus to the Reserve Fund.

Passed unanimously

ARTICLE 7. The Town voted to raise and appropriate the sum of \$14,000 for a Town Audit for fiscal 2012.

Passed unanimously

ARTICLE 8. The Town voted to raise and appropriate the sum of \$18,000 to paint the Town Hall.

Passed unanimously

ARTICLE 9. The Town voted to raise and appropriate the sum of \$15,000 to install an HVAC system in the Town Hall offices.

Passed unanimously

ARTICLE 10. The Town voted to raise and appropriate the sum of \$6,500 to purchase Thermal Imaging Equipment for the Fire Department.

Passed unanimously

ARTICLE 11. The Town voted to appropriate the sum of \$210,000 to purchase a Rescue Vehicle and equipment for the Fire Department, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount. The question was asked of what exactly constituted a "rescue vehicle". Chief Tryon gave a description of the present vehicle and what a new one would have in the way of up to date equipment.

Passed unanimously

ARTICLE 12. The Town voted to appropriate the sum of \$37,320 to purchase Hydraulic Rescue Tools and related equipment for the Fire Department, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount.

Passed unanimously

ARTICLE 13. The Town voted to raise and appropriate the sum of \$46,356 for the loan and interest on the Kenworth and Pickup Truck.

Passed unanimously

ARTICLE 14. The Town voted to raise and appropriate \$72,935 for the loan and interest on the construction of a salt storage shed.

ARTICLE 15. The Town voted to raise and appropriate the sum of \$10,000 for the renovation of the Wilson-McLaughlin House at the corner of Main Road and New Marlborough Road. Laurie Shaw gave a presentation of the goals of the Friends of The Wilson-McLaughlin House Committee has for the property, and explained that the Attorney General has ruled that any town owned property, though leased to a non-profit, has to abide by the prevailing wage rules. Thus the goal of building a community center will be done thru a capital campaign with this appropriation being seed monies for that campaign. After a motion to call the vote requiring a 2/3 vote, which passed with 4 in the negative, the article passed with

96 YES

5 NO

ARTICLE 16. The Town voted to raise and appropriate the sum of \$5,000 for Montereyfest formerly known as Lakefest.

Passed unanimously

ARTICLE 17. The Town voted to appropriate the sum of \$5,000 from the Receipts Reserve Septic Loan Fund for the Community Septic Loan Program.

Passed unanimously

ARTICLE 18. The Town voted to raise and appropriate the sum of \$3,000 to be deposited in a Stabilization Fund for the Retiree Health and Life Insurance.

Passed unanimously

ARTICLE 19. The Town voted to raise and appropriate the sum of \$3,500 for repairs and maintenance of the Bally Gally house on the former Wilson-McLaughlin property.

Passed unanimously

ARTICLE 20. The Town voted to raise and appropriate the sum of \$500 for the Town's assessment to the Southern Berkshire Regional Emergency Planning Committee.

Passed unanimously

ARTICLE 21. The Town voted to amend the first Restatement of the Regional Agreement of the Southern Berkshire Regional School District as follows: To Amend Article IV, subparagraph "h" of the first Restatement of the Regional Agreement to read in its entirety as follows:

h. Each Member Town shall make payment for its respective share of the District's estimated annual operating and transportation costs upon certification by the district treasurer as specified in section 8(b) below, such payment to be made by the respective town treasurer in four equal installments on the fifteenth day of August, November, February and May, by check payable to the district.

In all other respects the first Restatement of the Regional Agreement of the Southern Berkshire Regional School District shall remain in full force and effect. Passed by secret ballot

61 YES

3 NO

ARTICLE 22. 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 the proceeds from such reimbursement shall be applied to discharge the loan.

Passed unanimously

ARTICLE 23. 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, 2012, 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 give for a period of less than one year, in accordance with General Laws Chapter 44, Section 17.

Passed Unanimously

ARTICLE 24. The Town voted to appoint any committee or officers and give them or any other officer of the Town instructions, authority or indemnity thought best.

An amendment to correct a typo that inadvertently dropped the word "give" to read as above was passed unanimously. Then the vote was taken on the article and was

Passed unanimously

ARTICLE 25. The Town voted 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.

Passed unanimously

ARTICLE 26. The Town voted to replace the Monterey Town Bylaw Article XIII. Alarm Systems, Sections 1-8 with revisions proposed by the Monterey Police and Fire Departments entitled: XIII. Alarm Systems, the full text (6 pages) of which was available for review at the Town Clerk's Office or the Board of Selectmen's Office at the Town Hall.

An amendment to change the wording from calendar year to fiscal year failed by a vote of 1 YES and a resounding NO from all others. There was then a discussion of changing Section 3, number 3 on page 2 by striking the words "or renewal of" and adding the word "new". This amendment passed unanimously. The vote on the Article was then taken and it

Passed unanimously

ARTICLE 27. The Town voted to approve a resolution presented by Citizen Petition, to direct the Town Clerk to ask our Senators to call upon the United States Congress to pass and send to the States for ratification, a constitutional amendment to reverse Citizens United v. Federal Election Commission, and to restore constitutional rights and fair elections to the people.

Passed unanimously

ARTICLE 28. 187 of 723 voters 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.

One member of the Board of Appeals for five years

Robert Lazzarini


One member of the Board of Appeals for two years

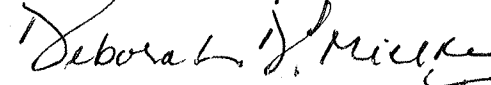
Jonathan Levin

| | |
|---|-------------------|
| One member of the Board of Assessors for three years | Donald Hopkins |
| One member of the Board of Health for three years | Stephen Enoch |
| One member of the Cemetery Commission for three years | Linda Thorpe |
| One member of the Finance Committee for three years | Daniel Moriarty |
| Two Library Trustees for three years | Denise Andrus |
| | Lois Storch |
| One Library Trustee for one year | Lisa Smyle |
| One Moderator for one year | Mark J.J. Makuc |
| Two members of the Park Commission for three years | Joshua Allentuck |
| | Emily Johnson |
| One Member of the Park Commission for one year | Angelica Collins |
| Two members of the Planning Board for five years | M. Maggie Leonard |
| | Barry Karson |
| One member of the Planning Board for two years | Roger Tryon |
| One member of the Select Board for three years | Wayne Burkhart |
| One member of the Select Board for two years | Muriel Lazzarini |
| One Town Clerk for three years | Deborah Mielke |
| One Tree Warden for one year | Shaylan Burkhart |

There being no other business, the Moderator called for a motion of adjournment for the meeting. The meeting adjourned by unanimous vote at 11:55 a.m. Elections were on Tuesday, May 8, 2012 from 12:00 noon until 7:00 p.m.

Respectfully submitted,


Linda Thorpe, Town Clerk

A true copy attest:

Deborah J. Mielke
Town Clerk

Planning Board Zoning Bylaw Revision Proposal

Proposed Amendments for Town Meeting May5, 2012

Section 2.0 Districts

2.3 Map Please see copies of map attached. The Planning Board proposes to add the attached maps to the Zoning Bylaws.

Map of the Town of Monterey showing the Agricultural-Residential District.

Map of the Business District

Map of the Lake Garfield Lakeshore District

Map of the Lake Buel Lakeshore District

Unanimously approved at Annual Town Meeting 5/5/12

2.3.1 Map – The Planning Board proposes to amend the revision and the KEEP the Description of Districts as is.

Unanimously approved at Annual Town Meeting 5/5/12

Section 3.0 Use Regulations

C. Agriculture and Related Uses – 2nd line down –

Commercial Agriculture not exempt pursuant to G.L. c. 40A, s.3 – The Planning Board proposes to have “yes” or “Y” in each district

Unanimously approved at Annual Town Meeting 5/5/12

I. Light Manufacturing, Manufacturing and Related Uses

The Planning Board proposes that “Large scale solar and photovoltaic facility” be deleted from the table.

Unanimously approved at Annual Town Meeting 5/5/12

Section 5.0 Nonconforming Uses and Structures

5.1.3. Nonconforming Uses

2. The Planning Board proposes to change the sentence to: “Change from one nonconforming use to another equally or less detrimental nonconforming use.”

Unanimously approved at Annual Town Meeting 5/5/12

5.1.4 Nonconforming Structures. The Planning Board proposes to substitute “Except as provided in subsection 5.1.6...” with “Except with respect to one and two family dwellings (as provided in subsection 5.1.6 below).....”

Unanimously approved at Annual Town Meeting 5/5/12

5.1.5 Variance Required. The Planning Board proposes to substitute “Except as provided in subsection 5.1.6...” with “Except with respect to one and two family dwellings (as provided in subsection 5.1.6 below).....”

Unanimously approved at Annual Town Meeting 5/5/12

5.1.6 Nonconforming Single and Two Family Residential Structures

The Planning Board proposes to add:

**3. In all other cases a Special Permit may be granted pursuant to Section 5.1.4
Unanimously approved at Annual Town Meeting 5/5/12**

Section 9.0 Administration and Procedures

9.1.3 Exceptions – The Planning Board proposes to delete the section as written and substitute with the following language from the State Building Code:

Work Exempt from Permit

Except for activities which may require a permit pursuant to other laws and bylaws and rules, a building permit is not required for the following activities:

Building:

- 1. One-story detached accessory structure used as tool and storage sheds, playhouses and similar uses, but not garages, provided the floor area does not exceed 200 square feet.**
- 2. Fences not over six feet high.**
- 3. Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, or that retain over four feet of unbalanced fill.**
- 4. Sidewalks and driveways.**
- 5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.**
- 6. Prefabricated swimming pools that are less than 24 inches deep.**
- 7. Swings and other playground equipment.**
- 8. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.**
- 9. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by subsection R311.4 of the State Building Code.**

Unanimously approved at Annual Town Meeting 5/5/12