

TOWN OF MONSON  
Certifications-Annual Town Meeting  
May 13, 2013

Article 1:

The Town voted unanimously to hear reports of Town Officers and Committees as shown in Attachment B

Article 2:

The Town voted unanimously to fix the salaries of the following elected officials:

Town Clerk	\$ 45,172.00
Highway Surveyor	\$ 72,900.00

Article 3:

The Town voted unanimously to re-authorize the existing Revolving Funds under M.G.L. Chapter 44 Section 53E ½ as per Attachment A, naming the programs and purposes for which said revolving fund may be expended, the receipts to be credited to the fund, the board, department or officer authorized to expend from said fund and the limit on the total amount which may be expended from said fund during the fiscal year.

Article 7:

The Town voted unanimously to transfer and appropriate the Comcast, Inc. Franchise Fee to Municipal Public Access Cable Television, Inc.

Article 8:

The Town voted unanimously to accept any funds which have been offered to the Town's Perpetual Care Cemetery Fund since the last Annual Town Meeting.

Article 9:

The Town voted unanimously to raise and appropriate from available funds a sum of money with which to meet bills or previous years.

Article 10:

The Town voted unanimously to authorize the Town Treasurer and Town Collector to enter into written agreements with banking institutions having their principal offices in the Commonwealth of Massachusetts, for a period not to exceed on year, pursuant to which said Town Treasurer and Town Collector agree to maintain on deposit in said institutions specified amounts of the funds of the Town in return for the provision by said institution(s) of banking services; such services that so qualify shall be prescribed by the Commissioner of Revenue, as well as by other provisions of Massachusetts General Laws Chapter 44, et seq.

Article 11:

The Town voted unanimously to authorize the Selectmen to sell at public or private sale, after first giving notice of sale in some convenient and public place in the Town, fourteen (14) days at least before the sale, property taken by the Town under tax title procedure; provided, however, that the Selectmen or whomsoever they authorize to hold such sale may reject any bid which they or the person so authorized may deem inadequate.

Article 12:

The Town voted unanimously to raise and appropriate or borrow and appropriate a sum of money not to exceed seven hundred five thousand seven hundred and thirty nine dollars ( \$ 705,739.00) to be used for construction projects authorized through the Chapter 90 Bond Issue, provided however that the town be reimbursed one hundred per cent (100%) of said sum upon project completion.

Article 23:

The Town voted unanimously to accept a donation of the property known and designated as Lots 1 and 2 located on Carpenter Road as described in Hampden County Registry of Deeds, Bok 14997, page 580 and Book 17235, page 484 and on Assessors Maps 115, Parcels 104A and 104B the property is to be owned by the Town of Monson and will be managed and controlled by the Conservation Commission of the Town of Monson in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, subject to clean title and Town Counsel approval.

Article 24:

The Town voted unanimously to accept a donation of the property known and designated as Lot 3 located on Carpenter Road as described in the Hampden County Registry of Deeds Book 14997 and Page 508 and in the Monson Assessors Office, Map 115, Parcel 104C to be owned by the Town of Monson and for the Town of Monson to use or dispose of in a manner to be determined by the Town, subject to clean title and Town Counsel approval.

Article 25:

The Town voted unanimously to accept the provisions of M.G.L. Chapter 40, Section 57 and adopt the following bylaw under which the Town may deny any application for, or revoke or suspend any local license or permit including renewals and transfer issued by any board, officer or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges and that the General Bylaws be amended to add Article 33, of the Monson Bylaws entitled "Grant or Renewal of Licenses as affected by Non-Payment of Local Taxes, Fees, etc." as follows:

**ARTICLE 33: Grant or Renewal of Licenses as affected by Non-payment of Local Taxes, Fees, etc.**

In accordance with Massachusetts General Laws, Chapter 40, Section 57, the Board of Selectmen, hereinafter referred to as the Board, may revoke or suspend any local license or permit including renewals and transfers issued by the Board for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges provided that:

- a.) The Town Collector shall annually furnish to the Board a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board.
- b.) The Board may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Board from the Town Collector; or any license or permit including renewals and transfers with respect to any activity, event or

other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges; provided however that written notice is given to the party and the Town Collector as required by applicable provisions of the law, and the party is given a hearing to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Board with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Board receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- c.) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Board to issue a certificate indicating said limitations to the license or permit and validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- d.) The Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Mass. Gen. Laws, Chapter 268A, Section 1 in the business or activity conducted in or on said property.

Article 26:

The Town voted to reject "Article 2-Finance Committee, Section 3" of the Town of Monson General Bylaws as follows:

Section 3. ~~The said committee~~ Moderator and the Board of Selectmen shall meet jointly to fill any vacancy which may occur in its the Committee's membership by vote, attested copy of which shall be sent by the secretary to. In the event of a tie, the Moderator's vote will prevail. The Moderator will then notify the Town Clerk of such action. If any member is absent from five consecutive meetings of said committee, except in cases of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding annual Town meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Article 27:

The Town voted to instruct our members of Congress to support an amendment to the United State Constitution to clarify that corporations do not have the same rights as people and that money is not speech for purposes of election-related spending.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings (“real people”); and,

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations;

WHEREAS, the United States Supreme Court in Citizens United v. Federal Election Commission presents a serious threat to self-government by allowing unlimited corporate spending to influence elections;

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy;

NOW THEREFORE, BE IT RESOLVED that the voters of MONSON, Massachusetts hereby instruct the Senators representing the Commonwealth of Massachusetts and the member of the United States House of Representatives representing this Congressional District to propose and our state legislators to ratify an amendment to the United States Constitution to provide that corporations are not entitled to the constitutional rights of real people and that money is not speech for purposes of campaign-related expenditures and contributions.

The text of the proposed amendment is as follows:

### **Amendment**

#### **Section 1** [A corporation is not a person and can be regulated]

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

#### **Section 2** [Money is not speech and can be regulated]

Federal, State and local government shall regulate, limit or prohibit contributions and expenditures, including a candidate’s own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

### **Section 3**

Nothing contained in this amendment shall be construed to abridge the freedom of the press.

#### **Article 28:**

The Town voted unanimously to authorize and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Board of Selectmen with Cornerstone Power Monson, LLC, an affiliate of Hecate Energy Inc., in accordance with M.G.L. c. 59, Section 38H and M.G.L. c. 164 Section 1, for the planned solar electric generating facilities to be located within the Town of Monson and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Board of Selectmen to submit a Special Act therefore to the General Court if enabling legislation is necessary, or take any other action relative thereto.

I, hereby certify that the Special Town Meeting was duly called according to the Bylaws and the Warrant was properly posted. The meeting convened at 7:02 p.m. and upon completion of the articles, the meeting was dissolved at 7:33 p.m.

A true copy:     ATTEST

Assistant Town Clerk, Monson