



Southern Berkshire Ambulance, Inc.

31 Lewis Avenue Great Barrington, MA 01230

Ph (413) 528-3632 Fax (413)-528-5549 www.sbvas.com

January 7, 2022

Town of Monterey

435 Main Rd,

Monterey, MA 01245

To:

Monterey Town Administrator

Monterey Selectbord

Monterey Finance Committee

I am writing to update you on the extensive work done by Southern Berkshire Ambulance over the past year.

In September, I was appointed as the new Director of Operations, replacing William Hathaway. I bring a broad range of experience, having worked for County, Northern Berkshire, Hilltown, and Southern Berkshire EMS services.

This year we also welcomed four new board members with extensive experience in emergency services, municipal government, business, and finance. The Board of Directors conducted a needs assessment. There were several primary needs identified at the Squad. They are as follows;

1. Determine staffing requirements
2. Create a plan to retain and recruit staff
3. Upgrade aging ambulances and IT equipment
4. Pursue alternative funding sources,
5. Thoroughly reviewing our finances and maximizing revenues.

Our demand analysis shows that to meet response standards, two Paramedic ALS staffed trucks are needed 24/7, which is our current staffing model. The volume is high enough to require an additional staffed ambulance during high-demand times. In addition, we are working with Fairview Hospital to meet their needs transferring patients, both emergent and non-emergent. This will likely create enough additional transports to necessitate and fund a third-staffed

ambulance at least eight hours per day. That will benefit not just Fairview Hospital but also the communities we serve.

While we are very fortunate with outstanding EMS providers who are the backbone of Southern Berkshire Ambulance, retaining and recruiting more is necessary, particularly with a dangerous shortage of paramedics and EMTs both nationally and locally. Unfortunately, they have shown signs of burnout, which is becoming too familiar in our industry. The primary causes of poor morale are low wages, short staffing, and unreliable equipment.

A salary survey was conducted in the fall. We determined that our paramedic wages were meager. Starting January 1, 2022 a new, competitive wage scale is being implemented. SBA is running an EMT class beginning in January to increase the number of local EMTs. A few additional hires and promotions have also taken place to help address the staffing shortage. I conduct weekly shift commander meetings and monthly employee meetings to update employees on the Board of Directors' actions and receive feedback and concerns. Morale is improving.

The primary capital needs identified for Southern Berkshire Ambulance were replacing an aging fleet of ambulances and upgrading multiple IT components. Southern Berkshire owns four ambulances with an average age of 6.5 years and over 130,000 miles. In addition, each ambulance is frequently out of service for costly repairs, making it challenging for SBA to have a minimum of two ambulances in service. In May, The Southern Berkshire Emergency Medical Foundation provided lease-funding over three years to purchase one new ambulance. Its delivery date was to be November of 2021. But, due to COVID and supply chain issues, it has been pushed back to October of 2022, and there is no guarantee it will arrive then. As a result, SBA is in immediate need of replacing at least one more ambulance.

SBA was also in need of IT upgrades. Slow speeds and lack of reliability were highly frustrating for staff. The laptops in each ambulance used for writing mandatory Patient Care Reports were replaced, the server was upgraded, and FirstNet routers were installed in the ambulances to improve communications in the field. Additionally, multiple systems used for records management and scheduling have been combined under one vendor to increase efficiency and save on annual license and maintenance fees. The Southern Berkshire Emergency Medical Service Foundation has contributed over \$50,000 towards these projects.

Adelson & Company PC has been contracted to audit our 2020 books and retained going forward. We are awaiting their report and look forward to implementing any recommendations provided.

Mark Del Signore, a resident and former volunteer EMT for SBA with extensive experience in business and finance, agreed to review SBA's budget. Past years' expenses were analyzed to determine actual costs, trends, and potential savings. As a result, a new budget was compiled for 2022, which included a more detailed breakdown of line items to better track and control expenditures. His expertise and many hours of work are greatly appreciated.

The primary funding source for SBA is EMS billing. While the reimbursement rates from Medicare, Medicaid, and private insurance are far below what is actually billed. We are working closely with our billing company, AMB, to ensure we do just that. As a result, we have increased our reimbursement rate from 85% to 90%. Although that is considered an excellent performance for the industry, we will strive to maintain this collection rate.

We have also pursued alternative funding sources. As mentioned previously, the foundation provided over \$250,000 in capital upgrades. We also applied for and received almost \$400,000 in COVID funding. It has offset additional expenses and subsidized our operating budget while improving operations. A federal AFG grant for \$55,000 is being submitted to fund the replacement of our radios.

As a result all of this work, our revenues projection for 2022 shows we should meet our budget of \$1.94 million. Therefore, we are happy to say we will not need a municipal subsidy for operations. However, the EMS industry has many changing components, and reimbursements for incidents are low, particularly for Medicare and Medicaid patients. Our goal is to remain self-sufficient, but if that does not appear to be possible, we will be proactive in informing you of any subsidies needed and why. In addition, we are working on revising our bylaws, including municipal representation on the board, to assist with transparency and communications.

Separate from 2022 Budgeting, SBA is requesting consideration of immediate use of funds from the American Rescue Plan Act. As mentioned earlier, the SBEM Foundation has committed to provide funding to replace one ambulance over three years. However, due to COVID-related supply chain disruptions, delivery of a new ambulance will not be possible until the 4th quarter of 2022 at best. Given the uncertainty of being able to maintain a reliable fleet, the need for a replacement ambulance is now immediate.

As mentioned before, the foundation has committed to lease payments towards purchasing one new ambulance scheduled to be delivered in October 2022. We still need to replace a second truck and are requesting \$250,000 of ARPA funds from the towns in our coverage area. Despite our projections of meeting our operating expenses for 2022, we do not have available funds to replace our ambulances. The state distributed ARPA funds based on populations, which is how we are requesting the contributions be made. The following table shows our calculations.

Town	ARPA	Percentage	Assessment
Alford	\$ 145,867	4%	\$ 9,496
Egremont	\$ 360,183	9%	\$ 23,447
Great Barrington	\$ 2,075,908	54%	\$ 135,138
Monterey	\$ 276,190	7%	\$ 17,979
Mount Washington	\$ 46,928	1%	\$ 3,055
Sheffield	\$ 935,279	24%	\$ 60,885
Total	\$ 3,840,355	100%	\$ 250,000

Your support would be greatly appreciated and will enable us to continue to provide quality EMS service to the Southern Berkshires. Our 2022 budget does include setting aside funds for future capital expenditures.

Our annual fund drive is currently ongoing. Meeting our budget is dependent on our fundraising efforts. Please encourage your community to support us to continue to provide the highest level of emergency medicine to your town.

Myself and the Board of Directors would be happy to attend a board meeting to provide further information on SBA and answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Caleb Stone NRP

Chief of Operations

Southern Berkshire Ambulance

JM

Item 3

Policy Name:	Posting documents used in public meetings to the Town website	Approval Authority:	Select Board
		Applies to:	All Boards & Committees
Adopted:		Revised: --	Reviewed:

Whereas on June 12, 2021, Town Meeting passed the following motion (excerpted for the specific focus of this policy):

“To instruct the Board of Selectmen to create a town policy regarding:

... All documents used in any board, committee, or commission meetings shall be posted via a link on the town website for public review along with the minutes. ...”

The Select Board adopts the following policy to satisfy the request made by Town Meeting, while accommodating for the complexities and difficulties that multimember bodies in the Town of Monterey may face while fulfilling the request made by Town Meeting:

Multimember bodies of the Town (boards, committees, commissions, councils etc.) are encouraged to post to the Town website, documents submitted to them at their meetings (the “Documents”) along with the approved minutes of the meeting, to a degree reasonably possible. Multimember bodies should make an effort to post the Documents along with the approved minutes to promote transparency, voter education, and citizen involvement in government.

To the extent that posting the Documents unreasonably burdens a multimember body of the Town with spending time and resources without substantially achieving transparency, voter education, and citizen involvement in government, the multimember body shall not be compelled to post the Documents. To the extent that the Documents are subject to confidentiality, redaction, or exemption from disclosure under applicable statute, the multimember body shall not be obligated to post the Documents.

All documents used at public meetings are subject to the Open Meeting and Massachusetts Public Records Laws. This policy aims to encourage public access to the Documents, but not in contravention of the Open Meeting and Massachusetts Public Records Laws.

**Town of Monterey
Policy Statement**

Policy Name:	Agenda Posting Requirements	Approval Authority:	Board of Select Boardmen
Adopted:	June 30, 2021	Applies to:	All Boards & Committees
		Revised: --	Reviewed: 6/30/21

This policy's purpose is to provide information to the elected and appointed public bodies in the Town of Monterey regarding meeting posting requirements and guidelines. This policy has been adopted by the Board of Select Boardmen and includes mandates under the state's Open Meeting Law.

Definitions:

- **Public Body:** An appointed or elected group of two or more people. Typical terms include but are not limited to: board, committee, commission, or council.
- **Official:** Any member of a public body.
- **Meeting Notice:** The notice that includes when a public body is meeting and details about the meeting.
- **Meeting Posting:** The act of making the meeting notice public and compliant with state Open Meeting Laws.
- **Bulletin Board:** The Town website www.montereyma.gov and Town Hall. ~~This-These is-are~~ the legal ~~places~~ place for meeting notices to be posted ~~placed~~ to be in compliance with state laws, and meetings are not valid until they have been ~~must be~~ posted to the Town website here 48 hours in advance ~~of the meeting~~ (not including holidays or weekends).

The Open Meeting Law Guide produced by the Office of Attorney General should be consulted for any questions, as the following list is just a few of the key requirements of the law.

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Massachusetts Open Meeting Notice Requirements: Meeting nNotices must contain the following per state law:

- ~~the name of the Public Body convening~~ **The name of the Public Body convening**
- ~~the date and time of the meeting~~ **The date and time of the meeting**
- ~~The date and time of the meeting~~
- ~~The location of the meeting—as specific as possible g~~
- ~~the place of the meeting, as specific as possible~~
 - (i.e. "Town Hall Meeting Room," "Monterey Pavilion behind the Firehouse," "Monterey Community Center," "Monterey Library," "Zoom," "Go To Meeting")
 - ~~Each notice must also include any remote sign-in instructions, numbers, links and passwords to access the meeting if the meeting will be held remotely.~~
- ~~The name of the Official calling the meeting. Meetings may be called by any member of the Public Body, not just the chairperson.~~
- ~~all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting~~ **all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting**

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**Town of Monterey
Policy Statement**

- ~~The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. An agenda that includes a list of the items reasonably anticipated to be discussed by the Official calling the meeting. Any items that are added between the 48-hour posting deadline and the meeting may only be addressed if it cannot wait until a subsequent meeting. Items should be as detailed as possible.~~
- ~~Topics should avoid abbreviations and acronyms, and spell out all words and phrases for maximum clarity.~~
- ~~(i.e. "Contract" is not acceptable, "Procurement Contract with John SmithABC, Inc" is.)~~
- Meeting notices must also indicate the date and time that the notice was posted, either on the notice itself or in a document or website accompanying the notice, and should reference when the copy was filed with the Town Clerk (usually the same time as the posting).
- If a notice is revised, the revised notice must also conspicuously record both the date and time the original notice was posted as well as the date and time the last revision was posted.
- A copy of the agenda-meeting notice must be posted to the legally recognized posting place (in Monterey's case, it is the Town website and Town Hall), at least 48 hours prior to the meeting time. This does not include weekends (both Saturday and Sunday) and holidays.
- The Notice must state the name of the individual making the Posting, the date and time the meeting was posted, and should reference when the copy was filed with the town clerk (usually the same time as the posting).
- Each notice must also include any remote sign in instructions, numbers, links and passwords to access the meeting if the meeting will be held remotely.

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Procedure for posting a meeting in Monterey:

- Meeting notice agendas should be submitted by going to (<https://www.montereyma.gov/town-clerk/webforms/meeting-notice-postings>) and completing the form (or submitting the form to the Town Clerk or Town Administrator).. When submitted properly a copy goes to the Town Administrator (responsible for posting to the website) as well as the Town Clerk (who will post it on the bulletin board outside of town hall).
 - <https://www.montereyma.gov/> → Citizen Action Center → Post Meeting Agenda
- When submitted properly, a copy of the meeting notice goes to both the Town Clerk and the Town Administrator. The Town Clerk or the Town Administrator, depending who is most readily available after receipt of the submission, shall post the meeting notice to the Town website (the legal posting place) and the bulletin board outside of Town Hall.
- The Town website and Town Hall is are the legal posting places place which must be posted to 48 hours before the meeting in advance in order to meet the requirements of the Open Meeting Law; whereas, the bulletin board outside the Town Hall shall be kept updated as possible for the convenience of the public, but it is is not legally necessary to meet the requirements of the Open Meeting Law.
- Notices must should be submitted at submitted with enough time to permit posting of the notice at least 48 hours in advance of the meeting least 48 hours in advance. (Town Hall office hours and staff time The working hours of the Town Clerk and Town Administrator, and time off, should be taken into consideration when deciding to posting a meeting).
 - Notices sent less than 48 hours in advance will not be posted.

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**Town of Monterey
Policy Statement**

- The Town Clerk and Town Administrator will not be responsible for any missed postings or noncompliance with the state's Open Meeting Law requirements. The official calling the meeting is responsible for ensuring that the posting and meeting is in compliance with the Open Meeting Law.
- Submitting a notice 72 hours in advance of the meeting should in most cases allow plenty of time for it to be posted before the 48 hour requirement.
- Notices sent less than 48 hours in advance will not be posted.
-

Notice/Posting Recommendations: The following items are suggested, but not required:

- Agendas should be in bulleted/numbered list format, preferably in the order that the items will be discussed in the meeting.

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Please add to next SB agenda JM

10 December 2021

1-3-21
Jury Walker

To: Monterey Cultural Council
CC: Terry Walker Monterey, Clerk
Mellisa Noe , Administrator
From: Wendy Germain
RE: Resignation from Cultural Council

As of the above date, I am resigning as a member of the Monterey Cultural Council.
It has been a pleasure and honor to serve our town in this capacity.
I wish the Cultural Council the best wishes for the new year.

Wendy Germain

Wendy Germain

Monterey Town Administrator

From: Monterey Town Administrator <admin@montereyma.gov>
Sent: Wednesday, January 5, 2022 11:58 AM
To: 'Justin Makuc'; Steve Weisz; 'johnw@montereyma.gov'
Cc: 'Jon Sylbert'; Katrina; Michele Miller
Subject: RE: Budget notes for FY23

I just want to comment on a few things.

It's a shame that Jon does not see the value in meeting with me first to discuss all of this as I would've been able to assure him that budget meetings have been taking place since December with myself, Justin and Michele. Joint meetings (with the exception of last year which was not a friendly process) have always occurred in late Jan until completed. The plan right now is for the 3 of us to finish our meetings and then the requests will be reviewed with me and the Finance Committee and me and the Select Board and each board can determine which requests anyone has concerns on and then we'll schedule the joint meetings. The process has been very smooth, friendly and efficient to date and we strive to keep it that way.

As for Jon's suggestion that there has been chronic over-budgeting, that simply is not the case and the Accountant and I are working on a free cash breakdown by fiscal year so everyone can see where the monies are coming from. Typically there is about \$200k+/- in turnbacks but that isn't necessarily due to over budgeting; a lot of factors play into this such as the severity of the winter, whether departments are fully staffed, COVID restrictions, mistakes by the Clerk in the reporting and not putting monies appropriated for lowering the tax rate and so on, I think you get the picture.

As for the enterprise fund, as I told you earlier this year Jon, I am working on this but I need to correct you on one statement you made. According to the Accountant the transfer station **IS NOT** a revenue generating operating budget. In FY20 it ran at a loss of \$40,587 and FY21 a loss of \$59,276. An enterprise fund will not solve the fact that monies will still need to be in the operating budget to subsidize the deficit. The accountant and I are working on a revenue(pricing)/cost analysis to better understand what the increase would be to the users to make the transfer station self-funding. An enterprise fund also requires acceptance first at town meeting.

I will hold on responding to any of the other items at this time as we are not finished with the budget requests. Jon I am always willing to make myself available to you to sit and discuss the budget (or anything else for that matter), your knowledge and understanding of the process is valuable and I would think you would want to share that and be a positive part of the process.

Enjoy the rest of this gloomy day everyone!

Melissa

From: Justin Makuc [mailto:justinmakuc@gmail.com]
Sent: Monday, January 3, 2022 4:27 PM
To: Monterey Administrative Assistant <admin@montereyma.gov>
Subject: Fwd: Budget notes for FY23

----- Forwarded message -----
From: <jons@montereyma.gov>
Date: Mon, Jan 3, 2022 at 10:37 AM

Subject: Budget notes for FY23

To: Steve Weisz <steve@montereyma.gov>, Justin Makuc <justinmakuc@gmail.com>, John Weingold <johnw@montereyma.gov>

CC: John Weingold <johnweingold@gmail.com>

Dear Select Board,

It has been the usual practice of the Select Board and the Finance Committee to meet jointly in the fall to set the budget schedule and make policy recommendations for budget expectations.

Since this has not happened this year and we are into the budget season, I would like to open the discussion. Hopefully, this will prompt the Select Board to call a joint meeting.

I would like to comment on the following topics:

- a) Chronic over-budgeting
- b) Use of Free Cash
- c) Proposition 2 1/2 Underride
- d) Consolidation of extraneous Stabilization Funds
- e) Creation of Enterprise Fund for Transfer Station
- f) Increase in Reserve Fund
- g) Put Main Rd. Culvert project on hold
- i) Appropriate funds for drainage work on two sections of dirt roads

- a) Chronic over-budgeting

Over the past 13 years, certified Free Cash has averaged \$405,132. (See table below.) While there is some variation depending on circumstances (storms, turnbacks, etc.), the trend is obvious. We are over-budgeting by as much as \$400,000 a year. This means we are essentially withholding nearly a half-million dollars of taxpayers' money year after year. This suggests not only poor budgeting, it does a disservice to our residents, who could better use those funds to manage their own finances.

Taking a conservative approach, we should cut \$200,000 from last year's total operating budget of \$4,937,594.77 and target for \$4.7 million.

Certified Free Cash

FY	Cert. date	\$
2010	10/01/2009	417,534
2011	11/15/2010	440,144
2012	11/08/2011	300,302
2013	12/17/2012	469,879
2014	03/24/2014	317,874
2015	02/12/2015	363,289
2016	10/30/2015	117,861
2017	11/07/2016	399,933
2018	05/04/2018	345,461
2019	04/26/2019	251,140
2020	11/26/2019	519,567
2021	10/20/2020	524,270
2022	11/01/2021	799,465

- b) Use of Free Cash

The tax burden this year would have been far lower if Schedule B-1 and the Tax Recap sheet had been done correctly. Let's not allow this opportunity to give back to the taxpayers slip through our hands again.

We currently have \$697,665 in Free Cash. Use all but \$25,000 to lower the tax levy. It's their money and belongs to them.

c) Proposition 2 1/2 Override

In May of 2016, the Select Board proposed, and taxpayers passed, a \$500,000 Proposition 2 1/2 Override. Since then, Excess Levy Capacity has skyrocketed to \$773,190. This means that the town didn't need the \$500,000 override: instead, our Excess Levy Capacity has increased by \$273,000. Moreover, \$773,190 in Excess Levy Capacity is an invitation to abuse taxpayers' dollars and defeats the purpose of Proposition 2 1/2, which was an initiative petition of voters of Massachusetts to put in place a check against annual spending increases. We owe it to our residents to make that lawful check meaningful by recommending a Proposition 2 1/2 override of \$500,000 at town meeting.

d) Consolidation of extraneous stabilization funds

As of June 30, 2021, Stabilization Fund balances are:

\$546,994.77 General
\$15,000.00 Fire Stabilization
\$30,158.27 Bridges Roads & Culverts Stabilization
\$592,153.04 TOTAL

The total represents 12% of our budget. This may or may not be too high. We have discussed the appropriate percent previously but I don't remember what we decided. More to the point, the vast majority of our expenditures from the General Stabilization Fund go to DPW and Fire Department capital expenses. There is no reason to have separate funds for those departments. Having separate, department-specific funds obscures the total amount of taxpayers' dollars we are holding—often for years at the taxpayers' expense—and also limits how we can use those funds. We should dissolve the DPW and Fire Dept. Funds and transfer their balances back into the General Fund. At that point, we can determine the appropriate amount of taxpayers' dollars we should hold to stabilize our budgets from year to year without depriving the taxpayers of the right to use their hard-earned dollars the way they choose. And let's remember: most major expenses will be covered by borrowing.

e) Creation of Enterprise Fund for Transfer Station

The Transfer Station is a revenue-generating operating budget and should be treated appropriately; that is, by placing it in an Enterprise Fund.

f) Increase in Reserve Fund

Given the uncertainty in town, an increase in reserves to \$40k may be warranted.

g) Put Main Rd. Culvert project on hold

A survey of 28 residents in a town of 1,000 is an grossly insufficient sample to make such financially consequential decisions, particularly when "No Action" received the most raw votes of 24.

Moreover, we should investigate how the reconstructed culvert over Beartown Mountain Road at the dam, under which the same Konkapot River runs, was financed.

i) Appropriate funds for drainage work on two sections of dirt roads

I had a long and fruitful conversation with Jim Hunt recently, and we agreed that we have chronic maintenance issues plaguing Monterey. We spend thousands of dollars year after year repairing the surfaces of dirt roads without addressing the cause of the problem. The symptom is muddy and impassable dirt roads, the cause is insufficient drainage. We agreed that the best approach is to identify the most problematic segments of dirt roads needing better drainage and schedule corrective measures.

Jim has identified the two worst sections. We should tackle two a year, see how well our solutions work, and continue to do so until all our dirt roads have proper drainage.

Sincerely,
Jon

Jonathan Sylbert
Finance Committee
Monterey

Monterey Town Administrator

From: michele@montereyma.gov
Sent: Wednesday, January 5, 2022 6:43 PM
To: Steven Weisz; Justin Makuc
Cc: Monterey Assistant; Monterey News
Subject: To the Selectboard

To Whom It May Concern,

It has been the "usual practice" of the Finance Committee to engage with the Selectboard in crafting the Budget for Town Meeting. Last year our first joint budget meeting was held on 1/13 and regularly after that. Prior to that, time was spent debating the Special Meeting Article for the Trucks and who would take the lead on the budget.

Currently the Chair of the the Finance Committee and Select board member Justin Makuc are meeting with the Town Administrator and department members. We expect to have preliminary numbers in mid-January which will give us a good start for Joint meetings. We have previously set out some of our larger concerns:
(from 6/29 Minutes Summary including 5/18 notes: REVIEW ONGOING TO DO LIST AND ISSUES RAISED DURING LAST YEARS BUDGET PREPARATIONS INCLUDING CAPITAL PLAN)
and will be working on these in the Finance Committee to bring them to our Joint Meeting.

I will schedule weekly meetings on Tuesdays going forward and suggest that a joint meeting could occur then.

Regards,
Michele Miller
Chair
Monterey Finance Committee

Monterey Town Administrator

From: Justin Makuc <justinmakuc@gmail.com>
Sent: Tuesday, January 11, 2022 7:08 PM
To: Monterey Administrative Assistant
Subject: Fwd: [FWD: RE: [FWD: OML Training]]
Attachments: RE_ [FWD_ OML complaint - 12_17_21].pdf

----- Forwarded message -----

From: <jons@montereyma.gov>
Date: Wed, Jan 5, 2022 at 9:05 AM
Subject: [FWD: RE: [FWD: OML Training]]
To: Steve Weisz <steve@montereyma.gov>, Justin Makuc <justinmakuc@gmail.com>, John Weingold <johnw@montereyma.gov>
Cc: John Weingold <johnweingold@gmail.com>

Dear Select Board, please see the email thread below regarding false clams made by Melissa Noe, which, apparently, were repeated at the Select Board meeting.

Ms. Benedon of the OML states:

"I have no recollection of referring to any complaints as 'retaliatory.'"

And why would she ever say that? She is a professional.

Filing an OML complaint is not an act of retaliation. It is a procedure for making sure the OML is followed by town officials for the sake of transparency in government and in the interest of the public we serve.

I expect a full correction, an apology, and appropriate disciplinary action taken by the Select Board at its earliest convenience in a public meeting—and also the apology sent to me by mail or email.

Sincerely,
Jon

Jonathan Sylbert
Finance Committee
Monterey

----- Original Message -----

Subject: RE: [FWD: OML Training]
From: "OpenMeeting (AGO)" <openmeeting@state.ma.us>
Date: Tue, January 04, 2022 3:20 pm
To: "jons@montereyma.gov" <jons@montereyma.gov>, "johnw@montereyma.gov" <johnw@montereyma.gov>
Cc: Monterey Town Administrator <admin@montereyma.gov>

Mr. Sylbert and Mr. Weingold,

I am responding to both of you since Mr. Weingold left a voicemail requesting similar information.

I spoke with Melissa Noe in late December to discuss the series of Open Meeting Law complaints as well as to propose a training where we could address and discuss some of the areas of concern. I have no recollection of referring to any complaints as "retaliatory." As I conveyed in my email dated December 23rd (attached), and may also have stated during our phone call, numerous complaints have been filed about procedures used for responding to prior complaints, which consumes resources without meaningfully advancing the Open Meeting Law's transparency goals.

Finally, I want to clarify that the Open Meeting Law training I offered need not be limited only to the members of the Finance Committee and Select Board, but also members of other public bodies in Monterey as well as staff members who work with public bodies.

Sincerely,

Carrie Benedon (she/her/hers)
Assistant Attorney General
Director, Division of Open Government
Massachusetts Office of the Attorney General
(617) 963-2080

From: jons@montereyma.gov <jons@montereyma.gov>
Sent: Tuesday, January 4, 2022 11:35 AM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Subject: [FWD: OML Training]

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear OML, please read the email below. Can you confirm that someone at the OML, "she," stated the following:

"She made particular note that some of these complaints seem to be retaliatory."

If this is true, please forward to me the name of the person who made this statement and the communication in which the statement was made.

Sincerely,
Jon

Jonathan Sylbert
Finance Committee
Monterey

----- Original Message -----

Subject: OML Training

From: "Monterey Town Administrator" <admin@montereyma.gov>

Date: Mon, January 03, 2022 12:31 pm

To: "Jon Sylbert" <jons@montereyma.gov>, "Katrina"

<katrina@montereyma.gov>, "Michele Miller" <michele@montereyma.gov>

Good Afternoon,

The OML division contacted the town about a significant number of open meeting law complaints filed by 2 particular individuals from Monterey (John Weingold and Jon Sylbert). She offered the select board and finance committee a personalized training open only to the Select Board and Finance Committee. She made particular note that some of these complaints seem to be retaliatory. The Board agreed to schedule this training and thought it was a good idea. The select board has asked me to reach out to find out if you are willing to participate and some good dates/times for you.

Respectfully,

Melissa Noe

Town Administrator

Town of Monterey

413-528-1443 x111

Don't let the ugly in others kill the beauty in you! ☺

Monterey Town Administrator

From: John F. Weingold <johnweingold@gmail.com>
Sent: Monday, January 10, 2022 9:50 AM
To: Jon Sylbert
Cc: Justin Makuc; Steve Weisz; John Weingold; Monterey Administrative Assistant
Subject: Re: [FWD: You] -- Attn: Monterey town government

Please add this issue to the agenda.

On Mon, Jan 10, 2022, 9:40 AM <jons@montereyma.gov> wrote:

Dear Select Board, I have not received a response to my emails concerning the recording and posting of the Finance Committee meetings. (Please see the email thread ending on 11/19/21 attached as a pdf.)

I would like to point out the following:

The Select Board has yet to address the policy for posting meeting recordings on the Town YouTube channel.

Michele Miller has claimed that she has never gone to the Town YouTube channel.

The Finance Committee has never voted to have their meeting recordings posted to the Town YouTube channel.

Michele Miller will no longer record the meetings, nor allow me to record them using the Zoom software. This means the Finance Committee meetings will no longer be posted to the Town YouTube channel.

If the Finance Committee never approved the posting of their meetings to the Town YouTube channel, and Michele Miller has never visited the channel, and Michele Miller is no longer recording the meetings for posting to the channel, I would like you to answer this question, which I have asked repeatedly in previous emails to you:

Who is/was posting Finance Committee meeting recordings to the Town YouTube channel without permission of the Finance Committee and without the authority of a Select Board policy?

Furthermore, I would like the Select Board to consider this:

Why is Michele Miller no longer recording Finance Committee meetings for posting on the Town YouTube channel? This does a disservice to the public.

This issue has been ongoing for months, yet the Select Board still remains incapable of providing the public with transparency in open government. It has no consistent policies regarding meeting recordings and postings among boards and committees; only the Select Board and the Finance Committee meetings are (were) posted; the channel is not properly organized so that meeting recordings can all be found on the home tab and they are not organized by board/committee; and now Michele Miller will no longer record meetings for posting.

Exactly what is going on? When is this going to be resolved for the benefit of the public who we serve?

Sincerely,
Jon

Jonathan Sylbert

Finance Committee
Monterey

----- Original Message -----

Subject: [FWD: You] -- Attn: Monterey town government
From: <jons@montereyma.gov>
Date: Tue, December 21, 2021 6:31 pm
To: "Justin Makuc" <justinmakuc@gmail.com>, "Steve Weisz" <steve@montereyma.gov>, "John Weingold" <johnw@montereyma.gov>, "John Weingold" <johnweingold@gmail.com>
Cc: "rep.smitty@mahouse.gov" <rep.smitty@mahouse.gov>, "adam.hinds@masenate.gov" <adam.hinds@masenate.gov>, "Brian Riley" <BRiley@k-plaw.com>

Dear Select Board,

At tonight's Finance Committee meeting, Michele Miller, the chair, announced she would no longer be recording the meetings. When I requested permission to record the meeting using the Zoom software, she refused.

After I left the meeting, Don Coburn, who had been in attendance, sent me the email below.

I will no longer be attending Finance Committee meetings. I can be far more productive working independently.

I am copying this email to town counsel, Representative Smitty Pignatelli, and State Senator Adam Hinds.

I think Mr. Coburn's email speaks for itself, but if Smitty or Adam have any questions, I'm happy to fill them in.

Sincerely,
Jon

Jonathan Sylbert
Finance Committee
Monterey

----- Original Message -----

Subject: You
From: dscoburn@aol.com
Date: Tue, December 21, 2021 6:16 pm
To: "jons@montereyma.gov" <jons@montereyma.gov>, "jsylbert@mac.com" <jsylbert@mac.com>, "b0bbyr0bby100@gmail.com" <b0bbyr0bby100@gmail.com>

Jon, you are the most total horse's ass I've ever seen in action. By the way, wouldn't it be nice if you joined your acolyte as the target of Monterey's first recall election? I think you deserve that honor even more than Weingold does.