



## To Mary Makuc

In Recognition of Impeccable Service to  
the People of Monterey

As the First Director of the Monterey Community Center

In only five years, Mary's tireless efforts have grown the Community center from a mere building to a vibrant social hub, bringing together Montereyans of all ages to share their interests, learn new things, stay healthy, and build true community. Her consistent commitment to community service has not only made her leadership invaluable, but acts as a powerful example of what can be achieved by working with others with a welcoming, compassionate manner and incredible patience – no matter the obstacles. These are only words, but we hope they express the depth of our gratitude for her steadfast and unfailing service to our town and all of its residents.

The Town of Monterey Select Board takes pride and pleasure in joining the many families, friends and members of the Monterey community in thanking and congratulating Mary Makuc upon the occasion of her richly deserved retirement from the service of Monterey.

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Justin Makuc, Chair

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Susan Cooper

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Frank Abbott

## Town Administrator Job Description

### Position Overview:

The Town Administrator (TA) shall be the chief administrative officer of the Town of Monterey (Town) and shall act as the agent for the Select Board (SB). The TA performs complex professional, administrative, and managerial tasks that establish the framework for the effective operation and management of the Town. Under the direction and leadership of the Select Board of the Town, the TA is entrusted with daily oversight of Town department activities and staff, and coordination with all the departments and committees not in direct control of the SB.

The TA keeps the SB informed about departmental activities and initiatives; identifies problems and policies that require SB action. Advises the SB on recommended actions and policies; researches, analyzes, and recommends changes in Town policies, personnel, systems and procedures, and generally works in partnership with the SB toward a goal of effective professional management. On occasion, either as requested or proactively, the TA supports and advises various boards and committees in matters of activities, initiatives, or policy formulation. As the senior member of the Town's professional staff, the TA leads and facilitates the work of the Town's operating activities to ensure the effective and efficient delivery of Town services.

The TA shall be responsible to the SB and shall perform all duties and responsibilities as may be assigned by the SB. The TA shall devote full time to the office and shall not hold any other public office, nor engage in any other business or occupation during such service, unless approved in advance by the SB.

**Hours/Compensation:** This position is a full time, salaried, exempt position. Due to the nature of the job additional hours beyond the normal workweek may be necessary. This position is executive/administrative as those terms are defined by the Fair Labor Standards Act, its rules and regulations. Therefore, there will be no paid overtime or additional compensation for said additional time.

**Benefits:** Full benefits. Please see the Employee Manual for more details.

**Supervision Required:** The TA is appointed by the SB and functions under its jurisdiction and policy direction in accordance with town bylaws, policies and procedures, state and federal statutes. The TA will refer specific issues or problems to the SB when clarification or interpretation of town policy or procedures is required. The SB will complete an annual performance review of the TA.

**Confidentiality:** Employee has complete access to all municipal confidential information in accordance with the State Public Records Law. The position is entrusted with the responsibility of ensuring the strict confidentiality of all municipal information, as mandated by the State Public Records Law, and must exercise the utmost discretion and care when handling such sensitive data.

**Supervisory Responsibility:** The employee is accountable on a Town-wide basis for the success of programs accomplished through others under their supervision. Analyzes program objectives, reviews work operations, estimates and allocates the financial and staff resources required, including recommendations to the SB in collaboration with the HR Director, for the hiring, training, disciplining and termination of employees. Employee provides direct supervision of SB staff, department heads, and

individual staff outlined in the SB approved, Town's Organizational Chart. Recruits, screens and recommends personnel to SB for appointment.

**Essential Functions:**

**Leadership**

- a. Efficiently manage all municipal departments, commissions, boards, and officers under the supervision of the TA. Refer to the approved organization chart.
- b. Demonstrate above-average interpersonal skills, clear written and verbal communication, and cultivate a collaborative environment for effective cross-departmental cooperation within the organization, emphasize thorough and timely follow-up.
- c. As the lead administrator responsible for day-to-day municipal operations, establish an environment that prioritizes transparency while respecting confidentiality. Use proper discretion when omitting information to avoid the perception of not being transparent.
- d. Acknowledge the possibility of disagreements with Town officials and staff, and consistently uphold a neutral position when engaging in discussions as needed. This entails impartial mediation and the expression of one's viewpoints through effective communication.
- e. Stay up-to-date on rapidly evolving federal, state, insurance regulations, and regularly educate oneself on various subjects including but not limited to laws, bylaws, and regulations to provide well-informed recommendations to the Board. Seek third party advisement when necessary.
- f. Embody accountability by readily acknowledging mistakes, learning from them, and demonstrating the ability to move forward.
- g. The TA diligently oversees and ensures compliance, either through direct management or by delegating to designated personnel, with all pertinent provisions of general and special laws governing the town, upholding town bylaws, respecting Town Meeting votes, and enforcing policies and direction set forth by the SB.
- h. Seek input from the SB for professional development, encompassing all facets of the TA position, to foster ongoing growth, remain current on industry best practices, and enhance overall effectiveness. Request an annual budget allocation for such professional development.
- i. Recommend to the SB policies, best practices, and actions that enhance the professionalism, legal compliance, effectiveness, and efficiency of the Town.

**Administrative Responsibilities:**

- a. Acts as public facing point of contact for citizens that come in to Town Hall or contact Town Hall via phone, email, or other means. The TA responds to and handles public inquiries, requests, and complaints.

- b. Oversee the use and maintenance of Town-owned property, under the jurisdiction of the SB, in cooperation with the Director of Operations.
- c. Manage permit and license procedures for the SB. Handle yearly liquor license applications, renewals, and special event permit requests. Handle transfer station permits and collection of related fees. Coordinate alarm permits and maintain related databases.
- d. Prepare a draft of Annual and Special Town Meeting warrants. Oversee coordination of Annual Town Reports. Attend and actively participate in SB meetings, Town Meetings, and relevant community events.
- e. Management of the town website. Direct management of pages, other than those designated to another employee or official. Training those employees or officials who manage their own pages, and troubleshooting issues that arise.
- f. Basic building maintenance in the absence of janitorial staff to ensure a safe and functional work environment. Coordinates the replenishment of Town Hall supplies.
- g. Serve as the IT coordinator and liaison for various departments, ensuring smooth communication and support for technology-related needs. Provides some IT troubleshooting.
- h. Performs administrative tasks on behalf of other departments and delegates tasks as needed to other staff.
- i. OSHA tracking; maintain accurate records of all OSHA-related documentation, including safety reports, training records, incident reports, and compliance audits.
- j. Onboarding new staff, including training to some positions. Administer town insurances, including health, life, dental, disability, property, casualty, liability, and worker's compensation.

## **Finance**

- a. The TA collaborates with the Town Accountant, Department Heads, SB, and Finance Committee to meticulously craft both operating and capital improvement budgets, adhering to the Town's bylaws and Massachusetts General Laws (MGL). These budgets (after review and approval by the SB and Finance Committee) are subsequently presented to Town Meeting for approval.
- b. Monitor town spending and revenue throughout the fiscal year. Works with the finance committee to run reports as requested and approved by the SB. Collaborate with the Town Accountant and the Town Treasurer on budget preparation, spending monitoring, and financial forecasting as necessary.
- c. The TA collaborates with the Accountant and Treasurer in formulating strategic financial objectives/goals for the Town. Recommendations on financial policies and practices are presented to the Select Board and Finance Committee for their consideration.

- d. Efficiently input invoices directly into the VADAR accounting system for the SB, TA and other departments as needed, maintaining an accurate record of financial transactions.
- e. Act as the primary point of contact for internal inquiries from the Accountant and Treasurer, facilitating effective communication and collaboration within the financial team that includes the TA, SB, Accountant, and Treasurer.

### **Committees and Boards**

- a. The TA assumes responsibility for effectively collaborating with the Town's multi-member bodies and officials to ensure the efficient functioning of these critical municipal bodies. The TA provides accessible and responsive consultation to Town multi-member bodies and officials.
- b. The TA diligently manages the appointment process for offices, multi-member bodies, and Town employment positions that fall under the purview of the SB and SB's appointing authority. In cases deemed necessary, the TA may recommend in collaboration with the HR Director, the removal of individuals from such positions, providing well-documented cause, in adherence to Town bylaws, Massachusetts MGL and employee manual.
- c. The TA serves as a readily accessible and responsive resource for the Town's multi-membered bodies. Timely assistance is provided upon their request to facilitate their operations effectively.
- d. On occasion, the TA actively participates in committee events and meetings, fostering productive engagement and promoting an understanding of their respective roles within the Town's governance framework.

### **Other Roles**

- a. Acts as Notary Public for all residents.
- b. Act as the town's purchasing agent and chief procurement officer.
- c. Act as one of the Town's Record Access Officers.
- d. Act as Zoning Board Secretary
- e. Act as Board of Health Secretary
- f. Act as the Town's grant coordinator. Actively pursue grants on behalf of the Town, providing regular quarterly updates to the SB on grant-seeking efforts and status. Prepare grant applications for received grants and liaise with relevant state, federal, and private entities as required to advance Town projects.

### **Recommended Minimum Qualifications:**

- a. Candidates should possess a minimum of five years' experience in public administration, or possess an equivalent combination of education, training, and experience that equips them with the necessary knowledge, skills, and abilities to excel in this role.
- b. A valid Class D Motor Vehicle Operator's License in good standing is mandatory.

**Recommended Qualifications:**

- a. Working knowledge of MGL and regulations, municipal finance laws, labor laws, procurement regulations, and personnel practices and procedures.
- b. Strong familiarity with emerging technologies and their potential value to the Town.
- c. Comprehensive expertise in the financial demands of municipal governance.
- d. Proficiency in a variety of computer software and hardware applications.

**Work Environment:**

The role is primarily conducted within a standard office setting, with occasional requirements for evening meetings and after-hours work as necessitated.

**Skills and Ability:**

Exceptional oral and written communication skills to represent the Town effectively, including with media. Above average organizational ability to manage multiple projects and tasks. Proficient in technology use. Professional in customer service. Skilled in directing and evaluating department heads, including office staff. Strategic planning, report preparation, problem analysis, and recommendation skills. Expertise in uniting diverse individuals and community groups towards complex goals. Superior interpersonal skills for productive relationships with all stakeholders. Effective multitasking and delegation. Proficient in contract negotiation with Town counsel, agreement development, and timely results. Tactful handling of all public and staff concerns.

**Physical and Cognitive Requirements:**

The physical demands listed here are representative of those required for successful performance of the essential job functions.

Office work typically involves minimal physical effort, including tasks like object handling, tool use, reaching, sitting, speaking, listening, and occasional lifting up to 30 pounds.

While cognitive functions are primary, some motor skills are required for tasks like object handling, telephone operation, computer use, keyboarding, and word processing.

Continuous document reading for comprehension and analysis is part of the role.

# **Town of Monterey MA**



## **Manual for all Elected and Appointed Boards and Committees**

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### Introduction:

This handbook serves as a guide for all elected and appointed members of the boards and committees in our Town. It outlines the expected standards of conduct and behavior for elected and appointed officials



to ensure a professional, respectful, and productive working environment. Adhering to these standards is crucial to uphold the best interests of the town and its residents.

## 1. Becoming a Member of a Multi-member body (Board, Committee, Commission, Council, etc.):

### Qualifications for Appointment:

All Monterey residents, whether registered to vote in the Town or not, are qualified to apply for membership on any multi-member body. The Select Board prefers to appoint residents who are registered to vote in the Town to vacant elected positions, but welcomes residents not registered to vote in Monterey to fill seats on appointed multi-member bodies. The Select Board is the appointing authority for all positions in the Town that do not answer to another elected position or multi-member body.

### Application Procedure

Town residents who are interested in being considered for appointment should fill out an appointment application. The application form is available in hard copy at Town Hall from the Town Administrator's office or can be found on the Town's website at <https://www.montereyma.gov/select-board/webforms/appointment-request-application>. Applicants may be scheduled for a meeting with the interested multi-member body prior to being considered for appointment. Applicants to any committee may inquire as to the time requirements of the specific multi-member body and the frequency with which that multi-member body meets.

The appointing authority shall have sole discretion to make such appointments or other changes as the appointing authority deems to be in best interest of the Town. It is encouraged that applicants attend one or two meetings of the multi-member body in which they are interested to become familiar with the time commitment and other functions of that multi-member body.

## 2. Oath of Office, Open Meeting Law, Conflict of Interest training:

New appointees need to:

1. Take an oath of office administered by the Town Clerk
2. Receive Open Meeting Law materials
3. Complete Massachusetts Conflict of Interest Law Training

Written notification of appointment will be issued to newly appointed members. Appointees must report to the Town Clerk's office, within two weeks of being appointed, to be sworn to faithful performance of their duties prior to taking any official action as a member of the board (MGL Ch. 41 section 107). The Town Clerk will give appointees information about the Open Meeting Law, as required in Chapter 39, Section 23B of the Massachusetts General Laws. Members are required to sign written acknowledgement of receipt. Each year, all municipal employees (which include members of boards, committees and commissions) must complete the Conflict of Interest and Online Ethics Training. This is a state requirement, yearly for the Summary of the Conflict of Interest and every two years for the Ethics Online Training. Everyone is required to complete this as soon as possible. You will need speakers to listen to the video training.

The new link requires you to create an account, please keep your login information for future years to log in. Once you create your account and complete the requirements, this link keeps track of who has completed the requirements so I can see who has done this. There is no need to print off a copy to give to the Town but you may want to print a copy for yourself.

<https://www.mass.gov/new-conflict-of-interest-law-online-training-program-now-open>

### 3. Vacancies/Resignations/Lack of Attendance:

Any member who, for any reason, chooses to resign before a term is complete shall provide immediate written notice of the resignation to the Town Clerk, and the Town Administrator, and cite the effective date of resignation.

**Removal:** The Select Board may remove members of a board or commission at their discretion.

**Attendance:** All persons appointed to a board shall be expected to attend regularly scheduled meetings. Excused absences reported to the board/committee Chair prior to a regularly scheduled meeting shall be allowed. Three unexcused absences in a row may be cause for removal by the Select Board of those persons who have been appointed to fill a board position. A majority vote by the Select Board shall be required to cause the removal. The total attendance excused or unexcused may be considered to continue serving on the board/committee.

**Commented [jm1]:** Town Counsel should weigh in. There is a process that involves notice and hearing I believe.

#### Elected Boards and Committees

Interim appointments on elected boards are governed by the provisions of MGL Chapter 41 Sections 10 and 11 unless otherwise provided by statute.

If there is a vacancy in the office of the Select Board, the remaining Select Board may call a Special Election; or an election must be held upon written petition of 200 or 20% of registered voters whichever is less. If a Special Election is not called either by initiative of the Select Board or citizens' petition, the office remains vacant until the next regularly scheduled election.

When a vacancy occurs, the Select Board will advertise the position and accept applicants through the appointment request application which can be found here: <https://www.montereyma.gov/select-board/webforms/appointment-request-application>. Applications will be reviewed by the board or committee with the vacancy and a recommendation will be made to the Select Board, who ultimately will make the appointment.

### 4. Organization of Boards/Duties of Officers:

#### **Election of Officers:**

All elected boards and Officers shall reorganize at their first meeting following the Annual Town Elections and all appointed boards shall reorganize each year at their first meeting following June 30th. After re-organization, the Chair should notify the Town Administrator of changes in officers.

#### **Duties of Officers:**

##### **Chairman:**

**Commented [jm2]:** And Town Clerk?

**Commented [TA3R2]:** The Town Clerk doesn't keep track of the chairs, clerk, etc.

1. Presides at all meetings, decides questions of order;
2. Calls meeting dates and times, ensuring that members are kept informed of meetings;
3. Ensures that meeting and agendas are properly posted in accordance with the Open Meeting Law;
4. Sets agenda topics;
5. Represents the board before the appointing authority, other town bodies and the public, as required;
6. Ensures that all members have taken the oath of office and acknowledged receipt of information from the Town Clerk with regard to the Open Meeting Law and Conflict of Interest Law;
7. Ensures that a summary of the board's actions of the previous year are submitted to the Town Administrator for inclusion in the Annual Town Report;
8. Exercises control over public meetings and hearings, ensures that the proper decorum is maintained and that such meetings and hearings are conducted in an orderly and appropriate manner.

**Vice-Chairman:**

1. The Vice-Chairman acts as Chairman in the absence of the Chair.

**Clerk/Secretary:**

1. Ensures that minutes of every meeting are taken, prepared, voted and filed with the Town Administrator in a timely manner, in accordance with the Open Meeting Law.
2. Ensures that copies of documents and other exhibits used during meetings are provided and referenced in a list to be included as addenda to the approved meeting minutes, in accordance with the Open Meeting Law.
3. In the absence of paid staff, performs any other clerical or administrative duties as required.

**5. Quorum:**

In order for a board to take an official vote, a quorum must be present. The Open Meeting Law defines a quorum as a simple majority of the members of a public body, unless otherwise provided in a general or special law, executive order, or other authorizing provision. G.L. c. 30A, § 18. If a quorum of a public body wants to discuss public business within that body's jurisdiction, they must do so during a properly posted meeting.

More information is available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about quorums may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

## 6. Conducting a Meeting:

Although most board discussions may seem too casual to be called debate, it is advisable for the board to observe a minimum of generally accepted procedures. Attentive guidance by the Chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The Chair should limit all participants to concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the board to continue discussion until complete consensus is achieved. Other actions, such as calling for a vote, postponing until more information is available, or referring to a subcommittee may be required.

All votes must be taken publicly. The use of secret ballots is prohibited. Anyone on the Board may make a motion, second a motion, and speak on a motion. Motions require a majority vote unless the law calls for another quantum of vote.

## 7. Meetings/Open Meeting Law:

All board members are required to take the time to familiarize themselves with the provisions of the Open Meeting Law (MGL c 30A, § 18-25) and its accompanying regulations (940 CMR 29.00). The Open Meeting Law sets forth specific requirements for posting, scheduling, conducting, and recording meetings. The purpose of the law is to promote the democratic process in assuring that deliberations and decisions made by our public officials are conducted openly, and not hidden from the public. Failure to follow the Open Meeting Law may result in the invalidation of actions taken at a meeting and could result in the imposition of a penalty upon the public body. More information of the Open Meeting Law is available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open meeting Law may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

### Definition of Meeting:

For purposes of the Open Meeting Law, a "meeting" is defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

- An on-site inspection of a project or program, so long as the members do not deliberate;
- Attendance by a quorum of a public body at a public or private gathering, including a conference or training program or media, social or other event, so long as the members do not deliberate.
- Attendance by a quorum of a public body at a meeting of another public body that has complied with the requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate.

- A meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- A session of a town meeting convened under MGL c39 §10 which would include the attendance by a quorum of a public body at any such session.

It is a violation of the Open Meeting Law to conduct "telephone meetings," "revolving door meetings," "e-mail meetings," or to hold other such discussions outside of a duly posted meeting at which the public is deprived of the opportunity to attend and monitor the decision-making process. This includes individual conversations that occur in serial fashion in which a quorum of members participates and/or deliberates. "Deliberation" is defined as "an oral or written communication through any medium, including electronic mail, along with social media deliberations between or among a public body or any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution or reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed."

\*Open Meeting Law training videos can be found at:

<https://mass.gov/service-details/open-meeting-law-training-videos>

## 8. Posting/Scheduling of Meetings and Agendas:

The Open Meeting Law Regulations (940 CMR 29.03) provide, in part, that the "public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meetings, excluding Saturdays, Sundays and legal holidays. The date and time that the notice is posted shall be conspicuously recorded thereon or therewith."

A copy of Monterey's agenda posting policy can be found here:

[https://www.montereyma.gov/sites/p/files/vyhlf3496/f/pages/agenda\\_posting\\_policy\\_adopoted\\_6.30.0.pdf](https://www.montereyma.gov/sites/p/files/vyhlf3496/f/pages/agenda_posting_policy_adopoted_6.30.0.pdf)

The website is the legal posting place for Monterey.

The 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. It is the responsibility of the Committee Chair to ensure that the meeting agenda was posted prior to the meeting.

**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.

## 9. Meeting Minutes

Content of Minutes:

Section 22 of the Open Meeting Law requires every governmental body to "...create and maintain accurate minutes of all meetings, including executive session, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." More information of the Open Meeting Law and meeting minutes is available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open meeting Law may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

Availability/Filing of Minutes:

Meetings may not proceed without a designated secretary responsible for providing a written record of the meeting as prescribed by the Open Meeting Law. Audio or video recordings may not be used as permanent records of a meeting. Recordings can be destroyed once written minutes are approved unless specifically entered into the minutes on the record. The approval of the prior meeting's minutes should always appear as an agenda item to encourage timely completion and filing of the minutes. It should be noted that the minutes of an open meeting, in whatever form (notes, draft, tape recording, etc.) are considered public records and must be made available to the public upon request.

Boards should strive for transparency, posting minutes as soon as they have been approved. A copy of approved minutes can be found on the town's webpage.

All approved minutes of every Town of Monterey board and committee shall be sent via email to the Town Administrator ( [admin@montereyma.gov](mailto:admin@montereyma.gov) ) and the Town Clerk ( [clerk@montereyma.gov](mailto:clerk@montereyma.gov) )

Speaking for a Board of Committee:

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or exercise the authority of the board except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the board. Such a perception should be avoided. An individual board member should not speak publicly as a private citizen before the board upon which they sit. Members of public bodies may communicate with members of the public through any social media platform. However, members of public bodies must be careful not to engage in deliberation with the other members of the public body through such communications. If a member of a public body communicates directly with a quorum of the public body over social media platforms such as Facebook or Twitter, that communication may violate the Open Meeting Law. Public body members should proceed with caution when communicating via these platforms.

10. Remote Participation:

A vote by the Select Board to authorize remote participation in public meetings pursuant to 940 CMR 29.10 and M.G.L. c4 sec. 7. For the most current remote participation guidelines please refer to the Open Meeting Law, available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open meeting Law and remote participation may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

Commented [SC4]: was taken? or perhaps The Select Board has voted to authorize...

## 11. Administration:

### Public Records:

With few exceptions, every document and record (hard copy or electronic) made or received by a board or other public entity is presumed to be a public record under the Massachusetts Public Records Law (MGL Chapter 66). As such, the public has a right of access to these records.

Town boards and departments are also obligated to properly secure and maintain public records. Public records should never be kept in a home or on private property of a board member.

A guide to the Massachusetts Public Record law:

<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

### Use of Town Counsel:

Request for opinions or assistance from Town Counsel must be directed through the office of the Select Board. A copy of the town's policy and procedure for contacting Town Counsel may be found here:

[https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/contacting\\_town\\_counsel\\_policy\\_7.20.pdf](https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/contacting_town_counsel_policy_7.20.pdf)

### Appointing Authorities:

The Select Board may require that the board chair report regularly to the appointing authority about the board's actions and plans. The Town Administrator helps in maintaining communication between the committee, staff, and appointing authority. If needed, the Chair may request a meeting with the Select Board to resolve problems and report progress.

## 12. Annual Report:

All appointed boards and committees must file an annual report of committee activities for the Annual Town Report. The chair or other designated member should detail committee membership including changes, and an explanation of accomplishments and future plans to be submitted to the Town Administrator no later than December 15<sup>th</sup> to be made available in a full copy of the annual report for the use of the inhabitants of the town by March 15<sup>th</sup>.

## 13. Elected and Appointed Officials Standards of Conduct:

All elected and appointed officials are expected to:

- Act with integrity, honesty, and impartiality in carrying out their official duties.
- Serve the public interest and make decisions that are fair, transparent, and based on the best available information.
- Be polite and non-confrontational when addressing an issue or opposing opinion of another board member or a Town employee.
- Treat all individuals with dignity, respect, and fairness, irrespective of their race, ethnicity, gender, sexual orientation, religion, or other protected characteristics.
- Avoid conflicts of interest and disclose any potential conflicts promptly to the appropriate authorities.

- Comply with all applicable laws, regulations, and policies related to their role and responsibilities.
- Maintain the confidentiality of sensitive information and refrain from disclosing it without proper authorization.
- Engage in open and honest communication with fellow officials, employees, and the public.
- Foster a positive and collaborative work environment that encourages diversity, inclusion, and mutual respect.
- Refrain from using their position for personal gain, financial or otherwise.
- Adhere to the standards of conduct required by State Ethics and Conflict of Interest laws.
- Uphold and promote ethical behavior in all aspects of their work.

#### 14. Board Chairs Standards of Conduct:

Board Chairs, as leaders of their respective boards or committees, have additional responsibilities to ensure effective governance and promote a positive working environment.

They are expected to:

- Lead board meetings in a fair, impartial, and efficient manner, allowing for productive discussions and decision-making.
- Maintain order and decorum during meetings, ensuring that all members have an opportunity to participate and express their views.
- Respect the opinions and perspectives of all board members, valuing diversity of thought and fostering an inclusive atmosphere.
- Act as a liaison between the board and other town entities, promoting effective communication and collaboration.
- Ensure compliance with applicable rules, regulations, and bylaws governing the board's operations.
- Encourage board members to prepare adequately for meetings, providing relevant materials and information in advance.
- Set an example of professionalism, ethical behavior, and adherence to the Standards of Conduct for all board members.
- Seek opportunities for professional development and growth to enhance their leadership skills.
- Promote transparency, accountability, and public trust by effectively communicating board decisions and actions to the community.
- Foster a positive working relationship with town staff, promoting cooperation, and mutual respect.
- Reprimand/address other board members when they are acting inappropriately.

#### 15. Violations of Standards:

The following actions may be considered violations that may result in possible disciplinary actions, up to and including termination or removal from office:

- Reprimands, warnings, or censures.

**Commented [SC5]:** Violations of the codes of conduct outlined above may result in disciplinary actions by the Select Board, up to and including termination or removal from office. These disciplinary actions may include:



- Removal from committees or specific roles.
- Referral of serious misconduct to relevant authorities for investigation and legal action

## 16. Benefits:

### **Employee Assistance Program (EAP) Policy**

Town of Monterey will provide confidential and voluntary assistance through its employee assistance program (EAP) to all volunteers, Board members, employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages taking advantage of this valuable benefit.

#### **Procedures**

Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. [1-800-451-1834](tel:1-800-451-1834)

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.

There is no charge for employees or their families to use the services of the EAP. The EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with his or her ability to pay.

#### **Confidentiality**

All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent on calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment. Information given to the EAP counselor may be released to the Town of Monterey only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

## 17. Conclusion:

By adhering to these standards of conduct, elected officials of the Select Board and committees contribute to a positive work environment and help fulfill the town's goals. It is essential to familiarize yourself with these guidelines and refer to them whenever necessary. Failure to comply with these standards may result in disciplinary action. Let us strive for professionalism, respect, and dedication as we work together for the betterment of our community.

## Acknowledgment:

I acknowledge receipt and understanding of this document.

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Print Name

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Signature

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Date

## **Town of Monterey Acceptable Use Policy**

### **Establishment date, effective date, and revision procedure**

This policy was established and approved by the Monterey Select Board on 10/10/2023. The Town of Monterey shall review this policy periodically, and at any additional time when there are changes that may affect management with respect to Information Security. In the event that an amendment or repeal of this policy becomes necessary as a result of such review, the Town Administrator shall prepare a draft for the Select Board to authorize the amendment or repeal.

### **Overview**

Effective information security requires the support and participation of all employees and affiliates of the Town of Monterey who deal with Town information and/or information systems. All computer users within the Town government are responsible for reading and following the guidelines set forth below.

### **Purpose**

This policy describes the acceptable use of the Town's computer equipment and network systems. By complying with the directives set forth below, employees help to protect the Town from the risk of malware attacks, compromise of network systems and services, loss down time and legal liability.

### **Scope**

This policy applies to employees, contractors, consultants, volunteers, temporary and other workers, elected and appointed members of Town multi-member bodies, and other Town officials at the Town of Monterey. This policy applies to all equipment that is owned or leased by, or otherwise in the custody or control of the Town of Monterey.

This policy applies to the use of all information, electronic and computing devices, and network resources used by the Town of Monterey to conduct business or interact with internal networks and business systems, whether owned or leased by, or otherwise in the custody or control of the Town of Monterey, the employee, a town subsidiary, or a third party.

### **Policy**

All employees, contractors, consultants, volunteers, temporary and other workers, elected and appointed members of Town multi-member bodies, and other Town officials at the Town of Monterey are responsible for exercising good judgment regarding appropriate and reasonable use of information, electronic devices, and network resources in a manner that complies with the Town of Monterey's policies and procedures, and local laws and regulations.

### **General Use and Ownership**

1. Town of Monterey's proprietary information created and/or stored on electronic and computing devices whether owned or leased by, or otherwise in the custody or control of the Town of Monterey, the employee, or a third party, remains the sole property of the Town of Monterey.
2. Employees have a responsibility to promptly report the theft, loss or unauthorized disclosure of the Town of Monterey's confidential information.
3. All information considered sensitive or vulnerable must be encrypted as necessary to protect its confidentiality. Such information includes but is not limited to employee personal information, customer lists and contact information, and the Town of Monterey confidential information.
4. In order to maintain the security and integrity of town systems and networks, authorized individuals, with prior approval of the Select Board, within the Town of Monterey may monitor electronic and computing equipment, systems, and network traffic at any time.
5. Town of Monterey reserves the right to audit all Town-owned electronic and computing equipment, networks, and systems on a periodic basis to ensure compliance with this policy.

### **Security and Proprietary Information**

1. Mobile and computing devices that connect to the internal network will be limited to the minimum access necessary to conduct business in order to protect the Town of Monterey's sensitive or confidential information from potential compromise. However, nothing in this paragraph shall be construed to interfere with or restrict employee rights under the National Labor Relations Act.
2. All system level and user level passwords must comply with the security requirements of the Town. Employees are prohibited from providing any other individual access to town networks and systems, either intentionally or through failure to take reasonable steps to secure their access.
3. All computing devices must be secured with a password-protected screensaver that activates automatically after 10 minutes or less. Employees must manually lock the screen or log off when leaving their computing device unattended.
4. Employees must use extreme caution when opening email attachments received from unknown senders, which may contain malware.
5. Employees must safeguard all Town of Monterey equipment assigned to their exclusive or shared use, and all Town of Monterey equipment within their work area.

### **Unacceptable Use**

The following activities are prohibited. Employees may be exempted from certain restrictions where required to engage in legitimate job responsibilities. Employees may also be exempted from specific restrictions in limited circumstances where activities are protected by the National Labor Relations Act.

Employees are prohibited from engaging in any activity that is illegal under local, state, federal or international law while utilizing Town of Monterey-owned resources.

The lists below are not exhaustive, but attempt to provide guidance on what activities fall into the category of unacceptable use.

### *System and Network Activities*

The following activities are strictly prohibited:

1. Violating the rights of any person or town protected by laws and regulations, including, but not limited to, installing or distributing "pirated" or other software products for which the Town of Monterey lacks an appropriate license.
2. Unauthorized and unlawful reproduction of materials protected by copyright including activities such as digitization and distribution of photographs from magazines, books, online databases, or other similar copyrighted sources, copyrighted music, and the installation of any copyright protected software for which Town of Monterey or other end user lacks a valid license.
3. Accessing data, a server or an account for any purpose other than conducting Town of Monterey business or for limited activities protected by the National Labor Relations Act, such as union organizing or other protected concerted activities.
4. Exporting technical information, software, or encryption software or technology, in a manner prohibited by international or regional export control laws. Employees should consult with the Town Administrator prior to exporting any material that is in question.
5. Introducing malicious programs into town networks or servers (e.g., viruses, worms, Trojan horses, email bombs, suspicious packers, etc.).
6. Disclosing account passwords to others or allowing others to access and use your account in any manner. This includes access or use by family and other household members when working from home.
7. Using a Town of Monterey computing device to procure or transmit material that is in violation of the organization's anti-discrimination and harassment policies and state and federal laws.
8. Using any Town of Monterey account to make fraudulent offers of products, goods, or services.
9. Effecting security breaches or disruptions of network communication or services. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access,

unless such activities are within the scope of regular business duties or otherwise permitted by law. For purposes of this section, "disruption" includes, but is not limited to, bulk email or spam, denial of service, packet spoofing, network sniffing, pinged floods, and forged routing information for malicious purposes.

10. Using any form of network monitoring that intercepts data not intended for the employee's host, unless this activity is a part of legitimate job duties.

11. Bypassing user authentication and/or security of any host electronic or computer device, network, or account owned by Town of Monterey.

12. Disabling anti-virus software on workstations or devices.

13. Interfering with or denying service to another user's host (for example, denial of service attack).

14. Sending any messages such as programs, scripts, or commands with the intent to cause interference of, or disable, a user's terminal session, by any means, whether locally or via the Internet/Intranet/Extranet.

15. Disclosing confidential information about Town of Monterey employees to parties outside of Town of Monterey.

16. Hacking systems and databases or acting to disrupt systems or cause unnecessary network congestion or application delays.

17. Using remote control or remote access software on any internal or external host personal computers or systems not specifically approved by the Select Board.

18. Using Town of Monterey equipment for personal profit, political fundraising, gambling activity, non-business-related instant messaging or chat room discussions, or downloading or displaying of offensive material, unless such fundraising or messaging activity is for the limited purpose of exercising employee rights under the National Labor Relations Act, such as union organizing or other protected concerted activity.

19. Browsing pornographic, offensive, or otherwise undesired and questionable sites on the internet which may result in introduction of malicious programs into the Town's network or server.

#### **Email and Communication Activities**

Employees, elected and appointed members of Town multi-member bodies, and other Town officials are perceived to represent the Town when they use town resources to access the Internet. To avoid confusion, during online communications unrelated to legitimate work responsibilities, whenever an individual states an affiliation to the Town, they are encouraged to clearly indicate the following: "I do not represent the Town of Monterey in any manner. Any opinions expressed on this matter are my own and not necessarily those of the Town of Monterey". However, such

disclosure is not required for limited communications protected by the National Labor Relations Act. Questions concerning such disclosures should be addressed to the HR Director.

### **Public Records Law**

Most email sent and received by a Town employee or official using Town equipment and Town email accounts is considered to be a public record under the *Public Records Law (M.G.L. c. 66)*. The *Public Records Law* also applies to emails sent or received using private equipment and private email accounts if such emails pertain to Town business.

Personal use of Town email accounts and equipment may be subject to public inspection. Town and officials are wise to consider alternative means of personal communication.

### **Retaining Email Messages**

Users are considered the custodians of their messages and should preserve all messages for the time periods and according to the procedures specified in the Municipal Records Retention Manual found on the Secretary of Commonwealth's website.

Some emails are outside the legal definition of "public records" and are therefore exempt from public disclosure. A complete list of exemptions can be found on the Secretary of Commonwealth's website. Your obligation to retain these records does not depend on whether they are exempt from public disclosure.

Because even deleted emails can be retrieved from the Town email system, emails sent or received by a Town employee or official will be retained even if the content of the email is personal in nature and unrelated to Town business. Unless the content of a personal email meets an applicable exemption, it is subject to public disclosure.

Communications unrelated to Town matters by Town employees and officials on personal equipment that they provide is their private property and is respected as such. However, all Town-related emails sent or received through a personal email account or on personal equipment should be forwarded to a Town email account so that a copy of the email is retained by the Town email system.

### **Email Communication among Board Members**

The *Open Meeting Law (M.G.L. c.30A, §§18-25)* applies to email communication between members of the same board, and care must be taken when using email to ensure compliance with this law. All votes on Town matters must be taken at an open meeting, with a quorum of committee/board members present. No member may use an email exchange to influence a potential vote of a Town committee/board or to build consensus toward such vote. Members may not engage in any deliberation involving a quorum of members. Matters of substance pending before a committee/board should not be discussed in an email, regardless of whether the email is sent simultaneously or serially. Certain types of "housekeeping" matters may be communicated via email, such as the distribution of materials, correspondence, agendas and reports.

Meeting agendas may be discussed by email to confirm scheduling, availability and/or to disclose topical information relevant to an agenda item. Agendas may be distributed to committee/board members by email.

### **Confidentiality**

Not all email records are public documents. For example, emails containing employee personnel file data or medical history of an employee are examples of information that should never be released without proper consent. Certain communications with Town Counsel or other attorneys representing the Town may also be considered confidential, unless they have been released to the public. Other types of emails and/or attachments, such as litigation documents, settlement agreements, etc. may be considered confidential until such time that the matter is resolved and becomes a matter of public record. Such emails are not subject to release under the *Public Records Law*.

### **Prohibited Activities**

The following email activities are strictly prohibited:

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam), except in limited circumstances where such communication is protected by the National Labor Relations Act, such as union organizing or other protected concerted activity.
2. Any form of unlawful harassment via email, telephone or paging, whether perceived as harassment through language, frequency, or size of messages.
3. Unauthorized use, misappropriation, or forging of information in email headers.
4. Solicitation of emails for another email address, other than that of the poster's account, with the intent to unlawfully harass or collect replies.
5. Creating or forwarding harassing and unwanted "chain letters", "Ponzi", or other "pyramid" schemes of any type regardless of content, sources, or destinations. Nothing in this paragraph will be construed to limit employees from engaging in legitimate protected concerted activity under the National Labor Relations Act.
6. Posting Town of Monterey proprietary or confidential information to external newsgroups, bulletin boards, or other public forums without authority.
7. Any use of unsolicited emails obtained from within Town of Monterey's networks that were sent by other Internet/Intranet/Extranet service providers on behalf of, or to advertise, services hosted by Town of Monterey or connected via Town of Monterey's network.
8. Posting non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam) or other similar abusive tactics.

### **Blogging and Social Media**



1. Blogging by employees, whether using the Town of Monterey's property and systems or personal computer systems, when used to carry out job responsibilities, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of Town of Monterey's systems to engage in blogging related to legitimate job-related responsibilities is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Town policy, is not detrimental to the Town's best interests or image, and does not interfere with an employee's regular work duties. However, nothing in this paragraph shall be construed to limit employees' rights to discuss the terms and conditions of their employment or to engage in other legitimate protected concerted activities under the National Labor Relations Act. Employees should also note that blogging from the Town's systems is subject to monitoring.

2. Employees shall not engage in any blogging whether during the course of business duties or after working hours that unlawfully defames or maligns the image, reputation and/or goodwill of the Town and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory, harassing, or otherwise unlawful comments when blogging, or otherwise engaging in any conduct prohibited by the Town of Monterey *Anti-Discrimination and Harassment* policy.

3. Employees may not hold themselves out as representatives of the Town or attribute personal statements, opinions or beliefs to the Town when engaged in blogging or posting to newsgroups, or other social media. If an employee expresses his or her beliefs and/or opinions in blogs or social media posts, the employee is encouraged to disclose the following: "I do not represent the Town of Monterey in any manner. Any opinions expressed on this matter are my own and not necessarily those of the Town of Monterey". However, where engaging in limited activity protected by the National Labor Relations Act, such as discussing terms and conditions of employment, employees need not provide such disclosure. Employees who engage in blogging outside the scope of their job duties assume any and all associated risk.

4. Town of Monterey's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any Town of Monterey material designated as confidential when engaged in blogging.

### Policy Compliance

#### Compliance Measurement

Compliance with this policy will be verified by Town of Monterey through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the Town Administrator.

#### Exceptions

Any exception to the policy must be approved by the Select Board in advance.

Non-Compliance

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

By signing below, I acknowledge that I have read and fully understand my obligations under this Policy and hereby agree to abide by its terms.

\_\_\_\_\_

Name

\_\_\_\_\_

Date



## Town of Monterey MA

### Department Head Performance Review (to be completed by the Department Head as their self-evaluation)

Supervisor Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Reviewed by : \_\_\_\_\_ Department: \_\_\_\_\_  
 Review Period: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructions:** Rate your work performance based on the following skills, complete all sections. You will review your results with the Town Administrator or a designee.

**Rating scale:**

- 5 Excellent (consistently exceeds standards)
- 4 Outstanding (frequently exceeds standards)
- 3 Satisfactory (generally meets standards)
- 2 Needs improvement (frequently fails to meet standards)
- 1 Unacceptable (fails to meet standards)

	5	4	3	2	1
<b>Job knowledge</b> Knowledge of products, policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.					
<b>Quality of work</b> Freedom from errors and mistakes. Accuracy, quality of work in general.					
<b>Quantity of work</b> Productivity of the employee.					
<b>Reliability</b> The extent to which the employee can be depended upon to be available for work, to complete work properly, and complete work on time. The degree to which the employee is reliable, trustworthy, and persistent.					
<b>Initiative and creativity</b> The ability to plan work and to proceed with a task without being told every detail and the ability to make constructive suggestions.					
<b>Judgment</b>					



## Town of Monterey MA

### Department Head Performance Review (to be completed by the Department Head as their self-evaluation)

The extent to which the employee makes decisions that are sound. The ability to base decisions on fact rather than emotion.					
<b>Cooperation</b> Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.					
<b>Attendance</b> Consistency in coming to work daily and conforming to scheduled work hours.					

#### Leadership responsibilities:

	5	4	3	2	1
<b>Planning and organizing</b> The ability to analyze work, set goals, develop plans of action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.					
<b>Directing and controlling</b> The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.					
<b>Decision-making</b> The ability to make decisions and the quality and timeliness of those decisions.					

Noteworthy accomplishments during this review period:

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Areas requiring improvement in job performance:

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## Town of Monterey MA

### Department Head Performance Review (to be completed by the Department Head as their self-evaluation)

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Actions taken to improve performance from the previous review:

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Goals for the coming year:

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Employee comments:

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Signatures acknowledge that this form was discussed and reviewed.

Department Head signature:

Date:

Town Administrator or Designee signature:

Date:



## Town of Monterey MA

### Department Head Performance Review (to be completed by Town Administrator or Designee)

Supervisor Name:

Position:

Reviewed by :

Department:

Review Period:

Date:

**Instructions:** Rate the Department Head's performance during the review period by checking the most appropriate numerical value in each section. Go through each skill and section and discuss how your results and the DH self-evaluation differ.

**Rating scale:**

- 5 Excellent (consistently exceeds standards)
- 4 Outstanding (frequently exceeds standards)
- 3 Satisfactory (generally meets standards)
- 2 Needs improvement (frequently fails to meet standards)
- 1 Unacceptable (fails to meet standards)

	5	4	3	2	1
<b>Job knowledge</b> Knowledge of products, policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.					
<b>Quality of work</b> Freedom from errors and mistakes. Accuracy, quality of work in general.					
<b>Quantity of work</b> Productivity of the employee.					
<b>Reliability</b> The extent to which the employee can be depended upon to be available for work, to complete work properly, and complete work on time. The degree to which the employee is reliable, trustworthy, and persistent.					
<b>Initiative and creativity</b> The ability to plan work and to proceed with a task without being told every detail and the ability to make constructive suggestions.					
<b>Judgment</b>					



## Town of Monterey MA

### Department Head Performance Review (to be completed by Town Administrator or Designee)

The extent to which the employee makes decisions that are sound. The ability to base decisions on fact rather than emotion.					
<b>Cooperation</b> Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.					
<b>Attendance</b> Consistency in coming to work daily and conforming to scheduled work hours.					

#### Leadership responsibilities:

	5	4	3	2	1
<b>Planning and organizing</b> The ability to analyze work, set goals, develop plans of action, utilize time. Consider amount of supervision required and extent to which you can trust employee to carry out assignments conscientiously.					
<b>Directing and controlling</b> The ability to create a motivating climate, achieve teamwork, train and develop, measure work in progress, take corrective action.					
<b>Decision-making</b> The ability to make decisions and the quality and timeliness of those decisions.					

Noteworthy accomplishments during this review period:

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Areas requiring improvement in job performance:

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## Town of Monterey MA

### Department Head Performance Review (to be completed by Town Administrator or Designee)

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Actions taken to improve performance from the previous review:

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Goals for the coming year:

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Employee comments:

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Signatures acknowledge that this form was discussed and reviewed.

Department Head signature:

Date:

Town Administrator or Designee signature:

Date:





## Town of Monterey MA

### Employee Performance Review (to be completed by Department Head or Designee)

Employee Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Reviewed by : \_\_\_\_\_ Department: \_\_\_\_\_  
 Review Period: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructions:** Rate the Employee's performance during the review period by checking the most appropriate numerical value in each section. Go through each skill and section and discuss how your results and the DH self-evaluation differ.

**Rating scale:**

- 5 Excellent (consistently exceeds standards)
- 4 Outstanding (frequently exceeds standards)
- 3 Satisfactory (generally meets standards)
- 2 Needs improvement (frequently fails to meet standards)
- 1 Unacceptable (fails to meet standards)

	5	4	3	2	1
<b>Job knowledge</b> Knowledge of products, policies and procedures; OR knowledge of techniques, skills, equipment, procedures, and materials.					
<b>Quality of work</b> Freedom from errors and mistakes. Accuracy, quality of work in general.					
<b>Quantity of work</b> Productivity of the employee.					
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<b>Initiative and creativity</b> The ability to plan work and to proceed with a task without being told every detail and the ability to make constructive suggestions.					
<b>Judgment</b>					



## Town of Monterey MA

### Employee Performance Review (to be completed by Department Head or Designee)

The extent to which the employee makes decisions that are sound. The ability to base decisions on fact rather than emotion.					
<b>Cooperation</b> Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.					
<b>Attendance</b> Consistency in coming to work daily and conforming to scheduled work hours.					

Noteworthy accomplishments during this review period:

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Areas requiring improvement in job performance:

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Actions taken to improve performance from the previous review:

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**Town of Monterey MA**

**Employee Performance Review (to be completed by Department Head or Designee)**

Goals for the coming year:

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Employee comments:

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Signatures acknowledge that this form was discussed and reviewed.

Department Head signature:

Date:

Town Administrator or Designee signature:

Date:



## Town of Monterey MA

### Employee Performance Review (to be completed by the Employee as their self-evaluation)

Employee Name:

Position:

Reviewed by :

Department:

Review Period:

Date:

**Instructions:** Rate your work performance based on the following skills, complete all sections. You will review your results with your Department Head or a designee.

**Rating scale:**

- 5 Excellent (consistently exceeds standards)
- 4 Outstanding (frequently exceeds standards)
- 3 Satisfactory (generally meets standards)
- 2 Needs improvement (frequently fails to meet standards)
- 1 Unacceptable (fails to meet standards)

	5	4	3	2	1
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<b>Judgment</b>					



## Town of Monterey MA

### Employee Performance Review (to be completed by the Employee as their self-evaluation)

The extent to which the employee makes decisions that are sound. The ability to base decisions on fact rather than emotion.					
<b>Cooperation</b> Willingness to work harmoniously with others in getting a job done. Readiness to respond positively to instructions and procedures.					
<b>Attendance</b> Consistency in coming to work daily and conforming to scheduled work hours.					

Noteworthy accomplishments during this review period:

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Areas requiring improvement in job performance:

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Actions taken to improve performance from the previous review:

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## Town of Monterey MA

### Employee Performance Review (to be completed by the Employee as their self-evaluation)

Goals for the coming year:

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Employee comments:

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Signatures acknowledge that this form was discussed and reviewed.

Department Head signature:

Date:

Town Administrator or Designee signature:

Date:



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

September 27, 2023

Melissa Noe  
Town Administrator  
Town of Monterey  
435 Main Road, P.O. Box 308  
Monterey, MA 01245

Dear Ms. Noe,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the Town of Monterey Recycling Dividends Program funds under the Sustainable Materials Recovery Program. The Town of Monterey has earned 5 points and will receive \$1,225.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. This year, we are awarding \$5.2 million in SMRP funding to 283 municipalities and regional groups.

Recycling programs play a vital role in limiting our dependence on landfills and incinerators, reducing greenhouse gas emissions, and supporting economic activity in the Commonwealth. Recycling Dividend Program funds foster investment in local programs including recycling equipment, organics diversion, outreach and education, pilot programs, school recycling, toxics reduction, and more. Please refer to the [RDP Approved Expenses List](#) for more information. MassDEP has invested in developing nationally recognized tools to assist municipalities with reducing recycling contamination and improving public awareness of smart recycling practices. We encourage you to utilize the [Recycling IQ Kit](#) and [Recycle Smart MA](#) website and to consult with your MassDEP [Municipal Assistance Coordinator](#) for assistance in implementing these best practices.

To accept your grant award, please sign and return the attached RDP Contract via email before January 15, 2024. After we receive your signed RDP contract, funds will be sent to your community. Should you have any questions, please email Rachel Smith at [Rachel.Smith@mass.gov](mailto:Rachel.Smith@mass.gov).

Thank you for your continued commitment to recycling and waste reduction in Massachusetts.

Sincerely,

Bonnie Heiple  
Commissioner

## SIGN AND RETURN THIS DOCUMENT TO MASSDEP VIA EMAIL

### RECYCLING DIVIDEND PROGRAM CONTRACT ("RDP Contract") BETWEEN THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION ("MassDEP") AND THE Town of Monterey ("Municipality")

Pursuant to the Green Communities Act, relevant provisions of which are codified at M.G.L. c. 25A, Section 11F(d) and the regulations promulgated thereunder at 310 CMR 19.300 and in support of the Massachusetts Solid Waste Master Plan developed pursuant to M.G.L. c. 16, Section 21, MassDEP has awarded the Municipality a Sustainable Materials Recovery Program grant under the Recycling Dividends Program ("RDP"). The Municipality has earned a payment of \$1,225.

The Recycling Dividends Program provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling, and waste reduction. Municipalities receive payments according to the number of criteria points their program earns based on the *2023 Details: Recycling Dividends Program* and number of residents served as described below. RDP provides an incentive for municipalities to improve their recycling programs by implementing best practices and rewards communities with model recycling and waste reduction programs.

**Duration:** The term of this Contract shall be in effect until the municipality has expended all RDP funds and reported to MassDEP on use of funds.

#### RESPONSIBILITIES OF THE MUNICIPALITY

1. **Authority:** The Signatory of this RDP Contract is authorized by the governing body of the Municipality to enter into this Contract on behalf of the Municipality and apply for and accept funds on behalf of the Municipality.
2. **Commonwealth Terms and Conditions:** The Municipality shall comply with the Commonwealth Terms and Conditions and other requirements set forth in the Municipality's executed Master Service Agreement.
3. **Failure to Comply:** If, in the judgment of MassDEP, the Municipality fails to comply with any of its responsibilities identified in this Contract, then, at the election of MassDEP, (a) the Municipality shall repay the RDP funds to MassDEP within 90 days; and/or (b) title to all materials purchased with the RDP funds immediately and without any further steps shall be transferred to MassDEP; and/or (c) MassDEP may find the Municipality not eligible to seek another Sustainable Materials Recovery Program Grant for up to three years. MassDEP may provide written notice to the Municipality of any such failure to comply. Such notice may provide a time period and manner for the Municipality to cease or remedy the failure. Such notice from MassDEP of any such failure by the Municipality is not a precondition to MassDEP's right to select options (a), (b), and/or (c) above. The Municipality shall follow the instructions of MassDEP regarding possession of the materials purchased with RDP funds. The Parties hereby agree to execute any and all documents necessary to accomplish said transfer. Furthermore, the Municipality shall transfer or arrange to transfer actual possession of said materials to an authorized representative of the Commonwealth of Massachusetts or its designee.
4. **Recycling in Practice:** The Municipality has established paper, bottle, and can recycling in all municipal buildings, offices and meeting spaces, including schools. The Municipality shall continue such paper, bottle, and can recycling during the term of the RDP Contract.
5. **Notification of Buy Recycled Policy:** The Grantee has established a written policy which promotes a preference for the purchase of recycled products in lieu of non-recycled products and distributes an annual notification of the Buy Recycled Policy, ordinance or by-law to all staff, department heads and employees with purchasing authority. This notice should be sent from the Mayor, Board of Selectmen, Town Manager, Town Administrator, or Chief Purchasing or Procurement Officer; and should include specific language encouraging the purchase of recycled products as it supports municipal recycling collection programs, recycling markets, and supports closed loop recycling. The Grantee shall submit the annual notification to MassDEP on or before February 15<sup>th</sup> during the term of the Grant. Failure to submit by this deadline will result in the loss of an RDP point.



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6. **RDP Payment Calculation:** MassDEP has calculated the RDP Payment using the table below which shows payment brackets based on the number of households served by the municipal solid waste program and the point value for each bracket. *See Details: Recycling Dividends Program guidance document for additional information on point value.*

**RDP Payment Brackets**

# of Households that Receive Trash Service Provided by the Municipality	Point Value Basic Level 1-9 pts.	Point Value Advanced Level ≥ 10 pts. or RDP EJ Populations
0 - 1,999	\$245	\$350
2,000 - 4,999	\$420	\$600
5,000 - 7,499	\$770	\$1,100
7,500 - 9,499	\$910	\$1,300
9,500 - 12,499	\$1,260	\$1,800
12,500 - 16,999	\$2,100	\$3,000
17,000 - 24,999	\$2,450	\$3,500
25,000 - 31,999	\$2,800	\$4,000
32,000 - 99,999	\$4,550	\$6,500
100,000 +	\$7,000	\$10,000

7. **Program Criteria:** The Municipality, through its RDP application, certifies that all points earned are for programs that were in place between July 1, 2022 and June 30, 2023 and that these programs fully meet the performance standard set forth in the *2023 Details: Recycling Dividends Program guidance document*.
8. **Use of Funds:** RDP Payments shall be expended on activities and programs listed on the Approved Spending Categories for Recycling Dividends Program and Regional Small Scale Initiative Funds, to enhance the performance of the Municipality's waste reduction programs. Use of a dedicated account is recommended. Funds may be carried over to future years and accumulated to fund a larger eligible expense or project. Planned use of funds shall be noted on the Annual RDP Spending Report. However, MassDEP may delay future RDP payments if municipality is not expending funds.
9. **Record Keeping:** The Municipality shall be responsible for keeping documentation (i.e., proof of purchase in the form of an invoice which lists the vendor name and address, item purchased, item price, number of items purchased and shipping costs if any) by calendar year, of how RDP funds were expended and the remaining balance of RDP funds. MassDEP may conduct record audits to ensure compliance with this Contract.
10. **Reporting:** By February 15<sup>th</sup> of each year, for the duration of the Contract, the Municipality shall submit the annual Recycling and Solid Waste survey and the RDP Spending Report through its ReTRAC Connect™ account. Submission of the Annual Notification of Buy Recycled Policy as described in condition 5. above is also required. Failure to comply with these reporting requirements will result in the loss of one RDP point and may jeopardize future grant awards and RDP payments.
11. **Environmental Compliance:** The Municipality understands receipt of RDP funds from MassDEP does not in any way imply that the Municipality is in compliance with applicable environmental regulations. This Municipality shall not be construed as, nor operate as, relieving the Municipality or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals. The Municipality's facility(ies) are subject to inspection at any time by MassDEP and noncompliance with applicable environmental regulations may result in formal enforcement actions, including penalties.
12. **Addendums:** Should MassDEP award additional RDP funds, an addendum to the Contract shall be provided to the Municipality. The same terms and conditions apply to the addendum.

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13. RDP Payment Calculation:

The Municipality's payment has been calculated as follows:  
 (NET RDP POINTS EARNED) x (VALUE OF EACH POINT)


a. Bulky Items	0
b. Center for Hard to Recycle Materials	2
c. Curbside Recycling Regulation	0
d. Diversity, Equity, and Inclusion	0
e. Household Hazardous Waste	1
f. Organics	0
g. Recycling Center Access	0
h. Reuse Programs	2
i. Solid Waste Reduction	0
j. Textile Recovery Initiatives	0
k. Waste Prevention Outreach and Education	0
l. Yard Waste	0
 TOTAL RDP POINTS EARNED	 5
 POINT DEDUCTED DUE TO LATE SUBMISSION	 N/A
 NET RDP POINTS EARNED	 5
 VALUE OF EACH POINT	 \$245
 RDP PAYMENT AMOUNT	 \$1,225

IN WITNESS WHEREOF, MassDEP and the Municipality hereby execute this Contract.

**COMMONWEALTH OF MASSACHUSETTS**

By: \_\_\_\_\_ Date \_\_\_\_\_  
**John Fischer, Deputy Division Director**  
**Bureau of Air and Waste**  
**Department of Environmental Protection**

**Town of Monterey**  
 Municipal Official(s) Authorized to sign: **Chairman Selectboard, Selectboard Member**  
 VC6000191894

By:  \_\_\_\_\_ Date 10/10/23  
 Signature Title  
Justin Makuc  
 Print Name

## **Town Report of the Select Board for FY23 (7/1/22 – 6/30/23)**

The Select Board had three different compositions during Fiscal Year 2023. After a vacancy was created by a resignation in May 2022, the Board operated with two members (Justin Makuc and Susan Cooper) until a special election was held in August and Scott Jenssen was put on the Board in an uncontested election. Frank Abbott joined the Board as Scott Jenssen's replacement after the Annual Town Meeting in May 2023, in another uncontested election.

The Board called three Town Meetings during FY23, including Specials on October 15, 2022 and January 21, 2023, and the Annual Town Meeting on May 6, 2023. At the October meeting, funds were transferred from Free Cash to pay for the cleanup of extensive storm damage at Bidwell Park and to fund the Town's legal fees in the Hume v. Monterey lawsuit. At the January meeting, electronic clickers (purchase approved at the May 2022 Annual Town Meeting) made their debut, and Town Meeting approved funding to cover the fuel account as fuel prices skyrocketed and additional funds for the Hume v. Monterey lawsuit as it was taken up by the Massachusetts Supreme Judicial Court. At the May Annual Town Meeting, the annual operating budget of \$5,050,263 was approved after minor modification on the floor. Additionally, funds totaling \$317,511 were approved for capital investments in the Town's emergency services to keep the fleets and equipment up to date: a Police cruiser, radios and pagers, a medical/rescue SUV, battery powered hydraulic rescue tools, capital improvements for the Fire station, and a replacement nozzle for the tip of the ladder. Also approved were funds to renovate the Greene Park ballfield (\$10,000) and a new annual assessment due to Southern Berkshire Ambulance (\$51,670). Additionally, state-maximum room occupancy excise taxes and community impact fees were adopted for short term rentals, adding a new source of income to the Town. Thank you to everyone who attended Town Meeting during FY23 and engaged in good deliberation while doing the business of the Town.

The Select Board worked with the Town's new HR Director, Town Administrator, and Department Heads to institute the first round of employee reviews for all employees of the Town in the winter/spring of 2023. The Board has worked with the HR Director and the Town Administrator to continue to improve our administrative processes: updating the employee handbook, revising the anti-discrimination and harassment policies, offering part time employees sick leave and paid holidays, and drafting a Board and Committees Handbook to help guide the many volunteers who commit their efforts for the good of the community. The Board also hired a number of employees for new and existing positions in FY23. In September 2022, the Board hired Laurie McArthur to the new position of Select Board secretary, and she began to clerk for other multi-member bodies of the Town after she grew comfortable taking minutes for the Select Board. Brian Fahey, five and a half-year Sergeant of Monterey's Police Department, was promoted to Police Chief in January 2023 after Police Chief Gareth Backhaus's retirement. A celebration was held to congratulate and thank Chief Backhaus for his service to the Town – thirty four and a half years serving the Monterey Police Department, including twenty nine years as Chief. After the Town Clerk position was vacated by a resignation in November 2022, Marie Ryan filled the position as Interim Town Clerk and trained Chris Andrews, who was appointed Town Clerk in June 2023. There were also a couple of appointments made to vacant elected

positions in FY23. Ilene Marcus was appointed to the Finance Committee in September 2022 after a vacancy created by resignation, and Kevin West was appointed as Tree Warden in June 2023 because the winner of the election did not accept the position. The Select Board appreciates all of the Town's dedicated employees, officials, and volunteers.

The Town of Monterey was awarded \$276,190 in federal funds from the American Rescue Plan Act, legislation passed in response to the Covid-19 pandemic. It was the Select Board's responsibility to allocate these funds. After allocating funds to the Monterey Fire Department for a rescue vehicle to replace Rescue 5 and to Southern Berkshire Volunteer Ambulance for the Town's share of new ambulance, there was \$203,211 remaining to be allocated. The Select Board, with the help of the Finance Committee, created an application and accepted ideas for use of the funds through the summer until October 2022. In November 2022, the rest of the funds were allocated to: a site analysis of the Town's Fox Hill Road property and consultation regarding workforce, senior or moderately priced housing; consultation for the Renewable Energy Working Group about bringing solar power to the Town of Monterey; aiding the application to make the village center an Historic District; renovating the playground at Greene Park; and construction of a pavilion at the Community Center. Most of these projects have been ongoing through the end of FY23.

After funding was approved by Special Town Meetings in October 2022 and January 2023 to continue to fight the Hume v. Monterey case, it was argued at the Massachusetts Supreme Judicial Court on February 6, 2023, with Town Counsel Donna Brewer (of the firm Miyares and Harrington) representing the Town. The Town received the decision from the Supreme Judicial Court in June 2023. The Court concluded that the Town and its Planning Board cannot prohibit the proposed RV park because Hume Camp is entitled to the provisions of the Dover Amendment, which exempt the Camp from the Town's Zoning Bylaws.

There are many ongoing projects that the Board is overseeing or involved in. In cooperation with the Finance Committee, the Board revised the Capital Planning Policy to help ensure that the Town is prepared for all major capital outlays. The Board appointed an Open Space and Recreation Planning Committee which will work with the Berkshire Regional Planning Commission to create an updated Open Space Plan that will give the Town access to substantial grant monies. The Board also moved to begin some long delayed upkeep on the Town Hall building, and a review and update of our Information Technology hardware and processes. With the help of the diligent work of the Bylaw Review Committee, the Select Board is hoping to overhaul and clean up the Town's General Bylaws at a future Town Meeting. The Renewable Energy Working Group is exploring options for the Town to be involved in generating solar electricity. The Lake Garfield Working Group has been monitoring the health of the lake and recommending measures, including new technologies, to keep the lake safe and healthy for recreation. The Select Board has also kept up to speed on the work of the 8 Town Regional School District Planning Board, which has recommended a merger of Monument Mountain and Mount Everett High Schools. The proposed merger would simultaneously create a new school district, and the current districts of SBRSD and BHRSD would dissolve after a transitional

period. The new school district is expected to come before Town Meeting in the fall of 2023. These are just some of the ongoing projects at the Select Board level.

The Select Board would like to thank the Town's residents for your active participation in Town governance.

Justin Makuc, Chair

Susan Cooper

Frank Abbott

The Monterey Select Board