

Town of Monterey MA



Manual for all Elected and Appointed Multi-Member Bodies

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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.

Commented [DB1]: The general law does not require members of town boards and committees be a town resident unless the statute, town charter, or town bylaw requires residency.

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 elected officials and 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~~ Within 30 days of initial appointment or election, and every other year thereafter, 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 In addition, every year each municipal employee must acknowledge in writing that they received a summary of the Conflict of Interest Law for municipal employees. 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 that the Town Clerk 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 that is not statutorily authorized 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 for whom the Select Board has removal authority. After notice and hearing, 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.

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:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section10> .

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> . The board or committee Applications will be reviewed in which the vacancy occurs shall, within one month, notify the Select Board in writing of the vacancy. After one week's notice, the vacancy will be filled by the remaining members board or committee with the vacancy and a recommendation will be made to the Select Board, who ultimately will make the appointment who will vote by roll call. The Select Board shall fill the vacancy itself if the board or committee fails to notify the Select Board of the vacancy within the required time period.

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

Commented [FA2]: Removal - How? Process? Reasons why? Notification requirements?

Commented [TA3R2]: See #15

Commented [DB4R2]: Per case law, removal of an appointed board or commission member upon the discretion of the SB is only permitted when the board or commission is not one established by general law. If the board or commission is established by general law, such as a planning board, the member may only be removed if the statute gives the SB that authority. Otherwise, even if there is cause for removal, removal is not permitted. Rather the member gets to serve out their term. All the SB can do is not reappoint that member. If the board or committee is formed by the SB and not by statute, then in forming the committee or board, the SB should specify that it has the right to remove. I've edited the

Commented [jm5]: Town Counsel should weigh in. There is a process that involves notice and hearing I believe.

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.

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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:

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 ~~meet or take an official vote~~ any action, 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

Questions about quorums may be sent to 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~~ encourage all participants to offer 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.

All votes taken to go into executive session, all votes in executive session, and all votes in which one or more members participate remotely must be by roll call.

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

Questions about the Open Meeting Law may be sent to 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 c.39 §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/g/files/vyhlif3496/f/pages/agenda_posting_policy_adopted_5.30.0.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

Questions about the Open meeting Law may be sent to 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 open session minutes can be found on the town’s webpage.

Minutes of executive sessions are kept confidential and separate from open session minutes. The board or committee should review executive session minutes periodically to determine if the need for confidentiality no longer applies such that the minutes may be made public. The review of the executive session minutes may be made in executive session or delegated to a single member of the board or committee.

All approved minutes of every Town of Monterey board and committee shall be sent via email to the Town Administrator (admin@montereyma.gov) and the Town Clerk (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 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 was taken 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

Questions about the Open meeting Law and remote participation may be sent to openmeeting@mass.gov

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 c. 66, § 10). 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

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 15th to be made available in a full copy of the annual report for the use of the inhabitants of the town by March 15th.

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.

Commented [DB6]: The State Ethics Law and Conflict of Interest law are the same law.

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:

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, where permitted by law: ~~up to and including termination or removal from office;~~

- Reprimands, warnings, or censures.
- Removal from committees or specific roles.
- termination or removal from office.
- Referral of serious misconduct to relevant authorities for investigation and legal action.

Commented [DB7]: If the board is elected, the Select Board has no authority to do much. It can issue public reprimand and can remove the member if the SB appointed the member in a specific role, but the SB cannot remove an elected or even appointed members from office without statutory authority to do so.

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

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~~ members of the ~~Town's Select Board~~ boards and committees contribute to a positive work environment and help fulfill the ~~T~~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.

Print Name

Signature

Date

Town Administrator Performance Evaluation Form

Instructions

A space has been provided for each statement within the performance areas. Check the number which most accurately reflects the level of performance for the factor. It is important to provide concrete examples to support your rating, as most comments should be a reiteration of what has previous been addressed with the TA during your time working with them. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/A space.

Rating Scale (1-5)

Outstanding (5): The Administrator's work performance significantly exceeds established job standards with exceptional quality, quantity and timeliness of work.

Highly Effective (4): The Administrator's work is frequently or consistently above the level of a satisfactory Administrator.

Proficient (3): The Administrator's work performance consistently meets the standards of the position.

Improvement Needed (2): The Administrator's work performance does not consistently meet, or only marginally meets, the standards of the position.

Unsatisfactory (1): The Administrator's work performance is inadequate and definitely inferior to the standards of performance required for the position. Performance at this level cannot be allowed to continue.

1. Personal Characteristics	1	2	3	4	5	N/A
a. Exhibits honest and ethical behavior						
b. Acts in a fair and equitable manner						
c. Effectively deals with unforeseen issues and problems						
d. Responds well to stressful situations						
e. Develops effective and inventive solutions						
f. Diligent and thorough in the discharge of duties "self-starter"						

Comments:

2. Professionalism	1	2	3	4	5	N/A
a. Maintains working knowledge of local government management and practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Seeks to enhance skills and abilities through educational opportunities and/or participation in professional organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Encourages staff training and development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Is respectful of residents, employees and officials and responds to requests in a timely and appropriate manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

3. Public Relations/Communications	1	2	3	4	5	N/A
a. Disseminates complete and accurate information equally to all members in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is reasonably open and available to the public and responsive to citizen complaints or requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Communicates effectively to the media and carries out directives of the body as a whole as opposed to those of any one member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Responds well to requests, advice and constructive criticism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

4. Board Support/Relations	1	2	3	4	5	N/A
a. Provides quality analysis of policy issues and proposals in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Promptly and effectively implements policy matters, goals and other directives adopted by the Select Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Handles routine requests and tasks to avoid Select Board action	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Keeps Board members informed of issues and activities in Town government and in the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Provides the Select Board with timely and accurate information required for preparation for meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

5. Community Leadership	1	2	3	4	5	N/A
a. Provides leadership within the community by being visible and approachable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Maintains effective communications with the business community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Maintains effective communications with other communities, state agencies & municipal organizations to enhance the Town's position.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Maintains effective communications with state elected positions to enhance the Town's position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintains effective communications with Federal elected positions to enhance the Town's position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Maintains effective communication with municipal volunteer boards and committees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

6. Organizational Leadership	1	2	3	4	5	N/A
a. Provides leadership, motivation and support within the organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Effectively delegates tasks and assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Builds and motivates a team, provides direction & monitors/adjusts performance as required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Recruits, selects and retains quality personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Has support of Department Heads and members of the organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

7. Personnel Management	1	2	3	4		N/A
a. Evaluates performance and takes necessary action to resolve negative results	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Effectively delegates tasks and assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Achieves the Town's goals when negotiating labor contracts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Maintains positive employee relations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Develops and maintains personnel management system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

8. Financial Management	1	2	3	4	5	N/A
a. Prepares a timely and realistic annual budget proposal in an intelligent and accessible format	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Seeks to maximize revenue opportunities through nontax mechanisms (e.g. grants-in-aid)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Controls expenditure of Town funds to maximize services at minimal costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Ensures effective controls and reports of Town financial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

9. Town Operations & Infrastructure	1	2	3	4	5	N/A
a. Provides effective oversight and coordination of Town programs and services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Seeks to improve the Town's infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Seeks to enhance municipal services and delivery through regular reviews and analysis of Town operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Prepares Town Meetings in an effective and efficient manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Ensures effective operation and best practices of departments under the Town Administrator's control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Ensures continuity of services in unforeseen circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

10. Planning and Organization	1	2	3	4	5	N/A
a. Creates and facilitates an environment for long-range and strategic planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Develops proposals for cost effective reorganization of town operations and regionalization thereof when appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Establishes appropriate goals and objectives for performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Manages expectations of others appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Overall Assessment

Recognized Strengths:

Areas for Improvement:

Additional Select Board Member Evaluator Comments:

Individual Select Board Member Signature

Date

Town Administrator Comments:

Town Administrator Signature

Date



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

October 6, 2023

Monterey Conservation Commission
435 Main Road
P.O. Box 308
Monterey, MA 01245

Town of Monterey
Board of Selectmen
435 Main Road
P.O. Box 308
Monterey, MA 01245

RE: Project: Aquatic Vegetation Management: diver-assisted suction harvesting, mechanical harvesting, benthic barriers, and up to a 6-foot winter drawdown.
Town: Monterey
MA DEP File Number: 230-0344
NHESP File No.: RC-65304, Project: 23-8400 (legacy 07-21999)

Dear Commissioners and Applicants:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent and narrative entitled the "NOTICE OF INTENT APPLICATION INVASIVE & NUISANCE AQUATIC PLANT MANAGEMENT AT LAKE GARFIELD" (dated July 2023; the "NOI") in compliance with the rare wetland wildlife species provisions of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received a request to review the project subject to the MA Endangered Species Act Regulations (321 CMR 10.18, MESA).

The project proposes to manage invasive aquatic plant species with a variety of methods and areas of focus.

Method	Target Plant	Area
Diver-assisted suction-harvesting (DASH)	Eurasian milfoil	current 2.4-4.5 acres; up to 43 acres
Benthic Barriers	Eurasian milfoil Curly-leaf pondweed	1 acre/year with a 43-acre littoral zone will avoid <i>Bidens beckii</i>
Mechanical Harvesting	Large-leaf pondweed	35 acres (northern basin) The full basin, as needed
Winter Drawdown	Eurasian milfoil	Littoral zone of the depth of drawdown

The Division has determined that the proposed project is located within the mapped *Priority Habitat of Vasey's Pondweed (Potamogeton vaseyi)* in accordance with the Massachusetts Natural Heritage Atlas (15th Edition). The Vasey's Pondweed is state-listed as Endangered, this species and its habitats are protected pursuant to the MESA. *P. vaseyi* begins to senesce earlier than many other aquatic macrophytes, some of which are still green under lake ice. In a typical year, the plant should have developed and released seed by

MASSWILDLIFE

August 31. *P. vaseyi* is presumed to be an annual species. A Fact Sheet for this species can be found on our website, <https://www.mass.gov/files/documents/2016/08/wi/potamogeton-vaseyi.pdf>.

The purpose of the Division's review of the proposed project under the WPA Regulations is to determine whether the project will adversely affect the Resource Areas Habitats of state-listed rare wetland wildlife species. The purpose of the Division's review under the MESA Regulations is to determine whether a Take of state-listed species will result from the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

- A. ADDITIONAL INFORMATION REQUIRED: DASH < 6 FEET OF WATER, MECHANICAL HARVESTING < 6 FEET OF WATER, AND BENTHIC BARRIER PLACEMENT < 6 FEET OF WATER

This letter is to inform you that the Division has reviewed the materials submitted with your application under the MESA regulations and has determined that additional information is required in order for the Division to complete its review pursuant thereto, as specified below:

- 1) Annual Treatment Plan: The Applicant shall submit a written treatment plan to the Division for review and approval at least sixty (60) days before any of the above proposed activities. The treatment plan shall include, at a minimum, a map of the proposed treatment area of each treatment type, treatment acres, proposed date(s) of treatment(s), identity of target plant(s), and occurrence data for target invasive plant(s). Water depth should be measured relative to 'normal pool' or water surface elevation if the basin will be managed when lower than normal pool.

The Division will review the annual treatment plan and determine if any field surveys for *P. vaseyi* are required in advance (See #2) for the activity to comply with the MESA. The survey information will be used by the Division to determine if a Take of state-listed species will result from the proposed project.

- 2) *P. vaseyi* Survey: We note that the filing included references to the 'northern coves' as the area of known occurrences, but data from field surveys identified *P. vaseyi* in several other areas of the Lake
 - a. Botanical field surveys must be conducted by a qualified botanist in all appropriate habitats. Surveys should use methodologies consistent with the STATE-LISTED SPECIES HABITAT ASSESSMENT AND SURVEY GUIDELINES: PLANTS (<https://www.mass.gov/service-details/habitat-assessments-protocols>)
 - b. The Division requires pre-approval of the botanist prior to conducting surveys. Please submit a copy of the botanist's resume/curriculum vita for review.
 - c. The approved botanist shall submit a time-table and survey protocol to the Division for written approval prior to initiation of field work. The survey protocol shall list the specific taxonomic characteristics for definitive identification as well as the characteristics of similar or easily confused species.
 - d. Surveys should include both the geographic location and extent of all state-listed plants. The extent of suitable habitat shall be mapped and any *P. vaseyi* occurrence(s) should include the elevation of the habitat, as referenced off of a fixed point (usually a dam face has a normal pool or other elevation mark that can be utilized).

- e. After completion of the botanical field survey, the botanist shall submit their observations to the Division in a written report as described in the survey guidelines.
- f. Surveys are generally conducted in July and August.

B. ACTIVITIES APPROVED SUBJECT TO CONDITIONS TO AVOID A TAKE OF *P. VASEYI*

- 1) Mechanical Harvesting between September 1 to April 15: The Division has determined that conducting mechanical harvesting between September 1 and April 15 in any part of Lake Garfield will not result in a Take of *P. vaseyi*.
- 2) Winter Drawdown (as proposed not to exceed 6 feet). The Division has determined that the proposed winter drawdown will not result in a Take provided the drawdown is not initiated before September 15 (or documented senescence of *P. vaseyi*).
- 3) Authorization Duration, 5 years: This MESA authorization allows for the above-described activities subject to the conditions herein for five years from the date of issuance of this letter. Thereafter, the Applicant must re-file for formal review pursuant to 321 CMR 10.18.

Provided the above-noted conditions relevant to MESA Section B are fully implemented and there are no changes to the Project Plans or the specified activities, these actions may proceed. This approval for Work explicitly and exclusively applies to the activities and specific methods described herein. Any changes to the proposed project or any additional work beyond that shown on the Project Plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

C. THE FOLLOWING ACTIVITIES WILL NOT RESULT IN A TAKE OF *P. VASEYI* AND MAY PROCEED SUBJECT TO THIS DETERMINATION

- 1) DASH > 6 feet of water, mechanical harvesting > 6 feet of water, Benthic Barrier Placement > 6 Feet of water do require any conditions to avoid impacts to *P. vaseyi*.
- 2) Authorization Duration, 5 years: This MESA authorization allows for the above-described activities for five years from the date of issuance of this letter. Thereafter, the Applicant must re-file for formal review pursuant to 321 CMR 10.18.

This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This determination is valid for 5 years. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA.

WETLANDS PROTECTION ACT (WPA)

A. STATE-LISTED SPECIES

According to the information in our database, the proposed project does not occur within Estimated Habitat of Rare Wildlife as indicated in the Massachusetts Natural Heritage Atlas (15th Edition); it is only mapped for state-listed plants. Therefore, the project is not subject to review for compliance with the rare wetland wildlife provisions of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37, 10.59 & 10.58(4)(b)) by the Division. However, see below comments relative to Fisheries.

Notice, Wetland Protection Act Filings. When filing for any Notice of Intent, Request for Determination of Applicability or associated renewal, extension, or amendment of the WPA Orders of Conditions, the Applicant shall contact the Division for written response regarding impacts to Resource Area Habitat of state-listed wildlife. A renewal, extension or amendment of an Order of Conditions does not renew, extend or amend the MESA authorization.

B. FISHERIES

Drawdowns greater than 3-feet were required to consult with the Division in accordance with the Generic Environmental Impact Report on Eutrophication and Aquatic Plant Management in Massachusetts¹ (the "GEIR") and The Practical Guide to Lake Management of Massachusetts² (the "Practical Guide" page 81). The Division has no record of any communication from the Applicants or Town relative to Fisheries for the proposed "up to" 6-foot drawdown. The GEIR includes consultation with the Division³ in the Performance Standards for drawdown in 4.2.6.3. Nevertheless, the Conservation Commission elected to issue the Order of Conditions prior to consultation with the Division.

We note that the Secretary's Certificate⁴ that resulted in the GEIR stated "...in accordance with the 301CMR 11.09, Special Review Procedures I find that project implemented **in accordance with performance guidelines in the Final GEIR...do not require individual MEPA review...**" [emphasis added]. Therefore, projects not in compliance with the Secretary's Certificate related to the GEIR, are therefore not approved pursuant to the MA Environmental Policy Act and may need to submit for an individual review pursuant to the MEPA regulations.

The fisheries section has significant concerns regarding the proposed 6-ft drawdown of Lake Garfield. As stipulated in the GEIR, drawdowns must:

- Commence after the beginning of November.
- Achieve the target drawdown depth by the beginning of December.
- Achieve full lake level by the beginning of April.
- Keep outflow during drawdown below a discharge equivalent to 4 cfs per square mile of watershed. Once the target water level is achieved, match outflow to inflow to the greatest extent possible, maintaining a stable water level.
- Keep outflow during refill above a discharge equivalent to 0.5 cfs per square mile of watershed.

No information is presented in the NOI regarding the timing or operational details of the drawdown or how in-lake and downstream water levels will be monitored for compliance to the GEIR. There are no stated goals on

¹ Mattson, M.D., P.J. Godfrey, R.A. Barletta and A. Aiello. 2004. Eutrophication and Aquatic Plant Management in Massachusetts. Final Generic Environmental Impact Report. Edited by Kenneth J. Wagner. Department of Environmental Protection and Department of Conservation and Recreation, Executive Office of Environmental Affairs, Commonwealth of Massachusetts. (the "GEIR"); <https://www.mass.gov/files/documents/2016/08/sd/eutrophication-and-aquatic-plant-management-in-massachusetts-final-generic-environmental-impact-report-mattson.pdf>

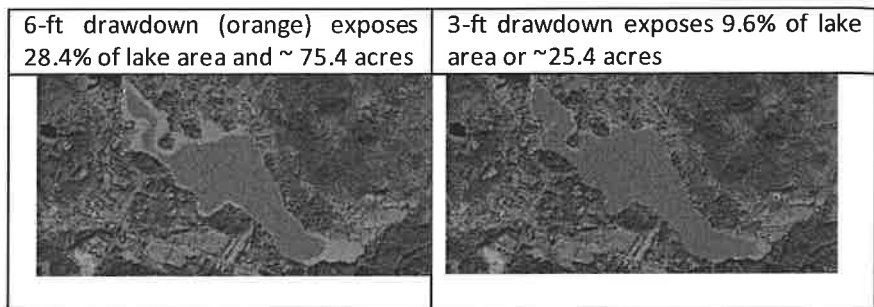
² Wagner, K. 2004. The practical guide to lake management in Massachusetts: a companion to the final generic environmental impact report on eutrophication and aquatic plant management in Massachusetts. Executive Office of Environmental Affairs, Commonwealth of Massachusetts.

³ The GEIR refers to the Massachusetts Department of Fish and Game (MADFG or DFG) under which the MA Division of Fisheries and Wildlife (the Division or MassWildlife) has the exclusive authority of freshwater fishes.

⁴ Certificate of the Secretary of Environmental Affairs on the Final Generic Environmental Impact Report. March 19, 2004. GEIR, page lxix, .pdf page 71.

which the measure the success of the drawdown for the purpose of aquatic plant control. The NOI request for an annual winter drawdown of up to six feet but does not specify what the actual drawdown will be or the circumstances or evidence that will be used to determine the depth of drawdown annually. Since the drawdown is being reviewed under the GEIR, the Applicant should demonstrate a connection between the selected depth in a given year and managing aquatic plants balanced against impacts to the wetland resource areas – including Fisheries and Wildlife. Further, aquatic plant surveys designed to monitor the effectiveness of the drawdown to control aquatic vegetation are stated in the NOI as being encouraged but not required; therefore, there is no basis to determine if the plant surveys will provide data on the *effect* of the drawdown versus simple occurrence information, nor how the survey will inform the proposed depth of drawdown.

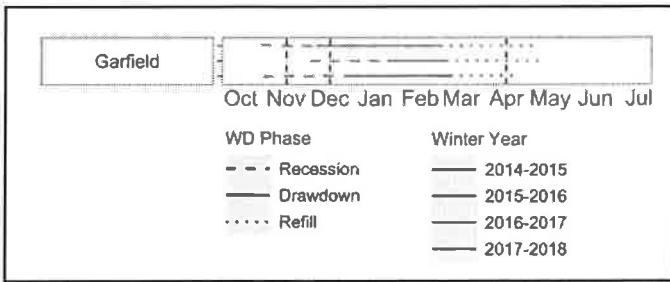
A six-foot drawdown of Lake Garfield would expose approximately 75-acres of the lake bottom or ~28.4% of the lake. The impacts to wildlife resources from drawdowns will be extensive, both in-lake and downstream. Beaver lodges and muskrat dens are



exposed to freezing conditions at a time of year when the animals cannot relocate to thermally safe environments. Native freshwater mussels, snails, and other invertebrates die from exposure to the dry, freezing conditions as they are unable to fully relocate. Delayed refill impacts fish spawning, and aquatic vegetation, particularly native aquatic vegetation, provide necessary spawning and rearing habitat for the fish that inhabit the Lake.

As stated in the NOI, the success of a drawdown is variable from year to year and dependent upon the presence of freezing temperatures over a period of time (typically weeks) long enough to freeze dewatered substrates to kill rooted vegetation. Deeper drawdowns require greater time to drain to target drawdown elevations and also greater refill periods to reach full pool elevations which shortens the total amount of time that sediments can be exposed. Refill time is lengthened by downstream flow requirements (calculated to be 3.935 sq-mi watershed area, minimum downstream flow =1.96 cfs during refill and max outflow during refill < 15.74 cfs) and influenced by the size of the contributing watershed with smaller watersheds requiring significantly longer refill times. The ratio of the volume of water lost during a drawdown and the lake watershed size (*watershed volume lost/watershed size*) can be used as a rough measure of the amount of time it will take to refill. Given the small size of the Lake Garfield watershed and large volume lost to a 6-foot drawdown, the *watershed volume lost/watershed size* calculated for Lake Garfield is the second largest and 6 times the median value we have calculated for permitted drawdowns in Massachusetts. This suggests that to meet the April 1st refill date refill must be initiated early in the year than suggested by the NOI which limits the amount of time sediments can be exposed to freezing temperatures and undermines the effectiveness of the drawdown even in a dry winter. Warmer wetter winters brought about by climate change will further reduce the

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effectiveness of a drawdown. Finally, three years of lake water level monitoring documented that (1) refill was not completed by April 1st in any of the three-years of monitoring, and (2) in these three years it took 69, 65, 45 days (2015-2018) to refill (Carmignani 2019). Within this limited data set, refills would need to start by January 22 (69 days) and February 15 (45 days), yet refills were delayed until mid-late March in all three years.

In sum, the proposal to drawdown Lake Garfield does not provide adequate information to determine that a drawdown is necessary, nor to support the greater impacts of deeper drawdowns. Further, should any drawdown be permitted, the Order should include quantifiable and verifiable permit conditions reflective of the history of failure to meet the GEIR requirements. The Division's Fisheries Project should be consulted, as required in the GEIR, to discuss the proposed project.

If you have any questions regarding this letter, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at misty-anne.marold@mass.gov or 508-389-6356. If you have questions regarding the Fisheries comments, please contact Todd Richards, at todd.richards@mass.gov or 508-389-6336.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: Mark Stinson, MA DEP Western Regional Office, Wetlands
Andrew Madden, Manager, Western DFW District Office
Michael McHugh, Section Chief, MA DEP Western Regional Office
Hillary Kenton, Applied Watershed Sciences, LLC
Friends of Lake Garfield, Michael Germain

**Contract Agreement By and Between
The Town of Monterey
And
Sara Hunter D/B/A Mass Munifin
Treasurer Services**

This agreement, effective as of the 1st day of July 2023~~2~~ by and between the Town of Monterey (hereinafter referred to as the "Town") of 435 Main Rd., Monterey, Ma. 01245 and Sara Hunter D/B/A Mass Munifin (hereinafter referred to as "Consultant") of PO box 351, Hardwick, MA 01037.

WITNESSETH THAT:

WHEREAS the Town has, pursuant to M.G.L. c.40, §4, obtained authorization to enter into this contractual agreement with the Consultant by vote of its Select Board, and

WHEREAS the Town is in need of Consultant services to provide Treasurer services required by M.G.L and local bylaws, and

WHEREAS the Consultant represented that she has the necessary skills to provide these services.

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and agreement hereinafter set forth, the parties agree as follows:

1. TIME OF PERFORMANCE: The services of Consultant are to commence on July 1, 2023~~2~~.
2. RESPONSIBILITY OF THE TOWN: The Town shall assume responsibility for assisting in so far as possible for the purpose of efficiency and furnishing the Consultant with adequate information and technical support needed to satisfactorily complete the services.
3. SCOPE OF SERVICES: The Consultant shall perform services required by M.G.L. and local bylaws for Town Treasurer services.
4. The Town will pay the Consultant to perform the required services during the contract period from July 1, 2023~~2~~-June 30, 2024~~3~~ for an average of 7.5 hours per week for \$397,750~~00~~ a year ~~for an average of 7.5 hours per week~~. Upon approval of the Select Board, all other services outside above description will be billed at \$150.00 per hour, plus travel time at \$360 per onsite visit that is needed for these services. The Consultant will bill the Town for services provided per this Agreement. The Consultant will be paid, upon receipt of an invoice, within 14 days of receipt of payment.
5. GENERAL PROVISIONS
 - 5.1 TERMINATION OR SUSPENSION OF AGREEMENTS:
 - 5.1.1 The Town may suspend or terminate this Contract at its sole discretion by providing the Consultant with sixty (60) days written advance notice.
 - 5.1.2. The Town may suspend or terminate this Contract for just cause effective immediately, and without providing the Consultant with written advance notice.
 - 5.1.3. The Consultant may suspend or terminate this Contract at its sole discretion by providing the Town with sixty (60) days written advance notice.

TMA to TPA
BOS to SB

5. 1.4. In the event of suspension or termination, the Town shall compensate the Consultant for services rendered through the date of suspension or termination.
- 5.2. AMENDMENTS: This Agreement may be amended provided such amendment is mutually agreeable and committed to writing by the signatories hereto.
6. INDEMNIFICATION: The Consultant shall indemnify, defend, and hold the Town harmless from and against any and all claims, demand, liabilities, actions, causes of actions, cost and expenses caused by or arising out of the Consultant's breach of this Agreement or the negligence or misconduct of the Consultant or the Consultant's agents or employees in the completion of the services or products covered by this Agreement.
7. CONFLICT OF INTEREST: The Town shall adhere to the mandates of the Massachusetts Conflict of Interest Statute M.G.L. c. 268A, the federal Conflict of Interest provisions at 24 CFR 570.489 and the federal Hatch Act, 5 U.S.C., ss 1501 et seq.
8. NON-COLLUSION AND/OR FRAUD: The Consultant agrees to perform this Agreement in good faith and without collusion or fraud with any other person and shall not cause to interfere or influence any related contract or program as a result of the services agreed upon hereunder.
9. CONFIDENTIALITY: The Consultant will protect the privacy of, and respect the confidentiality of information provided by, program participants, consistent with applicable federal and state regulations, including M.G.L. c. 66, Section 10, and 201 CMR 17:00 regarding access to public records and the protection of personal information.
10. SEVERABILITY OF PROVISIONS: If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby, and all other parts of this Agreement shall remain in force and effect.

IN WITNESS THEREOF, the TOWN and the CONSULTANT have executed this AGREEMENT as of the date above so noted.

The Town of Monterey

Justin Makuc, chair

Sara Hunter
Mass Munifin

Susan Cooper

Frank Abbott
Monterey Select Board

Appendix A or add right into contract

Day to Day Functions of Treasurer

- I. Receives, takes charge of and accounts for all monies belonging to the Town
 - A. Receives and identifies monies due to the city or town and furnishes accountant or auditor with detailed record thereof.
 - B. Insures safe-keeping of funds so received
- II. Pays over all monies due in accordance with order of selectmen or manager in towns.
(Treasurer shall not pay any bill disallowed by Town Accountant)
 - B. Pays over and accounts for all amounts due for salary and wages.
 1. Receives in, accounts for and disburses all payroll deduction amounts (taxes, retirement, insurance, annuities, etc.)
 2. Maintains all payroll records
- III. Maintains cash book reflecting breakdown of all receipt, disbursements, and cash balances
- IV. Negotiates all borrowing
- V. Has custody of stabilization funds and trust/investment funds.
- VII. Maintains all tax title accounts.
- VIII. Prepares various year-end reports including a reconciliation of Treasurer's cash and schedules of bond payments due (Statement of Indebtedness/SOI),.

PAYROLL PROCESSING

Municipal Purpose Loan

Town of Monterey

This attachment must be included with all Municipal Purpose Loans issued through the State House Note Program.
(A municipal purpose loan is one which combines two or more authorizations for different purposes in one loan.)

Date	Date 2	Article #	Purpose	Amount Authorized	Previous New Issues	Paydowns This Issue	This Issue New	This Issue Renewal	Unissued Balance
5/6/2017		5	Library	\$2,340,000.00	\$1,986,585.00	\$125,000.00	\$0.00	\$875,000.00	\$353,405.00
5/1/2021		38	Departmental Equipment	\$200,000.00	\$200,000.00	\$29,626.21	\$0.00	\$170,373.79	\$0.00
Totals				\$2,540,000.00	\$2,186,585.00	\$154,626.21	\$0.00	\$1,045,373.79	\$353,405.00
Carry these figures over to the Clerk/Secretary's Certificate				Must Equal Line 3	Must Equal Line 4	Must Equal Line 5	Total of these columns must equal line 6		Must equal Line 7

*Note: Amount Authorized minus Previous New Issues minus This Issue New will equal Unissued Balance.
 (Revised: May 1997)*

