

Anti- Discrimination and Harassment Policy

Introduction

The Town of Monterey strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the Town should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. The Town of Monterey will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, Town of Monterey will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but is not limited to: verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to human resources (HR) or the Select Board, are in violation of this policy and subject to discipline.

Definitions

The Town of Monterey, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination- It is a violation of Town of Monterey's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and

the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment- Town of Monterey prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Town of Monterey.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment- Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Town of Monterey's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR director will take

adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint Procedure

The Town of Monterey has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. The Town will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted to the HR director or the Select Board as soon as possible after an incident has occurred, preferably in writing. ~~The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.~~ If the complaint is submitted to the Select Board or one of its members, or the Select Board or one of its members is made aware that violation of this policy may be occurring, then the Select Board or one of its members should notify the HR director of the alleged violation. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the Select Board ~~of the alleged violation~~ and review the complaint with ~~the Town Counsel's~~ Town's legal counsel.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If the HR director deems that the investigation should be conducted by another person, the HR director should notify the Select Board, and the Select Board should choose an alternate person to conduct the investigation. If the HR director is an alleged respondent or otherwise directly involved in the alleged violation, the Select Board should choose an alternate person to conduct the investigation. If necessary, an alternate person to conduct the investigation should be selected no more than one week after the alleged violation is reported to the Select Board or HR director.
- 3.5. If necessary, the complainant and the respondent will be separated during the course of the investigation, ~~either through internal transferscheduling changes, moving work spaces,~~ or administrative leave.
6. During the investigation, the HR director or alternate person conducting the investigation, together with ~~legal counselTown Counsel or other management employees,as necessary~~, will interview the complainant, the respondent, and any relevant witnesses to determine whether the alleged conduct occurred. The HR director or alternate person will review any available and relevant documents or other materials related to the alleged conduct in coming to conclusions.

Commented [M1]: Complaints should initially go to the HR Director only as this is a responsibility listed in her job description. Having it go to the Select Board at the same time only invites confusion and division. The SB should be directing any and all complaints to HR.

Commented [M2]: Just my opinion but I think the Board should be notified after HR has had a chance to speak with the complainant and counsel so as not to muddy the waters with multiple people being involved. If anything if the situation doesn't involve the complaint being lodged against the TA the HR Director should immediately notify the TA, the whole purpose to a TA and HR Director was to remove the Board from HR

Commented [M3]: This should not be this specific. It should state that reasonable accommodations (as defined below) that do not put an undue burden on the town will be put in place when possible.

4.

5.7. Upon conclusion of an investigation, and no more than two weeks after the alleged violation is reported has been investigated and the TA made aware to the Select Board or HR director, the HR director or alternate the HR director or other person conducting the investigation will submit a written report of his or her findings to the Select Board and Town Administrator Town. All relevant and available documents or other materials, including notes or recordings of interviews, that were considered by the HR director or alternate person in the investigation shall also be submitted to the Select Board and Town Administrator simultaneously. If the HR director or alternate person conducting the investigation is not able to submit a written report within the two week time frame, he or she should notify the Select Board-Town Administrator in writing why additional time is required and provide a time frame within which he or she expects the investigation to be completed. Town. If it is determined that a violation of this policy has occurred, the HR director or alternate person conducting the investigation will recommend appropriate disciplinary action to the Select Board. This recommended appropriate disciplinary action shall be included in the written report submitted to the Select Board and Town Administrator. The recommended appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made by the complainant;
- c) prior complaints made against the respondent; and
- d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Select Board may recommend appropriate preventive action.

7. The Select Board will review the written investigative report and any all relevant and available documents or other materials that are submitted by the HR director or alternate person conducting the investigation, statements submitted by the complainant or respondent
8. After the Select Board has reviewed the investigative report and all relevant and available materials, and no later than three weeks after the complaint is received by the Select Board or HR director, the Select Board shall meet with each respondent individually to deliberate and vote on findings of fact related to the alleged violation of policy, and any disciplinary action to be issued to the employee, including but not limited to: verbal or written reprimand, suspension, or termination of employment.
9. The Select Board shall review the investigative report and all relevant and available documents, but will not necessarily come to the same conclusions as the HR director or alternate person conducting the investigation. The Select Board shall review the appropriate discipline recommended by the HR director or alternate person, but is not required to enact the recommendation, and reserves the right to issue disciplinary action which the Select Board finds appropriate.

> DBL investigation

10. The respondent has the right to be at any Select Board meeting at which his or her alleged violations of policy and any corresponding discipline is deliberated by the Select Board. The Select Board will offer such disciplinary hearings as executive session meetings, but the respondent has the right to have the matter deliberated on in open meeting of the Select Board, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, will be taken.

—If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Select Board may recommend appropriate preventive action.

11.

7-12. Once the final decision is made by the Select Board has deliberated and voted on findings of fact and disciplinary action, the Select Board will notify the ~~the~~ HR director of the results. The HR director will ~~or Select Board will~~ meet with the complainant and the respondent separately and notify the complainant ~~them~~ of the findings of the investigation, and any corrective action that has been taken by the Select Board. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

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Commented [M4]: This seems unnecessary if the employee will be present at the meeting when the Board discusses and votes on any action to be taken as they will find out then. HR should follow up with it in writing for the personnel file.

Corrective Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

Alternative legal remedies

In addition to the above, if you believe you have been subjected to harassment of any type, including sexual harassment and retaliation, you may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

United States Equal Employment Opportunity Commission ("EEOC")

JFK Federal Building 15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Springfield Office:

436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

Reasonable Accommodation

Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Massachusetts Fair Employment Law, and all applicable state or local law, the Town will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

Any individual seeking a reasonable accommodation may submit a request to the Select Board. The Town may require the individual to participate in an interactive discussion in connection with any such request. Furthermore, individuals requesting a reasonable accommodation may not receive the specific accommodation requested if the Town determines that an alternate accommodation would be effective in allowing the individual to perform the essential functions of the job.



UNIBANK FISCAL ADVISORY SERVICES, INC.
A SUBSIDIARY OF UNIBANK

MUNICIPAL NOTE SALE INFORMATION

Issuer: Town of Monterey, MA
Amount: \$1,045,373.79
Dated: 11/2/2022
Due: 11/2/2023
Contact Name: Sara Hunter
Title: Treasurer
Email: sara@massmunifin.com

Sale Information

Day: Wednesday
Date: October 19, 2022
Time: 11:00 AM

Type:

BAN

Bank Qualified:

Yes

New/Renewal:

Renewal

Tax Status:

TAX-EXEMPT

Paying Agent:

Purchaser

Disclosure:

No

Project Description:

Municipal Purpose

Certification:

Bureau

Award Basis:

Lowest NIC

Legal Opinion:

No

Right to Prepay:

No

Interest Basis:

30/360

CUSIP:

No

No. Of Days: 360

Rating:

Note:

Current Bond:

Bid Basis:

Par/Premium X

Minimum Premium:

Bid Limits:

All or none X Split

Minimum Amount:

Bid Specifics:

Registered

Additional Info:

RESULTS

BIDDER	AMOUNT	RATE	DATE/TIME	PREMIUM	NIC	AWARD	REOFFER

*=Underwriter

UniBank Fiscal Advisory Services, Inc. (UFASI) is a subsidiary of UniBank for Savings (UniBank) and any bid submitted by UniBank is in keeping with its own investment goals and is not submitted by or on behalf of UFASI.

If a bidder on the Notes intends to reoffer the Notes to the public, such bidder agrees, by submitting a bid, to abide by the so-called "hold the price" rule under the United States Treasury Department's Issue Price Regulations that became effective on June 7, 2017.

To the best of the Issuer's knowledge and belief, interest on the Notes is excluded from gross income for Federal income tax purposes, and interest on the notes is also exempt from Massachusetts personal income taxes. The Issuer expects to designate the notes as "qualified tax-exempt obligations" for Federal income tax purposes. It should be noted, however, that the Issuer has not engaged the services of bond counsel or any other counsel to render a legal opinion with respect to the treatment for Federal or Massachusetts income tax purposes of interest on the Notes.

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)*



MIIA HEALTH BENEFITS TRUST
 Renewal Proposal 1/1/2023 - 12/31/2023
Monterey

MONTHLY CONTRIBUTION RATES				
PRODUCTS		CURRENT	RENEWAL	
		RATES	RATES	INCREASE
Medex 2	Medex 2	\$202.43	\$203.69	0.62%
	Blue Med Rx	\$170.61	\$169.35	-0.74%
	Total	\$373.04	\$373.04	0.00%
Medicare PPO Blue Freedom Rx \$10/\$20/\$35 - Medicare Advantage	Total	\$357.00	\$325.00	-8.96%

Please return signed renewal confirmation no later than 11/1/22.

Blue Medicare Rx rates represent PDP Option 26 (\$10/\$20/\$35 RX, 2x MO).

Renewal rates are based on continuing the current enrollment level.

Signature for Acceptance of Rates	Title	Date
	Select Board Chair	10/6/22
Print Name		
Justin Makuc		

Town Administrator

From: Susan Cooper
Sent: Monday, October 3, 2022 3:40 PM
To: Town Administrator
Subject: Fw: early voting-State Election -November 8, 2022,

Hi Melissa,

Here are the hours Terry sent. Not sure why she altered the Saturday hours to extend them, we only legally need four weekend hours. I would suggest posting the SB approved Saturday hours along with the other hours she lists, we can tweak it after Thursday if needed.

Susan

From: clerk montereyma.gov <clerk@montereyma.gov>
Sent: Friday, September 30, 2022 6:57 PM
To: Justin Makuc <justin@montereyma.gov>; hr montereyma.gov <hr@montereyma.gov>; Scott Jensen <scott@montereyma.gov>; Susan Cooper <susan@montereyma.gov>
Subject: early voting-State Election -November 8, 2022,

In-person early voting for the election will be from October 22nd through November 4th

My Staff and I are available for early voting at town hall on:

Wednesday, October 26 th	10-7
Friday, October 28th	11-7
Saturday, October 29th	9-2
Wednesday, November 2nd	10-7
Friday, November 4th	11-7

If you agree with these hours, please have Melissa place on website-town clerk page.

Terry Walker
Monterey Town Clerk



SOUTHERN BERKSHIRE REGIONAL SCHOOL DISTRICT

Members of the Regional School District Planning Board (RSDPB):

We, the members of the Southern Berkshire Regional School District School Committee, feel strongly that the time has come, particularly in light of recent occurrences, that we closely examine the current environment in which we are trying to create this once-in-a-generation change to how, what and where we deliver education to the students of our eight towns. We are writing this letter as a way to get the full committee's attention as we are at a loss and are not sure how best to make our concerns heard.

We firmly believe that our School Committee members on the RSDPB, despite what some may think and have said, have approached this major initiative in the spirit of collaboration and moving toward a model that makes sense for all of our students. Again, despite some contrary views that have been expressed, we said we entered this process, though with some trepidation, with a great deal of excitement thinking how we could all potentially gain by working together to bring our communities' resources together to explore new approaches to the delivery of education. Unfortunately, it is our firm belief, at this time, that this process is being rushed and, that until we address the difficult dynamic between the two districts and the ongoing feeling of imbalance, there simply is no path forward.

To further explain: despite the fact that we have clearly demonstrated our commitment to the work of the RSDPB through our active presence at over 120 meetings across 2.5+ years; clearly demonstrating our desire to see a successful outcome to our work, there have been outspoken rebukes of the SBRSD School Committee, district leadership team and our staff. We believe that this is in no way a warranted response. Too many of our questions related to the assumptions regarding the financial savings realized by a merger have not been answered and the premises upon which the savings have been explained (i.e., larger class size, redundancies eliminated, staff retirements, etc.) do not in many cases make sense to us. Responses have not been forthcoming regarding our district's main campus in Sheffield. We do not believe that the transportation studies are responding to several concerns. These issues have been raised multiple times and not yet fully discussed.

As School Committee members, parents, and active community participants we are feeling at capacity with the work within our district. Additionally, we believe that when it comes to further explaining our sense that our two districts have different philosophies, look at how we implement change in SBRSD. Our district leadership team, a large segment of our staff and members of our School Committee are jointly engaged in implementing programs that have been under development for several years in order to ensure the greatest degree of buy-in from all impacted by educational decisions. These include: our new math program (already a 38% improvement in scores on standardized tests), a complete review and revamping of K-12 reading material, the expansion of our Early Childhood programs throughout the district, the exciting Early College High School at Mt. Everett (recipient of \$1,000,000+ in grant funds) and our redesigned middle-school program.

Dr. Beth Regalbuto

Superintendent

Business Manager

Jane Burke

School Committee Chair

Arthur J. Batacchi, Jr.

School Committee Vice Chair

School Committee Members

Jeffrey Blaugrund

James DiPisa

Danile Kelly

Laura Rodriguez

H. Dennis Sears

E. Bonnie Silvers

Kara Smith

Nanci Worthington

All of our district's work to bring in added support through grant writing efforts, have more than quadrupled the outside funds we are receiving to support new initiatives. Added to all of this, is the enormous effort put forward by staff and district leadership to develop new programs to enrich our arsenal of social and emotional-support tools to assist students in coping with the impact of COVID-19.

Unfortunately for us, the negative dynamic at full RSDPB meetings and many subcommittee meetings is becoming an emotional energy drain. Our members show up, engage, make suggestions, do research to support the RSDPB's efforts, volunteer for additional work, put forth our best efforts and try to bring positive energy in order to collaborate. The environment in which we are working is not truly conducive to our feeling productive. If anything, we are left in a constant state of defensiveness and charged with not cooperating because we are not 100% behind pouring all of our energy into being "absorbed" and, yes, that is the prevailing sense, and working to create a new Monument Mountain.

Again, it is unfortunate; however, at this point we are struggling as we consider withdrawing from this process unless we can take a pause, stop being driven (in our view) by the MSBA's deadlines, work to resolve this strong sense of imbalance between our two districts and create a timeline that truly allows us to examine variations on the proposed model as was promised when the research team put forward their extensive report in March. After all of this time, money spent, energy invested, it has become too difficult to continue in this environment and feel productive. We strongly believe that we can all figure this out if we take a step back for a moment. We may bleed blue and gold; but first we believe in providing our five communities the best education possible for their children while acknowledging fiscal restraints.

We hope you receive this missive in the spirit with which it has been written; we want to be able to support a joint effort to bring public school education in south county to new heights. We need to explore how best to accomplish this shared goal.

Sincerely,

Southern Berkshire Regional School District School Committee

Jane Burke, New Marlborough, Chair
Art Batacchi, Sheffield, Vice Chair
Jeffrey Blaugrund, Alford
James DiPisa, Egremont
Danile Jordan-Kelly, Egremont
Laura Rodriguez, Monterey
H. Dennis Sears, Sheffield
E. Bonnie Silvers, Sheffield
Kara Smith, Sheffield
Nanci Worthington, New Marlborough

Town Administrator

From: Pignatelli, Smitty - Rep. (HOU) <Smitty.Pignatelli@mahouse.gov>
Sent: Monday, September 19, 2022 2:34 PM
To: admin@montereyma.gov
Subject: Re: Letter to Smitty

Hi Melissa,

Thank you for sharing and bringing this to my attention. We are looking into this with DCR and also exploring resolutions specific to out-of-state visitors that would allow them to hold a parking pass/pay residence fee rates if they can show proof of property ownership in the Commonwealth. Will certainly keep you posted on any developments.

Smitty

Smitty Pignatelli

State Representative
4th Berkshire District
Vice Chair, House Committee on Rules
State House Room 166
(413) 637-0631

From: Monterey Town Administrator <admin@montereyma.gov>
Sent: Thursday, September 15, 2022 11:52 AM
To: Pignatelli, Smitty - Rep. (HOU) <Smitty.Pignatelli@mahouse.gov>
Subject: Letter to Smitty

Hi Smitty,

Hope all is well with you. Please find attached a letter from the Select Board.

Respectfully,

Melissa Noe

Town Administrator
Town of Monterey
413-528-1443 x111

Smile and tell yourself TODAY is my day! ☺

From: Monterey Town Hall [mailto:admin@montereyma.gov]
Sent: Thursday, September 15, 2022 12:34 PM
To: Melissa Noe <admin@montereyma.gov>
Subject: smitty parking