

Monterey has been afforded funding (\$138k) through the American Rescue Plan Act (ARPA) to invest in our community. As a result, it is imperative that those in the community have the opportunity to make their voices heard on potential uses of funding. Monterey is seeking feedback to develop a comprehensive and inclusive plan to improve our community. All surveys are confidential and no identifying information is tracked for any respondents.

“For all recipients (state or municipal), the following current uses\* are categorically eligible. **Match requirements are appropriate where the municipality gains an asset or builds its tax base.**

- Expenses to respond to the public health emergency re COVID-19 or its negative economic impacts:
  - COVID-19 mitigation or prevention expenses including:
    - Public health medical expenses;
    - Behavioral health expenses;
    - Public health and safety staff; and
    - Public health program design improvements.
  
- Assistance to the unemployed such as
  - Backfills for COVID-era government layoffs and
  - Job training.
  
- Assistance to small business in the form of grants or loans to mitigate financial hardship caused by COVID-19 including:
  - Offsets for declines in revenues;
  - Funds to implement COVID-19 mitigation improvements; or
  - Technical assistance with business planning.
  
- In-kind or financial assistance to households with documented negative impacts due to COVID-19 including:
  - Food assistance;
  - Rent, mortgage, or utility assistance;
  - Counseling and legal aid to prevent eviction;
  - Access to the internet; or
  - Proportionate cash assistance.
  
- Assistance in the form of loans or grants to impacted industries, including tourism, travel, and hospitality to implement COVID-19 mitigation or prevention measures such as:
  - Improvements to ventilation;
  - Construction of physical barriers;
  - Signage;
  - Provision of PPE; and
  - Development of safe reopening plans.
  
- Aid to disproportionately impacted communities
  - Aid must address social determinants of health. For example:
    - Services to address homelessness;
      - Affordable housing development;
      - Housing vouchers;

- Expanded early learning services;
  - Evidence based educational services;
  - Evidence-based mental health services for students;
  - High quality childcare;
  - Home visiting programs; and
  - Services for child welfare involved families.
- These types of assistance are presumed eligible in HUD Qualified Census Tracts; other functionally equivalent geographic or interest-based definitions can be developed, subject to Treasury oversight
- Premium pay to employees providing essential work during the public health emergency
- Revenue replacement and compliance
  - To substitute for lost revenue, FRF can pay for virtually any government service except debt service or transfers to pension or stabilization funds. E.g.: broad-based economic development.
  - Note: Growing local aid, plus growth in property taxes and other local receipts, probably means few municipalities have a significant revenue gap under the federal formula
- Water, sewer, and broadband projects
  - Water and sewer projects are eligible if they meet the criteria for the Clean Water State Revolving Fund or Safe Drinking Water Revolving Fund. Examples include:
    - Centralized or decentralized wastewater treatment;
    - Stormwater;
    - Habitat protection and restoration;
    - Desalination; and
    - Groundwater protection.
  - Broadband projects include any installation that provides symmetrical upload and download speeds of 100 mbps with a priority on underserved areas and last mile connections.”

The funds **cannot** be used for:

1. Tax reductions or cuts.
2. Pension fund payments/deposits.
3. Legal settlements.
4. To meet Federal grant match requirements.
5. Roads and bridges.

**Investments in Water, Sewer, and Broadband:** The Town focuses on improving our roads to create an easier commute to those that live and work here. The sustainability of our community, through infrastructure and flood mitigation investments that connect with environmental policies does its part to combat the effects of climate change. Investments in roadways, greenspace and reconstruction of aging systems are essential to making the Monterey a better place to live, and ARPA funding will be able to build on the foundation already in place to create lasting change in our community.

**Examples:**

1. *Investing in sustainable infrastructure to combat climate change*
2. *Evaluating the feasibility of investments in broadband infrastructure to narrow the digital divide*

**Assistance to Small Businesses:** Small businesses are the heart of our communities. By working with our community partners, we can invest in the recovery of our hardest-hit businesses and increase economic opportunities by connecting businesses and workers.

**Examples:**

1. *Growing local programs to help businesses improve financial stability, marketing, customer loyalty, and more*
2. *Providing business/workforce development programs for owners and employees in hardest-hit sectors*

**Assistance to Households:** With ARPA resources, the Town can invest in programs and systems to increase our residents' food security, mobility, and housing stability in the longer term.

**Examples:**

1. *Create housing programs including rental, mortgage, and utility assistance for renters and homeowners*
2. *Create a central food hub to address food access, food security, and food retail by enhancing residents' access to the food systems*
3. *Developing partnerships to provide financial literacy and credit-building programs for residents including first-time homebuyers*

**Economic Recovery:** Many have lost their jobs or struggled to keep stable employment during the pandemic. By investing in more local workforce programs, growing our small business community, and reducing barriers, ARPA funds can support both our short and longer term economic development goals for Revere.

**Examples:**

1. *Partnering with local and regional agencies to increase training and job placement enrollments for Monterey residents*
2. *Investing in Monterey's childcare sector through policy, technical assistance, and subsidies to support working parents*

3. *Providing transportation, childcare, or tuition stipends for people to complete a workforce training program*

**Public Health Investments:** Public health professionals have always been essential to the safety and well-being of our community. The need for public health has grown in recent years and the time to invest in this sector is now.

**Examples:**

1. *Investing in hiring public health professionals*
2. *Investing in community policing*
3. *Investing in mental health counselors*

**Travel and Tourism:** ARPA funds can support the launch of related initiatives that attract tourist dollars, create job opportunities, and support local businesses in Monterey.

**Examples:**

1. *Launching new programming and events and expand communications to sell the best of Monterey to a broader regional audience*

Thank you for your participation! If you have any questions please do not hesitate to contact Town Administrator, Melissa Noe at 528-1443 x111 or via email [admin@montereyma.gov](mailto:admin@montereyma.gov)

# ARPA Survey

\* Required

Are you a resident of the Town of Monterey? \*

Yes

No

What is your age? \*

<18 years old

18-25 years old

26-35 years old

36-40 years old

40-50 years old

50-65 years old

>65 years old

Please select five areas (based on eligibility guidance from the Treasury Department)

Monterey should invest ARPA funding. \*

Broadband Access

Assistance to unemployed workers

Rent, mortgage, or utility assistance

Eviction prevention services

Direct assistance to non-profit agencies

Affordable housing

Aid to the travel, tourism, and hospitality industries

Investment in social services which includes

Premium pay for essential workers

Public safety facilities and equipment

Government revenue replacement

Has COVID-19 had an impact on your household and what has been the level of impact?

Major negative impact

Slight negative impact

No impact

Slight positive impact

Major positive impact

If COVID-19 has had a negative impact on your household, what assistance would be most helpful to you? Please choose up to three.

Food assistance  
Rental assistance  
Mortgage assistance  
Unemployment benefits  
Utility assistance  
Childcare services  
Mental health services  
Internet access  
Counseling services  
Substance use treatment services  
Other:

What is your home-ownership status? \*

Homeowner  
Renter  
Other:

What is your employment status? \*

Unemployed  
Retired  
Part-time employed  
Full-time employed

If you are an employer, which of the following statements best describes your current employee situation? \*

I am fully staffed and have no difficulties in finding and retaining employees  
I am fully staffed, but have had difficulties in finding and retaining employees  
I am understaffed and have difficulty finding and retaining employees  
Not applicable

Submit

Clear form

## GRANT MANAGEMENT

### PURPOSE

To ensure Monterey efficiently and appropriately manages its grant-funded programs, this policy sets a framework for evaluating grant opportunities, tracking grant activity, and processing grant revenues and expenditures. Effective grant management helps promote the pursuit of grants that are in the Town's best interest and assure timely reimbursements to optimize cash flow, and to guard against year-end account deficits. As a legal contract, every grant agreement must be fulfilled in accordance with its prescribed terms and conditions, as well as all applicable federal, state, and local regulations. Failure in this regard exposes the Town to legal and financial liabilities and compromises future grant funding.

### APPLICABILITY

This town wide policy applies to the grant project managers in each department applying for or receiving grant funding. It further applies to the grant related responsibilities of the Board of Selectmen, Town Administrator, Town Accountant, and Treasurer/Collector.

### POLICY

All departments are encouraged to solicit grant funding for projects and programs consistent with the Town's goals. All municipal applications for grants must receive preapproval by the Board of Selectmen. To be eligible for preapproval, there must be sufficient staff available to effectively administer the grant program and perform its required work scope, along with adequate matching requirements (both cash and in-kind).

No department shall expend grant funds until a fully executed grant agreement has been accepted and approved for expenditure by the Board of Selectmen. Further, no grant funds shall be used to supplant an existing expense for the purpose of diverting current funds to another use.

Operating departments through their designated grant project manager(s) have primary responsibility for seeking grant opportunities, preparing applications, and managing awarded programs. The Town Accountant is responsible for consulting with project managers on grant budgetary matters, accounting for grants in the general ledger, monitoring grant expenditures for consistency with award requirements, tracking the timeliness of reimbursement requests, and distributing monthly reports of grant expenditures to departments.

#### A. Grant Opportunity Assessment

Well in advance of a grant application's due date, the departmental project manager will assess the opportunity in consultation with the Town Administrator. Below are the factors to be considered, at minimum.

#### Programmatic:

- Alignment of the grant's purpose with the Town's and department's strategic priorities
- Department's capacity to administer the grant through to closeout
- Office space, facilities, supplies, or equipment required
- Ongoing impact of the grant program after it is completed

- Compliance and audit requirements, particularly as they may differ from the Town's

Financial:

- Total anticipated project cost
- Expenditure requirements and anticipated cash flow schedule
- Required cost matching shares and sources, including cash and in-kind
- Staffing requirements, including salary and benefit increases for multiyear grants
- Administration and indirect recapture amounts
- Program income potential

In this stage, the project manager will also develop a continuation plan to address the potential future loss of grant funding, which may include alternative funding proposals or plans for reducing or terminating program positions or components after grant closeout.

B. Grant Application and Award Acceptance

Prior to filing any grant application, the project manager will complete a Grant Request/Information Form to the Town Administrator to be discussed at a future Selectmen meeting. The Board of Selectmen will then make a determination as to whether any preapproved application should be submitted to the Town Counsel for a legal review. Following this, the project manager will submit the grant application to the grantor and forward a copy to the Town Accountant.

When a project manager receives notice of any grant award, he or she will submit it as a meeting agenda item for the Board of Selectmen to formally accept by signatures and thereby approve the expending of grant funds. The project manager will then send copies of the signed agreement to the grantor and the Town Accountant.

Upon receiving the new grant's documents, to record the grant activity separately from regular expenses, the Town Accountant will create new general ledger accounts identifying them by name and including the CFDA (catalogue of federal domestic assistance) number for any federal grants. When notified of any amendment or adjustment by the grantor, the project manager will immediately forward the information to the Town Accountant, who will make adjustment(s) to the grant's budget in the general ledger.

C. Grant Financial Management

At the start of a new grant, the project manager will email its requirements and the timing of reimbursement requests (e.g., at the time of expenditure, monthly or quarterly), when applicable.

The project manager will ensure all expenditures made are allowable and consistent with each grant award's requirements. The project manager will submit project invoices to the Town Accountant consistent with the Town's disbursement policy. The project manager will also ensure the proper payroll account codes for grant-funded employees are included on the department's payroll report to the Town Accountant and Treasurer/Collector as part the regular payroll process.



To minimize the use of advance town funds, every project manager will request reimbursements as often as the grant's guidelines allow and always no later than June 30th. In doing so, the project manager will prepare all required reports and requests as detailed in the agreement and submit these to the grantor. Immediately following each submittal, the project manager will send an email notification of the reimbursement request to the Town Accountant and Treasurer/Collector.

The Town Accountant will monitor each grant's deficit balance to assure it is temporary and contact the manager regarding the expected timing of reimbursements. . The Treasurer/Collector will match reimbursements received electronically or by check with their requests and credit the proper revenue lines.

#### D. Grant Closeout

Upon completion of the project work or grant period, whichever comes first, the project manager will verify that all grant requirements have been met and will send to the Town Accountant a grant closeout package that includes a final report and either a final reimbursement request or notification of the amount to be refunded to the grantor. If there is a refund to the grantor, the project manager will fill out the Schedule of Departmental Bills Payable Form and include it as part of the grant close out package.

Upon receipt of the closeout package, the Town Accountant will put the general ledger's grant account into inactive status and will reconcile the project manager's report with the general ledger's record of grant activity. The project manager will subsequently submit the final reimbursement request to the grantor or, if a refund is due, the Town Accountant will submit the Schedule of Departmental Bills Payable form and appropriate document for the refund to the Accounts Payable Clerk for processing on the next warrant.

Within 30 days of any grant closeout or the year-end closure, whichever is earlier, the Town Accountant will determine if the grant account has been over expended and contact the project manager to discuss if it can be applied to the current year's operating budget or an appropriation is needed. If an appropriation is needed, the project manager will contact the Town Administrator.

#### E. Audit

All grant activities are subject to audit by the particular granters, the Town Accountant, and the Town's independent auditor. The Town will maintain all grant documents and financial records for seven years after their closeouts or for the lengths of time specified by the grantors, whichever period is longer.

#### REFERENCES

M.G.L. c. 40, §

SDM.G.L. c. 41,

§ 57 M.G.L.c.

44, § 53A



permanently table

Policy Name:	<b>Select Board Rules</b>	Approval Authority:	<b>Board of Selectmen</b>
		Applies to:	Select Board & attendees of BOS Meetings
Adopted:		Revised: --	Reviewed: --

### Selectboard Roles, Policies and Procedures

Leadership, governance and oversight responsibilities: promote the town, ~~serve as advisor to~~ oversee town administrator, oversight of town operations, management and strategic plan, set outcomes, evaluate impacts, measure performance, and review agenda.

#### Select Board Responsibilities:

1. chief executive branch of town government
2. coordinates with other town elected committees
3. Annual appointing authority for boards, committees, assignments, employees
4. local licensing authority
5. set policy, review and propose town bylaws for town meeting warrant
6. call for town meeting and approve all warrant articles for agenda
7. create general rules and regulations for town operations
8. Oversee town administrator, including but not limited to conducting an annual review
9. annual board organization: establish roles, responsibilities, and assign liaisons as necessary
10. Tax classification hearing with the Board of Assessors
11. annual financial policy and budget plan
12. issue annual report
13. set policy and strategic direction
14. resolve problems that have not been settled at lower levels
15. prepare budget in coordination and with input from town boards, departments and committees to be presented at Town Meeting, in coordination with finance committee and town administrator
16. provide leadership in the development of the capital improvement program
17. monitor financial performance of the town
18. review and sign bi-weekly payment of warrants / invoices / payroll
19. establish budget policy with regard to use of free cash and holding tax classification hearings, in coordination with Finance Committee
20. establish stabilization fund policy, in coordination with Finance Committee
21. review monthly financial reporting
22. participate in audit process
23. Participate in special and annual town meetings
24. May be assigned to interact and/or attend meetings with boards, committees and groups outside

of the community, to represent the Town and exchange information, and provide regular public updates to the Board when appropriate.

25. Selectboard Subcommittees: - formed by the Chair or Board members to address specific issues, strategies or projects.
26. When access to legal counsel is necessary, ~~all select board members may contact town counsel and an opinion should be provided in writing to the select board as a whole. consult Town counsel pursuant to the Town Counsel contact policy the Chair or Board members shall communicate through the Town Administrator and/or Chair. In the event that the required legal advice is related to contract negotiations with, or the performance of the Town Administrator, all communication shall be through the Chair.~~

### **The Officers of the Board**

1. The Chair: The Chair is chosen by fellow Selectboard members to serve a term of one year and historically is the person in the third year of his or her three year term. The responsibilities of the Chair include: ~~calling meetings of the Board, setting the agenda for Board meetings, preparation of the agenda with the Town Administrator, calling meetings of the Board,~~ coordinating an annual evaluation by the ~~B~~board of the Town Administrator, presiding over all meetings and public hearings, ~~and moderating discussion during Board meetings recognizing others to speak during each meeting and encouraging complete discussion of all relevant issues before the Board.~~ The Chair maintains all the same powers and responsibilities as the fellow members. The Chair of the Board shall sign all documents as required by law.
2. Designated Alternative: If the Chair is unable to perform his duties, the senior member of the board present at the time shall be designated to perform said duties.

### **Meeting Schedule and Procedures**

#### Regular Meetings:

Regular meetings of the Selectboard are posted with proper notice following the Open Meeting Law Guidelines. The Board shall have the right to change this schedule. The Board shall not meet on days designated as legal holidays (state and federal) and will make an effort to not meet on any religious holidays. When a meeting date is to be rescheduled because of a legal or religious holiday, the Board shall agree on a date to reschedule.

#### Notice of Meetings:

All meetings of the Selectboard shall be duly posted in compliance with MGL Open Meeting Law requirements. ~~Meetings shall be posted pursuant to the Town's agenda posting policy. The Town Administrator on behalf of the Chair is responsible for posting to the town's website and providing the Agenda to the Town Clerk.~~

#### Meeting Procedures:

1. Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. Motions to reconsider must be made no later than the next regularly scheduled business meeting following the meeting at which the original vote was taken.
2. A quorum shall consist of the majority (2) members of the board. At times when only two

members are present, all two members must vote similarly for a majority vote.

3. Any rules or procedures as to functioning of the Board may be amended, repealed or otherwise acted upon by a majority vote, at a duly posted meeting of the Selectboard, provided a quorum of members is in attendance.
4. The press and the public have the right to be present at any non-executive session open meeting, however they have no right to participate (except during public hearings), unless and until they are recognized by the Chair.
5. Meeting participants disrupting the meeting will be given a warning from the Chair, a person persists in disorderly behavior may be removed from the meeting.
6. Anyone addressing the Board during any public meeting, shall identify themselves after being recognized by the Chair, and adhere to the Citizen Speak Procedure. There shall be a time limit of 3 minute per speaker unless extended by the Chair.
7. If a motion is made, it must be seconded in order for the topic to be open for discussion.
8. During Select Board meetings, Select Board members and members of the public shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the Rules of the Select Board.

Please always refer to the official Open Meeting Law Guide.

### **Preparing the Agenda**

1. The responsibility for setting-preparing the agenda for the Selectboard meetings shall be that of the Chair and the the Town Administrator shall prepare the agenda. Finalized agendas along with supporting background information shall normally be available no later than the close of business on the day prior to the next scheduled meeting. The deadline for having requested items on the agenda is 72 hours prior to the next scheduled meeting. All information relevant to the agenda topic shall also be provided by this time. All information shall be provided to the Town Administrator to be included in the agenda packets.
2. Any items requested by members of the Board shall be placed on the agenda, however, the Chair will use discretion and may need to defer a topic to the next available meeting. Agenda items can be deferred to the next meeting if supporting documentation is not received at least 48 hours prior to the meeting (weekends and holidays excluded). On occasion, supporting documents may be accepted within the 48 hours just before a meeting when a timely response is necessary, as long as properly noticed and all Select Board members agree.
3. Agenda items should include background information with the agenda packets so that Board members can review and prepare for discussion prior to the meeting. This procedure does not limit an individual member of the Selectboard from raising a concern about an issue however, no formal action shall be taken by the Board until a future meeting.
4. Board members should advise the Town Administrator prior to the meeting of issues, concerns, or complaints so that an appropriate response or update can be provided.

### **Public Hearing Procedures**

State law and various Town bylaws require the Selectboard to hold public hearings on certain issues before any action can be taken.

1. The Board will schedule the dates for the hearings.
2. The Chair will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing. The Chair will ask for a motion to open the public hearing to be voted on by members of the Board. The Selectboard has the authority to subpoena a person or relevant information. The basic format of the hearing will be:
  - i) Chair shall open the public hearing
  - ii) Explanation of project
  - iii) Speak in Favor/Opposition- Note if there are any letters submitted and if they were in favor or opposition
  - iv) Motion to close public hearing
  - v) Motion re: findings of fact
  - vi) Motion re: approval/denial/table

### **Approval of Licenses**

1. Applicants are encouraged to appear at the Selectboard meeting when the license will be discussed. If no representative is present, the Board reserves its right to postpone the issue to the next business meeting of the Board or disapprove the application.
2. If a license application is filed between Selectboard meetings, and the license, if not obtained before the next Selectboard meeting, would cause the applicant irreparable harm, the Chair will have authority to call a special Selectboard meeting. As stated above in the Meeting Procedures section, a quorum will consist of at least two members.

### **Board and Committee Speak Procedures**

All boards and committees have the right to request agenda time to address the Board members on matters related to the board or committee. Prior to the meeting, the chair of the board or committee shall provide background material on the matter(s) to be discussed along with the results of any board or committee voting on the matter(s) being presented to the ~~Town Administrator~~Select Board and Town Administrator. All members of the board or committee shall be informed by its chair of said board or committee of the matter(s) that will be presented to the Selectboard and shall be the responsibility of the chair. When a board or committee addresses the Selectboard, the chair of said board or committee should be in attendance. If the chair cannot attend, the chair shall include with the background material a statement as to who will be speaking on behalf of the board or committee.

### **Citizen Speaking Procedures**

1. All citizens shall have the right to speak for a period not to exceed three (3) minutes after being recognized by the Chair unless a longer period of time is granted by the Chair.
2. If the speaker fails to remain courteous, ~~and~~ respectful, and on topic, the Chair may rule the

citizen out of order and the citizen will lose the right to speak.

## Minutes

1. Minutes shall be posted in accordance with the Open Meeting Law.
- ~~1.2.~~ Minutes will be available to the public after review and approval by the Board.
- ~~2.3.~~ Meeting minutes should be listed on the agenda of the next regular scheduled meeting or by 30 days post meeting at the latest.
- ~~3.4.~~ Executive Session Meeting Minutes: Minutes of executive sessions should be reviewed at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. Minutes shall be released, once they have been approved in executive session by the Board. Upon request for minutes of an executive session, the law requires a two-stage review of minutes. First, to determine whether executive session purpose continues to warrant confidentiality and second, to determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure. After review, the Selectboard must respond to the requester and either make the minutes available or provide an explanation of what is being withheld and why. Please refer to MA M.L. c. 30A, § 22(f), (g)(2).
- ~~4.5.~~ All approved minutes are considered public record and will be available immediately. They will also be posted on the Town's website within 48 hrs.

## Town Administrator Evaluations

The Selectboard is responsible for an annual evaluation of the Town Administrator. The evaluation shall be completed no later than year end. Copies of all Town administrator evaluations are public record.

## Selectboard Response on Received Communication

The Selectboard welcomes communication through whatever vehicle is chosen by its constituents, i.e. email, written letters, phone calls, personal contact. It is the intent to handle inquiries on a timely basis (within 24 business hours) when possible. Communication sent to any elected official having to do with town business shall be considered public documents. The Chair and Town administrator shall review received communication as follows:

1. Routine Matters: If the matter can be routinely handled by staff, the Town Administrator shall, within 1 business day from receipt of the email, contact the individual providing adequate information on said matter. Appropriate staff should always be included in communication from Town administrator, where applicable.
2. Non-Routine Matters: Should the matter be a non-routine administrative matter, the Chair and Town Administrator shall arrange for the matter to be included on the agenda of the earliest/most convenient Selectboard meeting. The Town Administrator shall notify the individual when the item will be on the Selectboard agenda. The Selectboard shall discuss the matter publicly and may refer the matter to the Town Administrator and/or an appropriate board/commission/committee for further investigation. Alternatively a meeting may be scheduled between the Chair, Town Administrator and appropriate staff when appropriate.

3. Unsigned (anonymous) communications may not be introduced in Select Board meetings.
4. Email is considered a public record and as such is subject to the requirements of the Public Records Law (M.G.L. c 66). Federal courts have also held that electronic mail is considered a record for purposes of the Federal Freedom of Information Act. E-mail and related on-line services are the property of the Town of Monterey and are to be used for business matters directly related to the operational activities of the Town. Users shall act in a professional manner, properly identifying themselves, and shall ensure that they do not misrepresent themselves or the Town.
5. Communications amongst Board members should only occur ~~at properly posted meetings. All communications (written or verbal) outside of meetings should be directed to the Town Administrator. within the guidelines of~~ The only exception to this would be communications allowed under the Massachusetts Open Meeting Law; distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting, provided that when these materials are distributed no member of the public body expresses an opinion on matters within the body's jurisdiction.

This procedure is not intended in any way to inhibit an individual Selectboard member from discussing any matter with his/her constituents. Individual members of the Selectboard may establish independent mechanisms for responding to inquiries including, but not limited to, forwarding the matter to the Town Administrator for investigation and may forward to the Selectboard Chair also. However, those actions are the sole responsibility of the individual Selectboard member and should not be construed or conveyed to be the official policy of the Selectboard or Town of Monterey. Routine matters should always be sent to appropriate staff and include the Town administrator.

### **Executive Sessions**

All Executive Sessions shall conform to the requirements of the open meeting law. There will be no outside discussion of the content of matters addressed in Executive Session, unless and until the Selectboard determines it appropriate to discuss an item in a public session.

### **Confidential & Personnel Information**

Information provided to the Board on confidential personnel matters will not be shared with the public ~~and~~ to the extent permitted by law.

### **To Amend Rules**

These rules may be amended or new rules adopted by majority vote of the Select Board.





## *Town of Monterey Memorandum*

**TO:** All Departments, Boards and Committees  
**FROM:** Select Board  
**DATE:** 11/10/2021  
**SUBJ:** Contacting Town Counsel

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Whereas, the Town of Monterey through its Select Board directs and supervises the use of Town Counsel;

Whereas, the Select Board intends to identify appropriate use of Town Counsel's time with an appropriate protocol;

The Select Board hereby adopts the following policy:

1. The Chair of the Select Board shall act as the liaison to Town Counsel.
2. Department heads and chairs of multimember bodies may request authorization to contact Town Counsel for matters not requiring confidentiality by presenting the same in writing to the Select Board for its approval. Only department heads and Chairs of boards, committees, and commissions may request to contact Town Counsel. Regarding questions from Town multimember bodies, unless a matter requires confidentiality, a majority of the body shall, prior to bringing the issue to the Select Board, approve the question in open session.
3. For matters that would require the advice of Town Counsel to be requested and/or provided in confidence, and/or are of an emergency nature, the Chair of the Select Board, as liaison to Town Counsel, shall be authorized to approve access to Town Counsel. If the Chair authorizes such action, the Chair shall notify the Select Board of the same at its next meeting; provided, however, if the question was asked in confidence and would be subject to the attorney-client privilege the Chair shall simply inform the Board that a request to contact Counsel was approved.
4. To the extent that a Town government body or official requires additional contact with or advice of Counsel in connection with an approved matter or a matter incidental and related thereto, no further Select Board approval shall be required. Notwithstanding the provisions of the prior sentence, however, the Select Board Chair shall be notified of any additional contact with Town Counsel and shall be copied on any written correspondence to or from Town Counsel, whether formal or informal.

5. The Select Board, at its discretion, and only as necessary or appropriate, may authorize contact with Town Counsel concerning matters outside the requesting board or official's jurisdiction, and/or may authorize the Chair of the Select Board to approve the same. To the extent appropriate the Select Board Chair shall cause notice to be sent to the board with respect to which the question is being asked.
6. Only the Select Board may authorize use of special counsel.
7. Confidential legal advice sought or received by Town government bodies or officials should only be discussed in open session if absolutely necessary, understanding that such action will likely void the protections of the attorney client privilege. Likewise, the Select Board or any government body or official authorized to seek advice from Town Counsel, may only meet in executive session to discuss such matters as permitted by the Open Meeting Law and in strict compliance therewith.
8. Town Counsel has been instructed to forward any requests for legal services to the Chair of the Select Board to ensure that Counsel is properly authorized to reply. If not authorize to reply, the Chair will notify the requester and Town Counsel of the same.
9. Town Counsel may not respond directly to any legal inquiries other than as set forth herein.

Please feel free to contact us should you have any questions regarding this policy.

Sincerely,

Steve Weisz, Chair  
Monterey Select Board

John Weingold

Justin Makuc

Recap of the 11/5/21 meeting about a future highway planning commission attended by Justin Makuc, Shawn Tryon, Jim Hunt and myself.

1. It was Shawn Tryon that noted that back in 1975 when this committee was suggested it was due to the highway department at that time not doing their job. Leigh Tryon was a member of the committee and can answer any questions about it if anyone is interested in learning more.
2. Justin acknowledged that the current highway department is doing their job very well but thought that a group such as this one, made up of knowledgeable folks might be helpful. At the very least the group would be well informed about future planning and could speak in favor of and support and support the initiatives at town meeting. He also acknowledged in response to being questioned who was promoting this group and what was the goal behind it that this was his idea and it was not a response to any action/lack of action.
3. Justin, Shawn and Melissa all expressed in one manner or another that prior to any additional layers of government or committees are introduced the select board and finance committees need to “get their houses in order” and move away from this disgraceful state of politics. Justin explicitly disagreed with this point of view. Justin thought that a highway planning commission could be an effective way to work around the lackluster work of the SB and FC. And could be a positive way forward to focus on and deal with Town services while mitigating the political disagreement. Shawn and Justin disagreed on this point. It was also expressed that the last several months here the environment has been more reactive than proactive and we all need to be a part of the solution to create a more positive environment. This negativity is presenting an obstacle in finding candidates that want to come work here.
4. It was noted that the scope that Justin had presented are all responsibilities listed in the current Director of Operations job description and are also the responsibilities of a functioning select board and finance committee to go over with the Director and Town Administrator during budget time and throughout the year. Justin felt that another set of eyes and minds might help the already collaborative budget process. Justin agreed that yes there is already a collaborative process involving the TA, Director of Ops, SB, and FC to focus on the issues that a potential highway planning commission would focus on, but that it may be helpful to have the Highway planning commission in addition to these other actors. Other than the director of ops... for the TA, SB, and FC the highway department is one of a number of departments that they work with so a dedicated commission for just the highway department may be helpful.
5. Jim thinks that the idea is a good one and based on his experience in the private sector developing capital plans that the plans themselves need to be fluid and should include all projects/expenditures the town spends money on (health insurance, buildings, vehicles, etc) and should include input from all departments equally. Instead of a highway planning committee it would be more productive to have a capital outlay committee. With that said Jim respectfully requested that he be allowed 6 months to a year to navigate his way through learning the job of Director here before burdening him with another layer. Justin agreed to drop the idea for now until next August to allow Jim to get his feet wet, work with Melissa, the Select Board and Finance Committee in future planning and vision for the town.
6. We also provided Justin with more information on the Beta road management software and its capabilities in the future road project planning.



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www.emiia.org

November 1, 2021

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

Re: 2 Year Guarantee Proposal

Dear Melissa:

The Town of Monterey is an important member of the MIIA programs. Due to the overall success of our programs and your favorable loss history, we are able to offer you a renewal proposal for FY23 and FY24 which includes a rate change of 0% for FY23 and up to 2.5% for FY24. We are pleased to offer this renewal proposal for your Property, Liability and Workers Compensation insurance.

Your overall contributions may reflect updated exposures, such as changes in building values, number of vehicles, expenditures, payrolls or experience modification factors. This offer is being made to a limited number of MIIA members and is contingent on maintaining a favorable loss ratio for all lines of coverage below 60% through FY24.

MIIA is the non-profit insurance provider established in 1982 to deliver insurance cost stability for Massachusetts communities. We provide extensive risk management solutions including health, dental, vision, property, liability and workers compensation insurance to more than 415 cities, towns and other public entities in Massachusetts.

By accepting our proposal, you will continue to benefit from stable costs from MIIA's consistently superior coverages and services. In order to accept our offer, please sign and return the enclosed copy of this letter to our office before November 12, 2021. We appreciate your continued commitment to the MIIA programs.

Sincerely,

Joanne Stoll-Pizzano  
Senior Account Executive

We wish to continue participating in the MIIA Property, Liability and Workers Compensation programs for FY23 and FY24. For your convenience, enclosed is a return envelope or email to [MIARenewals@mma.org](mailto:MIARenewals@mma.org).

Signature

Date

Title

Community

## Monterey Town Administrator

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**From:** Monterey Town Administrator <admin@montereyma.gov>  
**Sent:** Monday, November 8, 2021 7:55 AM  
**To:** 'John Weingold'; Justin Makuc; Steve Weisz  
**Subject:** Complaint

Good Morning,

I am officially filing a complaint to be investigated against the Board.

The Berkshire Eagle has stated that copies of all the complaints were sent to them anonymously. Since some of these complaints concern me and even I have not been provided a copy of them **and** more than one of these complaints have only been distributed to Board members, it should be investigated which Board member is leaking confidential information to the press (and public as at least one member of the public, Nancy Tomasovich, seems to have details that she posted on the google group that again even I am not aware of). Action needs to be taken. If the employees cannot trust the governing body to confidentiality and innocence until proven guilty that has to be the definition of an unsafe, bullying and intimidating environment. Not to mention counsel has already advised, "to the extent these written complaints are either the subject of the Board's ongoing executive session or otherwise being investigated, the complaints should not be released to the public – there are protections of personal privacy for the individuals involved from "unresolved allegations", and the Open Meeting Law explicitly provides for withholding of executive session materials as long as the purpose for the executive session is ongoing. This is also to protect the Town from a claim of invasion of privacy."

Respectfully,

*Melissa Noe*

Town Administrator  
Town of Monterey  
413-528-1443 x111

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

## Monterey Town Administrator

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**From:** John F. Weingold <[REDACTED]>  
**Sent:** Monday, November 1, 2021 8:12 AM  
**To:** Monterey Administrative Assistant  
**Subject:** Public Records Request #1

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I am requesting that I be provided an electronic copy of the following public records produced in electronic format only.

The Monterey SB voted that there is no public records charge to an elected official request for release of these public documents:

Requests of Steve Weisz:

All texts/emails dated October 4, 2021 sent by you or received by you on October 4th for the time period of 6:00 pm until 11:30 pm.

All texts/ emails you sent concerning the October 4, 2021 Executive Session; 2) and/or relating to leaking the letter of TA Admin. Leave to Donald Coburn or anyone.

Itemized phone call/text records for October 4 - October 6 2021.

All texts/ emails you sent relating to: suggesting, asking, have people attend the October 6th selectboard meeting concerning the TA Admin Leave and "immediate reinstatement of the TA."

All emails/texts/documents dated October 6, 2021 that you received from the TA's lawyer, or the TA, and all emails/texts between you and the TA, or the TA's lawyers.

All documents that support "you not anticipating" on October 13, 2021 your repeated motion to change the executive session SB October 4th vote to have the TA "immediately reinstated."

All documents that show any attempt by you to amend the SB agenda on October 6, 2021.

All documents that show any attempt by you prior to 6:00 pm to notify the entire SB of the new reinstatement agenda item on October 6, 2021.

Any documents that support why 40-50 people were in attendance at the SB meeting and your statement "I want to talk about why you are all here tonight" when that topic wasn't posted to the public.

All emails/texts between you and any town employees/personnel concerning Town Administrator (TA's) Admin leave and/or the October 6th meeting

All emails/texts between you and Melissa Noe from October 4 -October 7th.

All emails/texts between you and Donald Coburn, Ellen Coburn concerning the TA's Admin leave.

All emails/texts between TA and Steve Weisz concerning Justin Makuc or John Weingold.

All emails/texts between you and Shawn Tryon concerning the TA Admin leave.

All emails/texts between you and the Monterey Police department July 20, 2021 to present

All emails from/to Hillel Maximum concerning the October 6, 2021 SB meeting.

All emails from/to Michele Miller concerning the October 6, 2021 SB meeting.

All emails/texts to/from J. Pollard concerning the meeting of Weisz, Noe, Tryon, and the Chief.

All emails/texts between you and any employees of the Monterey Police department for the periods:

1. July 21, 2021 -present

All communications between you and Donald or Ellen Coburn concerning/related to legal advice or questions concerning town business.

All communications between you and Donald or Ellen Coburn concerning/related to legal advice or questions concerning the recall citizen's petition, the number of signatures.

All communications between you and Donald or Ellen Coburn concerning/related to legal advice or questions concerning mediation with Terry Walker, retraction of Walker's complaints, or how to handle Makuc or Weingold.

All emails/texts between you and the RAO concerning any Public Records requests.

All emails/texts between you and the TA from July 1, 2021 to present.

All emails/texts, documents that reference the November 2, 2021 SB meeting and the failure to post the SB meeting to the public.

All emails/texts, documents that reference the October 6, 2021 , 2021 SB meeting and the failure to post the TA reinstatement issue to the public with 48 hours notice.

Copies of any document that supports your actions to ask T. Walker to retract her complaints against the TA and secondly K. Fitzpatrick w/o asking permission from the SB.

All emails/texts to Heather Bellow concerning town affairs/investigations, or suggestions to appear at any SB meetings.

A copy of the October 17, 2021 email related to the two OML complaints.

Copies of all emails/texts to/from you and Susan Cooper concerning SB business, her 90 day agenda, or any town business:

1. Before 2021 election;
2. After her defeat in 2021 election

All documents that you and Town attorneys were talking about or working on for the November 2, 2021 executive session SB meeting parameters, or the scope of the November 2, 2021 meeting, that caused the non-posting of the November 2, 2021 meeting.

The Public Records Law requires the RAO to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Sincerely,  
John F. Weingold, Esq.  
Selectman

--  
John F. Weingold, Esq.  
PO Box [REDACTED]  
Monterey, MA 01245

[REDACTED]



## Monterey Town Administrator

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**From:** John F. Weingold <[REDACTED]>  
**Sent:** Monday, November 1, 2021 8:14 AM  
**To:** Monterey Administrative Assistant  
**Subject:** Public Request #2

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I am requesting that I be provided an electronic copy of the following public records via electronic format only.

The Monterey SB voted that there is no public records charge to an elected official request for release of these public documents:

Request of Melissa Noe:

All texts/emails dated October 4, 2021 sent by you or received by you on October 4th from time period of 6:00 pm until 930 pm.

All texts emails you sent to have people attend the October 6th selectboard meeting.

All emails/texts between you and any town employees/personnel concerning your Admin leave.

All emails/texts between you and Donald Coburn, Ellen Coburn concerning your Admin leave

All emails/texts between you and Steve Weisz concerning Justin Makuc or John Weingold.

All emails/texts between you and Shawn Tryon concerning your Admin leave.

All emails to Hillel Maximum concerning the October 6, 2021 SB meeting.

All documents in your possession concerning "the evidence Shawn and I have" concerning the "reputation" of the Town Clerk as stated in your September 9th email.

All emails/texts to/from J. Pollard concerning the meeting of Weisz, Noe, Tryon, and the Chief.

All emails between you and any employees of the Monterey Police department for the periods:

1. July 21, 2021 -present

All emails/texts from Shawn Tryon reporting any type of sexual harassment allegations by [REDACTED]

All emails concerning your involvement in the election campaign of Katrina Fitzpatrick to the finance committee.

Copies of your town cell phone monthly call/text itemized statements for the months of July, August, September, and October 2021.

All emails/texts to/from Kevin Fitzpatrick concerning Terry Walker.

All documents that concern your knowledge of Terry Walker's behavior or character.

All emails/texts between you and the Chief/Brian Fahey concerning T. Walker's complaint

All emails/texts between you, Shawn, Gareth & Weisz concerning the July meeting.

All emails/texts sent to/received from J. Pollard concerning the 1st T. Walker complaint

All emails/texts between you and Illene Marcus from July until present.

All emails/texts between/received by you and Lin Saberski from August 1 -October 1, 2021.

Copies of all reports as TA submitted to the Monterey SB.

All emails from/to J. Pollard since non reappointment

Citizens petition: emails/texts from to Ellen Donald Coburn

All email/texts Giving advice to petitioners concerning number of signatures,

All emails/texts between you and Magie Barkin

All emails/texts between you and Kenn Baslar

All emails/texts between you and Dennis Lynch re: grants

All emails/texts between you and Susan Cooper

All emails you sent to group BerkManagers from Jan 1 - present

All emails/texts you sent to Mark Webber

All emails/texts re: Hillel Maximum and disclosure of T. Waker complaints  
All emails/texts re: Donald Coburn and disclosure of T. Walker complaints  
Michele Miller- discussion of reserve transfer approval for investigation  
Documents concerning Jim Hunt's qualifications for Director of Operations

All emails/texts re:Katrina Fitzpatrick

Emails to Susan Cooper concerning any town business

Emails/texts between you and Susan Cooper before the Annual 2021 Election.

Emails/texts between you and Susan Cooper concerning town matters after the election.

Emails to/from S. Cooper, the Coburn's, the Tryon's, the Fitzpatrick's, Michele Miller, any highway personnel, fire department people, or any other town officials concerning the Town Election.

A copy of your Procurement certification.

Copy of your OML training certification(s) .

Copy of your RAO training experience, RAO education, and RAO courses completed.

All emails between you and Shawn Tryon concerning the Massworks grant

Copies of any emails/texts concerning the Public Records Request received by the RAO on 9/13/21; including all emails, copies of original paper request if no email, and any documents that show how exactly this public records request was actually received by the Monterey RAO on 9/13/21, indicating the time the request was received by the RAO.

All documents and computer data, meta data that refer to your involvement/work on the following town projects:

- a. Massworks grant
- b. AFG Grant
- c. Fire Dept/Company
- d. Highway Dept
- e. Dennis Lynch grants
- f. Access/inability to access grants portal including Massworks
- G. SCBA apparatus grant

Any communications sent by you to Dennis Lynch or Terry Walker that you were taking over/in charge of grant writing effective March 1, 2021.

Copies of any documents authorizing you and Shawn to write the Massworks Grant application vs. Terry Walker

Copy of Pauline Balducci submission of her bill for expenses in May 2021 and all emails concerning payment of that bill.

All emails between you and Weisz concerning the scheduling of the November 2, 2021 SB meeting and defining the scope of the meeting

All documents between S. Weisz and Town Counsel concerning the November 2, 2021 meeting

All medical notes/ documents supporting your Friday October 29th out of work sick day

Copies all drafts you created that references Terry Walker retracting her complaints and any drafts of the document you and Weisz were working on

All documents referencing any legal advice received from Donald Coburn

All emails from/ to Monterey News or Stephen Moore

All documents between you and either Town Counsel from October 1, 2021 -present.

All documents between you and J. Pollard from October 1, 2021 -present.

All notes created by Chief Backhaus concerning his meeting with Weisz on October 13th

All documents created by the police department not to talk with Terry Walker concerning police matters

All documents concerning your efforts to get Brian Fahney his job in Monterey

All documents concerning your efforts to get Illene Marcus a job in Monterey

All documents concerning your efforts to get Jim Hunt the Director of operations position

All documents concerning your involvement in the November 6, 2021 warrant, with all computer meta data

The Public Records Law requires the RAO to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Sincerely,  
John F. Weingold, Esq.

--  
John F. Weingold, Esq.  
PO Box [REDACTED]  
Monterey, MA 01245

[REDACTED]  
[REDACTED]@gmail.com

**Monterey Town Administrator**

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**From:** Nancy Tomasovich <[REDACTED]>  
**Sent:** Friday, November 5, 2021 8:54 PM  
**To:** melissa@montereyma.gov; Monterey Town Administrator  
**Subject:** PUBLIC RECORDS REQUEST

Hello Melissa

Under the OML, I am requesting the draft minutes from the BOS executive session dated October 4th, 2021.

Thank you

Nancy Tomasovich

Sent via the Samsung Galaxy S20 Ultra 5G, an AT&T 5G smartphone

FWD TO JON