

11/29/22

Jeany Wacker  
Joan Kent

### Board and Commission Dates

		Term Expires	Sworn Date	Open Meeting	State Ethics Expires
911 Coordinator	Tryon, Shawn	Indefinite			
Alternate Building Commissioner	Fitzgerald, Don	6/30/2023			
Board of Appeals	Banner, Michael	5/12/2026	5/12/2021	5/17/2022	5/10/2023
Board of Appeals	Cooper, Susan	5/6/2025		2/12/2022	11/14/2023
Board of Appeals	Jenssen, Scott	5/9/2023	6/5/2022	6/5/2018	11/16/2023
Board of Appeals	Levin, Jonathan	5/7/2024		11/17/2021	12/9/2023
Board of Appeals	Shaw, Gary	5/17/2027	5/17/2022	11/23/2021	11/13/2023
Board of Assessors	Shaw, Gary	5/9/2023	7/1/2020	11/23/2021	11/13/2023
Board of Assessors	Steibel, Scott	6/30/2025	5/21/2022	5/22/2022	2/16/2022 Expired
Board of Assessors	Steibel, Theresa	5/4/2024	5/5/2021	5/18/2021	5/8/2023
Board of Health	Makuc, John	5/9/2023		7/15/2020	
Board of Health	Mensi, Thomas	5/10/2025	5/17/2022	5/17/2022	5/6/2023
Board of Health	Salomon, Morton	5/10/2024	5/21/2022	5/21/2022	12/10/2023
BRPC	Mensi, Laura	6/30/2023	7/22/2021	7/31/2020	7/20/2022 Expired
By Law Review Committee	Banducci, Pauline	6/30/2025	5/18/2022	4/21/2021	5/27/2024
By Law Review Committee	Enoch, Ann Marie	5/30/2023	11/30/2021	12/4/2021	11/24/2023
By Law Review Committee	Litwin, Stuart	5/10/2025	11/30/2021	11/30/2021	11/21/2023
By Law Review Committee	Myers, David	5/10/2024	5/10/2022	12/2/2021	12/1/2023
By Law Review Committee	Zimmerman, Jeff	5/10/2024	5/17/2022	5/17/2022	11/21/2023
Care of Soldiers' Graves	Dutcher, James	6/30/2025		5/11/2019	4/30/2021 Expired
Cemetery Committee	Banner, Michael	5/10/2025	5/17/2022	5/17/2022	5/10/2023
Cemetery Committee	Brown, David	5/9/2023			
Cemetery Committee	Thorpe, Linda	5/9/2024	5/25/2021	5/25/2021	5/15/2023
Civil Defense Coordinator	Brown, Peter	6/30/2023		6/30/2017	12/28/2015 Expired
Communications Center	Maschmeyer, Elizabeth				
Communications Center	McTavish, Doug				
Communications Center	Pierce, Kyle		5/6/2019	12/12/2021	12/2/2023
Communications Center	Wolf, Libby				
Conservation Commission	Blair, Chris	9/15/2022	2/2/2022	2/4/2022	1/25/2024
Conservation Commission	Dempsey, David	9/15/2022	2/9/2022	2/9/2022	1/31/2024
Conservation Commission	Dolber, Roslyn	5/25/2025	6/11/2022	6/10/2022	10/2/2024
Conservation Commission	MOODY, KEVIN	8/17/2025	8/19/2022	8/19/2022	8/8/2024
Conservation Commission	Tomasovich, Nancy	1/30/2022	4/11/2020	5/10/2020	2/12/2022 Expired
Conservation Commission	Wicke, Noel	5/4/2025	5/10/2022	5/10/2022	5/29/2024
Conservation Commission Agent	Wetherell, Kimberly		4/16/2022	4/16/2022	4/2/2024
Constable	Rodriguez, Julio	5/10/2025	5/17/2022	5/17/2022	5/6/2024
Council on Aging	Banner, Maureen	3/5/2025	3/5/2022	7/3/2018	2/23/2024
Council on Aging	Bell, Joanne	6/30/2024		12/12/2021	12/2/2023
Council on Aging	Halberstader, Rosalyn	6/30/2024		12/12/2021	12/2/2023
Council on Aging	Marcus, Ilene	6/30/2024		5/20/2021	5/17/2023
Council on Aging	Pierce, Kyle	6/30/2024	5/6/2019	12/12/2021	12/2/2023
Council on Aging	Saberski, Linda	11/23/2023	12/12/2020	12/12/2020	12/2/2023
Cultural Council	Barkin, Maggie	9/18/2022	9/18/2019	10/22/2019	9/6/2021 Expired
Cultural Council	Beller, Doreene	5/6/2023		5/30/2020	3/29/2022 Expired
Cultural Council	Benjamin, Wendy	9/5/2021	9/5/2018	9/24/2018	
Cultural Council	Clarín, Carole	6/30/2024	7/6/2021	6/20/2020	6/7/2022 Expired

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		Term Expires	Sworn Date	Open Meeting	State Ethics Expires
Cultural Council	Dahlman, Barbara	8/3/2025	8/5/2022	8/5/2022	7/17/2024
Cultural Council	Jensen, Janet	6/30/2025		10/16/2019	8/25/2021 Expired
Cultural Council	Sloane, Stephanie	12/29/2024	1/11/2022	7/16/2022	7/18/2024
Cultural Council	Stern, Erica	12/16/2023	12/19/2020	12/22/2020	1/30/2023
Election Warden	Higgins, John	6/30/2023		7/1/2020	
Election Warden	Lewin, Aldeth	4/27/2025	5/3/2022	5/3/2022	8/17/2024
Election Workers	Banducci, Pauline	6/30/2023	5/4/2021	4/21/2021	5/27/2024
Election Workers	Champigny, Norma	6/30/2023	7/8/2022	7/5/2022	7/4/2024
Election Workers	Champigny, Ruth	6/30/2023	7/8/2022	7/8/2022	6/29/2024
Election Workers	Griffith Banducci, Pauline	5/4/2023	5/4/2022	5/18/2022	
Election Workers	Lewin, Aldeth	4/27/2023	5/3/2022	5/3/2022	8/17/2024
Election Workers	Marcus, Ilene	6/30/2023		5/20/2021	5/17/2023
Election Workers	McAlister, Rosemary	6/30/2023	5/10/2022	5/10/2022	
Election Workers	Pullen, Steve	6/30/2023		7/17/2018	
Election Workers	Purcell, Kay	6/30/2023			
Election Workers	Shaw, Gary	6/30/2023	5/4/2021	11/23/2021	11/13/2023
Election Workers	Steibel, Scott	6/30/2023		5/22/2022	2/16/2022 Expired
Election Workers	Swann, Barbara	6/30/2023	7/16/2022	7/16/2022	7/7/2024
Election Workers	Thorpe, Linda		6/30/2023	5/25/2021	5/15/2023
Election Workers	Vallianos, Evelyn	6/30/2023			8/8/2022 Expired
Emergency Management Director	Backhaus, Gareth	6/30/2024		11/22/2021	11/12/2023
Emergency Manager, Deputy	Tryon, Shawn	6/30/2023			
Fence Viewer	Brown, Peter	6/30/2024		6/30/2017	12/28/2015 Expired
Finance Committee	Abbott, Frank	5/10/2025	5/15/2022	5/15/2022	5/7/2024
Finance Committee	Marcus, Ilene	5/9/2023	9/23/2022	5/20/2021	5/17/2023
Finance Committee	Miller, Michele	5/9/2023	7/14/2020	6/15/2021	6/5/2023
Fire Department	Budak, Brian				
Fire Department	Carroll, Henry	Indefinite			
Fire Department	Carroll, Michael Felix	Indefinite	2/12/2022	3/5/2022	
Fire Department	Carwile, Roy	Indefinite		5/12/2024	5/2/2023
Fire Department	Dillon, Brian	Indefinite	12/21/2021	12/21/2021	12/11/2023
Fire Department	Fitzpatrick, Kevin	Indefinite		5/5/2021	
Fire Department	Funk, Cody	Indefinite			
Fire Department	Houlihan, Darien	Indefinite			
Fire Department	Hungate, Sam	Indefinite			
Fire Department	Hunt, Jim				1/6/2020 Expired
Fire Department	Hutson, Kyle	Indefinite			
Fire Department	Isner, Chris	Indefinite	8/6/2020	8/22/2020	8/11/2022 Expired
Fire Department	Loy, Charity	Indefinite			
Fire Department	Makuc, John	Indefinite		7/15/2020	
Fire Department	Makuc, Justin	Indefinite		5/5/2021	4/25/2023
Fire Department	Makuc, Madeline	Indefinite			
Fire Department	Makuc, Mark	Indefinite		5/5/2021	5/3/2024
Fire Department	Martin, Claudia	Indefinite			
Fire Department	Martin, Del	Indefinite			
Fire Department	Martin, Jake	Indefinite			

## Board and Commission Dates

		Term Expires	Sworn Date	Open Meeting	State Ethics Expires
Fire Department	Miravec, Nate	Indefinite	1/7/2021		
Fire Department	Mosca, Austin				
Fire Department	Pettibone, Klye	Indefinite			
Fire Department	Rapp, Paul	Indefinite			
Fire Department	Rodgers , Robert	Indefinite			
Fire Department	Ryan, Tom	Indefinite	6/7/2019	6/10/2019	5/30/2021 Expired
Fire Department	Sheridan, Patrick	Indefinite			
Fire Department	Sheridan, Scott	Indefinite		5/30/2020	
Fire Department	Spratt , Jeffrey	Indefinite			
Fire Department	Tryon, Chris	Indefinite			
Fire Department	Tryon, Shawn	Indefinite			
Fire Department	Wellauer, Keegan	Indefinite			
Fire Department	Ziegler, Randon	Indefinite			
Fire Inspector	Tryon, Shawn	6/30/2023			
Gas Inspector	Krupski, Robert	6/30/2024			1/17/2024
Highway Department	Ziegler, Randon				
Historical Commission	<i>Alternate</i> Barkin, Donald	6/30/2022			
Historical Commission	Lascar Budak, Kate	6/30/2024	7/16/2022	7/16/2022	
Historical Commission	Leon, Susan	6/30/2025	7/16/2022	7/16/2022	
Historical Commission	McFarland, Maureen	6/30/2024	7/16/2022	7/16/2022	7/6/2024
Historical Commission	<i>Alternate</i> Rausch, Robert	6/30/2025	7/16/2022	7/16/2022	11/12/2022 Expired
Historical Commission	Sloane, Stephanie	6/30/2023	7/16/2022	7/16/2022	7/18/2024
Historical Commission	Swann, Barbara	6/30/2025	7/16/2022	7/16/2022	7/7/2024
Inspector of Buildings, Building Commissioner and Code Enforcement Officer	Torrico, Donald	6/30/2023		7/2/2019	12/26/2019 Expired
Inspector of Buildings, Building Commissioner and Code Enforcement Officer	Wright, Owen		2/7/2019	2/11/2019	12/27/2020 Expired
Inspector of Wires	Fredsall, Nick	6/30/2024			
Inspector of Wires	Harrison, Warren	6/30/2023	11/4/2022	11/4/2022	
Inspector of Wires	Kern, Jim	6/30/2023			
Lake Garfield Working Group	Hurst, Trevor	6/30/2023			
Lake Garfield Working Group	Pierce, Kyle	6/30/2023	10/28/2022	12/12/2021	12/2/2023
Lake Garfield Working Group	Snyder, Steven	6/30/2023			
Library Trustees	Higgins, John	5/9/2023	7/1/2020	7/1/2020	
Library Trustees	Jervas, Carolee	6/30/2025	5/17/2022	5/18/2019	
Library Trustees	Kaminstein, Judith	5/10/2023	10/27/2021	10/27/2021	10/17/2023
Library Trustees	Kleban, Nancy	5/10/2024	5/21/2022	5/21/2022	8/10/2023
Library Trustees	Wolin, Rebecca	5/10/2025	2/24/2022	2/24/2022	2/14/2024
Library Trustees	Zellman, Cheryl	5/10/2024	5/18/2021	5/19/2021	6/29/2023
Local Emergency Planning Committee(LEPC)	Backhaus, Gareth	6/30/2025	7/1/2022	11/22/2021	11/12/2023
Memorial Day Parade Committee	Makuc, Jacob	6/30/2023	2/26/2022		
Memorial Day Parade Committee	Marcus, Ilene	6/30/2023		5/20/2021	5/17/2023
Memorial Day Parade Committee	Sawyer, Tom	6/30/2023		12/13/2021	12/3/2023
Memorial Day Parade Committee	Tuttle, Olivia	6/30/2023			

## Board and Commission Dates

		Term Expires	Sworn Date	Open Meeting	State Ethics Expires
Moderator	Makuc, Mark	5/10/2023	5/18/2021	5/5/2021	5/3/2024
Monterey Community Center Committee	Bell, Joanne	6/30/2023		12/12/2021	12/2/2023
Monterey Community Center Committee	Germain, Wendy	6/30/2023		7/30/2018	8/28/2021 Expired
Monterey Community Center Committee	Halberstader, Rosalyn	6/30/2023		12/12/2021	12/2/2023
Monterey Community Center Committee	Hurst, Catherine	6/30/2023		12/14/2021	12/4/2023
Monterey Community Center Committee	Jensen, Wendy	6/30/2023		7/27/2019	
Monterey Community Center Committee	Lynch, Dennis	6/30/2023		11/23/2021	11/13/2023
Monterey Community Center Committee	Pierce, Kyle	6/30/2023	12/21/2021	12/12/2021	12/2/2023
Monterey Community Center Committee	Shaw, Laurie	6/30/2023		11/23/2021	11/20/2023
Outreach Coordinator	Hadsell, Emily	11/17/2022		11/23/2021	11/7/2023
Outreach Coordinator	Roberts, Kathryn		10/12/2022	10/12/2022	10/1/2024
Park Commission	Andrews, Christopher	5/10/2023	5/18/2022	5/18/2022	
Park Commission	Brennan, Tracey	5/10/2024	5/26/2021	1/9/2021	1/1/2023
Park Commission	Clarín, Gerard	5/10/2025	5/17/2022	5/12/2021	5/2/2023
Park Commission	Mensi, Thomas	5/10/2024	5/12/2021	5/17/2022	5/6/2023
Park Commission	Snyder, Steven	5/10/2025			
Planning Board	Abbott, Margaret	5/10/2027	5/15/2022	5/15/2022	
Planning Board	Allen, Edward (Chip)	5/10/2026	5/12/2021	5/12/2021	12/31/2022
Planning Board	Behrman, Lauren	5/10/2027	5/17/2022	5/17/2022	11/20/2023
Planning Board	Mensi, Laura	5/6/2025	7/22/2021	7/31/2020	7/20/2022 Expired
Planning Board	Sawyer, Tom	5/7/2024		12/13/2021	12/3/2023
Planning Board	Tryon, Roger	5/7/2024			
Planning Board	Wicke, Noel	5/10/2023	5/10/2022	5/10/2022	5/29/2024
Plumbing Inspector	Hopkins III, Donald Seth	6/30/2024			
Plumbing Inspector	Krupski, Robert	6/30/2024			1/17/2024
Police Department	Hamilton, Mitchell	4/27/2023	4/29/2022	4/29/2022	
Police Department	Nelson, Lauren		3/1/2022	3/1/2022	
Police Department, Part Time - Reserve Intermittent Police Officer	Avalle, Keith	6/30/2023		11/22/2021	11/15/2023
Police Department, Part Time - Reserve Intermittent Police Officer	Fahey, Brian	6/30/2023	10/24/2017	11/22/2021	11/12/2023
Police Department, Part Time - Reserve Intermittent Police Officer	Messina, Santi	6/30/2023	6/30/2022	5/11/2021	5/1/2023
Police Department, Part Time - Reserve Intermittent Police Officer	Wilson, Sabrina	6/30/2023		11/22/2021	11/24/2023
Police Department, Police Chief	Backhaus, Gareth	12/31/2022		11/22/2021	11/12/2023
Police Department, Sergeant	Fahey, Brian	6/30/2023		11/22/2021	11/12/2023
Procurement Officer	Noe, Melissa	Indefinite		7/8/2020	7/10/2022 Expired
Records Access Officer	Levin, Jonathan		11/15/2021	11/17/2021	12/9/2023
Records Access Officer	Noe, Melissa			7/8/2020	7/10/2022 Expired
Regional Hazard Mitigation Team	Backhaus, Gareth	6/30/2023		11/22/2021	11/12/2023
Registrars of Voters	Pullen, Steve	1/29/2023		7/17/2018	
Registrars of Voters	Steibel, Scott	1/29/2023		5/22/2022	2/16/2022 Expired
Registrars of Voters	Wolin, Rebecca	6/30/2024		2/24/2022	2/14/2024
Renewal Energy Working Group	Aidun, Christopher	6/30/2023	6/9/2022	6/9/2022	6/2/2024
Renewal Energy Working Group	Grealish, Peter	6/30/2023		2/16/2022	2/5/2024
Renewal Energy Working Group	Hoogs, Rob	6/30/2023	3/19/2022	3/19/2022	3/9/2024

## Board and Commission Dates

		Term Expires	Sworn Date	Open Meeting	State Ethics Expires
Renewal Energy Working Group	Murkett, Peter	6/30/2023	11/18/201	11/18/2021	11/8/2023
Renewal Energy Working Group	Prusinzky, John	6/30/2023	2/19/2022	2/19/2022	2/8/2024
Sanitary Inspector	Wilusz, James	6/30/2023		8/24/2019	1/25/2021 Expired
SBRSD Committee Representative	Alcantara, Kimberly	11/5/2024	11/16/2022	11/16/2022	11/5/2024
SBRSD Committee Representative	Rodriguez, Laura		9/22/2021	1/30/2022	9/18/2023
Select Board	Cooper, Susan	6/30/2025	5/10/2022	2/12/2022	11/14/2023
Select Board	Jenssen, Scott	5/9/2023	8/26/2022	6/5/2018	11/16/2023
Select Board	Makuc, Justin	5/4/2024	5/5/2021	5/5/2021	4/25/2023
Select Board	McArthur, Laurie		10/2/2022	9/27/2022	9/21/2024
Tax Collector	Enoch, Ann Marie	5/10/2025	5/17/2022	12/4/2021	11/24/2023
Town Accountant	Kinsherf, Eric	6/30/2023			
Town Charter Committee	Hurst, Catherine	11/3/2022	12/14/2021	12/14/2021	12/4/2023
Town Charter Committee	Jervas, Carolee	11/3/2022	11/13/2021	5/18/2019	
Town Charter Committee	Sylbert, Jonathan	11/3/2022	11/18/2021	5/4/2019	4/27/2023
Town Charter Committee	Winters, Ronald	11/3/2022	11/13/2021	11/13/2021	
Town Clerk	Walker, Terry	6/30/2023	8/17/2016	9/1/2016	11/16/2024
Town Counsel	Brewer, Donna		7/28/2022	7/28/2022	1/29/2023
Town Counsel	Miyares & Harrington LLP,	6/30/2023			
Transfer Station Committee	Basler, Kenneth	6/30/2023	2/18/2022	2/18/2022	1/3/2019 Expired
Transfer Station Committee	Cooper, Susan	6/30/2023	2/12/2022	2/12/2022	11/14/2023
Transfer Station Committee	Marcus, Ilene	6/30/2023		5/20/2021	5/17/2023
Transfer Station Manager	Gilmore, David				5/25/2020 Expired
Transfer Station Manager	Tryon, Shawn	Indefinite			
Transfer Station Swap Shack Attendant	Parks, Beth	Indefinite			5/29/2020 Expired
Treasurer	Hunter, Sara	6/30/2023		12/11/2021	12/1/2023
Tree Warden	Pierce, Myles	5/10/2023	5/15/2022	5/15/2022	5/4/2024
Veteran Service Officer	Rodriguez, Julio	6/30/2023		5/17/2022	5/6/2024
Veteran's Agent	Hils, Laurie	6/30/2023		8/25/2020	8/6/2024

TO: Select board  
FROM: Town Clerk  
RE: Resignation  
DATE: November 30, 2022

Dear Select Board,

As you are aware, on May 25, 2022, I placed the Town on formal notice, via counsel, of my intention to pursue a Massachusetts Whistleblower claim pursuant to M.G.L.C. 149 sec. 185 against the Town. I subsequently filed a lawsuit in Federal Court against the Town and Melissa Noe for retaliating against me for exercising my rights of free speech as a citizen and by reporting, objecting to, and filing complaints about what I reasonably believed to be ongoing violations of law in the Town of Monterey and the Monterey Board of Selectman, specifically by Defendant Melissa Noe.

On September 14, 2022, the Berkshire Eagle published a news article regarding my complaint titled "Monterey's clerk files a whistleblower lawsuit against the town and its officials, citing a hostile workplace." The following day, September 15, 2022, Select Board member Susan Cooper retaliated against me by drafting correspondence highlighting what she perceived to be six (6) previous violations of previous misconduct by myself. Many of the stale 'issues' raised by Cooper dated back months' prior to the filing of the initial complaint and were only brought forward after I filed a lawsuit.

Ms. Cooper threatened me that my alleged misconduct may lead to discipline, up to and including termination. Cooper's threat of termination was yet another example of the retaliation I continue to experience as a result of her exercising her right to raise significant concerns and complaints about the ongoing misconduct by Town officials.

Incredibly, after I repudiated Cooper's efforts to discipline or terminate me for these six 'issues,' Cooper authored another letter two days later, on September 23, 2022. Once again, in her September 23, 2022, letter, Cooper threatened to discipline and terminate me for an additional four (4) issues that were not raised during the first executive session. These 'issues' once again dated back months prior and were raised only after I filed my complaint.

Additionally, subsequent to the aforementioned Select Board hearings, my work conditions have been changed to now require me to submit a "Town Clerk Weekly Status Report" wherein I am required to stipulate the hours I worked and on which duty or responsibility I hold. This requirement was never in place prior to the filing of my complaint and was only done as a means to further harass me. I feel I was targeted and each weekly sheet I filled out I was criticized, harassed and intimidated by both Melissa Noe and Susan Cooper. Susan Cooper intimidated me at a Board of Selectmen's meeting stating my hours for working on projects were inaccurate and she could do the job faster.

Subsequent to the filing of my complaint, the Town and its agents, have initiated the practice of taking my personal salary funds to pay other employees on days when I am unable to

work due for personal reasons or due to illness. This practice was not in place prior to the filing of my complaint and was done solely to retaliate against me. No other employee of the Town is subjected to the same salary docking.

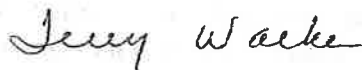
Due to constructive discharge tactics used regularly by Select Board member Susan Cooper and Town Administrator Melissa Noe, I am forced to resign my position with the Town. The conditions created by Cooper and Noe have become so unbearable that I am unable to execute my duties and I also fear for my physical safety.

Over the past several months, I have used the proper human resources channels to indicate the abuse and harassment that was taking place in my department. At that point, I had warned of repeated instances of retaliation, but it appears that my words fell on deaf ears.

I was told by residents that the Select board was planning to fire me as soon as the State Election was over and they wouldn't need me anymore. Even though I suspected termination, I worked 20 hours on Election Day and 12 hours the day after the election. The election ran smoothly and I made sure all voters were able to vote and all the ballots were submitted to Elections in Boston before I went home at 2:00 a.m. on Wednesday morning. One gentleman came to my office and told me I should resign before I was fired. He said it's your choice but it would be better to resign than get fired. He said, "Make the right choice."

I am extremely disappointed in the lack of responsibility shown by the Town and the lack of remedial action on my behalf. I enjoyed my job and I love the people of Monterey. I have always wanted to serve the needs of such a wonderful community. However, the hostility and harassment I have been forced to endure on a daily basis without any indication that there will be corrective action taken against those causing such harm has left me with no choice but to resign effective November 30, 2022.

Sincerely,

A handwritten signature in cursive script that reads "Terry Walker".

Terry Walker

## Town Administrator

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**From:** Justin Makuc  
**Sent:** Sunday, November 27, 2022 2:41 PM  
**To:** Town Administrator  
**Subject:** Fw: Town of Monterey

Hi Melissa,

Please print a copy of these emails for Susan and Scott for Wednesday's meeting.

Thank you,

Justin

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**From:** Donna Brewer <dbrewer@miyares-harrington.com>  
**Sent:** Tuesday, November 22, 2022 8:45 AM  
**To:** Justin Makuc <justin@montereyma.gov>  
**Subject:** Re: Town of Monterey

Hi Justin, A notice of appearance identifies who the lawyer is who represents the party. In this case, I would be replacing Jeremia as the counsel of record so any further work in this matter would be done by me, not him. There may not be any more work but if there is a hearing on the appeal or if the matter is sent back to the trial court, I would handle all of that. You are, of course, free to hire a different attorney but honestly it would make sense to keep all of the town's legal work with town counsel if I can do it. And I've been a litigator for almost 40 years.

Donna Brewer  
dbrewer@miyares-harrington.com

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**From:** Justin Makuc <justin@montereyma.gov>  
**Date:** Tuesday, November 22, 2022 at 6:58 AM  
**To:** Donna Brewer <dbrewer@miyares-harrington.com>  
**Subject:** Re: Town of Monterey

I am not familiar with what a notice of appearance is. What does it entail and do you recommend it?

Thanks,  
Justin

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**From:** Donna Brewer <dbrewer@miyares-harrington.com>  
**Sent:** Monday, November 21, 2022 5:03 PM  
**To:** Justin Makuc <justin@montereyma.gov>  
**Subject:** FW: Town of Monterey

Let me know if the Board would like me to file a notice of appearance in this case, Justin. I'm happy to do it.

Donna



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**From:** Jeremia Pollard <[jpollard.hannonlerner@gmail.com](mailto:jpollard.hannonlerner@gmail.com)>  
**Date:** Monday, November 21, 2022 at 4:59 PM  
**To:** Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)>  
**Subject:** Re: Town of Monterey

Okay. If that's the case, then I am going to be moving to withdraw. Will you be appearing, or do I just file the motion?

On Mon, Nov 21, 2022 at 4:53 PM Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)> wrote:

We're just going to have to disagree about what you said, Jeremia. And I believe I was clear - the Town is paying \$4,000.00 from the September bill and \$2,295.00, the full charge on the November bill. That's a total of \$6,295.00.

Donna

On Nov 21, 2022, at 4:19 PM, Jeremia Pollard <[jpollard.hannonlerner@gmail.com](mailto:jpollard.hannonlerner@gmail.com)> wrote:

That's not what was said at the meeting and you know it. It's clear that I intended to charge for my time, as I have previously stated. In addition to what I have already pointed out (i.e., my statement that it will take however long it takes/ that I didn't want to give an estimate because someone will misinterpret it if I go over the estimate), I clearly stated that there could be additional charges, including oral argument, so your characterization is unsupported entirely. Also, it's not clear to me what is being paid. Is it the \$2,295.00 that you already told me was approved when you directed me to continue with the briefing, or are they paying that as well as \$2,295.00 towards the September bill?

On Mon, Nov 21, 2022 at 3:37 PM Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)> wrote:

Jeremia, the Monterey Select Board has considered the remainder of your September invoice for services. The board authorized payment of \$4,000.00 from that bill plus an extra \$2,295.00 that was not anticipated by the board or disclosed by you at the time you were retained for the purposes of representing the town in the *Hume Lake* litigation. The board continues to consider your commitment to do "everything" connected to the litigation for \$4,000.00 to be unambiguous and clear. Therefore, the board has voted to cap your compensation at the \$6,295.00 already approved and to pay nothing further on the September invoice.

Donna Brewer  
[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)  
(617) 804-2423 dd

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**From:** Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)>  
**Date:** Wednesday, November 9, 2022 at 2:35 PM  
**To:** Jeremia Pollard <[jpollard.hannonlerner@gmail.com](mailto:jpollard.hannonlerner@gmail.com)>  
**Subject:** Re: Town of Monterey

Jeremia, the Town will pay the \$2295.00 invoice as part of its normal warrant protocol. The Board will take up the issue of your September bill at its next meeting.

Donna Brewer  
[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)  
(617) 804-2423 dd

**From:** Jeremia Pollard <[jpollard.hannonlerner@gmail.com](mailto:jpollard.hannonlerner@gmail.com)>

**Date:** Monday, November 7, 2022 at 1:08 PM

**To:** Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)>

**Subject:** Re: Town of Monterey

Attached please find my billing and the brief for the response and reply in the Hume Appeal. Also, please advise as to the status of the remainder of my September billing. To be clear, I am not waiving any claim regarding the remainder of that bill. I have spoken with opposing counsel in this case, who has billed in excess of \$19,000 for her brief, and she did not even prepare the record appendix. Again, I watched the video and to say that I did not reserve the right to bill for my time conveniently ignores much of what was said at that meeting. Please advise. Respectfully, Jeremia

On Fri, Oct 21, 2022 at 4:29 PM Donna Brewer <[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)> wrote:

Jeremia, the Select Board voted on 10/19/22 to pay \$3,478.00 towards your bill dated 9/1/22. You should receive it shortly. This amount, in addition to the \$522.00 paid to Pollard last fiscal year toward the bill dated 6/9/22, brings the total amount that the Town has paid for this appeal to \$4,000.00. While the Board agree to pay the full amount of the "high end" of the estimated range for "everything," this vote was taken with one Board member absent. Therefore, when the full board can be in attendance, it will again consider whether any further payment on the September bill will be made.

On 10/19/22 the Select Board also confirmed that you are to file the opposition brief on the Town's behalf, for which the Town will pay you \$180/hour, capped at \$2,700, contingent upon submission of an itemized bill, i.e., with dates, work done, and amount of time spent on each service given.

Donna Brewer

## **MiyaresHarrington - Local options at work**

Miyares and Harrington LLP

40 Grove Street • Suite 190

Wellesley, MA 02482

Direct: 617.804.2423 | Main: 617.489.1600

[www.miyares-harrington.com](http://www.miyares-harrington.com)

[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)

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**TOWN OF MONTEREY**

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

**NOTICE TO VACATE OR RENEW LEASE**

Date of Notice:

Tenants: [Redacted]

Premises: 15 New Marlboro Rd/Bally Gally Rental

Rent Increase: Rent will remain at \$1,100/month

**Instructions:**

1. Please indicate if you wish to renew your lease or if you intend to vacate by the expiration of your current lease by circling either "re-new" or "vacate".
2. Be sure to sign and date this notice.
3. Return this completed notice to Monterey Select Board P.O. Box 308 Monterey, MA 01245 by 12/31/22 so that we may process your request.

Please circle whether you wish to re-new or vacate.

**RE-NEW LEASE or VACATE**

Notice to owner, Town of Monterey, I/We agree to re-new our lease for twelve (12) months, at the rent of \$1,100 beginning 1/1/2023 and ending on 12/31/2023. I/We understand that the terms, rights and conditions in our original lease will still apply as agreed.

or

I/We intend to vacate the premises on \_\_\_\_\_, leaving the property in good condition as agreed in our lease, no later than the expiration of the term of our lease.

\_\_\_\_\_  
Tenant's Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Tenant's Signature



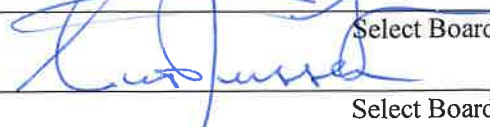
Date: \_\_\_\_\_

**Town of Monterey  
Policy Statement**

**REQUEST TO USE LEGAL COUNSEL – FORM**

Prior to completing this form, please check this box to confirm that you are familiar with the Town's policy for Contacting Town Counsel: <input checked="" type="checkbox"/>
Name: Justin Makuc
Department/multimember group: Select Board
If multimember group, was this request approved by group at a meeting?
Date submitted: 11/30/2022
Requesting contact with: <input checked="" type="checkbox"/> Town Counsel <input type="checkbox"/> Special Counsel
Form of questions: <input checked="" type="checkbox"/> Written questions via email <input type="checkbox"/> Phone conversation <input type="checkbox"/> Other:
Description of legal services needed/issue faced (attach written questions if applicable and/or explanatory documentation):  It is my understanding that Monterey has not adopted a consolidated department of municipal inspections pursuant to MGL Part I, Title VII, Chapter 43C, Section 13.  Each of our Inspectors (Building Commissioner, Inspector of Wires, and Inspector of Plumbing/Gas) has at least one assistant/alternate who completes inspections when the Inspector has a conflict of interest or is otherwise unable to complete the inspections.  The Town's Building Commissioner also serves as the Zoning Enforcement Officer and is the only of the three position who is paid an hourly rate rather than a per inspection fee. The Building Commissioner has in some ways become the de facto "Department Head," although it seems that if we do not have a consolidated department, each inspector works as his own department.  Without a consolidated department, is it the case that each of the three inspectors individually reports to the Select Board through the Town Administrator? If Monterey adopts a consolidated department, will the Inspector of Wires and Inspector of Plumbing/Gas report to the Building Commissioner if he is appointed as the director of municipal inspections?  Who can authorize an alternate inspector for the Building Commissioner, Inspector of Wires, and Inspector of Plumbing/Gas? Would this change if Monterey adopted a consolidated department?
Is this matter time sensitive? If so, please explain: No.
Is this matter confidential/subject to attorney-client privilege? If so, please explain: No.

REQUEST:     Approved     Denied

11/30/22 Date	 Select Board, Chair
11/30/22 Date	 Select Board
11/30/22 Date	 Select Board

Police Officer Recommendations

11/21/22

1. Please appoint Sabrina Wilson as a Provisional Full Time Officer beginning January 1, 2023 with a 1 year probationary period and an hourly rate of \$25/hour for 39.5 hours/week pending satisfactory completion of the BRIDGE requirements at which time the hours will be 40/week.
2. Please appoint Lauren Nelson as a Provisional Full Time Officer beginning January 1, 2023 with a 1 year probationary period and an hourly rate of \$25/hour for 39.5 hours/week pending satisfactory completion of the BRIDGE requirements at which time the hours will be 40/week.
3. We respectfully request that the part time hourly rate be increased from the current \$21.79/hour to \$25/hour effective January 1, 2023 to bring Monterey in line with surrounding departments.
4. Please appoint Justin Biasin and Jennifer Brown as Part Time Reserve Intermittent Police Officers with a 1 year probationary period, effective immediately.
5. Please consider approval of an increase to the detail rate to \$50/hour effective January 1<sup>st</sup> to be in line with surrounding towns.

During the budget season we will be researching the full time officer pay in surrounding towns and making recommendations for FY24 accordingly.

Respectfully,

Sophia Bletsos, HR Director

Melissa Noe, Town Administrator

Brian Fahey, Sergeant and Chief as of Jan 1

Scott Jenssen, Select Board member

**Re: Question from Chief Backhaus-Monterey- Mandatory 1 year probationary period for new police hires.**

Eric Atstupenas <legal@masschiefs.org>

Wed 11/30/2022 5:32 PM

To: mpdchief montereyma.gov <mpdchief@montereyma.gov>

Hi Chief -

The non-civil service probationary period is set forth in G.L. c. 41, section 133. It provides as follows:

**Section 133.** Pursuant to this chapter, and notwithstanding the provisions of any general or special law to the contrary, the appointment and reappointment of full-time police officers not subject to the provisions of chapter thirty-one shall be subject to the following provisions:

(a) The initial appointment shall be for a period of one year during which a person shall actually perform the duties of such position on a full-time basis. The initial appointment shall be a probationary period during which police officers shall be deemed employees at will whose removal or dismissal shall be without recourse at any time during such initial appointment.

(b) Appointment subsequent to the initial appointment shall be made annually or for a term of years as the appointing authority shall determine, or for an unspecified or indefinite term of appointment as long as the officer is not removed as described in this paragraph. The appointing authority may remove any such officer for cause, or for some other standard contained in an applicable collective bargaining agreement or employment contract, and after a hearing, at any time during such appointment. For police officers covered by collective bargaining agreements or employment contracts which contain standards for the discharge, termination or removal of employees, the non-reappointment of a police officer serving under an appointment subsequent to an initial appointment shall be considered to be a discharge, termination or removal and the standards shall be enforceable with respect to such non-reappointment by the procedures set forth in the collective bargaining agreement or employment contract.

Best,

Eric

Eric R. Atstupenas, Esq.  
General Counsel  
Massachusetts Chiefs of Police Association, Inc.  
353 Providence Road  
South Grafton, Massachusetts 01560  
Office: (508) 375-7793  
Mobile: (508) 400-3726  
legal@masschiefs.org

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**From:** mpdchief montereyma.gov <mpdchief@montereyma.gov>

**Sent:** Wednesday, November 30, 2022 3:02 PM