



Town of Monterey Memorandum

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

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. If the Chair of the Select Board must recuse himself on a matter due to conflict of interest, the alternate Chair shall act as liaison to Town Counsel for that matter. If the Chair fails to fulfill the responsibilities laid out in this policy, or if the Chair does not authorize a confidential or time sensitive request for access to Town Counsel, the requestor of access to Town Counsel shall have the ability to make an appeal to the entire Select Board about the matter.
3. 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 at its next meeting. 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, except in instances of (i) time sensitive nature, or (ii) when it would not be timely or practicable to convene the full body of a board, committee or commission, in which instances the Chair of said board, committee and commission may independently bring the issue to the Select Board.
4. For matters that are of an time sensitive nature, the Chair of the Select Board, as liaison to Town Counsel, shall be authorized to approve access to Town Counsel.

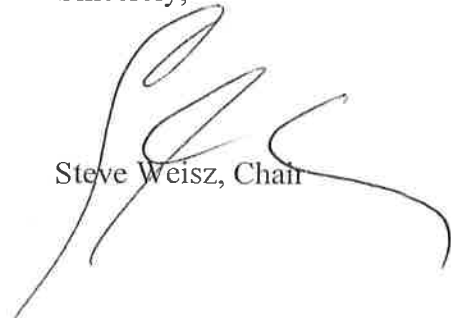
If the Chair authorizes such action, the Chair shall notify the Select Board of the same at its next meeting.

5. For matters that would require the advice of Town Counsel to be requested and/or provided in confidence, 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. The Chair shall maintain confidentiality of confidential requests to contact counsel. 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. *The Building Commissioner shall be exempt from this provision providing he notifies the Board subsequently.
6. 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 Counsel, whether formal or informal. 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.
7. Only the Select Board may authorize use of special counsel.
8. 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.
9. 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 authorized to reply, the Chair will notify the requester and Town Counsel of the same.
10. Town Counsel may not respond directly to any legal inquiries other than as set forth herein.

sin
JM

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

Sincerely,



Steve Weisz, Chair

John Weingold



Justin Makuc

Monterey Town Administrator

From: buildingsafety@montereyma.gov
Sent: Tuesday, November 23, 2021 6:01 PM
To: 'Monterey Town Administrator'
Subject: RE: Amended Draft policy for contacting counsel

Dear Selectboard,

As the Zoning Enforcement Officer I have been asked in confidence that a question be answered without me bringing the question and property location to light.

An example would be a real estate transaction that may occur pending my answer to a zoning question. If the transaction were made public, the deal may fall through for various reasons.

A Zoning enforcement action on my part may also be discussed with council but with the requirement for prior approval it may become unnecessarily public. I prefer to discuss an enforcement issue with the individual first to see if a correction and compliance can be achieved. The possibility of it being made public forces me to issuing a written violation notice.

Another example is responding to a hoarding complaint and the safety of the individual who occupies the premises. I would consult with council to review that the process is conducted legally. Contacting the chair for permission to speak to council, and then having the possibility of it becoming public would not be neighborly.

I have other examples but feel if the Building Commissioner has a question that requires a review from council on any zoning or legal issue, they should be able to use council without prior permissions. We are certified individuals, requiring much training and education. I believe the building official should be able to use their own discretion when contacting council.

I would be happy to discuss this issue and the policy you are creating for contacting council at your convenience.

Thank you,

Don Torrico CBO
Building Commissioner

From: Monterey Town Administrator <admin@montereyma.gov>
Sent: Friday, November 12, 2021 3:43 PM
To: melissa@montereyma.gov
Subject: Amended Draft policy for contacting counsel

Good Afternoon Committee Chairs and Department Heads,

The Board asked me to send you the attached AMENDED draft policy for contacting counsel and to let me know if you have any comments for the Board to consider at their meeting next week?

CAROLEE [Mickey] JERVAS

[REDACTED]
MONTEREY MA 01245

[413] [REDACTED]

December 1, 2021

STEVEN WEISZ, CHAIR
SELECT BOARD
MONTEREY MA 01245

HAND DELIVERED

RE: CHARTER COMMITTEE

Dear Steve,

When the question of forming a committee to investigate the establishment of a charter for the town of Monterey came to the floor at last June's Town Meeting, I had no idea what was at stake. It came to light during the discussion that followed and as time moved forward that we are questioning whether Monterey should change its form of direct government. That's some serious business. That is not something that should be taken lightly.

It should be understood by all that times are changing. To put it briefly, there are many more regulations and laws that must be followed by each town. These change all the time. There is almost no way that a part-time Select Board member can be up to date on all of these. There is a need for a trained professional to guide the Select Board through this maze. How much power and control should be granted to the professional? Is the professional a hired employee or an elected official? How much control will be taken from the individual Select Board member, who is elected by and responsible to the townspeople? What changes would be made to the various boards and committees whose job it is to oversee many facets of our government? And how much control of government will be taken from the public, who heretofore have had a major control of their government through Town Meeting? As I see it these are some of the questions that must be answered by the Charter Committee. But then I don't know a lot about charters and I could be way off base. Which is why I asked to join the committee. To learn and to help guide our town.

I was appointed to the Charter Committee on November 4, 2021. I took my oath on November 13th.

At this time Monterey is going through period where the environment is very hostile, to say the least. There is bullying and harassment involving employees, officials and members of the public. The level of animosity is incredible. An investigation has been approved and funded by Town Meeting. Hopefully this will take place in the near future and we can get back to operating at a normal level with decency prevailing.

In the meantime, some of the bullies, harassers and mud-slingers have now applied for positions on the Charter Committee. This is surely not the place for political, partisan haranguing. I reached out to several townspeople who I felt would make good, serious, thoughtful members for this committee. No one wanted to work with any of those involved in the current controversy, and so declined.

Therefore, I am asking that the Select Board temporarily suspend the Charter Committee. We've gotten along without a Charter for a long time. Better that we wait until serious allegations and issues have been resolved, then we throw our whole form of government into the boiling pot that currently exists.

If the Board decides that in order to suspend the establishment of the committee, they would require those who have already been appointed and sworn in step down so the whole process can start afresh in the future, I for one, for the sake of Monterey, would do so.

I sincerely hope that the Select Board will take my concerns to heart and seriously consider suspending forming a Charter Committee at this time.

Most sincerely,

Carolee Jervas

cc: John Weingold
Justin Makuc
Melissa Noe

Monterey Town Administrator

From: monterey-community@googlegroups.com on behalf of Monterey Town Administrator <admin@montereyma.gov>
Sent: Friday, November 12, 2021 3:54 PM
To: monterey-community@googlegroups.com
Subject: [Monterey-Community] Monterey Renewable Energy Working Group

Monterey Renewable Energy Working Group

The Monterey Select Board is seeking individuals interested in being on a new committee (The Monterey Renewable Energy Working Group) which will be tasked with researching the potential for renewable energy projects in all aspects - cost, funding, maintenance, environmental, economic and aesthetic impact, etc. and report back to the Select Board.

Please send letters of interest to admin@montereyma.gov by November 30, 2021.

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You received this email because you are subscribed to the google group Monterey Community. Anyone posting to this list is solely responsible for the information contained in the posts.

You received this message because you are subscribed to the Google Groups "Monterey Community" group. To unsubscribe from this group and stop receiving emails from it, send an email to monterey-community+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/monterey-community/012e01d7d807%24623b67b0%2426b23710%24%40montereyma.gov>.

5
Peter Murkett

Monterey Town Administrator

From: Contact form at Monterey MA <cmsmailer@civicplus.com>
Sent: Wednesday, November 3, 2021 8:06 PM
To: mnoe
Subject: [Monterey MA] Town photovoltaics (Sent by Peter Murkett, pm@newenglandmodern.com)

Hello mnoe,

Peter Murkett (pm@newenglandmodern.com) has sent you a message via your contact form (<https://www.montereyma.gov/user/39/contact>) at Monterey MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.montereyma.gov/user/39/edit>.

Message:

I would like to form and lead a working group to investigate building a town-owned facility to generate photovoltaic electricity on town property. I request that the Select Board authorize this endeavor, and address my request at the Select Board meeting of November 10, 2021.

Renewable Energy
Monterey ~~Star~~ Working Group

Peter Murkett's request to lead a photovoltaic working group.

- Please disseminate this draft purpose of the group in accordance with OML: "This group of Monterey residents will research the potential for a ~~town-owned photovoltaic system on town property in all its aspects—cost, funding, maintenance; environmental, economic, and aesthetic impact, etc.—~~and report back to the Select Board. The group is limited to ~~six~~ members appointed for one-year renewable terms, and its first report will be due within a year of its formation.

5 Peter wants final say on who is appointed.

post publically

post for 3 weeks
review on Dec 1st

Renewable
Energy
Projects

Monterey Town Administrator

From: dennis lynch <dlynch132@gmail.com>
Sent: Saturday, November 13, 2021 10:37 AM
To: Monterey Administrative Assistant
Subject: The Monterey Renewable Energy Working Group

Melissa, I would like to express my interest to be considered as a non-voting member of the Monterey Renewable Energy Working Group. I would seek to offer the Group my grant seeking services and, to avoid any conflict of interest, I would further recuse myself when appropriate. Dennis Lynch

Monterey Town Administrator

From: Matt Vella [mrvella@gmail.com]
Sent: Saturday, November 13, 2021 10:21 AM
To: admin@montereyma.gov
Subject: Renewable energy working group

Hello,

I'd be interested in participating in the new group. Please let me know next steps.

Matt Vella
99 Beartown Mountain Rd

Sent from my iPhone



Monterey Town Administrator

From: John Prusinski <jprusinski@gmail.com>
Sent: Thursday, November 18, 2021 8:49 AM
To: Monterey Town Administrator
Subject: Re: [Monterey-Community] Monterey Renewable Energy Working Group

Hi,
If you're still looking for volunteers for this committee, I'd be interested.

Thanks,
John Prusinski

[5 Old Beartown Road](#)
[646-425-8903](#)

Monterey Town Administrator wrote on 11/12/21 3:53 PM:

Monterey Renewable Energy Working Group

The Monterey Select Board is seeking individuals interested in being on a new committee (The Monterey Renewable Energy Working Group) which will be tasked with researching the potential for renewable energy projects in all aspects - cost, funding, maintenance, environmental, economic and aesthetic impact, etc. and report back to the Select Board.

Please send letters of interest to admin@montereyma.gov by November 30, 2021.

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Monterey Town Administrator

From: matt vella <mcvella@gmail.com>
Sent: Friday, November 19, 2021 8:08 AM
To: Monterey Town Administrator
Subject: Re: Renewable energy working group
Attachments: Renewable energy working group_ interest - Google Docs.pdf

Hi Melissa-

Please see my attached letter of interest for the renewable energy working group. Let me know if you need anything else at this time.

Thanks,
Matt

On Mon, Nov 15, 2021 at 8:09 AM Monterey Town Administrator <admin@montereyma.gov> wrote:
Hi Matt,

We are accepting letters of interest and on the 1st of Dec the Board will choose the applicants and let everyone know who has been appointed.

Respectfully,
Melissa Noe
Town Administrator
Town of Monterey
413-528-1443 x111

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

-----Original Message-----

From: Matt Vella [mailto:mvella@gmail.com]
Sent: Saturday, November 13, 2021 10:21 AM
To: admin@montereyma.gov
Subject: Renewable energy working group

Hello,

I'd be interested in participating in the new group. Please let me know next steps.

Matt Vella
99 Beartown Mountain Rd

Sent from my iPhone

To: Town of Monterey Select Board

I recently learned that the town of Monterey, led by Peter Murkett, is looking to form a renewable energy working group. I feel that being proactive now is an important choice that can help mitigate wide ranging implications and impact that is arising from environmental and other global factors. In fact, this is perhaps the biggest challenge of our time, and we will need to draw together to build consensus and compromise for the greater good. I'd be honored to help serve in any capacity on the proposed working group.

While I have been a resident of Monterey for less than 2 years, I have owned a home here for around 8 years, and have been visiting and appreciating the Berkshires for longer. I do not have any direct experience in the fields of energy or the environment, yet I do have some professional experience that may be relevant. I've spent over two decades in the field of information technology, building and leading teams that have created software products in the domains of publishing, education, finance, insurance, and advertising. Therefore, I do have strengths in collaboration, working to find timely trade-offs, as well as recognizing and producing incremental value.

Most importantly, I am passionate about helping humans reduce their impact on the earth for the benefit of all. Monterey and Berkshire county is a beautiful, special place - I want more than anything to keep it that way. I would appreciate the consideration to serve on this working group. I am available to meet at your convenience, and can be reached at mcvella@gmail.com or 917-893-0111.

I look forward to hearing from you.

Sincerely,



Matt Vella

31 Beartown Mountain Rd

Christopher Aidun
25 Harmon Road
PO Box 80
Monterey, MA 01245

November 20, 2021

Administrator
Town of Monterey
Monterey, MA 01245

Re: The Monterey Renewable Energy Working Group

Dear Sirs/Madams:

I would like to participate in the Monterey Renewable Energy Working Group. Please let me know what I can do to help.

Best regards.

Very truly yours,

Christopher Aidun

Monterey Town Administrator

From: Paul DePreter <pdpreter@yahoo.com>
Sent: Thursday, November 25, 2021 9:38 PM
To: Monterey Town Administrator
Subject: Renewable Energy working group

Please include me in our new group for renewables. My phone # [REDACTED] This email address is active. Please contact me with any info that pertains to the new group. Thanks Paul

Sent from Yahoo Mail for iPad

November 29, 2021

Monterey Select Board
c/o Town Administrator
435 Main Rd P.O. Box 308
Monterey, MA 01245

Re: Monterey Renewable Energy Working Group
Submitted via email: admin@montereyma.gov

Dear Monterey Select Board:

I would like to apply for appointment to the Monterey Renewable Energy Working Group. I strongly support the idea of optimizing the construction and use of renewable energy in Monterey on both a private and municipal level at appropriate locations in town.

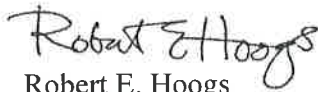
As you may know, I am retired from the firm of Foresight Land Services, Inc., based in Pittsfield, which provides Civil Engineering, Land Surveying, Land Planning, and Environmental Permitting Services to municipal and private clients in Western Massachusetts. I was formerly Principal Land Planner and an officer of the firm. I presently retain a minority ownership interest in the firm but am no longer involved in the operation. I am not aware of any renewable energy projects the firm is presently engaged in. If appointed to this working group, I would recuse myself from any actions relative to any renewable energy projects that Foresight Land Services becomes involved in during the term of the appointment.

Among a large variety of public and private projects during my 45-year career, I have worked on site planning and permitting for a number of small-scale private and large-scale commercial renewable energy projects, specifically solar energy. I am experienced in objectively evaluating municipal projects: weighing the pros and cons, environmental and social impacts and benefits, physical characteristic, aesthetics, and cost-benefit ratio, and potential mitigation measures among other considerations.

I have also served on several municipal and regional planning committees, including the Great Barrington Planning Board, Great Barrington Master Plan Committee, Berkshire Regional Planning Commission, and Development Committee of the Central Berkshire Chamber of Commerce. I have also assisted several towns with writing bylaws regulating infrastructure such as cell towers, plus wetlands protection, scenic mountains, zoning and subdivision control.

I would be pleased to work in a productive and positive way with a group of Monterey citizens to explore the possibilities for renewable energy in Monterey and for reporting our findings to the Select Board.

Thank you for your consideration in this regard.



Robert E. Hoogs



Monterey, MA 01245

Email: 

Monterey Town Administrator

From: PETER J GREALISH [REDACTED]
Sent: Monday, November 29, 2021 9:06 PM
To: admin@montereyma.gov
Subject: Monterey Renewable Energy Working Group

Good Morning Ms. Noe;

I am interested in volunteering for the Monterey Renewable Energy Working Group.

I am a registered voter in Monterey and a part time resident since 2014 and a full time resident since 2020. I retired from National Grid in February 2019.

Some of the highlights of my career are:

- My early career was in financial services amending Group Annuity Contracts to comply with ERISA.
- I was an Institutional product manager for Donoghue's Money Fund Report.
- I spent several years as a personal financial planner for IDS/American Express, Countrywide Bank and Sovereign Bank.
- After the economic downturn, I successfully transitioned to National Grid's Energy Efficiency Incentive programs, serving small and medium sized business in Rhode Island and later I managed National Accounts for Restaurants & Hotels in Eastern Massachusetts and Rhode Island.

I believe the Town of Monterey could benefit from examining the advantages of incentive programs funded through Mass Save. The Renewable Energy Working Group should investigate incentive programs for wind, solar, electric vehicle charging stations and other technologies. I believe I have the skill sets necessary to contribute to this Working Group and help make it successful.

I would be pleased to offer my assistance in any way that could benefit the Town and the Working Group.

Thank you for your consideration.

Peter Grealish
P.O. Box 742
101 Tyngham Rd.
Monterey, MA 01245
(Cell) [REDACTED]

Monterey Town Administrator

From: Susan Bronson <sbronson@outlook.com>
Sent: Tuesday, November 30, 2021 10:39 AM
To: admin@montereyma.gov
Subject: Renewable Energy Working Group

Dear Select Board,

I am interested in serving on the Renewable Energy Working Group tasked with researching potential renewable energy projects.

I look forward to hearing from you.

Thank you,
Susan Bronson

[182 New Marlboro Road](#)

[Monterey, MA](#)

[413-528-3722](#)

Monterey Town Administrator

From: Chris Erickson <chris.h.erickson@gmail.com>
Sent: Tuesday, November 30, 2021 11:17 AM
To: admin@montereyma.gov
Subject: Interest in Serving on Monterey Renewable Energy Working Group

Hello,

I am writing to express my interest in serving as a committee member for the new Monterey Renewable Energy Working Group. I was thrilled to see the announcement for this group and am eager for an opportunity to work toward local solutions to the climate crisis.

I am one of the many local residents whose house is back in the trees. With limited direct sunlight my roof and yard are not the most efficient location for solar panels. I have often thought that I would happily buy panels if I could place them in a nearby sunny location and just run a wire back to my house. My motivation in wanting to serve on this committee is very personal—I want to find a cleaner source of energy for my home and my community.

I also understand that the siting of any new infrastructure is a weighty decision involving a lengthy list of considerations and tradeoffs. I have over ten years of professional experience in conservation and horticulture and have been involved in both planning for and mitigating the effects of new construction, from aesthetics to water drainage to noise concerns. As a committee member I will embrace a holistic approach, and the expertise of my fellow committee members, in solving this problem.

I moved to Monterey one year ago and as a new resident I step into this committee with humility and respect for the roots others have established here. After living in Kentucky, Minnesota, and New York City I am so excited to make this special place my home. I think securing a future of clean, reliable, affordable energy would be a huge win for the town of Monterey and as a member of this new working group I would work diligently towards realizing that future.

Thank you for your consideration,
Chris Erickson

Chris Erickson
51 Gould Road
PO Box 449
Monterey, MA 01245

chris.h.erickson@gmail.com
502-649-8465

Monterey Town Administrator

From: Raya Ariella raya.ariella@yale.edu
Sent: Tuesday, November 30, 2021 10:15 PM
To: admin@montereyma.gov
Subject: Monterey Renewable Energy Working Group

Hello,

I am writing after having been approached by Peter Murkett regarding the formation of the Monterey Renewable Energy Working Group. He has invited me to join and I am very interested in working with him and the other members to research potential renewable energy projects for the town.

I am a native of North Egremont, grew up on a farm and built a small home on family land where I lived for 30 years, I sold my home a little over a year ago to relocate to Monterey. I have a background/Masters in climate change and Resource Management and Administration. In 2002 I performed a cutting edge greenhouse gas inventory for the town of Lenox. I spent a number of years working for CET in waste management as it relates to greenhouse gas production and climate change, as well as public education on climate change and renewable resources.

It would be an honor to be part of the working group and to help Monterey, as a community explore ways to become more sustainable and mitigate the impacts of climate change.

Please do not hesitate to reach out with any questions!

Best, Raya Ariella

Monterey Town Administrator

From: Cliff Weiss <[REDACTED]@gmail.com>
Sent: Wednesday, December 1, 2021 4:39 PM
To: Monterey Administrative Assistant
Subject: Peter Murkett group

Hi Melissa!

I don't have Peter's contact but am interested in his group. Would you let him know or provide me his contact info? Will you be a reference for me?

Cliff

Monterey Town Administrator

From: Shawn Tryon <shawntryon@montereyma.gov>
Sent: Wednesday, December 1, 2021 5:26 PM
To: admin@montereyma.gov
Subject: Solar

After talking with Peter murkett I'm interested in being on committee.
Thanks

Sent from my iPhone

Monterey Town Administrator

From: [REDACTED]
Sent: Saturday, November 20, 2021 12:06 PM
To: admin@montereyma.gov; steve@montereyma.gov; justinmakuc@gmail.com
Subject: Charter Committee

I'd like to offer assistance to the committee that will be addressing whether Monterey should have a town charter.

Creating a charter is much like creating a constitution, and I've spent many hours researching the process and considering how it is best done both in relation to the U. S. Constitution and the 1947 New Jersey Constitution.

Having served for three years as a town councilman in Livingston, N.J., for one year on the Monterey Planning Board, and for three years as a Monterey Selectman, I am fully familiar with our bylaws and the ways in which some of them can be improved.

Recently I've spent time studying town charter creation in Massachusetts. I understand most of the advantages and disadvantages of committing a town to the charter development process. Since this committee's charge is to decide whether or not to recommend that the town commit to engaging in such a process, and if so, which of the two routes available to follow, it would seem that my information might be useful to other committee members and to the town meeting.

During my 36 years as a judge, I've often been involved in constitutional, statutory, and local bylaw interpretation. That experience might prove useful in these circumstances.

Respectfully Submitted,

Don Coburn

P.S. I've not submitted this email to John since he's announced publicly that he will no longer participate in meetings of the Select Board. If you think otherwise, please feel free to send this on to him.

Monterey Town Administrator

From: Hillel Maximon <hillel@maximon.com>
Sent: Monday, November 15, 2021 1:41 PM
To: Monterey Town Administrator
Cc: Janet Maximon
Subject: Janet Maximon and Hillel Maximon are...

...volunteering to serve on the newly formed Town Charter Committee. Thank you.

Monterey Town Administrator

From: outlook_F42B11FA2A49D5F8@outlook.com <fabbott519@gmail.com>
Sent: Tuesday, November 30, 2021 10:30 AM
To: admin@montereyma.gov
Cc: justinmakuc@gmail.com
Subject: Charter Committee

Melissa,

Good morning. My name is Frank Abbott and live at 519 Main Road. I would like to submit my name for the Charter Committee.

I am a full time resident of Monterey now after retiring from the Washington Post where I spent 44 years. During that time I managed a large manufacturing operation, oversaw many expansion projects, did community outreach as a publisher of several community newspapers so have experience working with county and local officials. Over the years I've also negotiated union contracts and labor disputes.

As a relative newcomer to Monterey, I also feel I can bring objectivity to the committee.

I understand today is the deadline for submitting my name. Please let me know what other information you need to know about me.

Please confirm you've received this email and let me know the next step.

Sincerely,
Frank R. Abbott

fabbott519@gmail.com

240-888-7484

Sent from Mail for Windows

Monterey Town Administrator

From: Debbie Slater <debbie.slater.170@gmail.com>
Sent: Monday, November 15, 2021 2:44 PM
To: Monterey Town Administrator
Cc: Debbie Slater
Subject: Charter Committee Volunteer

Hi Melissa,

I hope this is a good week!

I'm the person who asked for the change of voter registration card last week after the SB meeting.

If I'm not a 'registered voter' yet, but a tax-paying resident, may I serve on the Charter Committee? If it's permissible, would you please add my name to the list?

Thanks so much and I hope to hear from you. I'm told the deadline is tonight (?)

I'm about to get in the car to head to NY, but I'm back Friday/Sat morning -- and I'll see you on the call this Wed night.

Best,
Debbie

dslater@cramermediaint.com

c) 347 852 2259



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Steven Last Name: Weisz

Address: 40 Bidwell Rd.

City: Monterey State: MA Zip Code: 01245

Phone Number: 917-670-6339 Ext. _____

Email: steve@montereyma.gov

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/ town, county or region, if applicable): Town of Monterey Selectboard

Specific person(s), if any, you allege committed the violation: John F. Weingold, Esq.

Date of alleged violation: 11-17-2021

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On November 17, 2021 at 5:14pm (1 minute prior to a series of previously scheduled Selectboard Meetings, both in Executive Session and in Public Session- Agenda enclosed), John F. Weingold, Esq. Selectboard Member sent an email (copy enclosed) to the 2 other Selectboard Members, myself and Justin Makuc. This email was an INTENTIONAL VIOLATION of the Open Meeting Law, as it was clearly a DELIBERATION to a quorum of Selectboard. DELIBERATION COUNT 1: In the 1st sentence of the email, John F. Weingold, Esq. Selectboard Member, makes a statement to the Selectboard about his 'boycott' and self-determined act of 'civil dis-obedience' IF Steve Weisz remains Chair of the Selectboard. This is clearly his OPINION and a violation of the OML. DELIBERATION COUNT 2: In the 2nd sentence of the email, John F. Weingold, Esq. Selectboard Member makes several statements about Steve Weisz's actions that begin with "My Perspectives are many". This is clearly his OPINION and a violation of the OML. DELIBERATION COUNT 3: In the 3rd sentence of the email, John F. Weingold, Esq. Selectboard Member demands that "open mics" not be used during Selectboard deliberations. This is clearly his OPINION and a violation of the OML. DELIBERATION COUNT 4: In the 4th sentence of the email, John F. Weingold, Esq. Selectboard Member gives his rationale for the barring of "open mics" with the words that begin with "My perspective...". This is clearly his OPINION and a violation of the OML. (This is also the paragraph that refers to the Public as "dunderheads"). DELIBERATION COUNT 5: In the 5th sentence of the email, John F. Weingold, Esq. Selectboard Member begins with "From my Perspective the Chair and TA...". This is clearly his OPINION and a violation of the OML. DELIBERATION COUNT 6: In the last sentence of the email, John F. Weingold, Esq. Selectboard Member makes a final statement "We are not functioning as a board". While I agree with him, this is clearly a statement of OPINION and a violation of the OML. Lastly, it is important to note that on 10-17-2021 John F. Weingold, Esq. Selectboard Member filed an Open Meeting Law complaint. In the "What action do you want the public body to take in response to your complaint?" section, Mr. Weingold demands that the Selectboard "Stop conducting SB business via email." (copy enclosed). This clearly demonstrates that Mr. Weingold understands the OPEN MEETING LAW, demands that others follow the OPEN MEETING LAW, however he does not feel that the OPEN MEETING LAW applies to him.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Mr. Weingold should be formally reprimanded by the Office of the Attorney General for the flagrant disregard of the Open Meeting Law and he should be directed not to email his opinions to other Selectboard members.

He should be fined for each of the SIX counts of deliberation and required to complete Open Meeting Law training.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: 11-23-2021

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

From: Monterey MA msraider@cityplus.com
Subject: Select Board Meeting Agenda 11/17/21
Date: November 15, 2021 at 3:46 PM
To: svetev@cityplus.com



G X HIBIT (A)

Select Board Meeting Agenda 11/17/21

MONTEREY SELECT BOARD AMENDED MEETING AGENDAWednesday,
November 17, 2021

Meeting will be held in the Town Hall Meeting Room as well as remotely

Please join the meeting by going to www.GoToMeeting.com/meeting/join-meeting (you can choose to download the desktop app or join using a browser) and entering the following meeting id: 154-383-845

Please use the "raise hand" button if you would like to speak

You can also dial in using your phone but will be unable to raise your hand while muted.

United States: [\(872\) 240-3212](tel:(872)240-3212)

Access Code: 154-383-845

(Please call 528.1443 x111 to be placed on the agenda)

5:15pm: Open Meeting

Discuss entering executive session as per G.L. c. 30A, sec. 21(a)(1) – To hear complaints or charges brought against a public official.

6pm: BNRC: Conservation Restriction

Old Business

1. Town Administrator
 - a. Approve minutes of 10/6 (selectperson drafting), 10/27, 11/3 and 11/10/21 minutes
 - b. Public records on website
 - c. ARPA draft survey
 - d. Agenda posting survey results
 - e. Grant administration draft policy
 - f. Correction to office hours
2. Access to counsel draft policy
3. Appointments to the Town Charter Committee - Rebecca Wolin, Donald Coburn, Janet Maximon, Hillel Maximon, Debbie Slater and Shawn Tryon
4. Review mail and any correspondence to be sent/signed
 - a. Nancy Tomasovich public records question
 - b. Lisa Smyle resignation from Library Board of Trustees

New Business

1. Town Administrator Items:
 - a. Outreach Coordinator recommendation/appointment
2. Bylaw Review Committee update
3. Publically viewable profane language on private property
4. Posting meetings on you tube prior to September 22nd
5. RAO position and report from Jon Levin
6. Review mail and any correspondence to be sent/signed
 - a. Chris Blair's letter to the Board re: Dennis Lynch
 - b. Steve Moore's letter to the Board re: Bylaw review committee

EXHIBIT (B)

From: John F. Weingold 
Subject: See attached boycott/work stoppage
Date: November 17, 2021 at 5:14 PM
To: Justin Makuc justinmakuc@gmail.com, Steve Weisz steve@montereyma.gov

I am hereby notifying the Monterey SB that I am boycotting (my civil dis-obedience) any future SB meetings in which Steve Weisz is Chair. My perspectives are many: his personal injection into the "police investigation," his continued oceans of prevarications to fellow SB members and the public, his failure to protect the integrity of the functioning of the SB as a group, his conducting SB business involving the TA's HR issues by himself, behind the scenes, without any SB authority, his dominating discussions, allowing improper posts of SB meetings & agenda items to the public, violating the OML twice in the past and likely numerous times currently, and abuse of the position as the Chairman of the SB by continued bullying and badgering of Justin on issues. Lastly, I also will not be participating in any meetings that allow open mics (which was my idea borrowed from GB) while the SB is deliberating. My perspective is that open mic has become a free for all opportunity for personal attacks of SB members, opportunities to bulldoze members to change their votes, bullying of SB members on issues, and hominem attacks of members, allowing dunderheads who don't know any facts on the issue to speak, and allowing mob rule and control of the SB meetings by minority of the town residents. From my perspective the Chair and the TA and her followers are controlling the SB meetings, what topics are thoughtfully discussed, and the executive functioning of SB and its deliberations have been destroyed. We are not functioning as a board.



EXHIBIT @

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: John Last Name: Weingold

Address: PO Box 279

City: Monterey State: MA Zip Code: 01245

Phone Number: [REDACTED] Ext. _____

Email: [REDACTED]

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

What action do you want the public body to take in response to your complaint?
Note: This text field has a maximum of 500 characters.

Post with the required 48 hr notice an SB executive session and notify the employee of same listed in the Complaint.
Stop conducting SB business via email.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]

Date: 10/17/21

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Monterey Town Administrator

From: michele@montereyma.gov
Sent: Wednesday, November 24, 2021 9:55 AM
To: Jon Sylbert; Katrina Fitzpatrick; OpenMeeting (AGO)
Cc: Monterey Assistant; Steven Weisz; Justin Makuc; Monterey News
Subject: [FWD: OML complaint - 11/12/21]
Attachments: OML-complaint-Miller-11-12-21-description.pdf; OML-Miller-8-3-21.pdf; 10-26-21-miller-email-oml-remote-loc.pdf; Miller-11-4-21.pdf; MontereyCommunity Re sylbert rides again.pdf; OML-Complaint-Miller-11-12-21.pdf

TO WHOM IT MAY CONCERN:

I AM HEREBY REQUESTING AN EXTENSION TO RESPOND TO THE ATTACHED 11/12/21 OML COMPLAINT IN ORDER TO CONTACT LEGAL COUNSEL UPON APPROVAL BY SELECTBOARD AND IN ORDER TO FULLY RESEARCH THE CONFUSING AND CONTRADICTIONARY CLAIMS CONTAINED HEREIN.

SINCERELY,
MICHELE MILLER
CHAIR
MONTEREY FINANCE COMMITTEE

----- Original Message -----

Subject: OML complaint - 11/12/21
From: Jonathan Sylbert <jons@montereyma.gov>
Date: Fri, November 12, 2021 6:04 pm
To: Michele Miller <michele@montereyma.gov>
Cc: "clerk@montereyma.gov" <clerk@montereyma.gov>

Dear Michele Miller, please find attached an Open Meeting Law complaint and its supporting documents.

OML-Complaint-Miller-11-12-21.pdf

OML-complaint-Miller-11-12-21-description.pdf
10-26-21-miller-email-oml-remote-loc.pdf
MontereyCommunity Re sylbert rides again.pdf
OML-Miller-8-3-21.pdf
Miller-11-4-21.pdf

I look forward to a speedy resolution.

Sincerely,
Jon

Jonathan Sylbert
Finance Committee
Monterey