

Winter Road Watch Proposal for Weekends and Holidays

Purpose:

To monitor road conditions as impacted by weather. As best possible, provide safe and convenient passage of gravel and paved road surfaces by monitoring changing weather conditions during normally off hours of weekends and Observed Holidays.

Scope of Work:

Travel all town roads at various times once per day as weather patterns dictate. Monitor weather forecasts for rain, snow, ice, sleet, extreme cold, and extreme rise in temperatures that may cause changes to safe travel conditions. Report all findings to Director and or Forman for further actions.

May be charged with closing roads and contacting the Town Administrator, Elected Officials, Police and Fire of same.

Answer calls for service for trees down, animal carcass removal, mud, drifting snow, freezing conditions and any other related hazards.

Schedule:

Rotating weekends at 5 week intervals with 4 hourly staff and the director taking a shift.

On call Friday from 3:00pm to Monday at 7:00am. On call will involve checking the various resources available (weather forecast and radar, weather monitoring stations, etc) remotely and then performing road checks as described above if necessary as per the Director of Operations.

Beginning November 1st and ending May 1st. The remaining months will be monitored by the director and/or their designee.

Call-ins for staff members will remain as needed and hourly rates will begin at the time of actual call.

Compensation:

Weekend - Rate times 1.5

Holiday – Rate times 2 (8 hours at regular rate is unaffected)

Stipend – \$250.00 monthly.

Minimum 4 hours call in time if required to go in.

	Regular Rate	Regular Hours	Overtime Rate	Holiday Rate	Winter/Fuel Stipend
			x1.5	x2	Monthly
Director	\$ 37.14	42	\$ 55.71	\$ 74.28	\$ 250.00
Forman	\$ 26.33	40	\$ 39.49	\$ 52.66	\$ 250.00
Highway II	\$ 24.24	40	\$ 36.36	\$ 48.48	\$ 250.00
Highway III	\$ 20.50	40	\$ 30.75	\$ 41.00	\$ 250.00
Highway IV	\$ 19.50	40	\$ 29.25	\$ 39.00	\$ 250.00
***Minimum: 4 hours call time**					

board is the best practice.

Those who are so predisposed that they cannot fairly adjudicate a matter before them should abstain from participating. Since there are so many variables involved, board members are advised to discuss this issue with municipal counsel.

Parliamentary Guide Considerations

With committees, commissions, boards and the like, questions often arise as to what appropriate parliamentary rules should be followed in conducting meetings. Often mentioned are traditional guides such as *Robert's Rules of Order* or some other general guide. *Robert's*, for example, is a good and widely recognized parliamentary guide. Municipal attorneys and those involved in public administration, however, generally consider these traditional and general parliamentary guides more appropriate for fraternal organizations, religious groups, clubs and volunteer associations than for municipal government. Part of the reason *Robert's* is not favored for municipal government is that it can restrict effective participation by the members of a board. Not everyone is well versed in its terms, and it can be rather complicated. Many actions of a board, however well-intended, have been voided because of some technical non-compliance with *Robert's*. Towns are advised not to use *Robert's* as their parliamentary guide.

Robert's is not the only recognized formal parliamentary guide, but most of the others suffer from the same infirmities. What parliamentary guide should be followed? There is no statutory requirement that a meeting be conducted under a specific parliamentary guide. Boards are free to develop their own procedures as long as they comply with all applicable laws, such as the open meeting law. Boards are free to adopt what rules they feel will best facilitate the public's business.

In the absence of a specific guide or framework, the rule of common law would apply. Essentially, common law allows anyone to make a motion, anyone to second a motion, and anyone to speak on a motion. Motions require a majority vote unless the law calls for another quantum of vote.

Bell's Rules

Professor A. Fleming Bell III of the School and Institute of Government at the University of North Carolina at Chapel Hill has written a well-received handbook, *Suggested Rules of Procedure for Small Local Government Boards* (2nd edition, Chapel Hill, N.C. School of Government, 1998). Professor Bell, who is an attorney, also speaks on this subject to various groups.

The first basic rule is to follow the golden rule: Treat people the way you would want to be treated.

Show courtesy, respect and patience.

The second basic rule is to recognize that it is acceptable to disagree as long as one is not disagreeable. Many a good point is lost because people disagree in such a manner that the message is overwhelmed by the way it is presented.

Here, as put forth by Bell, are some general guides for conducting meetings:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate.
5. The board's rules of procedure must be followed consistently.
6. Decisions should be based on the merits, not on manipulation of the rules.

Suggested Rules of Parliamentary Procedure

The following are some suggested rules of parliamentary procedure, along with the reasoning behind certain rules, meant to address various procedural issues that commonly arise at meetings. Boards are welcome to try these for a while and see if they work; if not, they may change them. These are just options and not requirements.

1. For local government boards, there is nothing wrong with discussing a matter and then presenting a motion when it comes time to take action. This is how things are done most of the time with local boards.
2. Any member, including the chair, can make a motion, second a motion, speak on a motion, and vote on a motion (presuming there is no conflict of interest or other prohibition).
3. Seconds are [or are not] required for a motion.
Reasoning: A board should decide if it wants to have a requirement that there be a second for each motion. Seconds work fine with large bodies, as they indicate that there is at least some interest in the matter, but they may not be needed with small boards. One advantage of such a requirement, however, is that it may prevent a single member from being able to tie up a board in dealing with what may be a personal agenda.
4. Presuming a motion is made (and seconded if required), it is then open for discussion.
5. Members must be recognized by the chair or presiding officer in order to speak.
6. First-time speakers should be recognized before those who have already spoken.
7. A substitute motion can be made, or an amended motion can be made.

Reasoning: To the extent that a board's rules require seconds, the rule would apply to these motions as well. If properly made, the substitute motion would be acted on before the main motion. It's best to try to have no more than one substitute motion pending, although the body may agree otherwise.

8. Any member may make a motion to "call the question."

Reasoning: This is a motion to end debate. With small boards and groups, it may not be needed. If it is made, the rule for seconds applies, and generally it is not debated. Small boards, however, can allow some debate on whether to support a call of the question.

9. The chair shall conduct votes on each motion and declare the results.

10. Motions for reconsideration can be made by any member.

Reasoning: The traditional rule is that only a person who voted on the prevailing side may make the motion to reconsider, but with small boards this should not be required.

11. These rules of procedure for the board may be suspended by action of the board.

Reasoning: A failure to comply with the rules does not affect the validity of any action. This will help in instances where someone is challenging a board's actions because the board did not strictly comply with its own rules. While compliance is important, government should not be hamstrung by what is often a technicality.

Dealing With the Public and the Media

Selectmen are in great demand. Citizens want problems solved, and the public and local media want to discuss the town's position on issues. A selectman is a symbol of town government and is, therefore, the focal point for people with a wide range of complaints and concerns. Even in the face of challenges, however, selectmen need to remember that their behavior reflects on their community as a whole. It's important to keep an objective demeanor and even temper, even as people make increasing demands.

"Public relations" is one of the most misunderstood terms in government. Governmental public relations can be defined as the practices that promote a favorable relationship with the public. For public officials, the major function of public relations is to present their performance to their constituency.

Good public relations occur at many levels. What is said by a selectman—from casual conversations at the grocery store to contact with the news media—influences how people perceive the board of selectmen and town government as a whole. People who are dissatisfied with town government will express themselves at the ballot box, so, in order to remain in office, a selectman must be concerned

Monterey Town Administrator

From: Jared M. Collins <JCollins@k-plaw.com>
Sent: Friday, February 18, 2022 2:56 PM
To: Monterey Town Administrator
Subject: RE: MONT - FW: Appointments

Melissa,

You have requested an opinion regarding certain appointed Town positions and whether they need to have finite appointment durations and be subject to reappointment, or whether their appointments may be indefinite. The employees in question are all members of the highway crew, library staff, assessing staff, the Town Clerk's assistant, volunteer firefighters, transfer station staff, and the Town's outreach coordinator. In my opinion, the Town does not need to set finite terms of appointment for any of these positions, and indeed it may be uncommon to do so. Rather, once appointed, the individuals in question may hold their respective positions until they leave of their own accord, or until the Town decides to separate them from employment after notice and an opportunity for a hearing, a right guaranteed to all public employees.

The general rule regarding public employment is that an individual whose employment is not for a term fixed by contract, state or local legislation, or other legal provision, is considered indefinite by default, and that "the power to remove... is an incident to the power to appoint." See *Adie v. Mayor of Holyoke*, 303 Mass. 295 (1939). The inverse to that rule is that if appointment to a public office is for a set term, that term cannot be cut short, and the employee removed, without express authority to do so.

Chapter 41 of the General Laws pertains to officers and employees of cities and towns. Certain sections of that chapter specifically govern the appointment of employees to particular town position. None of the positions you have listed are expressly referenced in any provision of Chapter 41 of the General Laws. Accordingly, without an identifiable duration of employment for any of the positions listed, in my opinion they fall under the general rule that they may be appointed for an indefinite duration and removed by the appointing authority, provided the basis for such removal would not be considered illegal (e.g. discrimination on the basis of membership in a protected class).

Please contact me if you have any additional questions.

Very truly yours,

Jared

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From: Monterey Town Administrator <admin@montereyma.gov>
Sent: Friday, February 18, 2022 10:55 AM
To: Jared M. Collins <JCollins@k-plaw.com>
Subject: RE: MONT - FW: Appointments

I have attached our list if that helps.



MIIA HEALTH BENEFITS TRUST
 Renewal Proposal 7/1/2022 - 6/30/2023
 Monterey

MONTHLY CONTRIBUTION RATES				
PRODUCTS		CURRENT	RENEWAL	
		RATES	RATES	INCREASE
HMO Blue NE	Individual	\$759.41	\$769.28	1.30%
	2-Person	\$1,594.76	\$1,615.49	1.30%
	Family	\$2,453.92	\$2,485.82	1.30%
Dental Blue Freedom	Individual	\$47.58	\$45.23	-4.94%
	2-Person	\$95.18	\$90.48	-4.94%
	Family	\$147.52	\$140.23	-4.94%

Renewal rates are based on final plan design and enrollment.

Senior plans will renew on January 1, 2023.

Please provide a copy of the in-force PEC or IAC agreement, if applicable.

Signed commitment is due on or before April 1, 2022.

Renewal rates are based on continuing the current enrollment level.

Signature for Acceptance of Rates	Title	Date
	Select Board Chair	2/23/22
Print Name		
Steven Weisz		