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Subject: RE: Broadband in Monterey, MA
From: Michael Baldino <baldino@masstech.org>
Date: Fri, Feb 04, 2022 5:18 pm
To: "justin@montereyma.gov" <justin@montereyma.gov>

Justin,

Thanks for reaching out to me on this issue. I appreciate your interest in trying to reach 100% coverage. There have been other instances where a cable provider has agreed to serve residents of a bordering town. Your situation seems to align with the typical circumstances – edge cases where the residents get their utilities fed from the bordering town. I have reached out to my contacts at the Department of Telecommunications and Cable to get their guidance and advice. I want to make sure that we have a clear understanding of the procedural steps and regulatory requirements. I will follow up with you after I hear back from DTC. Is the Town considering spending municipal ARPA dollars from the Coronavirus Local Fiscal Recovery Fund to reach these nine homes?

I hope the weather isn't too bad in Monterey. I am in central Massachusetts and everything is covered in ice.

Michael

Michael Baldino

Director and General Counsel, Massachusetts Broadband Institute
75 North Drive
Westborough, MA 01581
phone: (508) 870-0312, ext. 222
fax: (508) 898-2275
email: baldino@masstech.org
URL: www.masstech.org

From: justin@montereyma.gov [mailto:justin@montereyma.gov]
Sent: Friday, February 4, 2022 8:00 AM
To: Michael Baldino <baldino@masstech.org>
Subject: RE: Broadband in Monterey, MA

Dear Mr. Baldino,

I just wanted to follow up on this and see if you have any advice about how to move forward in providing access to the last few homes in Monterey which are not covered under our current contract? Would it make sense to offer Spectrum a franchise to allow them to wire these homes?

Any thoughts would be appreciated.

Thanks,

Justin Makuc

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

Subject: Broadband in Monterey, MA
From: <justin@montereyma.gov>
Date: Wed, February 02, 2022 7:32 am
To: "baldino@masstech.org" <baldino@masstech.org>

Dear Mr. Baldino,

I am on the Select Board in Monterey, and I am trying to work on making Broadband internet accessible to every home in Town.

The Town has signed a contract with Fiber Connect, but there were 9 excluded homes. Most of those homes are right on the border of New Marlborough or Tyringham, and receive their electric and phones lines from those Towns. We do not currently have a pole structure built out to their house from our Town. The Broadband supplier in New Marlborough and Tyringham is Spectrum. I wondered if Spectrum might be able to supply these homes Broadband, but when I reached out Spectrum said they need a franchise in Monterey to do that.

Do you have any advice or ideas of how to move forward? Could Monterey offer a franchise to just a few homes to Spectrum? Would it interfere with our Fiber Connect contract? Is this something that is happening in other towns? We already have about 99% of homes covered by an agreement with Fiber Connect, but want to make sure that no one is left out.

Any thoughts you might be willing to share would be greatly appreciated.

Thanks,

Justin Makuc
Monterey Select Board, Member

413-429-5854

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Subject: RE: [EXTERNAL] RE: Broadband internet in Monterey, MA
From: "Maher, John R" <John.Maher@charter.com>
Date: Wed, Jan 26, 2022 1:20 pm
To: Justin Makuc <justin@montereyma.gov>

Unfortunately we need a franchise to do it. Thanks.

From: Justin Makuc <justin@montereyma.gov>
Sent: Wednesday, January 26, 2022 12:09 PM
To: Maher, John R <John.Maher@charter.com>
Subject: Re: [EXTERNAL] RE: Broadband internet in Monterey, MA

CAUTION: The e-mail below is from an external source. Please exercise caution before opening attachments, clicking links, or following guidance.

Hi John,

Does the franchise apply to Broadband?

Could these homes be offered just broadband internet services and avoid franchise regulations related to cable TV?

Would appreciate any thoughts you have on this idea.

Thanks,

Justin

On Wed, Jan 26, 2022 at 9:56 AM Maher, John R <John.Maher@charter.com> wrote:

Justin-sorry but we did not get a franchise in Monterey so we can't serve customers there. Thanks.

On Jan 26, 2022, at 7:50 AM, justin@montereyma.gov wrote:

?

CAUTION: The e-mail below is from an external source. Please exercise caution before opening attachments, clicking links, or following guidance.

Hi Mr. Maher,

I just wanted to follow up about the possibility of wiring a few homes in Monterey with Broadband from New Marlborough and/or Tyringham?

Thanks,

Justin Makuc
Monterey Select Board, member

413-429-5854

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

Subject: Broadband internet in Monterey, MA

From: <justin@montereyma.gov>

Date: Mon, January 24, 2022 7:40 am

To: "John.maher@charter.com" <John.maher@charter.com>

Dear Mr. Maher,

I am on the Select Board in Monterey, MA. We have a few homes on the border of New Marlborough and Tyringham which also receive their electricity from poles in those towns. I am reaching out to inquire if Spectrum would be interested in those homes as potential customers for Broadband internet?

Feel free to call or email. I'd really appreciate any information on this matter that's available.

Regards,

Justin Makuc
Monterey Select Board, member

413-429-5854

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Southern Berkshire Ambulance, Inc.
31 Lewis Avenue Great Barrington, MA 01230
Ph (413) 528-3632 Fax (413)-528-5549 www.sbvas.com

January 7, 2022

Town of Monterey

435 Main Rd,

Monterey, MA 01245

To:

Monterey Town Administrator

Monterey Selectbord

Monterey Finance Committee

I am writing to update you on the extensive work done by Southern Berkshire Ambulance over the past year.

In September, I was appointed as the new Director of Operations, replacing William Hathaway. I bring a broad range of experience, having worked for County, Northern Berkshire, Hilltown, and Southern Berkshire EMS services.

This year we also welcomed four new board members with extensive experience in emergency services, municipal government, business, and finance. The Board of Directors conducted a needs assessment. There were several primary needs identified at the Squad. They are as follows;

1. Determine staffing requirements
2. Create a plan to retain and recruit staff
3. Upgrade aging ambulances and IT equipment
4. Pursue alternative funding sources,
5. Thoroughly reviewing our finances and maximizing revenues.

Our demand analysis shows that to meet response standards, two Paramedic ALS staffed trucks are needed 24/7, which is our current staffing model. The volume is high enough to require an additional staffed ambulance during high-demand times. In addition, we are working with Fairview Hospital to meet their needs transferring patients, both emergent and non-emergent. This will likely create enough additional transports to necessitate and fund a third-staffed

ambulance at least eight hours per day. That will benefit not just Fairview Hospital but also the communities we serve.

While we are very fortunate with outstanding EMS providers who are the backbone of Southern Berkshire Ambulance, retaining and recruiting more is necessary, particularly with a dangerous shortage of paramedics and EMTs both nationally and locally. Unfortunately, they have shown signs of burnout, which is becoming too familiar in our industry. The primary causes of poor morale are low wages, short staffing, and unreliable equipment.

A salary survey was conducted in the fall. We determined that our paramedic wages were meager. Starting January 1, 2022 a new, competitive wage scale is being implemented. SBA is running an EMT class beginning in January to increase the number of local EMTs. A few additional hires and promotions have also taken place to help address the staffing shortage. I conduct weekly shift commander meetings and monthly employee meetings to update employees on the Board of Directors' actions and receive feedback and concerns. Morale is improving.

The primary capital needs identified for Southern Berkshire Ambulance were replacing an aging fleet of ambulances and upgrading multiple IT components. Southern Berkshire owns four ambulances with an average age of 6.5 years and over 130,000 miles. In addition, each ambulance is frequently out of service for costly repairs, making it challenging for SBA to have a minimum of two ambulances in service. In May, The Southern Berkshire Emergency Medical Foundation provided lease-funding over three years to purchase one new ambulance. Its delivery date was to be November of 2021. But, due to COVID and supply chain issues, it has been pushed back to October of 2022, and there is no guarantee it will arrive then. As a result, SBA is in immediate need of replacing at least one more ambulance.

SBA was also in need of IT upgrades. Slow speeds and lack of reliability were highly frustrating for staff. The laptops in each ambulance used for writing mandatory Patient Care Reports were replaced, the server was upgraded, and FirstNet routers were installed in the ambulances to improve communications in the field. Additionally, multiple systems used for records management and scheduling have been combined under one vendor to increase efficiency and save on annual license and maintenance fees. The Southern Berkshire Emergency Medical Service Foundation has contributed over \$50,000 towards these projects.

Adelson & Company PC has been contracted to audit our 2020 books and retained going forward. We are awaiting their report and look forward to implementing any recommendations provided.

Mark Del Signore, a resident and former volunteer EMT for SBA with extensive experience in business and finance, agreed to review SBA's budget. Past years' expenses were analyzed to determine actual costs, trends, and potential savings. As a result, a new budget was compiled for 2022, which included a more detailed breakdown of line items to better track and control expenditures. His expertise and many hours of work are greatly appreciated.

The primary funding source for SBA is EMS billing. While the reimbursement rates from Medicare, Medicaid, and private insurance are far below what is actually billed. We are working closely with our billing company, AMB, to ensure we do just that. As a result, we have increased our reimbursement rate from 85% to 90%. Although that is considered an excellent performance for the industry, we will strive to maintain this collection rate.

We have also pursued alternative funding sources. As mentioned previously, the foundation provided over \$250,000 in capital upgrades. We also applied for and received almost \$400,000 in COVID funding. It has offset additional expenses and subsidized our operating budget while improving operations. A federal AFG grant for \$55,000 is being submitted to fund the replacement of our radios.

As a result all of this work, our revenues projection for 2022 shows we should meet our budget of \$1.94 million. Therefore, we are happy to say we will not need a municipal subsidy for operations. However, the EMS industry has many changing components, and reimbursements for incidents are low, particularly for Medicare and Medicaid patients. Our goal is to remain self-sufficient, but if that does not appear to be possible, we will be proactive in informing you of any subsidies needed and why. In addition, we are working on revising our bylaws, including municipal representation on the board, to assist with transparency and communications.

Separate from 2022 Budgeting, SBA is requesting consideration of immediate use of funds from the American Rescue Plan Act. As mentioned earlier, the SBEM Foundation has committed to provide funding to replace one ambulance over three years. However, due to COVID-related supply chain disruptions, delivery of a new ambulance will not be possible until the 4th quarter of 2022 at best. Given the uncertainty of being able to maintain a reliable fleet, the need for a replacement ambulance is now immediate.

As mentioned before, the foundation has committed to lease payments towards purchasing one new ambulance scheduled to be delivered in October 2022. We still need to replace a second truck and are requesting \$250,000 of ARPA funds from the towns in our coverage area. Despite our projections of meeting our operating expenses for 2022, we do not have available funds to replace our ambulances. The state distributed ARPA funds based on populations, which is how we are requesting the contributions be made. The following table shows our calculations.

Town	ARPA	Percentage	Assessment
Alford	\$ 145,867	4%	\$ 9,496
Egremont	\$ 360,183	9%	\$ 23,447
Great Barrington	\$ 2,075,908	54%	\$ 135,138
Monterey	\$ 276,190	7%	\$ 17,979
Mount Washington	\$ 46,928	1%	\$ 3,055
Sheffield	\$ 935,279	24%	\$ 60,885
Total	\$ 3,840,355	100%	\$ 250,000

Your support would be greatly appreciated and will enable us to continue to provide quality EMS service to the Southern Berkshires. Our 2022 budget does include setting aside funds for future capital expenditures.

Our annual fund drive is currently ongoing. Meeting our budget is dependent on our fundraising efforts. Please encourage your community to support us to continue to provide the highest level of emergency medicine to your town.

Myself and the Board of Directors would be happy to attend a board meeting to provide further information on SBA and answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb". The signature is fluid and cursive, with a horizontal line underlining the name.

Caleb Stone NRP

Chief of Operations

Southern Berkshire Ambulance

**Cash Receipts, Cash Disbursements, Petty Cash, Tailings and
Reconciliation of Cash Policies and Procedures**

Approved by:
Select Board and
Treasurer
Effective:
4/22/2020

PURPOSE:

To establish sound financial controls and practices to assure all cash receipts are deposited on a timely basis, are recorded on a timely basis, that disbursements are made only after proper authorizations and safeguards; and to assure that cash is reconciled on a timely basis.

AUTHORITY:

MGL Chapter 41 §§35, 41 and 57

CASH RECEIPTS

POLICY:

It is the town's policy that the treasurer office is solely responsible for the entry of cash receipts to the VADAR system. The treasurer office is responsible for all bank deposits with the exception of monies received by the Tax Collector. In all other instances the town departments must turn over receipts to the treasurer's office not less than once a week. At a minimum, revenue shall be turned over immediately to the treasurer's office when the department has collected \$250 in cash or \$500 in checks.

It is each department's responsibility to establish procedures to safeguard the collection and remittance of receipts until turned over to the treasurer.

The treasurer must give bond annually consistent with the provisions of MGL Ch. 41 §35. The administrative assistant shall verify that the treasurer has given bond as required.

~~The accountant shall periodically, but not less than once per year, perform site visits to the departments to audit the receipt process.~~ All cash management is subject to review by the Town Accountant and the Town's independent auditor.

PROCEDURES:

- Departments that collect receipts will complete a form entitled *Schedule of Departmental Payments to the Treasurer* to report respective receipts by appropriate General Ledger revenue account.
- Departmental staff shall deliver the form with the cash and checks to the treasurer office.

- The treasurer signs the form as a verification that the total amount indicated on the form reconciles with the total cash and checks presented.
- One copy of the form is forwarded directly by the department to the accountant via upload to the shared folder as an independent source document for the accountant to verify that the receipts have been entered to VADAR by the treasurer office. This copy is sent to the accountant at the same time the original receipts are submitted to the treasurer in the lockbox located in the common office at town hall.
- The department retains one copy of the form as signed by the treasurer.
- The treasurer enters all receipts reported on the schedule of miscellaneous receipts in the Accounts Receivable module of VADAR by the respective code.
- Departmental cash receipts (as well as all committed receipts) are reported on a *Cash Sheet* and tape that balances to all “departmental turnovers” and other committed receipts for the day. When all cash, checks and the tape reconcile, the deposit slip is then prepared and all documentation is recorded in the *Cashbook* and deposit at the bank.
- All cash receipts activity for a specific date will be entered to a VADAR batch the day after receipt. The VADAR *Payments Proof* must reconcile to the Cash Sheet and tape submitted on the prior day.
- Each town department that receives cash receipts should review the VADAR *Revenue Year to Date Report* for their department each month to verify that all cash receipts that were turned over the treasurer/collector are recorded accurately to the respective General Ledger account. Any discrepancies shall be reported to the accountant.

CASH DISBURSEMENTS

POLICY:

The town policy is that accounts payable and payroll payments shall be made bi-weekly and only from warrants duly signed and approved by the town Selectboard and by the accountant. The treasurer or the treasurer’s designee shall be responsible for the disbursement and mailing of all accounts payable checks and to assure that all town checks are delivered only to the designated vendor.

PROCEDURES:

- After the accountant and the town Selectboard have signed the warrant(s), the signed warrant will be delivered to the treasurer (or designee).
- The treasurer shall verify consistent with MGL Chapter 41 §41 that all payroll disbursements have been sworn (signed) by the head of department or lawful designee.
- The treasurer (or designee) runs the checks in the VADAR and prints them.
- The accountant’s office provides all of the invoices that are included on the warrant to the treasurer. The treasurer’s office then matches each invoice with the respective check and verifies the vendor, address, vendor number and the amount paid.

Cash Receipts, Cash Disbursements, Petty Cash, Tailings and Reconciliation of Cash

- When the treasurer's staff has printed the checks, two copies of the *VADAR Cash Disbursements (Check Register)* are produced. The treasurer/collector retains one copy and delivers one copy to the accountant.
- At the point the treasurer's designee has audited all invoices and checks, the checks can then be mailed to the vendors at the invoice addresses to assure sound control of disbursements.
- Release of checks (other than via mail) will be done only in extenuating circumstances. The treasurer will hold the check for pickup by the vendor. Only the treasurer can approve the release of a check to an individual instead of mailing the check to the authorized address of the vendor.

PETTY CASH ADMINISTRATION

POLICY:

The policy of the Town is that *Petty Cash* accounts may be established for departments that need a small amount of cash to meet payments required at the time of service. Petty cash can only be replenished by submittal of all documentation and receipts through the warrant process for review of the accountant. Petty cash transactions will never be used to finance payroll.

PROCEDURES:

- Requests for petty cash accounts or changes to the limit authorization should be submitted in writing to the accountant.
- All requests for establishment of petty cash accounts or changes to limits should be subject to approval of the accountant.
- If approved by the accountant, the specific petty cash account should be under the custody of one authorized official in the respective department.
- The accountant will create the petty cash account by reducing unrestricted cash and increasing petty cash. The accountant will reclassify fund balance simultaneously by reducing *Undesignated Fund Balance* and increasing *Fund Balance Reserved for Petty Cash*.
- All petty cash transactions shall be documented with a receipt from the vendor/service provider to the authorized departmental petty cash cashier.
- Periodically the petty cash custodian in the department should submit all documentation and receipts on a *Bill Schedule* to the accountant as part of the accounts payable warrant process in order to replenish the petty cash account.
- The petty cash account will only be replenished by the accountant based on review of the documentation submitted through the warrant process. If there have been any inappropriate uses the petty cash account will be terminated.

TAILINGS (Uncashed Checks)

POLICY:

Cash Receipts, Cash Disbursements, Petty Cash, Tailings and Reconciliation of Cash

The town's policy is to identify and research all *Uncashed Checks (Tailings)* as a part of the timely reconciliation of all bank accounts. All checks that are not cashed within 60 days of the date of issuance will be investigated. Checks that are not cashed after 120 days will be reported to the accountant as uncashed so the General Ledger can be adjusted to increase cash and to record a corresponding liability.

A listing of all uncashed checks shall be published in the newspaper once a year consistent with Massachusetts General Law. Checks not claimed must be reported by the treasurer to the accountant so that revenue can be increased and the liability can be eliminated.

PROCEDURES:

- All town bank accounts shall be reconciled each month; uncashed checks (tailings) will be identified and investigated as part of this process.
- The treasurer shall identify all checks that have not cleared the bank account. If the check has not cleared for more than two months, the treasurer (or designee) shall prepare a list of all uncashed checks.
- The treasurer shall investigate the uncashed check by reviewing the check register run at the time of disbursement of checks on the weekly accounts payable warrant. The uncashed payroll checks shall be checked by reviewing the payroll vendor's check disbursement report.
- The treasurer shall identify and record on a spreadsheet a listing of uncashed checks, the date of issuance, and amount of check, name and address of check recipient.
- The treasurer shall send a notice of the uncashed check and the amount to the recipient at their last known address and retain evidence of this mailing.
- If the check has not been cashed 120 days after the date of issuance, the treasurer, consistent with Massachusetts General Law, shall submit a *List of Uncashed Checks* to the accountant so that cash can be adjusted and the liability of the tailings/abandoned property can be recorded on the General Ledger.
- The treasurer shall publish the *List of Uncashed Checks* in a newspaper of general circulation consistent with state law.
- The treasurer shall prepare a *List of Abandoned Property/Uncashed Checks* for all checks that are not claimed after the public advertisement and submit it to the treasurer for approval.
- After signing the document the treasurer shall submit the *List of Abandoned Property/Uncashed Checks* to the accountant. The accountant will increase the revenue of the Town on the General Ledger and eliminate the liability.

RECONCILIATION OF CASH

POLICY:

It is the policy of the Town that the treasurer and the accountant shall reconcile cash as recorded in the *Treasurer's Cashbook* and as recorded on the General Ledger within 15 days of the close of the prior month. The treasurer and collector maintain a *Reconciliation of Cash Notebook* documenting the reconciliation for each period. Each official is responsible to sign the *Summary Cash Reconciliation* spreadsheet and to then submit a letter and the *Summary Cash*

Cash Receipts, Cash Disbursements, Petty Cash, Tailings and Reconciliation of Cash

Reconciliation spreadsheet to the finance committee as evidence that cash is reconciled.

PROCEDURES:

- The treasurer or designee reconciles the Treasurer's Cashbook to the bank statements. This is completed within seven days of receipt of the bank statements.
- The treasurer identifies all reconciling items between the cashbook and the bank statements. These items will include: deposits in transits, outstanding checks and other items that represent timing differences between the bank and the cashbook
- The treasurer will correct the cashbook for the reconciling items that are not the result of timing differences (that would clear the next month).
- The treasurer will forward to the accountant all the adjustments made to cashbook based on the reconciliation to the bank statements.
- The accountant will record an adjusting entry to cash on the General Ledger if appropriate and based on supporting documentation.
- The treasurer will follow up on any check that remains outstanding for sixty days as described above under the *Tailings Policy and Procedures*.
- The treasurer will maintain the cashbook on a daily basis for warrants issued, deposits, transfers between accounts and investment income.
- After the month's activity in the cashbook is reconciled to the bank statements, the treasurer/collector or designee produces the month-end *VADAR Account Trial Balance for Treasurer's Cash* and the *VADAR Account Detail History for Treasurer's Cash*.
- The treasurer produces a spreadsheet based on:
 1. Receipts reconciliation documenting:
 - o The receipts per the cashbook and
 - o Receipts per VADAR General Ledger
 2. Disbursements Reconciliation documenting:
 - o The disbursements per the cashbook and
 - o The disbursements per VADAR General Ledger.

These reconciliations are evidence that the cashbook ending balance agrees to the cash on the General Ledger. If there are variances the treasurer and accountant research and document any adjustments.

- A final *Cash Reconciliation Summary Statement* is produced and signed by both the treasurer and by the accountant that states the cash balances per the General Ledger and per the cashbook, and documents any adjustments to either the cashbook or to the General Ledger.
- The *Cash Reconciliation Statement* and cover letter is submitted to the finance committee by the 15th of every month as documentation that cash is reconciled.

Monterey Town Administrator

From: Christopher Blair (G) [REDACTED]
Sent: Monday, February 7, 2022 12:36 PM
To: Noe, Melissa
Subject: Conservation Commission
Attachments: 220207 Special Muni Employee to Selectboard.pdf; 220205 General Law - Part IV, Title I, Chapter 268A, Section 17.pdf; 220205 MGL Ch 268A Sect 1 Special Municipal Employee.pdf; 220205 Deerfield MA special_municipal_employee_policy.pdf

Melissa

Please put the attached inquiry before the Selectboard at your earliest convenience.

It asks to be granted Special Municipal Employee status for the Conservation Commission. The attachments are citations from the law and an example from the Town of Deerfield.

Thank you.
-Chris

PS if this is better sent to them directly please let me know.

--
Regards

Christopher Blair

[REDACTED]
Monterey MA 01245-8424
[REDACTED]
[REDACTED]

DESIGN+PLANNING, residential design, (w)design-planning.com, (v)413.528.4960

“To those devoid of imagination a blank place on the map is a useless waste; to others, the most valuable part.”
— Aldo Leopold, A Sand County Almanac and Sketches Here and There

Selectboard
333 Main St
Monterey MA 01245

RE: Special Municipal Employee status

Dear Selectboard,

Thank you for your recent appointment to the Conservation Commission (Concom). We look forward to providing reasonable and timely service to the citizens of Monterey.

I am asking that you make a resolution and accept it to grant Special Municipal Employee (SME) status on the members of the Conservation Commission.

The definition of a SME is under MGL Ch 268A Sec 1. Attached.

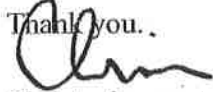

The reason for the SME status is under MGL Ch 268 Sec 17. Attached.

Essentially no municipal employee may act as agent with any other town department in addition to not acting as agent for others before ones own department or board. I am unable to file for a plumbing permit or a building permit as I sit on the Concom. However, if I am designated as a SME I am able to perform my personal work duties except any that come before the Concom.

We had asked for and been granted this status some time ago when I sat on the Concom.

Please provide this status for the Concom membership at your earliest convenience and send me documentation that it has been granted.

Thank you.


Christopher Blair


Part IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL
CASES

Title I CRIMES AND PUNISHMENTS

Chapter 268A CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES

Section 17 MUNICIPAL EMPLOYEES; GIFT OR RECEIPT OF
COMPENSATION FROM OTHER THAN MUNICIPALITY;
ACTING AS AGENT OR ATTORNEY

Section 17. (a) No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

(b) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.

(c) No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

Whoever violates any provision of this section shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

A special municipal employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time participated as a municipal employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a special municipal employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days.

This section shall not prevent a municipal employee from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

This section shall not prevent a municipal employee, including a special employee, from acting, with or without compensation, as agent or attorney for or otherwise aiding or assisting members of his immediate family or any person for whom he is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those matters in which he has participated or which are the subject of his official responsibility; provided, that the official responsible for appointment to his position approves.

This section shall not prevent a present or former special municipal employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the city or town; provided, that the head of the special municipal employee's department or agency has certified in writing that the interest of the city or town requires such aid or assistance and the certification has been filed with the clerk of the city or town. The certification shall be open to public inspection.

This section shall not prevent a municipal employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

This section shall not prevent a municipal employee from applying on behalf of anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from receiving compensation in relation to any such permit, unless such employee is employed by or provides services to the permit-granting agency or an agency that regulates the activities of the permit-granting agency.

Special Municipal Employee

M.G.L. Ch 268A Section 1

(n) "Special municipal employee", a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a "special municipal employee" unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any city or town wherein no such classification has been made shall be deemed to be "municipal employees" and shall be subject to all the provisions of this chapter with respect thereto without exception.



TOWN OF DEERFIELD

Office of the Board of Selectmen
8 Conway Street
South Deerfield, MA 01373
Voice: 413.665.1400
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Web: www.deerfieldma.us

Board of Selectmen Policy 2014-01

Special Municipal Employee

“ The Deerfield Board of Selectmen designates the following officials as special municipal employees, pursuant to MGL c. 268A, §1(n), all members of the Board of Assessors, Cable TV Advisory Committee, Conservation Commission, Historical Commission, Recreation Commission, Planning Board, Zoning Board of Appeals, Personnel Board, Registrars of Voters, Cultural Council, School Committee, Finance Committee, Library Trustees, Community Preservation Committee, Agricultural Committee, Capital Improvements Planning Committee, Energy Resources Committee, Deerfield Elementary School Committee, Deerfield representatives to the Frontier Regional School District Committee, Open Space and Recreation Plan Committee, Moderator, Representatives to FRCOG and the Franklin Regional Planning Board, Town Counsel, Emergency Management Director, Oliver Smith Will Elector, Constables, Deerfield representatives to the Franklin County Technical School Committee, Deerfield representatives to the Franklin County Regional Solid Waste District, Town Memorial Forest Committee, Deerfield representatives to the Tri-Town Beach Commission, Veteran’s Graves Officer, Deerfield representative to the Fred W. Wells Trust, Fence Viewers, Forest Wardens, Franklin Regional Transportation Authority Representative, Hazardous Waste Coordinator, Keeper of the Town Clock”.

Here is the law cited:

(n) “Special municipal employee”, a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a “special municipal employee” unless he occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, or unless he in fact does not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days. For this purpose compensation by the day shall be considered as equivalent to compensation for seven hours per day. A special municipal employee shall be in such status on days for which he is not compensated as well as on days on which he earns compensation. All employees of any

city or town wherein no such classification has been made shall be deemed to be "municipal employees" and shall be subject to all the provisions of this chapter with respect thereto without exception.

Adopted by Deerfield Board of Selectmen on February 12, 2014



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: Jonathan Last Name: Sylbert

Address: PO Box 463

City: Monterey State: MA Zip Code: 01245

Phone Number: +1 (413) 5 Ext. _____

Email: jons@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): Select Board

Specific person(s), if any, you allege committed the violation: Stephen Weisz, Chair

Date of alleged violation: Jan. 31, 2022

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.

Please find an OML complaint against the Monterey Select Board alleging violations of the law. The Select Board has not approved the executive session minutes of their October 4, 2021 meeting.

In an email dated January 4, 2022, the Division of Open Government informed public officials of the following OML requirements:

The Open Meeting Law and regulations do not distinguish between "regular" meetings and other types of meetings such as workshops or public hearings, for purposes of counting the next three meetings and determining timely approval of minutes. Even executive session minutes must be approved within the next 30 days or three meetings of the public body, whichever is later, regardless of whether any other executive sessions are planned during that time frame. Approval of executive session minutes is a separate and unrelated obligation from the requirement that executive session minutes be periodically reviewed to determine whether they should be released to the public. This initial approval of executive session minutes is to approve the minutes as an accurate record of what occurred at a particular executive session and does not mean that the minutes are approved for release to the public.

The Select Board has not approved the minutes of their October 4, 2021 meeting. This is a violation of the OML, as described above.

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.

Approve the minutes of the Select Board executive session of October 4, 2021.

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: 1/31/22

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: