

Monterey Town Administrator

From: Brian Riley <BRiley@k-plaw.com>
Sent: Monday, March 21, 2022 3:39 PM
To: 'Monterey Town Administrator'
Subject: RE: Policy Request

Hi, Melissa. One reason for my delay was not finding written policies that directly address your issues, but I'll offer what I can. I did finally find a few from other client towns that perhaps you can at least use parts of:

https://www.plymouth-ma.gov/sites/g/files/vyhlf3691f/uploads/cell_phone_policy_2016.pdf

https://www.plymouth-ma.gov/sites/g/files/vyhlf3691f/uploads/internet_email_policy.pdf

<https://www.sandwichmass.org/DocumentCenter/View/4711/Information-Technology-Resource-Policy---Policy-6>

1. When personal cell phones or email accounts are used to conduct Town business, any such texts/emails are considered to be subject to a public records request; they may be withheld if an exemption applies, but the fact that the texts or emails are on a "personal" device does not in itself provide protection. I keep waiting for the Supervisor of Public Records' office to come out with regulations or advisories as to the preferred method of preserving such records, but they haven't yet. Emails could be forwarded to a Town email address (...@montereyma.gov) if that can work – that way, the official does not need to preserve the ones on their own computer or phone any longer. I don't know of any way to preserve a text message other than screen shot and then emailing it.
2. This is more a question of policy and cost. I would say that the most common practice is to provide department heads (staff, versus board members) with town-issued cell phones, but this varies by size of the community and budget.
3. Based on my answer to #1, the more employees and officials that have a Town email address the better, so everyone can handle all "Town business" on their town email address and they are all on one server. But this is another cost issue.
4. All you can do is make the request – if someone has responsive records on their computer/phone and refuses to turn them over, the response to the requester occasionally has to make that statement. I have attached a sample statement below to such an official that we have used, explain to them that Commonwealth law requires them to comply.

I hope this helps.

Brian

Dear Members of the Zoning Board of Appeals and Conservation Commission:

The Town is in receipt of two public records requests from _____ seeking certain Town public records that may be in your possession, custody or control. The request to the following items is outstanding:

- 1) *Any communications between any member(s) of the Zoning Board of Appeals and any member(s) of the Conservation Commission concerning the proposed project at 751-761 Boston Post Road.*
- 2) *Any communications sent or received by any member of the Zoning Board of Appeals or member of the Conservation Commission concerning the proposed projects at 751-761 Boston Post Road or 133 Boston Post Road.*

We understand that you may have used personal e-mail accounts, rather than Town accounts, to communicate. Please be advised that the Supervisor of Records has determined that the "use of personal email addresses by government officials, employees and/or board and commission members while conducting any day-to-day business of a government entity renders the emails and email addresses public records." See SPR17/1651. Thus, consistent with G.L. c.66, §13, the Town requests that you search your private e-mail

accounts and provide copies of any e-mails or other communications sent from personal electronic devices such as cell phones, personal computers, tablets, or other personal electronic modes of communication related to the above-referenced topic.

Please provide copies of responsive records, if any, no later than December 10, 2020, to this office. While it would be preferable for you to simply send responsive e-mails electronically, we would, of course, be satisfied with the provision of hard copies of the responsive documents. If you do not have any such records, please advise this office of same.

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From: Monterey Town Administrator <admin@montereyma.gov>
Sent: Monday, March 21, 2022 12:30 PM
To: Brian Riley <BRiley@k-plaw.com>
Subject: RE: Policy Request

Hi Brian,

Will you be able to have something for me on this for our meeting this Wed?

Melissa

From: Monterey Town Administrator [<mailto:admin@montereyma.gov>]
Sent: Thursday, March 10, 2022 11:14 AM
To: Brian Riley <BRiley@k-plaw.com>
Subject: RE: Policy Request

Hi Brian,

Just following up on this.

Melissa

From: Monterey Town Administrator [<mailto:admin@montereyma.gov>]
Sent: Thursday, March 3, 2022 10:29 AM
To: Brian Riley <BRiley@k-plaw.com>
Subject: Policy Request

Good Morning Brian,

The Board has asked me to contact you for any templates of policies & advice you might have with regard to the following:

1. Using private cell phones/email for business and how you transfer data from them to the RAO
2. Town issued cell phones (who do you issue them to, etc)
3. Town email addresses, do you provide one for every employee and board/committee member or do you just assign a generic one to each committee (parks@xxxx)
4. What do you do when an official refuses to provide you with the records from private emails and phones they use for town business?

Thank you so much in advance. I will also willingly accept any info you have on software or what not that can help us to manage all this.

Respectfully,

Melissa Noe

Town Administrator
Town of Monterey
413-528-1443 x111

Let your smile change the world but don't let the world change your smile! ☺

Tuesday, March 15, 2022

Dear Monterey Select Board,

The Transfer Station Committee met yesterday, and wished to ask the Board to consider our proposal for altering the operating hours of the Transfer Station, as well as to fill you in on our progress and plans for the next few meetings.

Firstly, we feel that establishing a year-round set of hours may be helpful in attracting reliable employees, as well as helping residents to remember the proper transfer station hours. By revising the Sunday hours, we slightly reduce the burden on an employee who must work both weekend days, every weekend, year-round. While it is a small change we believe this may make the job more attractive to potential employees. In addition, we recognize that the job does require work both before and after the official Transfer Station Hours, to properly open and close the facility. We propose that the Transfer Station be open:

Wednesday	8 am – 1 pm
Saturday	8 am – 1 pm
Sunday	10 am – 4:30 pm

Employee hours would include 15 minutes before each shift and 15 minutes after each shift, totaling 18 hours / week, all year round.

Secondly, Gould Farm has informed the Director of Operations that due to various regulatory changes they must stop accepting the compost from the Transfer Station. The committee is investigating various alternatives, as no one would like to see the food waste return to the waste stream for environmental reasons as well as monetary ones.

Finally, the committee is also working on developing three options regarding Transfer Station sticker prices and bulky waste disposal prices and processes. We are still in the brainstorming and data collection phase, and will forward those ideas for your consideration once they are more fully explored.

We will continue to keep you informed of our progress and welcome any feedback, sincerely,
Susan Cooper
Member, Monterey Transfer Committee

#3

Grant Request/Information Form

Grant Writer Name: Dennis J. Lynch

Are you requesting permission to write a grant or research available grants?

Requesting permission to write a grant.

Type of grant you are proposing to research and how the project you have in mind that you are seeking available grants for: (skip this if you are proposing to write a grant):

Name of Grant (if proposing to write a grant): MA FY2023 Municipal Preparedness Vulnerability (MVP) Grant Program

Purpose of Grant: Phase II Enhancing Flood Resiliency through Culvert Improvements along the Konkapot River in Monterey Town Center

Maximum amount we can be awarded: Range \$25,000 to \$3,000,000

Is there a town match and if so how much?: 25%

How many hours do you estimate it will take you to write this grant?: 75 hours

When is the deadline to file this grant?: 2 pm on May 5, 2022

Will this grant require any staff time after it is awarded? If yes, what will this entail, how many hours will need to be devoted and who do you propose will manage the follow up required?: Approximately 20 hours TBD

Additional Comments: This application is the second of three phases of the MVP Culvert project near Town Hall. The Town has received preliminary email feedback from the State that a previous Community Compact award of \$35,000 may be used as the local match.

Please attach any information about the grant to help us in making our decision.



To be completed by the Select Board

Approved (circle one): YES NO

Maximum hours approved for this project: 75

Select Board approval (sign)

EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Kathleen Theoharides, Secretary

Grant Announcement

Combuys Bid # BD-22-1042-ENV-ENV01-71878

Request for Responses (RFR) ENV 23 MVP 02

Dated: March 14, 2022

MUNICIPAL VULNERABILITY PREPAREDNESS GRANT PROGRAM (MVP)

FY 23 MVP ACTION GRANT

Application Deadline: Thursday, May 5, 2022 at 2:00 PM via online form- https://massgov.formstack.com/forms/fy23_mvp_action_grant_application

WHAT'S NEW IN THIS FY23 ROUND?

1. Increased maximum grant funding request from \$2 million to \$3 million for individual projects. Regional projects remain capped at \$5 million maximum request.
2. Allow for lower match (10% of total project cost instead of 25% of total project cost) for pre-determined set of "Massachusetts economically disadvantaged rural communities." More details in Section 1F and Attachment N.
3. Required (previously optional) step for projects in any phase that are focused on a specific site and include a physical asset/s (e.g., building, infrastructure, natural resources) to utilize the Resilient Massachusetts Action Team (RMAT) Climate Resilience Design Standards Tool. Details are described in Attachment E and use of the tool is incorporated into the scoring of Question 1 in the application.
4. Revised Attachment B scope/budget spreadsheet with additional guidance and supporting materials.

DRAFT SUMMARY
MVP FY 2022-2023 - CULVERT REPLACEMENT PHASE II
TOWN OF MONTEREY

The Konkapot River is located downstream of and receives freshwater flow from Lake Garfield in the Town of Monterey. This important point reflects the hydraulic connection between the two and the need to ensure that the health, ecology and recreational best use of these waterbodies are protected and maintained for current and future generations.

During 2021, the Town of Monterey successfully completed the first phase of a FY2020-2021 MVP Action Grant entitled, “Enhancing Flood Resiliency Through the Evaluation and Redesign of Critical Infrastructure Along the Konkapot River.” The project was designed to prevent flooding of critical infrastructure in Monterey town center along Route 23, Main Road. Along with a well executed and effective public outreach and education component performed by the Berkshire Regional Planning Commission (BRPC), 60% conceptual design drawings and specifications were completed by GZA GeoEnvironmental Inc. and submitted to the Monterey Select Board for their selection of a preferred option, a 25 foot wide bottomless concrete structure, to replace the aging undersized 15 foot wide arched metal culvert adjacent to town hall on the Konkapot River.

This FY 2022-2023 MVP- Phase II Action grant application is submitted to develop the second or Phase II of the Route 23 culvert replacement project which includes the preparation of 100%, final design drawings and specifications, state and federal permitting and a robust public outreach and education program that incorporates hands-on public engagement with nature based design solutions and demonstrations.

Finally, in FY 2021-2022, Monterey also secured federal 319 grant funding to implement a stormwater pollution reduction project entitled, “Hupi Road Drainage Improvements to Reduce Sediment Inflow to Lake Garfield Project (project number 22-07/319).” Specific tasks from the 319 grant project will be coordinated with and utilized for the proposed MVP- Phase II project to further enhance public outreach and education for seasonal and full-time town residents.

Monterey Town Administrator

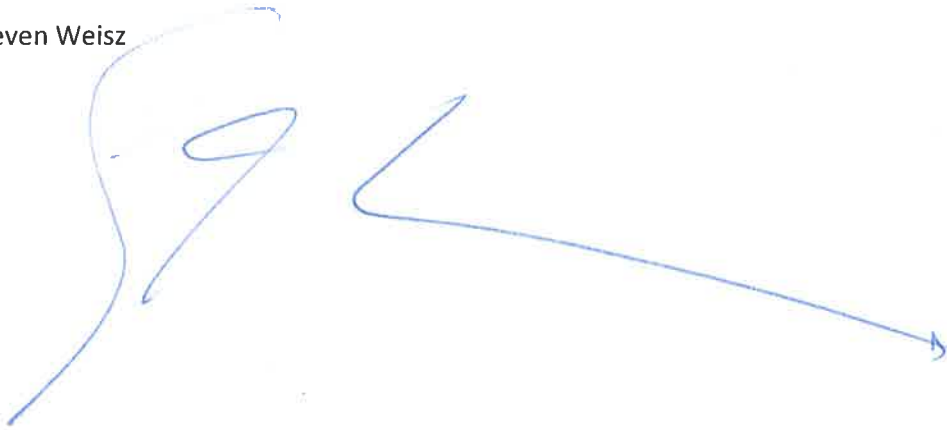
From: Steven Weisz <steve@montereyma.gov>
Sent: Thursday, March 17, 2022 2:36 PM
To: Monterey Town Administrator
Subject: Resignation Letter

3-17-2022

To Whom it may concern,

Please accept my resignation from the Lake Garfield Working group. As a founding member, it has been my honor to work with the other LGWG members, however I feel it is time for other representation from the Board.

Steven Weisz

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a long horizontal line that ends in a small hook.