

10
May 11, 2022

To the New Select Board:

We, the undersigned, question the Select Board's tradition of electing its chair when the "traditional" candidate has repeatedly failed in the past to perform his duties.

It is difficult to imagine John Weingold as chair after he failed to sign nearly all warrants, one of the most basic duties of a selectman; failed to appear at many of the Board's meetings and abruptly left many others, while continuing to draw his full salary; sued members of the community as well as the Board and Town of Monterey for \$300,000 and counsel fees for himself in a lawsuit that was dismissed by the Court; and refused repeatedly to meet in person with the Town Administrator regarding town business.

The choice of John Weingold as chair of the Monterey Select Board would damage the Board's reputation at a critical time for this community. Therefore, we request that the Board take action to appoint an alternative selectperson as chair for the coming year.

Respectfully,

65 signers' names attached

(Individual signers requested inclusion in this list by email to Ellen Coburn, nonniejc@gmail.com)

Signatures for letter re: SB Chair

* = former Chair, Monterey Select Board

Jennie Andrews

Chris Andrews

Joe Baker

Maureen Banner

Michael Banner

Don Barkin

Maggie Barkin

* Kenn Basler

Dorene Beller

Christopher Blair

Karen Shreefter Blair

* Wayne Burkhart

Phil Castille

Shannon Castille

Amanda Chmielinski

James Chmielinski

Carol Clarin

Gerard Clarin

Ellen Coburn

* Donald Coburn

Barbara Dahlman

Carly Detterman

Dennis J. Downing

Dianna Downing

Sally Petrick

Catherine Rodgers

Robert Rodgers

Ron Rothschild

Susan Sellow

Deborah Slater

Stephanie Sloane

Anastasia Smith

Shawn Tryon

Wendy Tryon

Joe Wasiuk

Kyp Wasiuk

* Steven Weiss

Daniel Zweig

In closing — —

It's important to note that 5 former selectmen have signed this letter.

FIVE. Some people in town are citing **tradition** as a reason to appoint John Weingold as chair. **All five of these former selectmen** are **personally familiar** with the tradition of appointing a selectman in his third year. But that tradition is **not a requirement**. It is simply a practice that worked **at the time** for the **particular** select boards they were serving on.

We all recognize that tradition has its place. **But following tradition blindly is not an intelligent path.** So —- 5 former selectmen and **many** concerned residents are tonight urging against tradition in this specific instance.

I'll close by quoting 3-term former selectman Wayne Burkhart on this issue.

In extraordinary times like today I would consider it appropriate to hold the usual practice of third-year chairmanship aside in favor of the person who could best listen & lead our board for the next year.

We concur, and we thank you for considering our views.

Essential Roles of the Select Board (SB)

Leadership involves a steady and reliable presence. This is a short listing of utterly essential job duties, fundamental to all other duties being carried out. It is not meant to be comprehensive, and does not include the many other broad and detailed obligations laid out in the Handbook for Massachusetts Selectmen.

Members Must:

- ❖ Attend all meetings of the Select Board, ideally in person to prevent technical difficulties.
- ❖ Respectfully remain for the duration of each meeting to attend to all business.
- ❖ Give notice to at least one member of the SB and/or Town Administrator should you be unable to attend or need to leave early, including reason for absence.
- ❖ Read and sign all warrants, weekly, vendor, annual and any other, unless there is cause to question one – in which case it should be brought to the SB’s attention. The SB has fiscal responsibility for the town, thus this is a duty.
- ❖ Participate actively in all hiring and appointment decisions, including those involving employees, appointees, contractors and any other.
- ❖ Participate in the budget process, including joint meetings with the Finance Committee.
- ❖ Give due attention to town related correspondence and come to meetings prepared.
- ❖ Be above reproach and professional in their behavior at all times. Members shall refrain from abusive conduct, disparaging remarks, or verbal attacks upon the character or motives of other Members, Town boards and committees, Town Staff, and Citizens.
- ❖ Work cooperatively with other Select Board members for the benefit of the Town.
- ❖ Listen thoughtfully and with an open mind to all opinions before drawing conclusions.
- ❖ Interact cooperatively and regularly with the Town Administrator, Department heads, town employees and members of other Town Boards and Committees to help create a healthy work environment, to act as a sounding board and to stay apprised of issues that may require SB involvement.
- ❖ Abide by any lawful decision made by a majority of the Board of Selectmen.

I have read and understood these duties. I hereby agree to abide by them to the best of my ability and to be held publicly accountable for my failure to do so.

_____ date: _____
 Susan Cooper

_____ date: _____
 John Weingold

_____ date: _____
 Justin Makuc

#3a

Municipal Solid Waste and Recycling Services Recommendation 5/10/22

Please find attached the bid results for the Municipal Solid Waste and Recycling Services bids received on May 5, 2022.

Massachusetts bidding laws advise towns to accept the most responsible and responsive bidder which they define as someone who has the capability to perform fully the contract requirements and the integrity and reliability which assures good faith performance. Using that guidance we are recommending that the Town accept the bid from Valley Rolloff for the following reasons:

1. We find that Valley's stability is a significant factor and should be heavily considered. Valley has been Monterey's hauler for more than 6 years now and has proven to be extremely reliable.
2. Valley's slightly higher bid numbers in our opinion reflect the cost of regular maintenance and thus increased reliability.
 - a. Tonnages and number of hauls are variable but if we use an average of 13.3 hauls and 20 tons Valley would only be an approximate \$1,000/year more. Roger's is \$1,300/year more in tip fees based on the 13.3 average hauls. The estimated yearly cost difference between the 2 bids for municipal solid waste is \$300.
3. Valley has proven to have adequate staffing (mechanics and drivers) to service the equipment they own.
4. Remaining with Valley will result in no delays in transition from one vendor to another. Roger's bid also noted that their containers we would be renting would not be available until mid-August.
5. Both had excellent references.

Respectfully,

Jim Hunt, Director of Operations and Transfer Station Manager

Melissa Noe, Town Administrator and Chief Procurement Officer

Hauling Results 5/5/22

Rentals

Bidder	MSW Compactor	MSW Container	Mixed Paper	Bottles/Cans/Plastic	Metal	Bulky Waste	Total per month
Valley	\$350.00	\$85.00	\$85.00	\$85.00	\$85.00	\$85.00	\$775.00
Roger Trucking	\$300.00	\$65.00	\$65.00	\$65.00	\$65.00	\$65.00	\$625.00

Item/Bidder	Haul Price Yr1	Haul Price Yr 2	Haul Price Yr3	Tip Fee
Valley				
MSW	\$250.00	\$275.00	\$300.00	\$100.00
Mixed Paper	\$325.00	\$350.00	\$375.00	\$0.00
Bottles/Cans/Plastic	\$325.00	\$350.00	\$375.00	\$0.00
Metal	\$195.00	\$200.00	\$205.00	Credit \$100/gross ton
Bulky/Demo	\$175.00	\$200.00	\$225.00	\$100/ton
Tires **	\$175.00	\$200.00	\$225.00	\$100/yd
Rigid Plastics	\$325.00	\$350.00	\$375.00	\$0.00
Mattresses (per mattress) **	\$175.00	\$200.00	\$225.00	\$75 per piece
Roger Trucking				
MSW	\$185.00	\$205.00	\$220.00	\$105 per ton
Mixed Paper	\$235.00	\$265.00	\$285.00	n/a
Bottles/Cans/Plastic	\$235.00	\$265.00	\$285.00	n/a
Metal	\$135.00	\$155.00	\$180.00	n/a
Bulky/Demo	\$160.00	\$180.00	\$205.00	\$105/ton
Tires **	\$35.00	\$45.00	\$50.00	per tire
Rigid Plastics	n/a	n/a	n/a	n/a
Mattresses (per mattress) **	\$35.00	\$40.00	\$45.00	n/a

**We bid this to see if it would come than current system, it does not and will omit this from the contract.

Grant Request/Information Form

Grant Writer Name: Melissa Noe

Project Manager Name: Melissa Noe and Jim Hunt

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

n/a

Name of Grant (if proposing to write a grant): Rural and Small Town Grant

Source of Grant Funding (State or Federal Agency): State

Purpose of Grant: Grants will fund infrastructure improvements and community planning needs in those eligible communities (under 7k in population)

Maximum amount Town can be awarded: up to \$400k

Is there a Town match and if so how much?: no, but the application will be looked upon more favorably if we can contribute 10%

How many hours do you estimate it will take you to write this grant?: 10

at NO charge falls under my job description

What is the deadline to file this grant?: application does not state a date

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?: it will require some administrative follow up to be done by the Town Administrator in conjunction with the Director of Operations when necessary

Additional Comments: We will be applying for engineering/feasibility plans for town hall (future use of basement, offices, storage, etc)

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

.....
To be completed by the Select Board

Approved (circle one): YES NO

Maximum hours approved for this project: _____

Select Board approval (sign)

#3c



Cabot Risk
Strategies, LLC

Town of Monterey



Marcy Medeiros
Account Manager
May 4, 2022

Reinsurance Proposal

Cabot Risk Strategies LLC

Customized Risk Management Services

Cabot Risk Strategies serves thousands of individuals and families and hundreds of public entities, non-profits, health care and real estate businesses. Each year we manage over 4500 claims through our TPA Services. Our client base continues to expand, both within the region and within the industries we serve. We recognize that every client is different, with varying degrees of risk appetite and service specifications. That's why we work with a flexible service model. At Cabot, we provide customized risk management services to meet the unique needs of our clients. This approach offers clients complete 360° of protection.



Brokerage Services

Each client presents a specialized set of risks and exposures requiring a specialized solution. Whether for business and commercial risk or personal and family, we provide the right solution at the right price. To complement the management of retained risk, Cabot offers a full-service brokerage portfolio to deliver insured, guaranteed cost insurance products. Our goal is to help our clients establish a balanced mix of insured and self-insured products and services that will achieve the most desired, cost effective program.

Our Team

Our employees are dedicated professionals, and experts at what they do. They're client-focused individuals who enjoy resolving issues and developing innovative solutions. Cabot Risk Strategies is an independent, regional TPA with a New England focus. You'll find that makes us a little different. Our people are down-to-earth, always willing to share their expertise and take the time to get things right. Doing business with Cabot Risk Strategies means doing business with real people. And in these times of consolidations and constant change, that can make all the difference in the world.

Carriers

We work directly with over one hundred insurers. Among these are an elite group of superlative companies we have designated as our core insurer partners. We have chosen them for their:

- Strong service ethic and excellence
- Commitment to improving our clients' loss ratios
- Shared values of integrity, honesty, and business principles
- Innovation, flexibility, and ability to "think out of the box"
- Willingness to work as team members and partners
- Commitment to the local independent agency and the local community

AM Best Rating

A++ and A+ (Superior)

Assigned to companies which have, on balance, superior balance sheet strength, operating performance and business profile when compared to the standards established by the A.M. Best Company. These companies, in A.M. Best's opinion, have a very strong ability to meet their ongoing obligations to policyholders.

A and A- (Excellent)

Assigned to companies which have, on balance, excellent balance sheet strength, operating performance and business profile when compared to the standards established by the A.M. Best Company. These companies, in A.M. Best's opinion, have strong ability to meet their ongoing obligations to policyholders.

Financial Size Categories (FSC)

Assigned to all companies by A.M. Best, the FSC reflects company size based on capital, surplus and conditional reserve funds in millions of U.S. dollars using the scale below. The FSC is designed to provide the subscriber with a convenient indicator of the size of a company in terms of its statutory surplus and related accounts. Many insurance buyers only want to consider buying insurance coverage from companies that they believe have sufficient financial capacity to provide the necessary policy limits to insure their risks. Although companies utilize reinsurance to reduce their net retention on the policy limits they underwrite, many buyers still feel more comfortable buying from companies perceived to have greater financial capacity.

FSC I	less	than	1
FSC II	1	to	2
FSC III	2	to	5
FSC IV	5	to	10
FSC V	10	to	25
FSC VI	25	to	50
FSC VII	50	to	100
FSC VIII	100	to	250
FSC IX	250	to	500
FSC X	500	to	750
FSC XI	750	to	1,000
FSC XII	1,000	to	1,250
FSC XIII	1,250	to	1,500
FSC XIV	1,500	to	2,000
FSC XV	greater	than	2,000

NOTARY PROFESSIONAL LIABILITY

Named Insured: Town of Monterey
Insurance Company: Hanover Insurance Company – Admitted - AM Best Rating “A”
Policy Number: Renewal of LHN H6458800
Policy Period: July 1, 2022 to July 1, 2023

	<u>Limit</u>	<u>Coverage</u>
Limits & Coverages:	\$ 1,000,000	Each Claim
	\$ 1,000,000	General Aggregate
	\$ 1,000,000	Privacy and Security Liability
Supplemental Coverage:	\$ 25,000	Disciplinary Proceedings per Insured
	\$ 25,000	Subpoena Assistance
	\$ 25,000	Crisis Event Expenses per Event
	\$ 15,000	Reputation Protection Expense
	\$ 25,000	Withheld Client Fee Assistance
	\$ 10,000	Nonprofit Directors and Officers Expense
Deductible:	\$ 1,000	Per Claim

Retroactive Date: July 1, 2021

Terms & Conditions: Coverage is written on a Claims-Made Basis
Defense is within the Limit
Deductible applies to damages and defense costs
Quote is valid for 30 days

Exclusions: Include, but not limited to:

- Management Consultants
- False Pretenses

Subjectivities: Signed Carrier Application

This quote is based off expiring revenues and exposures. In the event there has been a significant increase (or decrease) in revenues or exposure, please advise us immediately so that we may revise terms accordingly

TOWN OF MONTEREY PREMIUM SUMMARY



Coverage	Carrier	Premium
Notary Professional Liability	The Hanover Insurance Company	\$ 1,019.00
	TOTAL	\$ 1,019.00

NOTE RENEWAL BILLING PROCEDURE: Once coverage is bound, the Town will receive an invoice from The Hanover Insurance Company.
Please remit payment directly to them.

ACCEPTED BY: _____

DATE: _____

This is a coverage summary, not a legal contract. This summary is provided to assist in your understanding of your insurance program. Please refer to the actual policies for specific terms, conditions, limitations and exclusions that will govern in the event of a loss. Specimen copies of all policies are available for review prior to the binding of coverage.

In evaluating your exposure to loss, we have been dependent upon information provided by you. If there are other areas that need to be evaluated prior to binding of coverage, please bring these areas to our attention. Should any of your exposures change after coverage is bound, such as your beginning new operation, hiring employees in new states, buying additional property, etc., please let us know so proper coverage(s) can be discussed.

Higher limits may be available. Please contact us if you would like a quote for

Information Concerning Our Compensation: Unless otherwise specifically negotiated and agreed to with our client, our professional compensation is customarily based on commission calculated as a percentage of the premium collected by the insurer and are paid to us by the insurer. We may also receive from insurers and insurance intermediaries' additional compensation (monetary and non-monetary), which is contingent on volume, profitability or other factors pursuant to agreements we may have with them relating to all or part of the business we place with those insurers or through those intermediaries. Such agreements may be in effect with one or more of the insurers with whom your insurance is placed, or with the insurance intermediary we use to place your insurance. In addition to commissions, we may charge fees to you provided however, such fees will always be identified separately and in agreement with you. We will be pleased to discuss with you further details of any contingent compensation agreements pertinent to your placement upon your request.

Renewal Application

Underwritten by The Hanover Insurance Company

NOTICE: THIS APPLICATION IS FOR A CLAIMS-MADE AND REPORTED POLICY. SUBJECT TO ITS TERMS, THIS POLICY WILL APPLY ONLY TO CLAIMS FIRST MADE AGAINST THE INSURED AND REPORTED TO THE INSURER DURING THE POLICY PERIOD OR ANY EXTENDED REPORTING PERIOD THAT MAY APPLY. PLEASE READ THE POLICY CAREFULLY TO DETERMINE RIGHTS, DUTIES, COVERAGE AND COVERAGE RESTRICTIONS.

INSTRUCTIONS

Whenever used in this Application, the term **Applicant** shall mean the **Named Insured** proposed for insurance, and **You** or **Your(s)** shall mean the persons, entities, and subsidiaries, proposed for insurance unless otherwise stated.

A. CONTACT INFORMATION

1. Full Legal Name of **Applicant** (include all firm names, franchise affiliations, trading names and DBAs under which the **Applicant** operates): Town of Monterey

Applicant is a: Sole Proprietor Partnership Corporation LLC LLP
 Independent Contractor Other: Municipality

2. Mailing and Physical Address of **Applicant** including contact information:

Mailing Address: P.O. Box 308

City: Monterey State: MA Zip Code: 02145

Physical Address (if different): 435 Main Rd

Primary **Applicant** contact name: Melissa Noe

Title: Town Administrator Phone #: 413-528-1443 ext 111

Email: admin@montereyma.gov

Website: www.montereyma.gov

3. Have there been any changes in the Professional Services **You** provide over the past 12 months? Yes No
If "Yes", please explain: _____

B. GENERAL BUSINESS INFORMATION

4. Receipts/Sales (Revenues)*:

Annual Revenues Last 12 Months: \$ _____ *Projected Next 12 Months: \$ _____

5. a. Has the ownership or control of **Your** business changed in the past 12 months? Yes No

b. Has there been any other significant changes in the nature of **Your** business in the last 12 months, or do **You** anticipate any significant changes to **Your** business over the next 12 months? Yes No

If "Yes" to either a. or b. above, please explain: _____

6. Please complete the following information for the current year:

Staff	Full Time	Part Time
Principals/Professionals		
Administrative/Clerical		

7. Do **You** use written contracts with **Your** clients? Always Sometimes Never N/A
 If **You** use contracts, does the contract contain:
- a. A detailed description of **Your** services to be provided? Yes No N/A
 b. A hold harmless agreement and/or Limitation of Liability in **Your** favor? Yes No N/A
 c. Industry standard forms? Yes No N/A
8. Subcontractors:
- a. Do **You** use independent contractors and/or subcontractors? Yes No
 If "Yes", do **You** require them to carry their own professional liability insurance? Yes No
 b. What percentage of **Your** services are performed by independent contractors and/or subcontractors? ____%
9. Do **You** have any subsidiaries for which coverage is requested? Yes No
 If "Yes", please complete the schedule below.

Subsidiary Information

Full Legal Name	% Owned	Year Started	Description of Operations

IMPORTANT: It is understood and agreed that coverage is not provided for subsidiaries not fully disclosed in response to Question 9.

10. Does any of the **Applicant's** professional staff know of any incident, negligent act, error or omission, or other circumstance that could result in a claim or suit against the **Applicant** or any predecessor firm or any of the **Applicant's** current or former professional staff? Yes No
 If "Yes", indicate how many: _____ and complete a Supplemental Claim Form for each potential claim.
11. Has any of the **Applicant's** or a predecessor firm's professional staff ever had their license revoked or suspended or been formerly reprimanded or been the subject of a disciplinary action? Yes No
 If "Yes", please provide complete details on a separate sheet.

C. DECLARATIONS AND NOTICE

The undersigned, acting on behalf of the **Applicants**, represents that the statements set forth in this Application are true and correct and that thorough efforts were made to obtain requested information from all of **You** to facilitate the proper and accurate completion of this Application.

The undersigned agree that the information provided in this Application and any material submitted herewith are the representations of all of **You** and that they are material and are the basis for issuance of the insurance **Policy** provided by **Us**. The undersigned further agree that the Application and any material submitted herewith shall be considered attached to and a part of the **Policy**. Any material submitted with the Application shall be maintained on file (either electronically or paper) with **Us**.

It is further agreed that:

- If any of **You** discover or become aware of any material change which would render the Application inaccurate or incomplete between the date of this application and the **Policy** inception date, notice of such change will be reported in writing to **Us** as soon as practicable.
- Any **Policy** issued will be in reliance upon the truthfulness of the information provided in this Application; and
- The signing of this Application does not bind the **Applicant** to purchase insurance.

NOTICE TO ALABAMA APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution fines or confinement in prison, or any combination thereof.

NOTICE TO ARIZONA AND MISSOURI APPLICANTS: Claim Expenses are Inside the Policy Limits. All claim expenses shall first be subtracted from the limit of liability, with the remainder, if any, being the amount available to pay for damages.

NOTICE TO ARKANSAS, LOUISIANA AND WEST VIRGINIA APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO CALIFORNIA APPLICANTS: For your protection, California law requires the following to appear on this form: Any person who knowingly presents a false or fraudulent claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.

NOTICE TO COLORADO APPLICANTS: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

NOTICE TO DISTRICT OF COLUMBIA APPLICANTS: Warning: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

NOTICE TO FLORIDA APPLICANTS: Any person who knowingly and with intent to injure, defraud or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

NOTICE TO HAWAII APPLICANTS: For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

NOTICE TO IDAHO AND OKLAHOMA APPLICANTS: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

NOTICE TO KANSAS APPLICANTS: Any person who commits a fraudulent insurance act is guilty of a crime and may be subject to restitution, fines and confinement in prison. A fraudulent insurance act means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

NOTICE TO KENTUCKY APPLICANTS: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.

NOTICE TO MAINE, TENNESSEE, VIRGINIA, AND WASHINGTON APPLICANTS: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

NOTICE TO MARYLAND APPLICANTS: Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO MICHIGAN APPLICANTS: Any person who knowingly and with intent to defraud an insurance company or another person files an application for insurance containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent act, which is a crime and subjects the person to criminal and civil penalties.

NOTICE TO NEW JERSEY APPLICANTS: Any person who knowingly includes any false or misleading information on an application for an insurance policy or files a statement of claim containing any false or misleading information is subject to criminal and civil penalties.

NOTICE TO NEW HAMPSHIRE APPLICANTS: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages.

NOTICE TO NEW MEXICO AND RHODE ISLAND APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

NOTICE TO OHIO APPLICANTS: Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

NOTICE TO OREGON APPLICANTS: Any person who knowingly and with intent to defraud or solicit another to defraud any insurance company: (1) by submitting an application, or (2) by filing a claim containing a false statement as to any material fact, may be violating state law.

NOTICE TO PENNSYLVANIA APPLICANTS: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of

misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

NOTICE TO VERMONT APPLICANTS: Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.

This Application must be signed by a representative of the Applicant acting as the authorized representative of the person(s) and entity(ies) proposed for this insurance.

Date

Signature/Title

(mm/dd/yyyy)

(Chief Executive Officer, President, Chief Financial Officer, Managing Partner or Owner)

Agent's Signature: _____

A POLICY CANNOT BE ISSUED UNLESS THE "APPLICATION" IS PROPERLY SIGNED AND DATED.

#3d

KP LAW, P.C.
 101 ARCH STREET
 FLOOR 12
 BOSTON, MA 02110
 (617) 556-0007
 FEDERAL TAX ID: 04-2746356
INVOICE NO: 136782

MS. MELISSA NOE
 TOWN ADMINISTRATOR
 MONTEREY TOWN HALL
 435 MAIN ROAD
 P.O. BOX 308
 MONTEREY, MA 01245

April 28, 2022
 IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH March 31, 2022

GENERAL LEGAL SERVICES (R)

03/10/2022	BWR	MONTHLY RETAINER.	0.10	1417.00
		SUBTOTAL:	0.10	\$1,417.00

GREENE INVESTIGATION REPORT

03/02/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO SELECT BOARD MEMBER RE: UNAPPROVED MINUTES.	1.80	378.00
03/03/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO TOWN ADMINISTRATOR RE: PROCEDURE TO ESTABLISH OPEB TRUST FUND, TOWN MEETING VOTE REQUIRED.	2.50	525.00
03/04/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO CHAIR, SELECT BOARD RE: USES FOR ARPA FUNDS, STATUS OF EMAILS RECEIVED BY SELECT BOARD MEMBERS AS PUBLIC RECORDS.	2.00	420.00
03/10/2022	BWR	LEGAL ANALYSIS RE: POLICIES FOR PRESERVING TEXTS AND EMAILS, CELL PHONE ISSUANCE.	0.40	84.00
03/10/2022	BWR	LEGAL ANALYSIS RE: OPEN MEETING LAW ISSUE - INVESTIGATIVE REPORT.	0.40	84.00
03/10/2022	JRD	LEGAL RESEARCH AND E-MAIL RE: MASTER PLAN UPDATE AND BERKSHIRE REGIONAL PLANNING COMMISSION.	0.90	189.00
03/15/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO TOWN ADMINISTRATOR RE: NOTARY PUBLICS - NO AUTHORITY TO SWEAR IN TOWN OFFICIALS.	0.60	126.00
03/16/2022	BWR	EMAIL CHAIR, SELECT BOARD RE: INVESTIGATIVE REPORT.	0.60	126.00
03/16/2022	JDE	CURTIS ROAD PROJECT - EXCHANGE E-MAIL WITH DOT ROW OFFICER RE: SCHEDULE FOR TITLE REVIEW AND GUIDANCE FOR PROJECT ENGINEER RE: LAYOUT.	0.30	63.00
03/17/2022	BMM	REVIEW INVESTIGATION REPORT; EXCHANGE E-MAILS WITH BOARD MEMBER RE: REDACTION OF REPORT AND ATTENDING EXECUTIVE SESSION WITH BOARD.	0.80	168.00
03/21/2022	BMM	EXCHANGE E-MAILS WITH BOARD CHAIR RE: EXECUTIVE SESSION TO DISCUSS INVESTIGATION REPORT; TELEPHONE CONFERENCE WITH BOARD MEMBER RE: REPORT FROM	1.00	210.00

		INVESTIGATOR.		
03/21/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO TOWN ADMINISTRATOR RE: POLICIES FOR CELL PHONES, TOWN EMAIL ADDRESSES, PUBLIC RECORDS LAW REQUIREMENTS.	1.20	252.00
03/22/2022	BMM	REVIEW AND RESPOND TO E-MAIL FROM BOARD MEMBER RE: EXECUTIVE SESSION MINUTES INVOLVING EMPLOYEE COMPLAINT; REVIEW AND REDACT INVESTIGATION REPORT FOR EXECUTIVE SESSION MEETING WITH SELECT BOARD.	3.00	630.00
03/23/2022	BMM	PREPARE FOR AND MEET WITH SELECT BOARD TO DISCUSS INVESTIGATION REPORT FROM INDEPENDENT INVESTIGATOR.	6.00	1260.00
03/24/2022	BMM	REDACT INVESTIGATION REPORT FOR RECIPIENTS; DRAFT E-MAIL TO SELECT BOARD CHAIR WITH REDACTED REPORTS FOR DISSEMINATION TO TOWN EMPLOYEES; TELEPHONE CONFERENCE WITH BOARD MEMBER RE: CONTRACT TERMS FOR TOWN ADMINISTRATOR AGREEMENT AND NEXT STEP FOR MEETING WITH TOWN ADMINISTRATOR.	1.00	210.00
03/25/2022	BMM	REVIEW AND RESPOND TO E-MAILS FROM SELECT BOARD MEMBER RE: PROCEDURES FOR UPCOMING MEETING WITH EMPLOYEE IN EXECUTIVE SESSION.	0.40	84.00
03/25/2022	BMM	PREPARE FOR AND PARTICIPATE IN CALL WITH SELECT BOARD MEMBER RE: STATUS OF INVESTIGATION INVOLVING TOWN EMPLOYEE.	0.50	105.00
03/28/2022	BMM	EXCHANGE E-MAILS WITH SELECT BOARD MEMBER RE: BOARD MEETING TO DISCUSS EMPLOYEE CONDUCT FROM INVESTIGATION REPORT.	0.20	42.00
03/29/2022	BMM	REVIEW AND RESPOND TO E-MAILS FROM BOARD MEMBER RE: MEETING WITH BOARD TO REASSIGN EMPLOYEE DUTIES.	0.40	84.00
03/30/2022	BMM	INVESTIGATION - REVIEW E-MAIL FROM SELECT BOARD MEMBER RE: CONDUCT OF INVESTIGATION OF TOWN EMPLOYEE; E-MAIL TO SELECT BOARD MEMBER CONCERNING INVESTIGATION INTERVIEWS AND STATUS OF INVESTIGATION.	0.40	84.00
03/31/2022	BWR	RESEARCH AND DRAFT OPINION LETTER TO CHAIR, SELECT BOARD RE: VALIDITY AND STATUS OF TWO CITIZEN PETITIONED WARRANT ARTICLES.	2.20	462.00
		SUBTOTAL:	26.60	\$5,586.00

TOTAL FEES: 26.70 7,003.00

TOTAL DUE: \$7,003.00

Monterey Town Administrator

#4
(3 proposals)

From: Leonard Kopelman <leonardkopelman@gmail.com>
Sent: Tuesday, April 26, 2022 4:19 PM
To: Monterey Town Administrator; Steven Weisz
Subject: Town Counsel Application

Hon. Steven Weisz, Chair, and members of the Select Board,

I hereby apply for the position of Town Counsel.

A graduate of Harvard College and Harvard Law School, I have been a town attorney for most of my legal career. I was the founder of Kopelman & Paige, PC, now known as KP Law. I grew the practice so that when I left about 7 years ago, we numbered almost 100 employees on two large floors in downtown Boston. We were town counsel to over 125 towns in all 13 counties, including 10 in Berkshire County. I left because I enjoyed the municipal practice, but not being the managing partner, which took too much of my time away from hands-on daily practice. I stayed on for a year to train my successor and then went to the municipal law firm of Brooks & DeRensis. They have a smaller practice of 8 towns as town counsel and others as special counsel. When I joined, two of the principals were on their hometown Select Boards. In fact, Paul DeRensis has been serving his town as a member of its board for over 30 years. He also graduated from Harvard College and Harvard Law School.

As to budget, my general legal advice is not expensive because I know the laws affecting towns and rarely need to do any research. I do not charge for quick calls and my turnaround time is immediate or, when reviewing changes to personnel bylaws, same day or next day at the most.

Since the cost of legal services inevitably rises with litigation, I always tell my Boards what the likelihood of success will be and what it will cost to get there. Since I have many years of experience with litigation, I am quite accurate. More importantly, I always try to figure out ways to avoid or get rid of litigation in the first place, using it only as a last resort. I was appointed by the Chief Justice of the Superior Court as a Master in the Superior Court, and presided over many cases. None of my decisions were ever overturned.

I have almost always come in under budget in my towns. While I cannot guarantee it in Monterey since I am not familiar with your existing litigation, I would review the open cases at no charge to the town and would try to resolve them if possible, with your approval, in executive session.

My rate is \$200/hour, but I don't charge for anything under 1/4 hour. I do not charge for Town Meeting, but I have found in many towns that being available for town meeting by phone works equally as well – and is more cost effective. I do not charge for being on call and available by phone and answering any questions that come up during the meeting. In fact, I have not been called once by phone. I would of course speak with the moderator before the meeting, also at no charge.

Our labor lawyer, Jack Dolan, is excellent at labor work and personnel issues for towns. He used to work at KP Law, but has since joined our practice as head of our labor department.

I would appreciate the opportunity to answer any questions you may have.

Respectfully submitted----Leonard Kopelman



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian R. Holmquest Andrew N. Bettinelli

April 25, 2022

Via email

Steven Weisz, Chair
Select Board
Town of Monterey
steve@montereyma.gov

Melissa Noe
Town Administrator
Town of Monterey
admin@montereyma.gov

Re: Response to Request for Quotes for Legal Services

Dear Mr. Weisz and Ms. Noe:

We are pleased to submit this letter expressing our interest in providing Town Counsel services to the Town of Monterey. Miyares and Harrington LLP is a law firm dedicated to the practice of law in the public interest and committed to addressing the needs of local governments. Our attorneys are skilled in the areas of law that so often present local issues (and opportunities), including general municipal practice, Town Meetings, zoning and planning, construction, contracts, municipal finance, environmental, public health, labor and employment law, litigation, conflict of interest, public records, and open meeting.

We currently serve as Town Counsel in Bourne, Carlisle, Hopkinton, Lancaster, Littleton, Needham, Norfolk, Reading, Stockbridge, Templeton, and Wellesley. We also serve as Labor Counsel in Dracut and Stockbridge and provide labor/employment law services in our other Towns to supplement outside Labor Counsel. We are Counsel to the Berkshire Regional Planning Commission and serve as special counsel to other cities and towns in Massachusetts.

You will no doubt receive responses from other firms and attorneys with good legal credentials. What sets our firm apart is its culture and commitment to local government. Our firm is neither so large that Monterey officials would be unfamiliar with the attorney assisting in a matter, nor so small that we would lack the requisite expertise to deliver sophisticated advice on the variety of questions posed by the Town. Our firm is composed of attorneys and staff with a diverse set of backgrounds and skillsets, united in a common commitment to Massachusetts Cities and Towns. Municipal law is our passion, and we love

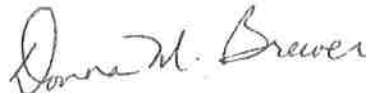
what we do. We believe that our deep experience, our broad legal expertise, and our enthusiasm for partnering with local government offer an excellent—and unique—match for Monterey's legal needs.

Enclosed with this letter is our response to your request for quotes for an hourly fee or retainer fee arrangement. As you will find, we offer competitive rates, years of experience, personal service, diligent attention to our clients' needs, and good humor. We propose to designate Donna Brewer as Lead Counsel, whom you should not hesitate to contact if you need more information. Donna's direct line is (617) 804-2423 and her cell is (617) 797-8690.

Thank you for the opportunity to express our interest and provide you with this information. We look forward to the opportunity to discuss our interest and qualifications in more detail.

Respectfully Submitted,

MIYARES AND HARRINGTON LLP



Donna M. Brewer

dbrewer@miyares-harrington.com

Encs.

**TOWN OF MONTEREY
RESPONSE TO REQUEST FOR QUOTES
FOR LEGAL SERVICES**

Donna M. Brewer
MIYARES AND HARRINGTON LLP
40 Grove Street • Suite 190
Wellesley, MA 02482
Tel. (617) 489-1600
Fax. (617) 489-1630
www.miyares-harrington.com
dbrewer@miyares-harrington.com

Miyares and Harrington LLP is pleased to submit this response to Monterey's Request for Quotes for Legal Services. Our firm has a single core focus: providing sophisticated legal advice to municipalities. We've been doing so since 1988 and our legal skills are recognized by our clients as well as leading legal publications, such as the Martindale Hubbard Law Directory, which gives us an AV® Rating—its highest. We are confident that our firm's record of legal excellence, a deep and diverse roster of practitioners, and enthusiasm for partnering with local government is an excellent match for Monterey's legal requirements.

We propose to designate Donna Brewer as Lead Counsel to serve as the primary point of contact for legal services. However, we offer our services as a firm for a reason. Each of our attorneys brings a unique set of skills and experience to our efforts. That means that all our attorneys are available to Monterey and we will staff your matters with those attorneys best suited to each individual issue. We believe this provides two principal benefits: First, it ensures that all tasks have the attention of lawyers whose skills align with that task. Second, it ensures effective cost-control—skilled lawyers are typically capable of identifying issues and performing legal work quickly and efficiently.

We propose this structure following substantial thought about Monterey's needs. It is important that one attorney serves as a principal contact to the Town, to avoid any confusion or miscommunication about legal projects or their management. But we also believe that a collaborative, team approach is the best mechanism to provide swift, responsive, and sophisticated legal advice to Monterey.

We have attached to the end of this response, résumés of all attorneys in our firm, as each will be available to provide legal services within their areas of specialization. Below is a summary of Donna's qualifications.

Donna M. Brewer. Donna has been practicing for almost 40 years, first as a civil litigator, and for the past 23 years in municipal law. She is the head of the firm's litigation and employment practice groups. Donna got her start in the municipal field by serving as a volunteer appointed member of her town's Historic District Commission and later as its chairman before being appointed as Town Counsel. She currently serves as Town Counsel to Stockbridge and Labor Counsel to Dracut, as well as special counsel to countless communities. In addition to her years of Town Counsel representation, Donna has decades of experience in private and public-sector litigation on such disparate topics as zoning and land use, consumer protection, contracts, and *cy pres*. She is an experienced litigator at all levels of regional federal and state courts and alternative dispute resolution forums.

Donna is a frequent presenter on topics of general municipal interest to municipal counsel and officials. In 2022 alone, she has presented to the Massachusetts Municipal Association on recent municipal law updates, the Second Amendment and local regulations, and DHCD draft guidelines to MBTA Communities.

Donna was selected as a Massachusetts Super Lawyer® for three years' running in the area of litigation and is currently a multi-year honoree as a Massachusetts Super Lawyer® in the field of state, local, and municipal law. Donna is named in the Martindale-Hubbell® Bar Register of Preeminent Women Lawyers™ for achieving the highest possible rating in both legal ability and ethical standards (AV® Preeminent™).

Prior to joining Miyares and Harrington LLP, Donna was a partner in the Boston law firm of Casner & Edwards, LLP and an associate with the New York law firm of Hughes Hubbard & Reed. She received her A.B. degree *cum laude* from Middlebury College and her J.D. from New York University School of Law. She is a co-author of Ch. 25, "Municipal Code Enforcement" in MCLE's *Massachusetts Municipal Law* (2nd edition 2015 (Supplement 2020)).

When not practicing law or walking her dog, Donna is a volunteer at the New England Aquarium.

**TOWN OF MONTEREY
RESPONSE TO REQUEST FOR QUOTES
FOR LEGAL SERVICES – HOURLY FEE ARRANGEMENT**

Donna M. Brewer
MIYARES AND HARRINGTON LLP
40 Grove Street • Suite 190
Wellesley, MA 02482
Tel. (617) 489-1600
Fax. (617) 489-1630
www.miyares-harrington.com
dbrewer@miyares-harrington.com

We believe that clients are best served through the billing of individual matters. For all matters we proposed the following hourly billing rates:

Partners and Counsel:	\$225 per hour
Associate Attorneys:	\$215 per hour
Travel:	\$140 per hour
Paralegals and Law Clerks:	\$125 per hour

Hourly billings would be recorded in tenths of an hour and billed monthly.

All out-of-pocket expenses and disbursements will be billed at cost. There is no charge for routine copying, scanning, or online legal research. Out-of-the-ordinary copying projects or fees will be subject to approval by the Town.

We also believe strongly that the foundation of cost-effective legal services is communication and planning. Legal fees can (and often do) vary based on the complexity of an issue and the timing under which it must be resolved. But while they may vary, legal fees should not be a surprise. We are committed to regular review of open matters with the appropriate Town officials, to ensure a full understanding of all matters then pending and proper planning for all matters reasonably anticipated in the future.

**TOWN OF MONTEREY
RESPONSE TO REQUEST FOR QUOTES
FOR LEGAL SERVICES – RETAINER FEE ARRANGEMENT**

Donna M. Brewer
MIYARES AND HARRINGTON LLP
40 Grove Street • Suite 190
Wellesley, MA 02482
Tel. (617) 489-1600
Fax. (617) 489-1630
www.miyares-harrington.com
dbrewer@miyares-harrington.com

In our experience, retainer arrangements are counterproductive to a Town's interests so we do not propose a retainer arrangement. Monterey will benefit from the collective decades of municipal law experience that all of our lawyers offer, so that there is an excellent chance that we can answer your questions quickly and with confidence. But less populated Towns do not necessarily have minor or common legal questions. Monterey can be assured that we will give a matter the time and attention it needs, not giving it short shrift because of the size of the retainer.

Legal Résumés

DONNA M. BREWER

Academic Background

Juris Doctor

New York University
School of Law

Bachelor of Arts, cum laude

Middlebury College

Member of the Bar

Massachusetts
New York

United States District Court for Massachusetts

United States Southern and
Eastern Districts of New York

United States Court of
Appeals, First Circuit

United States Court of Appeals, DC Circuit

Supreme Court of the
United States

Community Service

Board Member
Lawyers for Civil Rights
2011-present

Contributor
Massachusetts Municipal Lawyers
Association

Co-author, "Municipal Code
Enforcement," Massachusetts Municipal
Law, Ch. 25 (MCLE 2015 (Supplement
2020))

Lecturer
MCLE
Municipal law issues

Honors

AV®, Martindale-Hubbell®
2012+Massachusetts *Super
Lawyers*®
2011 Bar Register of
Preeminent Women Lawyers™

Our partner, Donna M. Brewer, received her A.B. degree, *cum laude*, from Middlebury College and her J.D. from New York University School of Law. Ms. Brewer is experienced in the broad range of matters of particular concern to towns and regional school districts, including budget disputes, labor, citizens' petitions, Proposition 2 1/2, local board practice and procedure, *Open Meeting Law*, *Public Records Law*, intermunicipal agreements, public works and construction projects, elections, and zoning and non-zoning land use matters. She has advised municipalities and lectured on local regulation of Small Wireless Facilities in light of FCC Rulings.

In addition to her background in litigation, Ms. Brewer has substantial litigation experience in such varied fields as zoning and land use, 5G, real estate, business contracts, civil rights, consumer protection, professional malpractice, products liability, guardianship and conservatorship, employment, surety and insurance coverage disputes on behalf of individuals, corporations, partnerships, non-profit organizations and municipal clients. She has experience in all levels of regional federal and state courts and alternative dispute resolution forums.

Ms. Brewer is a member of the Massachusetts Municipal Lawyers Association and the International Municipal Lawyers Association. She is a board member of the Lawyers for Civil Rights.

Ms. Brewer is rated AV in Martindale-Hubbell®, assessed by her peers as holding the highest ethical standards and professional ability.

PROFESSIONAL EXPERIENCE

Partner, 2014-present
Miyares and Harrington LLP

Partner, 2001-2014
Associate, 1984-2000
Casner & Edwards LLP

Associate, 1982-1984
Hughes Hubbard & Reed

J. RAYMOND MIYARES

Academic Background

Juris Doctor

University of Virginia

Bachelor of Science

Urban Studies

Massachusetts Institute of Technology

Member of the Bar

Massachusetts

United States District Court for Massachusetts

United States Court of

Appeals, First Circuit

and D.C. Circuit

Community Service

Secretary, Board of Directors

Massachusetts Hazardous

Waste Insolvency Fund

1986-1989

Siting Policy Task Force,

Executive Office of

Environmental Affairs 1990

Construction Industry Arbitrator

American Arbitration Association 1988-1994

Belmont Financial Task Force Advisory

Committee

1995-1996

Belmont Telecommunications Bylaw Study

Committee

1997-1998

Belmont Purecoat Planning Committee 2004-

2006

Belmont Bylaw Review

Committee 2006-2018

J. Raymond Miyares, founding partner of the firm, is principally known for his work in facility siting, water and resource management, and municipal finance matters. He is the principal author of two entire Chapters of the Massachusetts General Laws. Mr. Miyares is particularly experienced in matters with significant technical issues requiring interaction with expert consultants and witnesses.

Mr. Miyares has represented municipalities and private clients both in favor of and opposing a wide range of major developments and facilities. He has concluded numerous host community agreements requiring mitigation and offsetting benefits in Towns that accept controversial facilities or provide property tax relief.

Mr. Miyares is the lead author of a Chapter entitled "Municipal Real Estate Transactions" in MCLE's Massachusetts Municipal Law (2nd edition 2015 (Supplement 2020)).

PROFESSIONAL EXPERIENCE

Partner, Miyares and Harrington LLP

1988-present

Clark University Department of Geography

Visiting Lecturer 1987

Bracken and Baram 1978-1987

Partner 1982-1987

Instructor and Staff Attorney

Boston University School of Public Health

1982-1983

THOMAS J. HARRINGTON

Academic Background

Juris Doctor

Northeastern University

Bachelor of Arts

Hartwick College

Member of the Bar

Massachusetts

United States District Court for Massachusetts

Community Service

Chair

Wellesley Recreation Commission

2010-2014

Member

Wellesley Town Meeting

2004-2009

President

Vice President

Wellesley United Soccer Club

2002-2009

Member

Board of Directors

Roxbury Community College

Center for Environmental Education

1997-2000

Principal Author

Model Subdivision Control Regulations

Metropolitan District Commission

1998

Member

Sherborn Conservation Commission

1990-1996

Thomas J. Harrington focuses his practice on real estate, land development, planning and wetlands protection issues, assisting municipal boards in contracting, conveyancing, permitting and litigation matters. He has particular experience representing municipal interests in construction and engineering contract matters, as well as in matters before the Department of Environmental Protection. Before joining our firm, he served in the state Division of Capital Planning and Operations.

Mr. Harrington is a graduate of Hartwick College and the Northeastern University School of Law. He is particularly recognized for his successful defense of a Conservation Commission's decision under a local Wetlands Bylaw, despite the project's having received an inconsistent Superseding Order of Conditions from the Department of Environmental Protection. *See Hobbs Brook Farm Property Co. v. Conservation Commission of Lincoln*, 65 Mass. App. Ct. 142 (2005).

Mr. Harrington has been a panelist at the Massachusetts Association of Conservation Commissions (MACC) Annual Meeting and was a member of the Sherborn Conservation Commission for five years. He has also served on the Board of Directors Roxbury Community College Center for Environmental Education from 1997 through 2000. He was an elected Town Meeting Member in the Town of Wellesley from 2005 through 2008 and was an elected member of the Wellesley Recreation Commission from 2010 through 2014.

PROFESSIONAL EXPERIENCE

Partner, 1997-present

Counsel, 1990-1997

Miyares and Harrington LLP

1986-1987

Payment Appeals Coordinator

Office of the General Counsel, DCP

CHRISTOPHER H. HEEP

Academic Background

Juris Doctor

Northeastern University

Bachelor of Arts

Oberlin College

Member of the Bar

Massachusetts

United States District Court for Massachusetts

Community Service

Member

Watertown Zoning Board of Appeals

2011-present

Lead Author

"Municipal Real Estate Transactions," Chapter

15 of Massachusetts Municipal Law (MCLE)

2015

Our partner, Christopher Heep serves clients in all areas of the firm's practice, with particular emphasis on disputes concerning zoning and land use. Before joining Miyares and Harrington LLP, Mr. Heep served as Law Clerk to the Honorable Gordon H. Piper of the Massachusetts Land Court.

Mr. Heep received his law degree from Northeastern University School of Law and has worked for the Honorable William G. Young of the United States District Court for the District of Massachusetts and for the Office of Regional Counsel of the United States Environmental Protection Agency (Region 1). He received his B.A. in History from Oberlin College. Mr. Heep is presently an associate member of the Watertown Zoning Board of Appeals.

PROFESSIONAL EXPERIENCE

Partner, 2011-present

Counsel, 2005-2011

Miyares and Harrington LLP

Law Clerk, 2004-2005

The Honorable Gordon H. Piper

Massachusetts Land Court

Legal Intern, 2003

Sugarman, Rogers, Barshak & Cohen PC

Law Clerk, 2003

Miyares and Harrington LLP

Legal Intern, 2002

U.S. Environmental Protection Agency

Office of Regional Counsel

JENNIE M. MERRILL

Academic Background

Juris Doctor

Northeastern University

Bachelor of Arts

University of Massachusetts
at Lowell

Member of the Bar

Massachusetts
United States District Court for
Massachusetts

Community Service

Member
Topsfield Planning Board
2019-present

Member
Topsfield Conservation
Commission
2008-2014

Member
Steering Committee of the
Administration of Justice
Section of the Boston Bar Association
2009-2012

Lead Author
"Municipal Real Estate Transactions,"
Chapter 15 of Massachusetts Municipal
Law (MCLE)
2012- 2020

Partner Jennie M. Merrill's practice is focused on representing municipal interests in construction and engineering contract matters, as well as matters relating to public procurement. She also has experience representing municipalities and private clients in real estate matters, wetlands protection permitting and appeals. Ms. Merrill received her law degree from Northeastern University School of Law and graduated magna cum laude from the University of Massachusetts at Lowell.

Ms. Merrill served as a law clerk for the Honorable James McHugh of the Massachusetts Appeals Court. Her experience also includes work at the U.S. First Circuit Court of Appeals, the Conservation Law Foundation and the U.S. Environmental Protection Agency (Region I). Ms. Merrill currently serves as a member of the Topsfield Planning Board and formerly served as Chair of the Topsfield Conservation Commission.

PROFESSIONAL EXPERIENCE

Partner, 2016- present
Associate, 2005-2015
Miyares and Harrington LLP

Law Clerk, 2006-2007
The Honorable James F. McHugh
Massachusetts Appeals Court

BRYAN F. BERTRAM

Academic Background

Juris Doctor

Boston College Law School
(cum laude)

Bachelor of Science

Business Administration

The Ohio State University,
School of Business
(cum laude)

Member of the Bar

Massachusetts
United States District Court for Massachusetts
United States Court of
Appeals for the First Circuit

Bryan F. Bertram has advocated for public and private clients for over a decade. He has particular expertise as a litigator and in administrative and regulatory matters.

Before joining Miyares and Harrington, Mr. Bertram served as a Massachusetts Assistant Attorney General. As a member of that Office's Government Bureau, he represented State agencies and officials in a wide range of matters, including defending policies and programs, and other government decision-making against legal challenges. He has won cases in the Supreme Judicial Court, Appeals Court, and other State and federal courts. Before government service, Mr. Bertram worked for seven years at an AmLaw 100 firm, where he focused on complex civil litigation, and government and internal investigations. He also served for six months as a Special Assistant District Attorney in Woburn, responsible for a heavy criminal caseload, including trials.

At Boston College Law School, Mr. Bertram served on the Editorial Staff of the *Boston College International and Comparative Law Review*, with his student note published in the Spring 2006 edition. He competed on Boston College's 2nd place J. Braxton Craven Constitutional Law Moot Court Competition team and was a quarterfinalist in the Boston College Grimes Moot Court Competition.

PROFESSIONAL EXPERIENCE

Counsel, 2018-present
Miyares and Harrington LLP

Assistant Attorney General, 2013-2018
Office of the Massachusetts Attorney General,
Government Bureau

Senior Associate, 2006-2013, and Law Clerk, 2005
Goodwin Procter, LLP

Special Assistant District Attorney, 2010
Office of the Middlesex County District Attorney,
Woburn, MA

Legal Intern, 2004
Community Legal Services and Counseling Center
Cambridge, MA

IVRIA GLASS FRIED

Academic Background

Juris Doctor

Northeastern University

Master of Environmental Law and Policy

Vermont Law School
summa cum laude

Bachelor of Arts

University of Vermont
magna cum laude

Member of the Bar

*Massachusetts
United States District Court for
Massachusetts
United States Court of
Appeals, First Circuit
United States Court of Appeals,
District of Columbia*

Community Service

Executive Board Member
*Massachusetts Municipal Lawyers
Association
2018-Present*

Co-Chair
*Wetlands, Waterways and Water
Quality Committee, Boston Bar
Association
2019-2021*

Co-Chair
*Environmental Public Service
Committee, Boston Bar Association
2016-2018*

Conservation Commission Member
*City of Cambridge
2014-2015*

Ivria Glass Fried concentrates her practice on general municipal governance, environmental, land use, and energy law, licensing matters, and implementation of open government requirements. Ms. Fried has litigated in Massachusetts and federal courts, as well as in administrative proceedings before the Department of Environmental Protection, the Energy Facilities Siting Board, and the Department of Public Utilities.

Ms. Fried has been selected to the Super Lawyers® list of Massachusetts Rising Stars for Environmental Law in 2017-2021. In 2020, she was named an “Up & Coming Lawyer” by Massachusetts Lawyers Weekly®.

PROFESSIONAL EXPERIENCE

Associate, 2014-present
Miyares and Harrington LLP

Associate, 2013-2014
Law Office of Stuart J. Farkas

Legal Intern, 2013
*Department of Justice, Environmental Enforcement
Section
Washington, D.C.*

Law Clerk, 2013
Anderson & Kreiger, LLP

Legal Intern, 2012
Conservation Law Foundation

Legal Intern, 2012
Earthjustice, San Francisco, CA

Judicial Intern, 2011
Massachusetts Appeals Court

ALEXANDRA RUBIN

Academic Background

Juris Doctor

Suffolk University Law School
magna cum laude

Bachelor of Arts

***Political Science and Communications
(Honors Program)***

University of Rhode Island
summa cum laude

Member of the Bar

Massachusetts
United States District Court for Massachusetts
United States Court of Appeals, First Circuit

Honors and Awards

University of Rhode Island Academic
Centennial Scholarship

Suffolk University Law School Academic
Leadership Scholarship

Suffolk University Law Review,
Executive Editor

2016 Commonwealth of Massachusetts
Performance Recognition and Citation
for Outstanding Performance

Community Service

Primary Author "Isolation & Quarantine"
(Local Public Health Institute of
Massachusetts, 2015)

Co-author, "Municipal Code
Enforcement," Massachusetts Municipal
Law, Ch. 25 (MCLE 2015 (Supplement
2020))

Society for Human Resource
Management (SHRM), Member

Framingham Board of Health, Member

Alexandra Rubin concentrates her practice on issues related to general municipal law, labor and employment matters, state ethics and public records laws, FERPA and HIPAA compliance, board of health permitting and regulation, and emergency preparedness.

She has represented public and private employers in cases involving discrimination, retaliation, and wage and hour laws, and provided guidance to employers on matters related to disciplinary action, employee trainings, internal investigations, and employee handbooks.

Ms. Rubin has appeared in administrative proceedings at the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the Department of Public Health, and the Division of Administrative Law Appeals. She has also appeared as counsel in matters in the Massachusetts state and federal courts.

PROFESSIONAL EXPERIENCE

Counsel, *Miyares and Harrington LLP*
April 2019-Present

Deputy General Counsel
Massachusetts Department of Public Health
June 2013-April 2019

Newman & Newman, PC
October 2012-June 2013

Locke Lord, LLP
(f/k/a Edwards Angell Palmer & Dodge, LLP)
September 2010-September 2012

Judicial Law Clerk
Maureen McKenna Goldberg, Senior Associate Justice
Rhode Island Supreme Court
September 2009-September 2010

ETHAN B. DIVELY

Academic Background

Juris Doctor

Northeastern University
School of Law

*Bachelor of Science
Environmental Studies*

Gettysburg College
cum laude

Member of the Bar

*Massachusetts
United State District Court
for Massachusetts*

Honors and Awards

Gettysburg College David Wills Scholar
and William F. Muhlenberg Award
Recipient

Ethan Dively is a graduate of the Northeastern University School of Law, and joined our firm after serving as the judicial law clerk to the Hon. Robert Foster, Justice of the Land Court. Ethan focuses his practice on land use, real estate, environmental and energy law, as well as other areas of municipal law.

Ethan graduated *cum laude* from Gettysburg College with a Bachelor of Science in Environmental Studies, with a particular focus on environmental science, land use, urban planning and environmental justice. His academic experience at NUSL included serving as Staff Editor of the Northeastern University Law Review and internships at the Massachusetts Land Court, at the Environmental Protection Division of the Massachusetts Attorney General's Office, and at a private firm with a practice focus on real estate transactions and condominium law.

Ethan has worked particularly closely with zoning appeals brought under *M.G.L. c40A §17*; appeals of comprehensive permits brought under *M.G.L. c.40B, §21*, and title disputes over rights in private ways.

PROFESSIONAL EXPERIENCE

Associate, 2019-present
Miyares and Harrington LLP

Law Clerk, 2017-2019
*The Honorable Robert B. Foster
Massachusetts Land Court*

Legal Intern, 2016
*Massachusetts Attorney General's Office
Environmental Protection Division*

Law Clerk, 2015-2016
Goldman & Pease, LLC

Legal Intern, 2015
*The Honorable Robert B. Foster
Massachusetts Land Court*

MAURICA D. MILLER

Academic Background

Juris Doctor

Suffolk University Law School

Bachelor of Science

Psychology

Virginia Polytechnic Institute &
State University

Member of the Bar

Massachusetts

Honors and Awards

Sargent Scholarship,
Honorable Mention Brief
Award, LPS, City-wide Memo to the
Mayor Runner Up, Rappaport Center for
Law and Public Service

Maurica Miller is a graduate of Suffolk University Law School. She focuses her practice on land use, real estate environmental and energy law as well as other areas of municipal law.

While at Suffolk Law, Maurica served as Editor-in-Chief of the Suffolk Transnational Law Review. Her academic experience included internships at the Massachusetts Department of Conservation and Recreation and the Massachusetts Land Court. Maurica graduated from Virginia Tech with a Bachelor of Science in Psychology, where she was a member of the Corps of Cadets and Marine-Option Naval Reserve Officer Training Corps. She went on to serve in the United States Marine Corps.

Maurica's previous legal experience includes serving as a judicial law clerk to the Hon. Howard P. Speicher, Justice of the Land Court, a judicial clerkship with the Massachusetts Superior Court, and work at a private firm with a practice focused on land use and municipal law.

Maurica served in the United States Marine Corps.

PROFESSIONAL EXPERIENCE

Associate, 2020-present
Miyares and Harrington LLP

Associate, 2018-2020
Mead, Talerman & Costa, LLC

Law Clerk, 2017-2018
The Honorable Howard P. Speicher
Massachusetts Land Court

Senior Law Clerk to the Justices, 2016-2017
Superior Court of Massachusetts

Judicial Intern, 2014
The Honorable Karyn F. Scheier
Massachusetts Land Court

Legal Intern, 2014
Office of the General Counsel
Massachusetts Department of Conservation and Recreation

RIAN ROSSETTI

Academic Background

Juris Doctor

UCLA School of Law

Bachelor of Science

Journalism

Minors in Political Science and

English Literature

Northwestern University

Member of the Bar

Massachusetts

Honors and Awards

Masin Awards in Evidence and Patent
Law classes

Rian Rossetti is a graduate of the UCLA School of Law, where she served as a Comments Editor of the UCLA Law Review and participated in El Centro, UCLA Law's volunteer legal aid clinic. Prior to law school, Rian earned her Bachelor of Science degree in Journalism from Northwestern University. Her experience includes a fellowship with the Berkshire Natural Resources Council in Pittsfield, Massachusetts.

Rian joined Miyares and Harrington after spending two years practicing intellectual property litigation at WilmerHale in Boston, where she also worked as a summer associate after her second year of law school.

PROFESSIONAL EXPERIENCE

Associate, 2020-present
Miyares and Harrington LLP

Litigation Associate, 2017, 2018-2020
WilmerHale

Research Assistant, 2016
Professor E. Tendayi Achiume
UCLA Law Review

Paralegal, 2014-2015
Law Offices of Iannella and Mummolo

Rice Fellow, 2013
Berkshire Natural Resources Council (BNRC)

Editorial Intern, 2013
GlobalPost

ANDREW BETTINELLI

Academic Background

Juris Doctor

New England Law
cum laude

***Bachelor of Arts
Political Science***

University of Massachusetts, Amherst
magna cum laude

Member of the Bar

*Massachusetts
New Hampshire*

Honors and Awards

Justice Sandra Day O'Connor Full
Tuition Merit Scholarship,
Commonwealth College Honors
Program

Andrew Bettinelli has deep experience at all levels of government. He joined Miyares & Harrington after more than a decade of service in the legislative branch. Most recently, Andrew was the Chief of Staff for the President Pro Tempore of the Massachusetts Senate. Previously, he served as a Legislative Aide in the State Senate, and as a Special Assistant to a Member of the U.S. House of Representatives.

Andrew is a *cum laude* graduate of New England Law | Boston and a *magna cum laude* graduate of the University of Massachusetts Amherst. He serves as a member of his town's Finance Committee.

PROFESSIONAL EXPERIENCE

Associate, 2022-present
Miyares and Harrington LLP

Chief of Staff, 2017-2022
Legislative Aide, 2013-2016
Office of State Senator William N. Brownsberger

Special Assistant, 2010-2012
Office of Congressman Barney Frank

Campaign Manager, 2013
Deputy Manager, 2013
Will Brownsberger for Congress

Director of Political Affairs, 2012-2013
Consulate General of Israel to New England

Political Organizer, 2012
Elizabeth Warren for U.S. Senate

Transfer Agent Associate, 2007-2010
State Street Corporation

HANNON LERNER, P.C.

ATTORNEYS AT LAW

184 MAIN STREET, POST OFFICE BOX 697

LEE, MASSACHUSETTS 01238

T 413.243.3311 F 413.243.4919

jeremiapollard@yahoo.com

Jeremia A. Pollard

Of Counsel

Richard H. Vinette, Jr.

Hugh C. Cowhig

Jerome J. Scully

James E. Hannon
(1935-1971)

Maurice I. Lerner
(1937-1980)

Sarah H. Bell
(1979-2013)

July 19, 2021

Melissa Noe, Town Administrator

Via email: admin@montereyma.gov

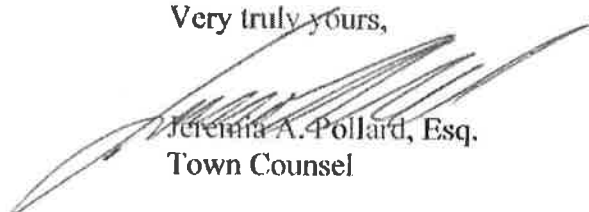
RE: Request for Quotes for Legal Services

Ms. Noe,

Per your request, I am submitting a quote for a **retainer fee arrangement** for the FY22 Town Counsel position. Legal services to include consultations which includes advisement of the several boards, contract review, personnel matters, consultations with the Building Inspector regarding zoning enforcement, attendance at Select Board meetings upon request, attendance at town meetings, and advice with regard to the town's usual and ordinary business, advice on procurement upon request, advice on conflicts upon request by board members, and advice on the open meeting law. Additionally, there would be a reduced hourly rate of \$100/hour for Litigation.

The retainer fee I would be requesting for FY22 is \$17,000.00.

Very truly yours,



Jeremia A. Pollard, Esq.
Town Counsel

#5
(3 proposals)



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

March 14, 2022

Ms. Melissa Noe
Town Administrator
Town of Monterey, MA

Dear Ms. Noe:

The Collins Center for Public Management is pleased to submit a proposal to conduct a Human Resources Policy review for the Town. The Center is able to perform the scope of work for an all-inclusive price of \$8,000.

Mary Flanders Aicardi, the Center's Human Resources Practice Leader, has been with the Collins Center for 12 years. She has decades of experience in public sector human resources and has modernized policies and conducted trainings for many municipalities. She will be assisted by Associate Lindsay Katz, who had an extensive experience in conducting policy reviews.

The Center is a Massachusetts State government entity. Consequently, the laws of the Commonwealth do not require the Town to engage in a competitive procurement process for this project, in accordance with the provisions of Chapter 30B, (Section 1 (b)(4)).

We are able to conduct the initial meeting within one week of being selected. Please reach out to Mary Flanders Aicardi with any questions at Mary.Aicardi@ubm.edu or via cell phone at 508-215-8992.

Sincerely,

Michael Ward, Director



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TOWN OF MONTEREY

Human Resources Policy Review and Recommendation

The proposed scope of work provides the Edward J. Collins Jr. Center for Public Management's (Center) understanding of the background and requirements of this engagement and its proven methodology to conduct these studies. The following sections describe the Center's approach to completing the project.

INTRODUCTION

The Town of Monterey wishes to engage the services of a consultant to review existing policies and recommend updates and model policies for review and adoption by the Town.

PROPOSED WORK PLAN: Conduct a review of human resources policies, recommend edits and provide sample policies for adoption.

The Center will review all existing personnel Bylaws and policies to determine if they are current. The Center will recommend revisions to existing policies and will recommend a comprehensive set of policies based upon best practices and federal and state laws. The Center will present a report summarizing the methodology, findings and recommendations will provide a set of draft policies for the review, and adoption by the Town.

RESPONSIBILITIES OF THE COLLINS CENTER

The Center will act at all times in an attentive, ethical, and responsible manner. The Project Manager will be Mary Aicardi, Human Resources Practice Leader, who will be assisted by Associate Lindsay Katz.

RESPONSIBILITIES OF THE TOWN

The Town shall agree to provide necessary access to its employees and records and to respond to requests for information and comment in a timely manner. In addition, the Town Manager or designee or her designee will have complete responsibility for organizing meetings and for communicating the nature and value of the project to employees and managers.

FEES AND EXPENSES

The all-inclusive professional fee for the project is: \$8,000. The fee is payable upon submittal of the report of draft policies for the Town to adopt.:

PROJECT MANAGER

MARY FLANDERS AICARDI, HUMAN RESOURCES PRACTICE LEADER

Mary Aicardi brings almost thirty years of experience in public sector human resources administration and labor relations to the Collins Center. She served for more than eight years as the Personnel Director for the town of Watertown, Massachusetts, where she negotiated numerous collective bargaining agreements on behalf of Town management. Additionally, Aicardi has worked as the Interim Human Resources Director for the Town of Braintree, the Assistant Personnel Director for the Town of Barnstable and as a volunteer recruiter for a non-profit agency.

Aicardi has conducted human resources audits and has reviewed, and modernized classification and compensation plans for several municipalities, including a large-scale study of 150 nonunion positions for the City of Somerville. She has drafted numerous human resource policies and personnel plans. Aicardi has conducted numerous training programs on a wide range of human resources topics, including leadership training, performance appraisal, progressive discipline, and sexual harassment prevention. Aicardi holds an MPA and a Bachelor's Degree in Political Science from the University of Massachusetts at Amherst. She is certified by the Massachusetts Commission Against Discrimination as a trainer of discrimination and sexual harassment prevention and earned a Certificate in Diversity and Inclusion from Cornell University.



MICHAEL C. HARRINGTON
860-740-1366
mharrington@fordharrison.com

April 6, 2021

Town of Monterey, Massachusetts
Attention: The Honorable Justin Markuc

Dear Mr. Markuc:

I understand that, with state and federal employment laws frequently changing, the Town of Monterey wishes to update its Employee Manual to insure that it is compliant.

For over 20 years I have been practicing labor and employment law in Connecticut and Massachusetts, and work with employers in both the public and private sectors. As part of my practice, I regularly review/create manuals for employers.

I have done a preliminary review of the Town's existing Employee Manual and believe that there are some provisions that should be modified and updated. For this project, I can offer the Town a discounted rate of \$300 per hour, which I will agree to cap at \$6000.

Please let me know if you have any questions or wish to discuss.

Sincerely,



Michael C. Harrington



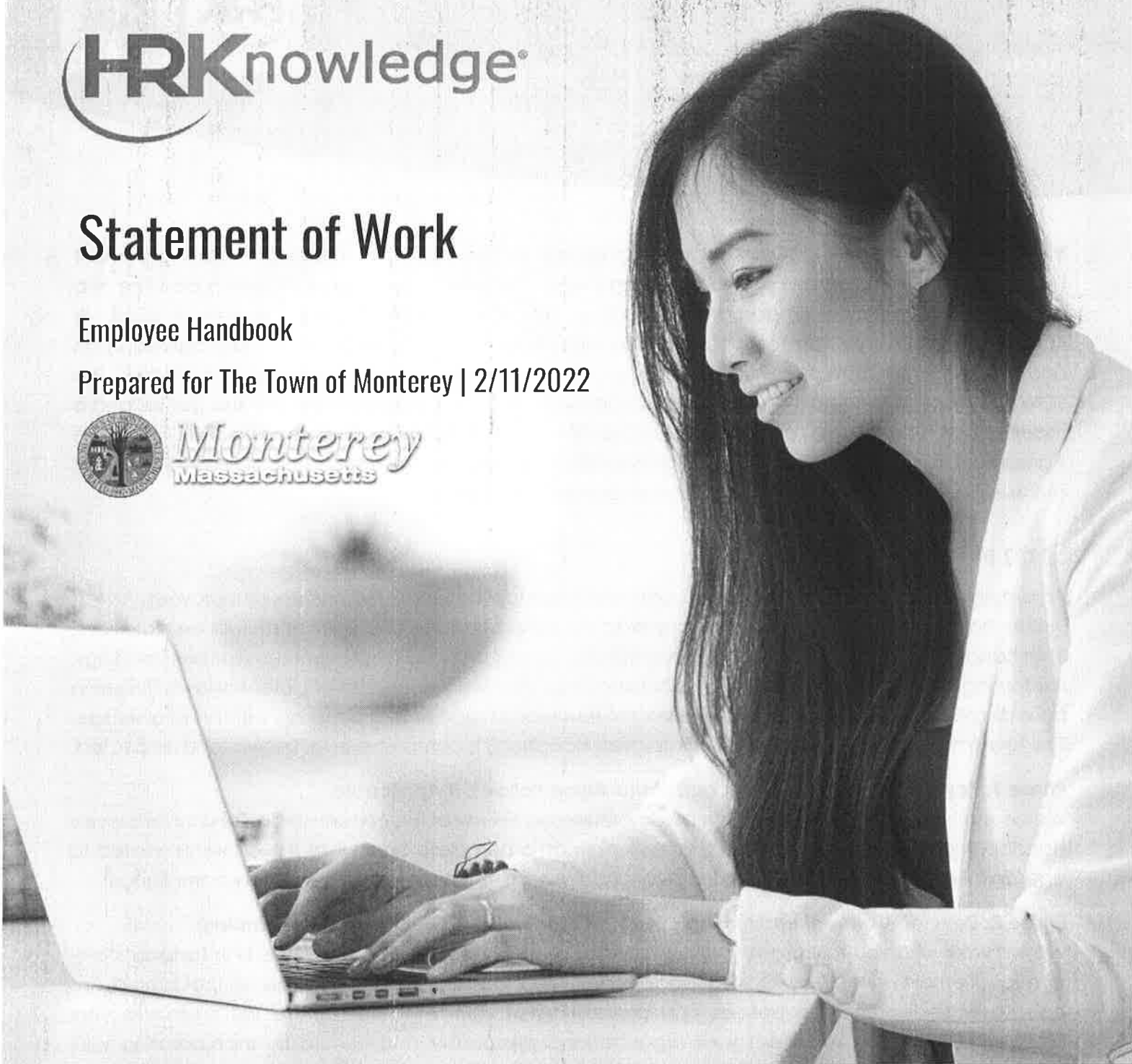
Statement of Work

Employee Handbook

Prepared for The Town of Monterey | 2/11/2022



Monterey
Massachusetts



PO Box 622 | Mansfield, MA 02048

P 508.339.1300 | F 508.338.1349

www.hrknowledge.com



We are a Hill Group company.



This Statement of Work ("SOW") is issued pursuant to the attached Client Services Agreement (Appendix A "Client Services Agreement") between The Town of Monterey ("Client") and The Hilb Group of New England, LLC dba HR Knowledge ("HR Knowledge"), effective February 11, 2022. HR Knowledge will provide The Town of Monterey with HR Consulting Services as mutually agreed upon and outlined in this SOW. All services to be provided hereunder will be referred to as "Services." This SOW is subject to the terms and conditions contained in the Agreement between the parties and is made a part thereof. Any term not otherwise defined herein shall have the meaning specified in the Agreement. In the event of any conflict or inconsistency between the terms of this SOW and the terms of the Agreement, the terms of this SOW shall govern and prevail.

Scope of Work

An employee handbook is an essential communication tool between you and your employees. A well-written handbook presents your company policies and procedures and outlines mutual expectations. Your handbook can provide important protection for your company by preventing misunderstandings, reinforcing employer expectations, and helping keep your workplace free of potential lawsuits arising from discrimination, harassment, and wrongful termination claims. By partnering with HR Knowledge, The Town of Monterey will ensure your Employee Handbook is comprehensive, known, and respected.

Phase 1: Review Current Handbook and Stand-Alone Policies, If Applicable

We begin our handbook process with a comprehensive review of the current version of your Employee Handbook and Stand-Alone Policies. We will perform a complete analysis of the contents related to appropriateness, clarity, reflection of actual practices, completeness, and regulatory compliance.

Phase 2: Develop Comprehensive Employee Handbook utilizing our Proprietary Template

We will work with you to expertly craft your Employee Handbook, so that it aligns with federal, state, and local employment laws. Our Handbook has a clear and approachable tone, so that employees can easily understand the policies and procedures of your organization. We will customize your Employee Handbook to reflect your organization's personality and culture by incorporating your company's mission, goals, and values along with your branding standards.

Phase 3: Handbook Distribution

The final product will be delivered electronically, which will be ready to print or posted electronically. The Town of Monterey must establish a method for distribution, some employers use their intranet or internal e-mail to post the handbook electronically; however, physical copies need to be made available to employees without access to the Internet.



Phase 4 for Virtual HR Clients: Living Employee Handbook

For those clients currently in our Virtual HR platform, your Virtual HR team will keep your newly developed handbook up-to-date throughout the year as laws and your internal policies may change. A living handbook will ensure your policies remain compliant as federal, state, and local regulations change.

Client Responsibilities

Your feedback is an indispensable part of creating an employee handbook that is tailored to your organization's specific needs. The Town of Monterey agrees to provide HR Knowledge with a dedicated point of contact at your company, as well as, a commitment and participation from management in providing all necessary documentation, including but not limited to:

- Designating a dedicated point of contact at your company
- Copy of current handbook in electronic format, preferably Microsoft Word
- Timely feedback during employee handbook review process
- Commitment and participation from management to review final draft in a timely manner
- Commitment to a 4-6-week turnaround time (any handbooks not completed within 8 weeks subject to a \$2,500 restart fee)
- Respond to HRK's e-Alerts to confirm if you would like us to update your handbook based on regulation updates, HRK will not make updates unless client responds and confirms.

Services Performed For

Melissa Noe
The Town of Monterey
435 Main Road
Monterey, MA 01245

STATEMENT OF WORK: HR CONSULTING SERVICES



Fee & Payment Schedule

HR CONSULTING SERVICE	FEES
New England / One-State Employee Handbook	\$5,500

Payments are due prior to commencement of project. Client is responsible for all expenses related to travel, subject to approval prior to making travel arrangement. Travel Hourly Rate \$50 per hour. This proposal is effective for 30 days from date above.

Acknowledgment & Signature

Thank you for the opportunity to present this SOW to you. We believe that HR Knowledge is uniquely qualified to assist your company by providing the HR consulting services outlined in this document. On behalf of us all at HR Knowledge, we welcome this opportunity and look forward to working with you now and into the future.

Sincerely,

Melissa M. Gillespie

Vice President, HR Services

HR Knowledge Authorization:

The Hilb Group of New England, LLC
dba HR Knowledge
603 West Street
Mansfield, MA 02048

Client Authorization:

The Town of Monterey,
435 Main Road
Monterey, MA 01245

Name: Melissa M. Gillespie

Title: Vice President, HR Services

Signature: _____

Date: _____

Name: _____

Title: _____

Signature: _____

Date: _____



Thank you. We look forward to simplifying HR for you and your team. Want more of the moment news? We thought so, please follow us.



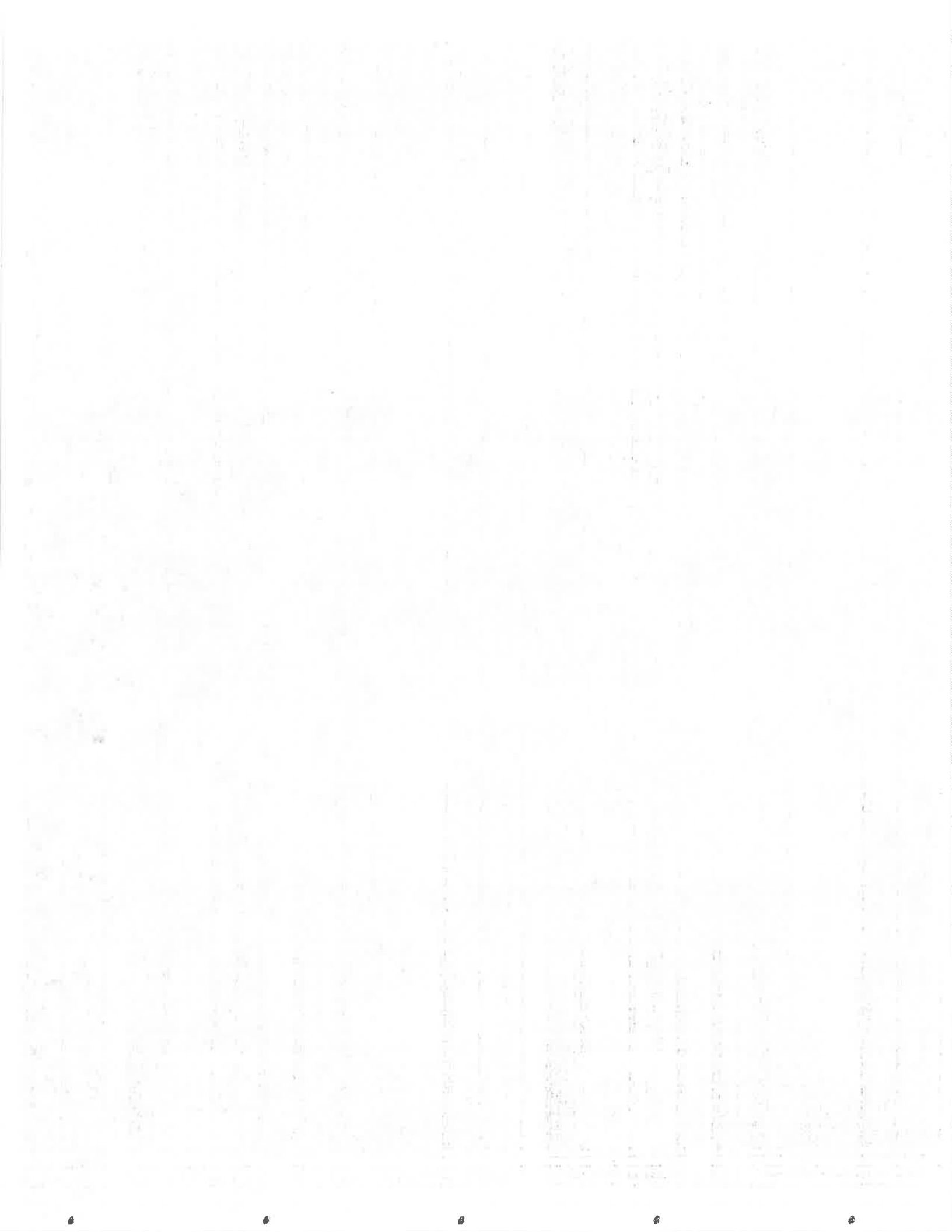
Facebook
@WEAREHRK



LinkedIn
@WEAREHRK



Instagram
@WEAREHRK



#6

10 point plan based on recommendations made by the Greene Report

Town of Monterey, Select Board

Retain professional services for Human Resources

1. The Town should retain professional human resource services.
2. The Town should retain professional mediation services.

Update and clarify Human Resources policies and procedures

3. The Town should adopt a new employee handbook.
 - details specific procedures for the reporting, investigating and responding to employee disputes outside of the chain of command.
 - directives for handling disputes between members of the Town's staff (including those under the direction of committees, counsels and boards) who are not necessarily employees.
 - A specific chain of command, spelling out who is responsible for the oversight of individuals working for independent bodies that may or may not answer to the SB.
4. Immediate action must be taken by the Town to address retaliatory conduct.
 - assuring employees who have initiated complaints that they have the right to be free from retaliation.
 - providing a conduit through which any retaliatory conduct can be reported.
5. The Town should immediately implement procedures to independently address and provide redress to complainants.

Reorganize Town Administrator position

6. Record keeping duties should be transferred from the Town Administrator position.
 - If the Town Administrator is advising the SB, she should not also be able to control members' access to documents.
7. The Town should better and more narrowly define the Town Administrator role in the manner originally recommended to the Town.
8. The Town should separate the Town Administrator role from the Administrative Assistant role.
 - The position of Administrative Assistant be reinstated as a separate position from the Town Administrator and preparation of meeting agendas and minutes be reassigned to be a part of that position's duties, such that the agendas and minutes are being compiled by someone who doesn't also advise the SB on policy or personnel matters.

Improve Select Board leadership

9. The Town should offer leadership training for all SB members and commission or council chairs.
10. The Town should adopt a Select Board Code of Conduct.
 - gives direction on SB interactions with other boards and committee members, Town staff, and the Town Administrator specifically.

7



INVOICE

529 Main St Ste 200
 Charlestown, MA 02129
 617-396-4600

DATE:
 December - January 2022

BILL TO:
 Town of Monterey - investigation
steve@montereyma.gov

DESCRIPTION	HOURS	RATE	AMOUNT
Michele Walsh			
Initial review Complaints	1.5	\$ 250.00	\$ 375.00
Prepare for Interview with SB Members Weingold and Makuc; Interview SB Member Weingold; Interview SB Member Makuc	3.4	\$ 250.00	\$ 850.00
Interview Ms. Tomaszovich	0.9	\$ 250.00	\$ 225.00
Receipt and review of additional documents provided by SB Makuc	0.8	\$ 250.00	\$ 200.00
Prepare for Interview with SB Member Weisz, including review of documents he presented for investigation and continued review of documents provided by SB Makuc	1.8	\$ 250.00	\$ 450.00
Interview SB Member Weisz	2.2	\$ 250.00	\$ 550.00
Prepare for Interview with Town Clerk	0.8	\$ 250.00	\$ 200.00
Interview Town Clerk	1.5	\$ 250.00	\$ 375.00
Prepare for Interview with Town Administrator; Interview Town Administrator	4.6	\$ 250.00	\$ 1,150.00
Interview Con Comm member Jeremy Ravitz	1	\$ 250.00	\$ 250.00
Receipt and review of additional documents provided by Terry Walker, including Colburn threats	0.5	\$ 250.00	\$ 125.00
Interview of Caleb Williams; Interview of Gary Shaw, including receipt and review of additional email correspondence from Mr. Shaw re newspaper correspondence	2	\$ 250.00	\$ 500.00
Interview of Pauline Banducci; receipt and review of email correspondence from Ms. Banducci re communications with Town Admin and others; follow up email to Ms. Banducci re communications with Atty Macuk	1.4	\$ 250.00	\$ 350.00
Corinne Greene			
1/4 prepare for and attend interview with S. Weitz	2.5	\$ 350.00	\$ 875.00
1/5 correspondance with M. Noe re: schedule interview; discussions with M. Walsh	1	\$ 350.00	\$ 350.00
1/6 prepare for and attend interview with T. Walker	2	\$ 350.00	\$ 700.00
1/10 attend interview with M. Noe	4	\$ 350.00	\$ 1,400.00
1/11 interview with Jeremy Rawitz	1	\$ 350.00	\$ 350.00
1/19 interviews with Caleb and Gary Shaw	2	\$ 350.00	\$ 700.00
12/10 review complaint summary from M. Walsh	0.4	\$ 350.00	\$ 140.00
12/12 review complaints; draft email to town requesting contact information	0.5	\$ 350.00	\$ 175.00
12/20 prepare summary of individual complaints; email individuals to schedule interviews	1.8	\$ 350.00	\$ 630.00
12/21 interview with Nancy Tomasovich	1.2	\$ 350.00	\$ 420.00
12/22 interview with J. Weingold and J. Mazuk	2.5	\$ 350.00	\$ 875.00
TOTAL AMOUNT DUE	41.3		\$ 12,215.00

INVOICE



529 Main St. Ste. 129
Charlestown, MA 02129
617-396-4600

DATE:
February - March 2022

BILL TO:
Town of Monterey
Re: Investigation

DESCRIPTION	HOURS	RATE	AMOUNT
ATTORNEY MICHELE WALSH			
2/2/2022 Select Board Meeting	0.5	\$ 250.00	\$ 125.00
2/5/2022 Receipt and review of email correspondence from Town Clerk; Receipt and review of email correspondence from Don Coburn	0.2	\$ 250.00	\$ 50.00
2/7/2022 Email correspondence with Town Clerk re request for Facebook evidence	0.1	\$ 250.00	\$ 25.00
2/22/2022 Draft Investigative report, including review and inclusion of Town employment policies	3.6	\$ 250.00	\$ 900.00
2/24/2022 Draft Investigative report, including review and inclusion, as relevant, of Town Bylaws and research re appointing authority for relevant boards/commissions	3.7	\$ 250.00	\$ 925.00
2/27/2022 Receipt and review of email correspondence with Town Clerk re her email correspondence from Don Coburn, including review of same	0.3	\$ 250.00	\$ 75.00
3/1/2022 Receipt and review of email correspondence with John Wiengold re investigation, including review of provided documents; Continue draft investigative report	4.5	\$ 250.00	\$ 1,125.00
3/3/2022 Receipt and review of multiple email correspondences from John Wiengold; Continue draft investigative report re investigative procedures and events	3.1	\$ 250.00	\$ 775.00
3/4-5/2022 Receipt and review of multiple email correspondences from Town Clerk re allegations of continued harassment and review of provided documents	0.4	\$ 250.00	\$ 100.00
3/6/2022 Receipt and review of email correspondence from Town Clerk re SB minutes, including review of same	0.2	\$ 250.00	\$ 50.00
3/7/2022 Receipt and review of email Correspondence from Town Clerk re public record requests	0.1	\$ 250.00	\$ 25.00
3/8/2022 Continue draft investigative report re deliniated findings	3.3	\$ 250.00	\$ 825.00
3/9/2022 Receipt and review of email correspondence with John Weingold re Weisz documents	0.1	\$ 250.00	\$ 25.00
3/10/2022 Receipt and review of email correspondence with Jon Sylbert re requested documentation of emails reference in interview, including review of same relative to his pending complaint	0.6	\$ 250.00	\$ 150.00
3/11/2022 Receipt and review of email correspondence from Town Administrator re complaints relative to Makuc; Continue draft investigative report re findings	4.1	\$ 250.00	\$ 1,025.00
3/14/2022 Continue draft investigative report, re conclusions	4.4	\$ 250.00	\$ 1,100.00
ATTORNEY CORINNE HOOD GREENE			
attend select board meeting	0.5	\$ 350.00	\$ 175.00
review and edit investigative draft report	4	\$ 350.00	\$ 1,400.00
TOTAL	33.9		\$ 8,925.00

Town of Monterey, Select Board

Rules of Order

1. Matters may be discussed before a formal motion is made. It may be helpful to discuss the wording of a motion before actually proposing it, thereby avoiding the time-consuming process of amending the motion to reach the agreed form. However, formal motions and votes should be used to keep the Board on task and moving along efficiently.
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 assumed, and therefore not always necessary. However, any member can respond to a motion by asking “is there a second?” If there is no second in response to this question, the motion fails due to lack of second. A motion that fails due to lack of second cannot be made again by the same member during the same meeting of the Board.
4. If a motion is made (and seconded if required), it is then open for discussion.
5. Board members and members of the public must be recognized by the chair in order to speak.
6. The chair must be fair in recognizing speakers. The chair has a duty to make sure contrary and possibly minority opinions are given the opportunity to speak.
7. Once Board members have had a chance to speak on an agenda item or a motion, the chair, at his own discretion, should recognize members of the public who would like to speak. First-time speakers should be recognized before those who have already spoken.
8. Remarks must be on topic and courteous in language and deportment – avoid all personalities, never allude to others by name or to motives. Off topic or out of decorum speak should be ruled out of order by the chair. The chair may also be ruled out of order by any member of the Board should the chair’s remarks be inappropriate as noted above.
9. A substitute motion can be made, or an amended motion can be made.
Reasoning: The rule for seconds applies 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.
10. Members have a right to know at all times what the immediately preceding motion is, and to have it restated before a vote is taken.
11. Any member may make a motion to “call the question.” If successful, this motion ends discussion and calls for a vote on the motion being discussed. The rule for seconds applies, and generally this motion is not debated, although limited discussion may be allowed by the chair. This motion should be an isolated statement and not made immediately after the same member presents an opinion.
12. The chair shall conduct votes on each motion and declare the results.

13. Votes can occur either by general consent or by roll call.

Roll Call: Each member answers “yes” or “no” as his name is called.

General Consent: When a motion is not likely to be opposed, the Chairman says, “if there is no objection ...” The membership shows agreement by their silence, however if one member says, “I object,” the item must be put to a vote.

14. 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.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

May 3, 2022

OML 2022 – 91

VIA EMAIL

Melissa Noe
Town Administrator
Town of Monterey
admin@montereyma.gov

RE: Open Meeting Law Complaint

Dear Ms. Noe:

This office received two complaints from John Weingold on November 30, 2021, alleging that the Monterey Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Board on October 17, and the Board responded by letter dated November 3.¹ Mr. Weingold is a member of the Board. In his complaints, Member Weingold alleges that the Board discussed an anticipated topic at an October 6 meeting, despite the topic not being listed on the meeting notice.² In addition, Member Weingold alleges that the Board deliberated via email on October 14.

This office also received a complaint from Donald Coburn on December 23, 2021, alleging that the Board violated the Open Meeting Law. The complaint was originally filed with the Board on November 19, and the Board provided copies of meeting minutes in lieu of a response on December 20.³ In his complaint, Mr. Coburn alleges that Board Member Weingold individually deliberated via email on November 17.

¹ Unless otherwise specified, all dates refer to 2021.

² Member Weingold also alleges that the Board violated its own rules regarding adding items to agendas within 48 hours of a meeting and that the meeting in question was biased by the presence of many supporters of the Town Administrator. We note that, even if true, these allegations would not constitute a violation of G.L. c. 30A, §§ 18-25. Accordingly, we decline to review them. See OML Declination 1-25-16 (Nahant Housing Authority Board of Commissioners).

³ The Open Meeting Law requires public bodies to meet to review and respond to an Open Meeting Law complaint within 14 business days of receipt, or within the time allotted pursuant to an extension granted by our office. See G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Here, the Board took the position that Member Weingold, as the only member implicated in the complaint, should respond individually to the complaint. As far as we are aware, Member Weingold did not respond to Mr. Coburn regarding the complaint.

Finally, this office also received a complaint from Jon Sylbert on March 4, 2022, alleging that the Board violated the Open Meeting Law. The complaint was originally filed with the Board on January 31, 2022, and the Board responded by letter dated March 2, 2022, pursuant to an extension granted by our office. In his complaint, Mr. Sylbert alleges that the Board failed to timely approve several sets of executive session minutes.

Following our review, we find that the Board failed to timely approve several sets of executive session minutes. We find no other violation regarding the Board as a whole. However, we find that Member Weingold individually violated the Open Meeting Law by deliberating outside of a posted meeting. In reaching this determination, we reviewed the original complaints, the Board's responses to the complaints, and the complainants' requests for further review. We also reviewed relevant emails and meeting notices and communicated by email with the Town Administrator, Member Weingold and Mr. Coburn in March of 2022.

DISCUSSION

1. The Board permissibly discussed an unanticipated topic at its October 6 meeting.

The Open Meeting Law requires a public body to post notice 48 hours in advance of a meeting and include a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). A public body may amend a meeting notice within 48 hours of a meeting to add a previously unanticipated topic. See 940 CMR 29.03(1)(d); OML 2020-29.⁴ Likewise, a public body may discuss a truly unanticipated topic at a meeting even without having included it on a meeting notice, although the Attorney General strongly recommends that public bodies, as a matter of best practice, table discussion of topics that might be of significant interest to the public in order to include such topics on a meeting notice for a subsequent meeting if the topic can wait until a subsequent meeting. See OML 2019-131; OML 2018-119.

Here, Member Weingold alleges that the Board's discussion of the reinstatement of the Town Administrator at an October 6 meeting was improper, as the topic was not included on the notice for the meeting. A public body may discuss a truly unanticipated topic at a meeting even if that topic was not included on the notice for the meeting. See OML 2020-172. On October 4 at 4:44 p.m., the Board posted a notice for a meeting to be held on October 6 at 6:00 p.m. Although several topics listed on the notice related to the Town Administrator, the notice did not specify that the Board would discuss the reinstatement of the Town Administrator. During an executive session held beginning at 6:00 p.m. on October 4, and therefore less than 48 hours before the October 6 meeting, the Board placed the Town Administrator on administrative leave. We therefore find that the Board did not anticipate a discussion of reinstating the Town Administrator 48 hours in advance of the October 6 meeting as the Town Administrator had not been placed on leave by that time. We therefore find that the Board's discussion during the October 6 meeting of reinstating the Town Administrator did not violate the Open Meeting Law.

⁴ All previous determinations issued by the Division can be found on the Attorney General's website: <https://www.mass.gov/the-open-meeting-law>.

2. We find that Member Weingold individually violated the Open Meeting Law through email deliberation. We find no violation with respect to the other two Board members.

The Open Meeting Law requires that, except in an emergency, “a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.” G.L. c. 30A, § 20(b). A “meeting” is defined, in relevant part, as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. The Law defines “deliberation” as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” *Id.* However, there is a narrow exception to the definition of “deliberation” for “the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.” G.L. c. 30A, § 18, see also OML 2017-17; OML 2016-172.

For the purposes of the Open Meeting Law, a “quorum” is a simple majority of the members of a public body. *Id.* A one-way communication from one public body member to a quorum on matters within the body’s jurisdiction constitutes deliberation for purposes of the Open Meeting Law, even if no other public body member responds. See OML 2016-104; OML 2015-33; OML 2012-73. A public body may not engage in serial communication whereby a quorum communicates in a non-contemporaneous manner outside of a meeting on a subject within the public body’s jurisdiction. See *McCrea v. Flaherty*, 71 Mass. App. Ct. 637 (2008).

Member Weingold alleges that the Board impermissibly deliberated outside of a meeting via email on October 14. We have reviewed the email chain in question. In three emails sent on October 14, on which all Board members were copied, Board Member Justin Makuc asked Board Chair Steve Weisz if he planned to schedule a Board meeting to discuss recent sexual harassment allegations received by the Board. Chair Weisz replied that he planned to schedule a meeting in the next few days, at which time the Board would be updated. Finally, Member Makuc thanked Chair Weisz for “dealing with this appropriately.” We find that these emails were merely administrative in nature regarding the scheduling of a meeting, fitting squarely within the Open Meeting Law’s exception to the definition of deliberation. We therefore find no violation of the Law with respect to these emails.

On the other hand, we find that Member Weingold violated the Open Meeting Law by deliberating outside of a posted meeting via email on November 17. In an email sent to the two other members of the Board, Member Weingold announced that he planned not to attend any future meetings of the Board as long as Member Weisz served as chair, critiquing Chair Weisz’s actions on several different topics, including “conducting [Board] business involving the [Town Administrator]’s HR issues by himself, behind the scenes without any [Board] authority, his dominating discussions, allowing improper posts of [Board] meetings & agenda items to the public, violated the OML twice in the past and likely numerous times currently, and abuse of the position as the Chairman of the [Board] by continued bullying and badgering of [the third Board member] on issues.” Member Weingold also expressed his disapproval of the Town Administrator and the Board’s practice of allowing “open mics...while the [Board] is deliberating.” We find that Member Weingold’s November 17 email, which reached a quorum of the Board, constituted improper deliberation because the email discussed the Board’s overall operation, including meeting procedures and the leadership of the Board, which are matters of

public business that should be reserved for an open meeting. See OML 2018-9; OML 2011-38. We therefore find that Member Weingold individually violated the Open Meeting Law.

Finally, we must determine whether Member Weingold's violation was, as Mr. Coburn urges, intentional. See G.L. c. 30A, § 23(c). An intentional violation is an "act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law]." 940 CMR 29.02. An intentional violation may be found where the public body acted with deliberate ignorance of the Law's requirement or has previously been advised that certain conduct violates the Open Meeting Law. Id. The Board was recently and specifically warned by our office that Board members should cease deliberating outside of a posted meeting via email. See OML 2021-41; OML 2021-133. However, Member Weingold asserts that he believed that the Board's counsel had advised him that the Board's "operational business [was] not public business" which must be discussed at a properly posted meeting. We are persuaded that Member Weingold sincerely, if incorrectly, believed that the substance of his email was not a matter of public business within the Board's jurisdiction. Therefore, we decline to find that his individual violation was intentional.

3. The Board failed to timely approve several sets of executive session minutes.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). "Timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." See 940 CMR 29.11; OML 2018-48. Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2021-91.

The Board concedes that it did not approve minutes for executive sessions that took place on July 21, October 4, November 4, and November 17, in a timely manner. Accordingly, we find that the Board violated the Open Meeting Law. In response to the complaint, the Board has now approved all four sets of the executive session minutes.

CONCLUSION

For the reasons stated above, we find that the Board failed to timely approve several sets of executive session minutes. We order the Board's immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law.

We also find that Member Weingold individually violated the Open Meeting Law by deliberating outside of a posted meeting via email on one occasion. We order the Board to publicly release Member Weingold's November 17 email within 30 days of the Board's receipt of this letter. The Board may publicly release the email by reading its contents during a meeting and listing the email in the meeting minutes, or by referencing the email during a meeting and posting the email along with the minutes on the Board's website.

Finally, as the Board has now approved the four sets of executive session minutes addressed in this determination, we order no further relief.

We consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Sarah Monahan
Assistant Attorney General
Division of Open Government

cc: John Weingold (via email: johnweingold@gmail.com)
Donald Coburn (via email: dscoburn@aol.com)
Jon Sylbert (via email: jons@montereyma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.





Justin Makuc <justinmakuc@gmail.com>

See attached boycott/work stoppage

1 message

John F. Weingold <johnweingold@gmail.com>
To: Justin Makuc <justinmakuc@gmail.com>, Steve Weisz <steve@montereyma.gov>

Wed, Nov 17, 2021 at 5:13 PM

 **Untitled document.pdf**
28K

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, ad hominem attacks of members, allowing dunderheads who dont 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.