

**DRAFT Annual Operating Budget
Policies and Procedures**

**Approved by:
Effective:**

PURPOSE:

To formalize standards and guidance for the development of the Town's Annual Operating Budget, the review of the proposed budget and the adoption of the budget consistent with sound practices and legal requirements.

AUTHORITY:

MGL Chapter 39
MGL Chapter 40
MGL Chapter 44

BUDGET DEVELOPMENT

POLICY:

Consistent with a date set by the Selectboard but not later than February 10th the town Selectboard Administrator shall submit a *Proposed Operating Budget*, supporting documents and a formal budget message to the Finance Committee. Annual budgets shall be prepared for the General Fund, any Enterprise Chapter 44 §53F 1/2 and all MGL Chapter 44 §53E 1/2 revolving funds that exist.

PROCEDURES:

To assure the completion and submittal of the *Proposed Operating Budget* to the Finance Committee and Select Board in compliance with any bylaw requirements, the following procedures and calendar should be followed:

• **Budget Workshop:**

The Town Administrator shall conduct preliminary budget meetings with departments to provide guidance and instruction to the departments in the preparation and development of their departmental operating budgets. At these meetings, all relevant budget information shall be provided to each department.

Timeline: Beginning late November through December.

- **Departmental Preparation of Proposed Budget Requests** - Departments should develop their proposed annual budget requests utilizing the worksheets distributed by the Town Administrator and reports received monthly. Wages should be level funded until guidance has been given by the Select Board and Finance Committee later in the budget process.
 - Any overtime requests and requests for temporary staff shall be supported by back up documentation.
 - All expense and capital outlay requests shall be supported by documentation for any

increases.

Timeline: Department heads shall submit their budget requests to the Town Administrator before their scheduled preliminary budget meeting usually held during the month of December.

- **Preliminary Budget Meeting** - The Town Administrator shall hold preliminary budget meetings with each department head, one Select Board member and one Finance Committee member in order to review and modify departmental budget requests in consideration of total Town goals and priorities and in conformance with projected revenue estimates.

The preliminary budget meetings shall review:

- Staffing levels
- Accuracy of budget requests
- Departmental needs by program and subprogram
- Variations in spending needs from the current year
- The department's objectives for the ensuing year
- The department's accomplishments in the current year and
- Changes in program and sub-program statistics and measures.

Timeline: Preliminary Budget meetings shall be completed by the Second Wednesday of January.

- **Finalization of the Preliminary Proposed Budget** – The Town Administrator, Selectboard and accountant shall review all the proposed expenditure budgets in consideration with the best available information as to revenue growth including estimated state aid. Based on the finalized estimates of revenue and the recommended use of reserves (Free Cash, General Stabilization Fund, Overlay Surplus etc.) the budget shall then be given to the finalized by the Select Board and shall be provided to the Finance Committee to finalize.
- Proposed summary budgets for the Town's MGL Ch. 44 §53E 1/2 revolving funds shall also be included for review and eventual appropriation by Town Meeting.

Timeline: The Proposed Budget document shall be submitted to the Finance Committee and Select Board no later than mid-February.

BUDGET REVIEW

POLICY:

The Finance Committee and Select Board shall consider, in open public meetings, the detailed expenditures proposed for each town agency. The Finance Committee and Select Board may require the Town Administrator or any town agency or department to furnish it with additional information to assist it in the review and consideration of the budget.

PROCEDURES:

Finance Committee and Select Board Review

- The Finance Committee and Select Board shall prepare a budget review calendar for the various departmental budgets and make the calendar available to the public.

- The Finance Committee and Select Board shall have review sessions with the various department heads regarding the budget request and services provided by the department/agency if additional information is needed.

Public Hearing

- In addition to the any additional meetings with the Town Administrator and/or departments, the Finance Committee shall conduct a public hearing on the Select Board's Proposed Budget.
- The format shall provide for comments and questions from the public regarding any aspect of the proposed budget.

Finance Committee Report

- After review of the Select Board's *Proposed Budget*, the finance committee shall discuss, vote and file a recommended budget (if applicable) for Town Meeting action.
- The finance committee shall prepare a written report that sets forth the committee's recommendations with reasons in support to the recommendation.

BUDGET ADOPTION

POLICY:

Town Meeting must adopt the budget by June 30th. The budget to be acted upon by Town Meeting is the budget as agreed upon by the Finance Committee and Selectboard. In the case of any budget items where the 2 boards do not concur, both figures will be presented to Town Meeting. Town Meeting's budget adoption vote may delete change or decrease any programs or amounts; it cannot delete expenditures required by law or for debt service.

If the Town Meeting fails to take any action on the Select Board's Proposed Budget it shall become part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified as of July 1st.

PROCEDURES:

- The Town Clerk shall forward the certified meeting minutes with the adopted appropriations to the Accountant and Town Administrator within ten (10) calendar days of the Town Meeting so that all appropriations can be recorded in *the Budget Module* of VADAR and posted to the General Ledger.

Purchasing Policies and Procedures

Approved by:

Effective:

PURPOSE:

To establish purchasing standards and practices consistent with or exceeding state law, and to identify activities and reviews that are centralized for purposes of control within the office of town Selectboard and the activities that are decentralized to municipal departments.

AUTHORITY:

MGL Chapter 30B

POLICY:

The town's goal is to optimize the value received for each tax dollar expended by strict adherence to competitive quotation and bidding requirements and by participation in state and regional cooperative purchasing agreements. The Town seeks to obtain goods and services that will reliably perform their function at the lowest possible cost to the Town.

Please refer to the attached procurement chart for the categories this applies.

Any employees who order materials supplies or services without proper approvals may be subject to disciplinary action. It is the town's policy that any employee who orders materials, supplies or services without proper approvals and adherence to the purchase order process can be held liable for payment.

DIVISION OF RESPONSIBILITY

The town's procurement function is decentralized. Municipal departments should seek the assistance of the Town Administrator/Chief Procurement Officer for assistance in:

- Obtaining quotes
- Issuing bids
- Advertising the bids and
- Preparing bid tabulations and evaluations.

The town's control and oversight of all procurements is centralized in the Town Administrator's office. The Town Administrator and Select Board exercises control of procurements, as it is the sole authority to:

- Approve advertisements for bid
- Approve bid specifications and
- Approve (sign) all contracts for construction and professional services.

PROCEDURES:

QUOTATION AND BIDDING REQUIREMENTS

Quotations and bids will be made in accordance with Chapter 30B of the Massachusetts General laws or can be more restrictive based on the decision of the town Select Board's office.

General Rules:

Purchasing

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If the Town administrator is assisting in the as noted in page one you may want to add your role in the bullets below.

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- **Solicitation of Bids:** When the *Request to Advertise* is approved, bids are solicited and a date, time, and location is established for the receipt of the bids. Vendors wishing to bid must submit their bids to the identified department on or before that time. As bids are received, they must be time and date stamped by the receiving department as proof of receipt. Bids arriving after this deadline are returned un-opened to the vendor marked as a "late bid."
- **Bid Deposits:** The majority of formal bids require bid deposits in the form of certified checks or bid bonds. These must be enclosed with the bids and will be returned to the respective vendors in compliance with the terms of the bid specifications.
- **Bid Opening:** The bids, which must bear the notation as noted in the invitation to bid are publicly opened in the pre-established location by the department's procurement designee with one witness present. Bids are informally tabulated and the apparent low bidder announced pending a complete examination of all bids for verification of totals, and compliance to specifications at a future Select Board meeting.
- **Bid Tabulation:** The department that opened the bids must complete a formal *Bid Tabulation* which analyzes the unit prices, discounts, delivery terms and charges, trade in allowances and all factors to determine the bidder with the lowest bid price. This tabulation should also note if other relevant factors have been met: for example provision of a bid bond. The bid tabulation is made available to the public for inspection indicating the ranking of all bidders and the tabulation becomes a permanent part of the bid file.
- **Lowest Responsive and Responsible Bidder:** Bids should be awarded to the lowest responsive and responsible bidder based on warranties, quality of performance on prior contracts, ability to deliver within prescribed timelines and capacity of bidder to meet the stipulated specifications.
- **Notification of Award:** The office of the town Selectboard will send a notice of award letter to the chosen bidder and request (as applicable):
 - o Performance Bonds
 - o Labor and Materials Bonds
 - o Certificates of Insurance
 - o Statement of Compliance with Prevailing Wage Rates
- **Record Retention:** Copies of all bid documents including vendor responses, evaluations and award determinations should be retained in the department that received the bids for a minimum of at least seven years.
- **Multiple "small" procurements are prohibited:** It is contrary to town policy, which is to obtain the most value for each dollar expended, for any department to "split" procurements or do several small procurements for the same class/category of materials and supplies. Each department must review the total quantities and needs of its operations for the full fiscal year and seek at least three quotations if the procurement is estimated to result in the \$3,000 to \$25,000 range or formal competitive bids if it is estimated to cost in excess of \$25,000.
- **Sole Source Procurements:** Competitive bids may be waived in instances where there is only one vendor who can provide the relevant equipment, materials or services. In the instance of sole source procurement, supporting documentation must be submitted to the town Select Board's office.

- **Bid Protests:** All departments receiving bids must review and examine them objectively. Any bidder who protests the bid award should be referred to the town Select Board's office. Bidders will be informed to submit their issues in writing with the specific details. The town Select Board's office and town counsel will review the basis of the protest and will respond in writing.

For specific bidding requirements refer to Chapter 30B of the Massachusetts General Laws and other publications issued by the Inspector General's office.

COOPERATIVE PURCHASING AND STATE CONTRACTS

POLICY:

The policy of the Town is that town Select Board (or his their designee) has the authority to join with other units of government in cooperative purchasing plans when the best interests of the Town will be served in terms of maximizing the value of each tax dollar expended. The use of these contracts saves in terms of reduced overhead expenditures as well as in terms of savings from the economies of scale of regional and state arrangements.

PROCEDURES:

- The Town may bid any item or material. Prior to said award the low bid should be compared to regional cooperative bids and state bids for said item to assure that the Town is obtaining the best price.
- The town Select Board (or his their designee) may enter into cooperative arrangements (with other groups of municipalities) to obtain economies of scale for various items such as: chemicals, sand, salt, calcium chloride, fertilizer, motor oil, bituminous material, gravel, office supplies, etc. Municipal departments will procure these materials for the fiscal year from the vendor awarded the contract by the cooperative/regional group of municipalities.

CONTRACTS AND AGREEMENTS FOR GOODS AND SERVICES

POLICY:

The policy of the Town and state statutes require contracts and agreements to be executed for all purchases in excess of \$10,000 or greater. All Town of Monterey contracts and agreements will not be valid unless the following approval procedures and signatures of town officials are in place.

Procedures:

- Upon the award of a contract, the town department procuring the good or service should use a Standard Form Contract. Does the Town have a standard contract form? Is so, it should be reviewed by legal counsel prior to departments using. Should the Town administrator review the contract before the department sends to the vendor to avoid any issues that the Select board may have?: The contract provides complete and detailed conditions for the performance or delivery of the respective goods or services. The contract is submitted first to the vendor or consultant for their signature. In this manner, the Town will understand that the vendor has accepted the terms and conditions of the agreement.

- The following officials should then sign the agreement for these specific purposes:
 - o The relevant department head shall sign the contract as confirmation that it is an appropriate charge/expense to the department's appropriation.
 - o The accountant shall sign all contracts verifying that there is an appropriation available to fund the contract.
 - o The town Selectboard shall be the final signature on the contract to bind the Town, and as confirmation that procurement requirements were met.
- Prevailing *Wage Rates and Payment* and *Performance Bonds* shall be attached to relevant contracts.
- The purchasing assistant in the town Select Board's office should retain a copy of all contracts, including personal service contracts, executed by the Town. The other original copies shall be distributed to the vendor, town clerk, requisitioning department and to the town accountant.
- All parties who signed the original contract must sign any subsequent amendments to the original contract/agreement.

Town of Monterey
Proposal for use of American Rescue Plan Act (ARPA) funds – Form DRAFT

- Completed forms are due no later than Thursday October 13th, 2022.
- Please use as many words and images as you feel necessary to describe accurately your proposal. Do not be limited to this document and feel free to attach supporting documents as appropriate.
- Please reach out with any questions to the Select Board at selectboard@montereyma.gov or mail to Town of Monterey Select Board / Post Office Box 308 / Monterey, MA 01245.

Requestor information

Name of requesting entity (public body, Town department, individual citizen, etc.):

Contact information for submitter:

Name:

Phone number:

Email:

Mailing address:

Funding information

Amount of request:

Will additional funds be required to complete the project?

If yes, where will those funds be obtained?

Will additional expenses be incurred regularly for maintenance or replacement after the initial project?

If so, how will maintenance be funded? (Operating expenses within the Line item budget in annual Town Meeting, regular replacement or maintenance to be added to the capital plan, or other – please specify)

Proposed project:

What is the proposed use of these funds?

Please be as complete and thorough as possible, include drawings, plans, estimates, and anything else you believe will be helpful in our evaluation of the project. Please also include an expected timeline for the project, once potential funds are secured.

Statement of benefits:

How will this project benefit the residents of Monterey?
Who in the community will be most directly served?

Relevance to the purpose of the American Rescue Plan Act:

How will this project fulfill the purpose of ARPA?
(Information from the Commonwealth of Massachusetts and KP Law about the ARPA program can be found on the Select Board website <https://www.montereyma.gov/select-board/pages/american-rescue-plan-act-arpa> or upon request at Town Hall)

Additional comments:

Is there anything else that the Select Board should know while considering this proposal for use of ARPA funds?

Date request is submitted:

Please email completed forms to selectboard@montereyma.gov or mail to Town of Monterey Select Board / Post Office Box 308 / Monterey, MA 01245.



TOWN OF MONTEREY

Select Board

435 Main Road, Post Office Box 308

Monterey, MA 01245

June 29, 2022

Dear Sophia Bletsos,

Thank you for serving as the first Human Resources Director in the Town of Monterey's history. We are excited and grateful to begin working with you — there is a lot of work to do and we are hopeful that, together with your help, we can make the Town a better workplace environment.

We want to have a clear line of communication in order to work with you to improve the Human Resource function in our Town. We have appended to this letter a list of priorities that we would like to accomplish. We look forward to working with you to achieve these goals.

Please do not hesitate to share your own assessment of our situation and your goals for our Town, as well as any comments that you have on our priorities list. Thank you again for serving in this crucial role.

Very truly yours,

Justin Makuc, Chair

Susan Cooper

THE MONTEREY SELECT BOARD

HR Director Priorities list:

- Fully state and federally compliant sexual harassment, harassment, and retaliation policies. Including clear guidelines for how a complaint should be filed, with whom, what information should be included, who is responsible for investigating the complaint, a timeline for said investigation, and clear guidelines for outcomes and consequences of said investigation.
 - Proactive trainings and workshops to prevent sexual harassment, harassment, and retaliation in the workplace.
 - Institute a clear progressive discipline structure to work with employees to eliminate potential issues.
- Suggestions for amelioration of the interpersonal conflicts in Town Hall, with a particular focus of resolving conflict, reducing employee stress, as well as minimizing potential liability for the Town.
- Revision/Update of Employee Manual
 - Process for annual reviews of all town employees
 - Carry out annual reviews for all town employees prior to budget season (to allow for raises being included in budget).
 - Annual employee satisfaction survey
 - Annual priority list for department heads
 - Evaluating competitiveness of our salaries and pay rates
 - Suggestions for options regarding annual pay increases/step structure/raises and salary caps.
 - Review and update all job descriptions
 - Uniform process for time sheets
 - Evaluate need and availability for leadership training, executive coaching, or counseling for department heads, the Select Board, and the Town Administrator.
- Leadership training for the Select Board



**TOWN OF BERLIN
USE OF LEGAL COUNSEL**

Policy & Procedure

PURPOSE

This policy establishes a proper procedure for any communications with Town Counsel, Labor Counsel or duly-appointed Special Counsel (“Legal Counsel”) that will result in financial charges to the Town of Berlin. The Board of Selectmen is responsible for appointing the Town’s Legal Counsel and for all account activity attributable to use of Legal Counsel.

To assure clear lines of communication, appropriately monitor use of legal services and control costs, this Policy and Procedure must be followed whenever public funds are intended to be used in paying for legal advice, reviews or opinions.

PROCEDURE

Only department heads and board/committee chairs under the Board of Selectmen’s jurisdiction, or their designees, are authorized to consult with Legal Counsel in accordance with these procedures. The Board of Selectmen, or the Town Administrator as agent for the Board, shall authorize any requested communication between Board of Selectmen members and Legal Counsel. Only selectmen-appointed Legal Counsel may be consulted on Town matters under the selectmen’s domain.

Any department head/board/committee member may request access to Legal Counsel through the Town Administrator for approval prior to contacting Legal Counsel. Said request is to be in writing and clearly defined on the attached form so as to be understandable to both the Town Administrator and Town Counsel.

Departments/Boards/Committees may not engage Legal Counsel beyond the original written and approved scope of services without first obtaining the Town Administrator’s written approval.

Department heads or board/committee members not under the Board of Selectmen’s jurisdiction, but authorized by their respective board/committee to consult with Legal Counsel, should give notice to the Town Administrator upon their use of Legal Counsel.

ENFORCEMENT

An employee, board or committee member who incurs legal costs to the Town by consulting with Legal Counsel outside of this Policy and Procedure may be held personally responsible for payment of associated costs.

I understand and agree to abide by the above-stated policy/procedure:

Printed Name	Signature	Board/Committee/Dept	Date

Date Policy/Form Approved by Board of Selectmen: 9/23/2019

REQUEST TO USE LEGAL COUNSEL

Name:
Dept/Board/Committee:
Date Submitted:
Requesting contact with: <input type="checkbox"/> Town Counsel <input type="checkbox"/> Labor Counsel <input type="checkbox"/> Other duly-appointed Counsel
Description of legal services needed/issue faced (attached explanatory documentation):
Is this time sensitive? If so, please explain:

REQUEST:

Approved

Denied

Margaret Nartowicz

Town Administrator



Office of the
BOARD OF SELECTMEN
272 Main Street Townsend, Massachusetts 01469

Sue Lisio, *Chairman*

Cindy King, *Vice-Chairman*

Wayne Miller, *Clerk*

James M. Kreidler, Jr.,
Town Administrator

Office (978) 597-1701
Fax (978) 597-1719

POLICY #1-2019
REPLACE POLICY: #4-2018

BOARD OF SELECTMEN

Purpose: The Board of Selectmen and Town Administrator agree to establish a consistent process for use of Legal Counsel.

Policy: USE OF LEGAL COUNSEL

General Legal Services: In an effort to provide broader access to legal services, general Town Counsel services, with the exception of labor and litigation matters, are covered under a monthly retainer. This retainer covers telephone and email communication with counsel, monthly office hours held in the Town Hall and occasional attendance at Board or Commission meetings. This access is available to all town department heads, employees with prior approval of their supervisor and individual members of Boards and Commissions.

For a formal written legal opinion, Boards and Commissions, other than the Board of Selectmen, must have a vote authorizing the request before authorization will be provided.

A request for legal services form must be filled out and returned to the Selectmen's office before legal counsel can be accessed on any general Town Counsel matter.

This process for general Town Counsel access is not an approval but is necessary in order to track usage and for budgeting purposes.

This form must be submitted to the Board of Selectmen's office and authorization must be obtained from the Town Administrator and/or their designee.

Labor and Litigation Legal Services: A request for legal services form must be filled out and returned to the Selectmen's office before legal counsel can be accessed on any labor or litigation Town Counsel matter.


This process for labor or litigation Town Counsel access is an approval and is necessary in order to track usage and for budgeting purposes.

This form must be submitted to the Board of Selectmen's office and authorization must be obtained from the Town Administrator and/or their designee.

The sole exceptions to this policy are for the Board of Selectmen and are as follow:

1. The Chair of the Board of Selectmen, or the Board of Selectmen through a majority vote, shall have direct access to request Town Counsel to attend a meeting of the Board.
2. Any member seeking legal advice on a matter shall have direct access to Town Counsel.
3. All members of the Board of Selectmen requesting Ethics Opinions (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Chair of the Board of Selectmen on such inquires and Town Counsel shall respond to the member directly without copies to other members of the Board.
4. Members of the Board shall notify the Town Administrator of each contact for budget purposes, however are not required to explain content.

ADOPTED BY THE BOARD OF SELECTMEN ON 2/26, 2019.


Sue Lisio, Chairman

Cindy King, Vice-Chair


Wayne Miller, Clerk

**REQUEST FOR LEGAL SERVICES
TOWN OF TOWNSEND**

Name: _____ Title: _____ Date: _____

Committee or Department: _____

- Emergency/Same Day Urgent/24 Hours Important Routine

GENERAL LEGAL SERVICES REQUEST

- General Legal Services: Call or email to town counsel for discussion
re: _____
- General Legal Services: Office hours¹ with town counsel for discussion
re: _____
- General Legal Services: Formal written opinion department head or authorized employee
re: _____
- General Legal Services: Written opinion for a Board or Commission with authorizing vote
re: _____
- General Legal Services: Attendance at Board or Commission meeting with authorizing vote
re: _____ meeting date: _____

Request for general legal services was received. You may contact counsel.

James Kreidler, Town Administrator

LABOR OR LITIGATION LEGAL SERVICES REQUEST

- Labor /Litigation Legal Services: Call or email to town counsel for discussion
re: _____
- Labor/Litigation Legal Services: Office hours² with town counsel for discussion
re: _____
- Labor/Litigation Legal Services: Formal written opinion dept. head/authorized employee
re: _____
- Labor/Litigation Legal Services: Written opinion for Board or Commission w/authorizing vote
re: _____
- Labor/Litigation Legal Services: Attend a Board or Commission meeting with authorizing vote
re: _____ meeting date: _____

Request for labor/litigation legal services was/was not approved. You may contact counsel.

James Kreidler, Town Administrator

¹ Schedule for office hours kept in Selectmen's office.

² Schedule for office hours kept in Selectmen's office.



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

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

June 23, 2022

Donald Coburn
350 Beartown Mt. Road
P.O. Box 352
Monterey, MA 01245

RE: Open Meeting Law Complaint

Dear Mr. Coburn:

This office received your complaint on April 6, 2022, alleging that the Monterey Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on March 19, and Board member John Weingold responded, on behalf of the Board, by letter dated April 6. In your complaint, you allege that Mr. Weingold improperly discussed certain executive session matters prior to release of the executive session minutes of a meeting held on February 2. For the reasons stated below, we decline to review this complaint.

The Open Meeting Law requires that all meetings of a public body be conducted in an open session, unless a closed-door executive session is convened for one of the ten permissible purposes enumerated in the law. G.L. c. 30A, §§ 20(a), 21(a). One such statutory purpose for executive session is to discuss “the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.” G.L. c. 30A, § 21(a)(1) (“Purpose 1”). On February 22, the Board convened in executive session pursuant to Purpose 1 to discuss complaints against several town employees. While the Open Meeting Law allows public bodies to discuss this topic behind closed doors if the body believes confidentiality is required, the law does not require that public body members keep topics discussed in executive session confidential nor does it impose penalties for members’ failure to do so. We therefore find that, even if taken as true, the allegation that Mr. Weingold discussed executive session matters prior to release of the executive session minutes does not constitute a violation of the Open Meeting Law.² We express no opinion as to whether other

¹ All dates in this letter refer to the year 2022.

² We note that the Board has since released the executive session minutes of the meeting held on February 2.

laws or rules may require public body members to maintain the confidentiality of such sessions. See OML 2014-91; OML 2011-29.³

We now consider this matter closed. 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 regarding this letter.

Sincerely,



KerryAnne Kilcoyne
Assistant Attorney General
Division of Open Government

cc: Monterey Select Board c/o Chair Justin Makuc – By email only: justin@montereyma.gov

³ Open Meeting Law determinations and declinations may be found at the Attorney General's website, <https://www.mass.gov/the-open-meeting-law>.

Monterey Town Administrator

From: [REDACTED] on behalf of Martin Mraz and Jenna Johnson
[REDACTED]
Sent: Monday, June 27, 2022 12:12 PM
To: Justin Makuc; susan@montereyma.gov
Cc: Monterey Town Administrator
Subject: National Grid Survey
Attachments: 2014-12-15 sb minutes.htm; 2014-10-27 sb minutes.htm; 2014-08-11 sb minutes.htm

Dear Susan and Justin,

I'm writing with an update on our efforts to secure power for our property on Sandisfield Rd.

As of February / April, National Grid had commissioned a survey of Cronk Rd. It seems that there was a question as to what constitutes the public right of way on Cronk Road. I will paste below the relevant emails I have from Joanne DeRose. In summary: they commissioned a survey to determine public right of way and as of April they were anticipating results "soon," but we have not heard back from them since then. I've sent quite a few emails and left voicemails for Joanne, Bill Hogan at National Grid who's in charge of the job, and Jim Hunt in the Monterey Highway Department. Last time we spoke with Jim (in February) he said that it wasn't clear what the public right of way was on Cronk and that he was trying to figure that out.

Our Work Request Number at National Grid is 30400126.

This is our second attempt to secure access to the public power system. Our first effort was back in fall 2013 and after a year and a half of trying to get the design approved we gave up in January 2015 and went to solar. Solar has proven complicated and inadequate (and expensive, given the Berkshire winters and the fragility of generators) (plus, we figure we're paying taxes so we should have full access to the same utilities as everyone else). We reached out to National Grid and Eversource again in June 2021. We were told by the DPU, by Senator Hinds' office, and by both National Grid and Eversource that the franchise for Monterey is held by National Grid so we can't use Eversource. National Grid provided two routes-- one down Sandisfield Rd. connecting at the Thompsons' (1500 feet from our property line and 2300 feet from our driveway) and one down Cronk Rd. connecting at Karen Allen's house (400 feet from our property line, 1200 feet from our driveway). The Sandisfield Rd. option is twice the cost of the Cronk Rd. option. The neighbors on Cronk Rd, Karen Allen and Michael Vatis, have registered objections to the installation, according to National Grid (and they did so the last time we tried to get power). I'm attaching the minutes from the select board meetings where this was discussed officially: 08/11/14, 10/27/14, and 12/15/14

I think that's everything, give or take fifty pages of notes I've got collected from the past ten years :-(

Thank you for any guidance you can offer. We are very worried about coming into another winter without access to full utilities. I should also mention that we reached out to Adam Chait in early 2021 about trying to hook up to FiberConnect service as well, but we can't get that without poles, either, which affects our ability to work from our home or to rent it out, should we wish to do so.

Thanks so much for your help,
Jenna

Derose, Joanne Y. <Joanne.DeRose@nationalgrid.com>

to me, Jim



Good evening,

The survey work continues and we expect to have results soon. Once that is complete, we'll be better positioned to know what can or cannot happen on Cronk Road. We will provide an update once available.

Regards,

Joanne

Derose, Joanne Y. <Joanne.DeRose@nationalgrid.com>

to Jim, me



Hi Jim,

Nice to hear from you – I'm sure you're starting to make preparations for the upcoming storm as we are.

I did speak with some folks about this project yesterday. As a result of that conversation, we have submitted a request to hire a survey firm to determine where the private/public demarcation lies on Cronk Road. Hopefully, that will take place soon and will provide some answers that we need.

I'll keep you updated on the progress.

Best,

Joanne

On Thu, Jun 23, 2022 at 10:30 AM <susan@montereyma.gov> wrote:

Hi Jenna and Martin,

This may seem like an odd question, but who was National Grid going to survey and regarding what? Surely they already know exactly which residents have power and which do not. Are they surveying those whose properties would be affected by National Grid running lines to your home? Also, do you have any names or numbers of National Grid employees with whom you have spoken or corresponded about this? I apologize for my ignorance here, but it would help to have a bit more information before trying to get answers out of National Grid on your behalf.

Susan Cooper
Monterey Select Board

413/429-7099
susan@montereyma.gov

Select Board Meeting Minutes 12/15/14

Attachments:

[beaversolutions12.14.pdf](#)

Size: 160K Last Updated: 2014/12/30

[ptofficeremail12.14.pdf](#)

Size: 34K Last Updated: 2014/12/30

Monterey Select Board Minutes of the meeting of 12/15/14

Meeting Opened at: 8:30am

Select Board Members Present: Wayne Burkhart, Chairperson, Scott Janssen and Kenn Basler

Also in attendance for parts of the meeting: David Irland for the Monterey News, Chief Backhaus, Martin Mraz, Jenna Johnson, Shawn Tryon, Winston Wilson, Tony Corsi, Stanley Ross, Karen Allen, Ray Tryon and Jim Carer

The board met with Chief of Police, Gareth Backhaus to review the following:

1. Kenn asked the Chief to come in to speak about the letter/concern submitted at last weeks meeting by the part time officers and to talk about the town's time off policy.
 - a. Rotation of details: The Chief is adamant to keep it the way it is as he feels it is fair system. The Chief also feels that the full time officers should be given first choice of details because there is a large difference between a full time officer who dedicates their life to this career while part timers are usually doing this as a supplemental income. Kenn suggested that if the part timers were to be offered more details they might be more motivated/committed to stay in Monterey; the Chief disagreed. The Chief stated that it is very important that the full time officer is in town should another emergency occur that the Chief needs additional help for.
 - b. Election details: The Chief stated that he has no problem with the Constable manning the elections but he will only allow this when we have a Constable that is able to stay for the entire day as is required. Kenn inquired why a part time officer isn't just scheduled for this shift and the Chief stated it's because none of the officers want to work it for regular pay. It was noted that the other first time officer is a salaried position and he should be scheduled for this shift costing the town no further monies. Kenn also noted that he has spoken to some surrounding towns who are also looking at putting a regular shift officer on for the elections versus a detailed rate officer.
 - c. The Board stated that the Sergeant's schedule needs to be regular, posted and clear and shouldn't be changed to accommodate details.
 - d. Use of the cruiser at details: The Chief has decided that it is in the town's best interest to have the Sergeant have access to the other cruiser at details during the day that are in Monterey. If something should happen that would require 2 officers with access to the emergency vehicles he would be nearby and able to respond.
 - e. Part time officers working the midnight to 8am shift: The Chief stated that this was a non-issue as it only happened once while the Chief was on vacation and the Sergeant had another previous engagement. There was no money exchanged.
 - f. Holiday shifts: These are done by rotation.
 - g. The Chief also stated and supplied a list of the officers that have left the employment of Monterey refuting that we have a high turnover. Most of the officers that have left have gone to other stations for full time positions.
 - h. Additional comments from Rudy Gero and the part-time officers regarding raises (attached). The Chief stated that the current hourly rates for part timers were on scale with other departments with respect to their knowledge base but now that the department has more seasoned officers the Chief does plan to recommend to the ECAC, Select Board and Finance Committee that the part timers receive a raise for FY16.
 - i. Wayne stated that there is somewhat of a perception problem and that we aren't always responding in the proper way. Wayne appreciates that the Chief is managing the department and just wants to be sure that the management of police details is similar to other departments, is fair and can be substantiated. It was noted that there have been complaints about the Sergeants leadership skills and the Chief was asked if there was any way to improve his interpersonal interactions. The Chief is aware of the issue and is working with Mike on it. He is also looking to sign Mike up for a supervisor's course that may prove helpful.
2. Time off: The Chief recently had minor surgery and will find out at the end of this week when he can return for light duty. The Board also noted that they were not officially made aware of the Chief taking the time off which the Chief stated was his fault.

The board met with Director of Operations, Shawn Tryon to review the following:

1. Shawn is still waiting on numbers for the proposed transfer station redesign.
2. The voicemail at the highway station no longer has Maynard's voice on it and Shawn is still looking into whether or not he can access the messages remotely. Shawn will be adding a message where to call if this is an emergency.
3. Proposed police/fire boat: The Board stated that given the amount of requests they are dealing with for FY16 it isn't likely that this will be a purchase this year and wanted to know what Shawn thought. Shawn stated that if the Board isn't on board with purchasing another boat then he suggests that the one we currently have should be sold. The Board agreed. The boat will be removed from the capital expense spreadsheet.
4. Snow plow policy/use of contractors: Shawn stated that some sort of policy is needed as well as additional help; whether it is someone hired to come in and drive our vehicles or an independent contractor using their own trucks. Shawn stated that ideally he needs both a contractor with a one ton pickup with a plow and sander as well as someone that can come in and help driving one of the town's trucks when necessary. The Board stated that it is Shawn's call when to use this help and they understand that some of the help that has been used in the past may be related to Shawn. Shawn will develop a list to be shared with the Board of additional seasonal help he will use.
5. Town hall roof: Shawn stated that the roof over the meeting room is crumbling off and that this part of the roof was not updated when the town hall addition was built. Even though the new part isn't in need of a roof it is Shawn's recommendation that the whole roof be done at once and he's recommending a steel roof at approximately \$60,000. It is his opinion that this should be done as soon as possible as there have already been ice dam and water issues. The Board suggested that the project be done over 2 years to minimize the impact on the budget. Shawn adamantly disagreed. When asked about shingles instead of a steel roof Shawn stated that shingles would be approximately 50% of the cost but would have half the life span of the steel.

6. The Board reminded Shawn of the time off policy and explained that the requests do not necessarily need to be presented at a Select Board meeting they can be emailed to the Administrative Assistant to give to the Board.
7. Shawn is still trying to get help from Representative Pignatelli's office with regards to the RT 23 culvert snafu.

At 10am the Board reopened the joint pole hearings continued from 8/11, 9/8 and 10/27/14 for proposals on Cronk Rd and Sandisfield Rd; these proposals are 2 options available to bring power to 198 Sandisfield Rd. The Board asked for the costs associated with these proposals. Tony stated that they hadn't changed the Sandisfield Rd is approximately \$60,000 and the other one is approximately half. National Grid is unwilling to negotiate and allow the resident to obtain power from WEMCO. Jim Carer the engineering supervisor for National Grid was also present. The Board stated that they are unhappy with the proposals presented and the fact that one homeowner is being made responsible for the costs associated with all the necessary poles even though there properties in between that could be developed. The Board wanted more explanation on why the homeowner was being held responsible to pay for the expansion of National Grid's infrastructure which only benefits National Grid. Karen Allen was present to express her dissatisfaction with the Cronk Rd proposal. Jim Carer of National Grid stated that the WMECO option is off the table all together and he isn't sure that it would save the customer any money. The Board stated that they felt the hearing needed to be continued until someone capable of answering the Board's questions and working on some sort of movement to meet the Board and resident halfway either monetarily (with respect to the cost of the poles) or with extending the 5 year plan for reimbursement of these costs to 20. The Board stated that if National Grid cannot come back with any sort of compromise that the next meeting will only be continued again from the Board's perspective. The meeting has been postponed to a date to be determined. The Board is prepared to meet with the DPU regarding this. Jenna Johnson suggested that if the Cronk Rd's line is so bad then why doesn't National Grid share the cost of the Sandisfield Rd proposal to tie in the current lines on Cronk Rd while at the same time upgrading those lines so that they no longer lose power for 72 hours at a clip.

Miscellaneous Select Board Items Reviewed:

1. Mail was reviewed which included:
 - a. Site review plan from the Planning Board for Hume Camp.
 - b. Request from Alice Berke to amend the 11.17.14 minutes with regards to the section on beavers. The Board took this under advisement but no changes were made.
 - c. Proposal from Mike Callahan of Beaver Solutions (attached). A meeting will be set up providing the grant available will cover the cost for the on-site assessment.
 - d. Barry Karson submitted his resignation letter from the Planning Board effective immediately.
 - e. Meeting notice from SBRSD for a municipal representative to be chosen in accordance with MGL Chapter 150E Section 1 and the Dept of Education regulations codified at 603 CMR 41.00.
2. Administrative Assistant's weekly report was reviewed.
3. Police Chief's weekly report was reviewed.
4. Warrants were signed.
5. A reminder memo will be sent to all the appointed employees regarding taking time off and that all time off requests should be submitted to the Select Board (as per the employee handbook) for approval at least 14 weeks prior to the days being taken off and at the same time the Board should also be made aware of how the employee's job duties will be handled and by whom while away.
6. Winston Wilson, Tree Warden stated that he hasn't had a chance to go out and look at the trees with John Fields yet but it is scheduled for this Thursday. Winston did take a drive around by himself and doesn't feel that the situation is as dire as he originally thought.
7. Stanley Ross, Assessor came in to have the Board sign some forms needed to set the tax rate. A motion was made to accept the single rate tax. The motion was seconded and approved unanimously.
8. Stanley and Kenn reported on the WiredWest bond meeting that they attended. Stanley stated that first and foremost you have to believe that the technology is on the way. The presentation was informative regarding the 1 - 1.5 million dollar bond WiredWest is requesting which if accepted the town will be responsible for for 20 years (the first 3 years would be interest only payments of approx. \$45k then year 4 the full payments would be due in the amount of \$117k before any revenues from the surplus dollars). Each town will be responsible for their own bond, it isn't a joint bond. It was noted that this whole operation is built on a trust and a co-operation between WiredWest and the towns. Kenn questioned whether or not the Board could commit the Town to this much debt for a potential of only 40% of the town signing up for the services to be created. WiredWest will be sending out a letter in early January looking for commitments to the service which will include a \$50 fee for a good faith gesture that the resident will sign up for the service when available. The Board stated that this will help them decide whether or not to go forward with the request for a bond by how many people send in the good faith fee.
9. Select Board Corner for January: The Board approved the draft as is. M. Noe will submit it to the Monterey News.
10. The Board discussed the town hall services survey that was completed and given to the Board last week. It was the consensus of the Board that the majority of the respondents would like to see the Town Clerk's office open on Saturdays again. Since this Clerk has stated she will not be running again the Board will confirm with Town Counsel that they are in fact the Board that determines the number of hours the position requires and whether or not they can go as far as setting office hours to be open. It was also noted that the Board will need to determine the number of hours required to perform this position (whether it requires 20 or more a week or less than 20 per week) as this determines whether the position is eligible for health insurance benefits.

A motion was made and unanimously approved to adjourn the meeting at: 12:02pm

Submitted by:
Melissa Noe, Administrative Assistant
Approved by:
Monterey Select Board

cc: Website (www.montereyma.gov)
Select Board Members
Minutes Book
Town Clerk

Select Board Meeting Minutes 10/27/14

Attachments:

[BMielkeemail to SB10.27.14.pdf](#)

Size: 373K Last Updated: 2014/11/3

[WWFinancingProcess10.27.14.pdf](#)

Size: 92K Last Updated: 2014/11/3

Monterey Select Board Minutes of the meeting of 10/27/14

Meeting Opened at: 9am

Select Board Members Present: Wayne Burkhardt, Chairperson, Scott Jossen and Kenn Basler

Also in attendance for parts of the meeting: David Irland for the Monterey News, Bettina Schwartz, Anthony Corsi of National Grid, Mike Mielke Sr, Mike Mielke Jr, Shawn Tryon, Raymond Tryon, Robert and Muriel Lazzarini, Mark Cappadonna of Colonial Power, Michal Vatis, Martin Mraz, Monica Webb, Carol Ingher and Karen Allen

At 9am the Board held a joint pole hearing for poles proposed on Cronk Rd. This hearing proposes new poles to come down Cronk Rd instead of the previously submitted request to come down Chestnut Hill. This new proposal would cost the homeowner less than the originally submitted plan due to requiring less poles. Anthony Corsi of the Engineering Dept of National Grid gave an overview. The homeowner, Martin Mraz stated that he has spoken to someone at National Grid (Sheryl) that has stated it would be ok to have the poles come from Western Mass Utilities from Otis down Sandisfield Rd; costing him less than both the National Grid options. Anthony Corsi stated that his supervisors informed him that this would not be allowed. Michael Vatis a resident on Cronk Rd is opposed to the poles coming down Cronk Rd and listed several environmental and aesthetic consequences he felt would occur if this option were to be approved. The Board feels that the Sandisfield Rd option is the best and is discouraged with the policy of National Grid to charge the homeowner for the poles to run a necessary utility to a new homeowner's property. The homeowner has already spoken to National Grid and they will not decrease the cost of the poles. The Board requested that if this hearing is to be continued that National Grid should have another representative present that can better answer the questions the Board has. It was decided to postpone the hearing until more information can be provided and until WMECO responds on whether they will bring in power from Otis.

The board met with Mark Cappadonna of Colonial Power to discuss the following:

The Board is interested in joining the electrical aggregation to help lower the rates for Monterey residents as 10 surrounding towns have already done. Municipal aggregation takes the buying power of everyone in the area for residential power; the service is an opt-out service. First there will have to be a town vote to enter into the aggregation and then the Select Board will vote on the contract. This would bring a choice for power to the resident and really only affects the electron running through the wire and cost of it; there are no changes to the bill or who fixes your meter, etc. If a residential home is net metered with solar they will pay the lower rates that the town contracts into but when they are over-producing energy they will get the National Grid rate. If town meeting approved this in January or February, a plan from Colonial would immediately follow which would then need to be approved by the DPU; potentially being finalized by next fall/winter.

As an aside Mark stated that with regards to the pole hearing held prior he works with several towns and several power companies and it is not unheard of to have two different power companies supplying power for one town.

Miscellaneous Select Board Items Reviewed:

1. Mike Mielke Sr and Mike Mielke Jr came in to speak to the Board about the article in the Berkshire Record with regards to the Treasurer, payroll and her performance. Mike Sr took exception with the article in the Berkshire Record and felt that this opened up defamation of character, character assassination and he would like to diffuse this situation now before it gets any worse. Kenn explained that right now the Dept of Revenue (according to meetings and articles he's attended and read) is pushing towns to make elected Treasurers appointed as the other 80% of Massachusetts has done as this position requires a special expertise/knowledge that not everyone possesses and presents additional problems when the Treasurer is not available during business hours. Kenn feels that a change of this nature would make things run more efficiently; especially here in Monterey. Kenn stated that the article that appeared in the Record was taken from the Select Board minutes online and that the reporter never attended a Select Board meeting nor did they contact any member of the Board for comments. The article was written completely out of context. Kenn does have a meeting set up with the editor there regarding the inappropriateness of the article. Kenn argued that he felt that part of the issue here is that the performance of employees has to be discussed during an open meeting and appears in the minutes and possibly in local newspapers. Mike Sr requested that the Board publically apologize to Bethany and requests a retraction of the article. The Board took that under advisement. In response to the part of the article that spoke to changing elected to appointed Wayne feels that more deliberation is necessary. Mike Jr is concerned about the level of support she receives from her coworkers and the Board.
2. The issues with the Treasurer stem from her being unavailable during business hours. Outside institutions such as the bank and Berkshire County Retirement have had to reach out to the Tax Collector, Administrative Assistant and Select Board due to unanswered emails and voicemails left for the Treasurer prompting the Select Board to get involved.
3. Muriel Lazzarini reported to the Board that she has heard that the Town Clerk has submitted her resignation effective January 1st; the Board was unaware of any resignation but had heard that she may not run again. The Board would feel disappointed if the Clerk were to resign or not run again but that is out of their control. Kenn left to inquire about the rumor with the Town Clerk and Emily confirmed that she is not resigning January 1st and will be fulfilling her term [which expires May of 2016]. Scott stated that it was unfair of Bob and Muriel to attack the Board for not addressing rumors especially when they aren't even aware of them. Muriel suggested that some restructuring of the town offices is necessary in order to keep the Town Clerk in her position as it was implied that the Town Clerk does not like the Administrative Assistant and refuses to work with her. Ray suggested that the Board may be passing off too many of their duties to the Administrative Assistant to handle for them. Scott agreed to meet during the week to discuss these issues with Muriel and Ray to discuss the ideas they might have with regards to restructuring town hall.

4. The Board made a motion to appoint Donald Torrico as the part time representative to an 8 month term on the Employee Compensation Advisory Committee. The motion was seconded and approved unanimously.
5. Anthony Corsi of National returned and stated that he has measured the last pole from Sandisfield to the Mraz's house and it would be 1700 feet, longer than the other two proposals. He just wanted the Board to be aware and would not be putting anymore time into the matter until we hear back from WMECO. The Board explained that right now the Board feels that the WMECO proposal talked about today is the favored proposal with the 1st Sandisfield proposal being next and Cronk being last.
6. Carol Ingher came in to state that she is in favor of the Board pursuing joining an aggregation to help lower the electric rates for the residents.
7. Monica Webb of WiredWest came in to provide the Board with information about this Wednesday's regional meeting with MBI. Monica provided the Board with the WiredWest Regional Fiber Network Financing Process for Towns (attached). This proposal would require a 2/3 town meeting vote authorizing the town to issue a general obligation bond under MGL Chapter 44:8(8) to fund capex for its Municipal Lighting Plant's share of the project. This money can be raised by an MLP for telecom outside of regular town levy limits, up to 5% of the total town assessed value. Costs will vary based on the wired mileage and number of premises. Monterey's cost at 60% would be approximately \$1.98million.
8. Mail was reviewed which included:
 - a. Email from Bethany Mielke, Treasurer (attached) with regards to the article in last week's Berkshire Record.
 - b. The Board reviewed a letter from EDM Architecture Engineering and Management with regards to their proposal to provide a visual structural investigation of the existing Monterey School Building. The Board is going to wait to act on this until after the upcoming school committee meeting where the discussion regarding New Marlborough and Sheffield's requests to close the Monterey school has been decided to go forward or not.
 - c. MASS Interchange Fall 2014 Volume 28 Number 3
 - d. A letter from the Committee for safer roads and bridges requesting that the Board of Selectmen move to endorse a NO vote on statewide ballot Question 1. The Board did not take action on this.
 - e. Agreement/Notice to Proceed from MASSDOT with regards to the roadway reconstruction and related work on RT 23 from the town line of Gt. Barrington to the town line of Otis.
9. The Board discussed the recent appointment/hiring of Beth Parks to clean up/organize the swap shack and what the required hours for the position will be. It was agreed to pay the position minimum wage up to a total of \$1,000 for a period of 5 months at 2-3 hours per week.
10. M. Noe asked to speak with the Board about the implications made earlier in the meeting that she has done or is doing something to the Town Clerk that would not allow her to perform her duties and make it difficult to work in the town hall. The Town Clerk was not prepared to meet to today and agreed to meet at another date. It was agreed to have Wayne try to speak with Emily one on one before the next meeting encouraging her to work this out at the next meeting.
11. It was requested to appoint Maryellen Brown and Kay Purcell to the Council on aging as they have shown interest in being on that committee. The Board felt it would be appropriate to speak with the existing COA members to see if they had any issues with this prior to making the appointments. Currently Linda Hebert is on the COA and Mike Johnson has been reappointed but has not accepted or refused his appointment yet and has been unresponsive to most requests made to him regarding this. Mike will be asked to attend next Monday's meeting to discuss. It was also noted that the State had called M. Noe requesting a response regarding the COA paperwork that was due. M. Noe completed and submitted the paperwork with the help of someone at the State and Wayne Burkhardt.
12. The Board discussed the possibility of a working meeting that would still be open to the public to sit in on however would allow the Board to only work on administrative items for that hour and then address the public, employees and any other items that arise. It was agreed that the morning meetings will now begin at 8:30am and from 8:30 – 9:30am it will be a working meeting and from 9:30am on the Board will address everything else. This will start with the 11/3 meeting. This will also require M. Noe to come in a half hour earlier on Mondays which she will either add to her comp time balance or leave a half hour early on another day.
13. The Board asked M. Noe to create a draft FY16 budget with all of the capital items we are anticipating as well as other items that have come up to see where we currently stand.
14. Administrative Assistant's weekly report was reviewed.
15. Police Chief's weekly report was reviewed.

A motion was made and unanimously approved to adjourn the meeting at: 12:30pm

Submitted by:

Melissa Noe, Administrative Assistant

Approved by:

Monterey Select Board

cc: Website (www.montereyma.gov)

Select Board Members

Minutes Book

Town Clerk

Select Board Meeting Minutes 8/11/14

Monterey Select Board Minutes of the meeting of 8/11/14

Meeting Opened at: 4pm

Select Board Members Present: Wayne Burkhart, Chairperson, Scott Jenssen and Kenn Basler

Also in attendance for parts of the meeting: Jacob Edelman for the Monterey News, Anthony Corsi of National Grid, Stanley Ross, Shawn Tryon, Karen Allen, Warren Thomson and Mickey Jervas

At 4pm the Board held a joint pole hearing for National Grid and Verizon for 19 new poles on Sandisfield Rd for the purpose of bringing electricity to 198 Sandisfield Rd. There is a 2nd option to come down Cronk Rd which would be half the distance and half the poles but Anthony needs more information from other engineers. Karen Allen was adamantly against any more poles coming down Cronk Rd. The petition today was only for poles on Sandisfield Rd.

Warren Thomson on Sandisfield Rd stated that half of the poles will be going on his property and after speaking with National Grid he is ok with the work they will be doing. Shawn asked if there would be any upgrading of the lines on Sandisfield Rd, there will not. The hearing will be continued until September 8th at 4pm.

The board met with Director of Operations, Shawn Tryon to review the following:

1. Shawn reported that they are doing a lot of work on unplugging catch basins and preparing drainage for the upcoming storms.
2. The crew is out working on touching up some of the rough spots on the dirt roads.
3. Shawn is having some computer issues and is working with Dell to resolve them. Shawn asked permission to purchase an iPad (or similar notebook) to keep in the truck for note keeping; the Board approved.
4. Gas usage reports the Board is requesting: At this point weekly reports are not an option and it will cost some money to upgrade this. The petroleum company that creates the reports only comes twice a year right now. Shawn will look into how much it will cost to be able to generate the reports himself. The pumps are out of date so keeping a log as requested by the Board isn't an option. Currently each vehicle has a card they swipe when they fill up and the report only states what card was swiped and how much gas they used.
5. M. Noe informed the Board and Shawn that the Town Manager in New Marlborough called and requested that the Board and/or Shawn attend a joint meeting on Sept 12th at 10:30am to discuss sharing services/equipment.
6. Scott proposed an idea about an updated shed for the Transfer Station attendant. Shawn stated that the power for the compactors are located in that shed so he would have to look further into that. Shawn asked if the redesign of the transfer station was going to be put on this year's town meeting warrant before we spend any money on just one of the sheds. Shawn felt there is a liability with the way the transfer station is currently set up.
7. Wayne asked about the possibility of taking early collections for the rigid plastic collection in Otis and transporting the early collections to Otis for our residents. Shawn felt that right now the crew has a lot on their plates and can't take this on this year but will take to Jamie at CET about maybe hosting our own event here.
8. Kenn asked about the lack of signage at the Transfer Station and keeping the shed clean. Shawn felt that to keep it tidy and keep items out of there that shouldn't be in there would require hiring someone to police it. Kenn also stated that there was an incident last week where a contractor was bringing the trash from a project in Gt. Barrington. This is very costly to Monterey. Shawn stated that accepting the bulky waste is better than not because then you are less likely to end up with the waste on the side of the road.

At 4:30pm the Board opened the bid opening for RT 57 paving. The following bids were received:

- Tri-Town Paving: \$75.02/ton
- Lane Construction: \$94/ton and \$190/ton
- DelSignore: \$73.97/ton
- LB Corp: \$75.90/ton

Shawn will review the bids and advise the Board of his recommendation next week.

Miscellaneous Select Board Items Reviewed:

1. The Treasurer informed the Board that she will be attending classes at UMASS for the rest of the week.
2. Barbara Gauthier asked M. Noe to have the Board to confirm that she still has permission to assist Brendan with the books. The Board unanimously agreed that she should continue until she feels that Brendan is up to speed and the books are in good shape.
3. The Board discussed the booth we have available at Summerfest in GT on the 23rd from 3 – 9pm. The Bidwell House is interested in participating as is the library and our School Committee representative. Scott will lend his pop-up tent for the event and Kenn will lend some tables. Kenn stated that the library will take the first shift and do the set up. It was agreed that all parties interested should plan on manning the booth for at least 2 hours.
4. Mickey Jervas came in to congratulate the Board on their decision to appoint Shawn as the new Director of Operations as she's already seen many positive things happening and he seems very enthusiastic. She also came to complain about the last 5 out of 7 times she has went to the Transfer Station there have been several cars parked in front of the containers just talking and perusing blocking the ability for others to throw trash away. She suggested that an "unloading only" sign be placed there to encourage traffic flow.
5. M. Noe provided the Board with sample evaluation forms from surrounding towns in the area as well as the evaluation form that the Town used in the past for review in their decision making process on whether or not to institute evaluations.
6. Mail was reviewed which included:
 - a. Town Counsel sent an email in response to a Board member's question regarding MGL Chapter 41 Section 23c stating that this statute does require a town meeting vote. Kenn stated that he was the one that asked the question because 2 residents had raised a question regarding the Select Board's

authority to appoint an Executive Secretary or Town Manager. Kenn states that the Board didn't have the authority to change M. Noe's title from Inter-Departmental Secretary to Executive Secretary. Wayne stated that this was pretty much a red herring and that when they made this title change they did not change any of the duties M. Noe performs and questioned whether or not Kenn had anything better to do than focus on such trivial matters. Kenn made a motion that since the Board didn't have the authority to change the title that they should change it back to Inter-Departmental Secretary and stop all contract talks as she would no longer be entitled to a contract. Scott felt this line that Kenn was going down was inappropriate and that he should rescind his motion. M. Noe did provide a copy of the statute that allows M. Noe a contract despite her title. Opinions from Attorney Collins were also provided that showed he determined that the functions of M. Noe's job make her eligible. Kenn rescinded the motion and discussion ensued about the inappropriateness of Kenn's suggestions. Questions were raised about Town Counsel's opinion that offering a contract would change the at will status of the position and wanted more information on that. The Board was reminded that by entering into the 2 other contracts in town the at will status of those positions were changed and this situation is no different. Kenn stated that they are and would not supply any more justification as to why they were. The Board agreed to ask Town Counsel to come in to discuss the at will status questions that were raised by Board.

7. Kenn updated the Board on his conversations with the concerned citizens near the Hume camp. Camp Hume wanted to change the date of the meeting when they learned Kenn was coming. Kenn suggested that it was more important to have the meeting early and withdrew from their meeting.

8. Executive Secretary's weekly report was reviewed.

A motion was made and unanimously approved to adjourn the meeting at: 5:40pm

Submitted by:

Melissa Noe, Executive Secretary

Approved by:

Monterey Select Board

cc: Website (www.montereyma.gov)

Select Board Members

Minutes Book

Town Clerk

Monterey Town Administrator

From: Justin Makuc <justin@montereyma.gov>
Sent: Monday, June 27, 2022 3:58 PM
To: admin@montereyma.gov
Subject: Fwd: FW: request for information

----- Forwarded message -----

From: Ellen Coburn <[REDACTED]>
Date: Mon, Jun 27, 2022 at 12:58 PM
Subject: Fwd: FW: request for information
To: <susan@montereyma.gov>, Justin Makuc <justin@montereyma.gov>, Shawn Tryon <chief@montereyma.gov>, Gareth Backhaus <mpdchief@montereyma.gov>, Don Coburn <[REDACTED]>

Hello Susan, Justin, Shawn, Gareth and Don,

I received this message from the representative at the State 911 department. Clearly there is nothing they can do for us, so it will be up to Verizon unless Adam Chait can provide us with a fiber connection.

Ellen

----- Forwarded message -----

From: Moin, Shahri (EPS) <shahri.moin@state.ma.us>
Date: Mon, Jun 27, 2022 at 9:37 AM
Subject: FW: request for information
To: Ellen Coburn <[REDACTED]>

Good Morning,

As you know I asked our 911 service provider to dispatch a technician to your area. He used cell phones from AT&T, VerizonWireless and T-Mobile to determine availability of signal and signal strength. The technician reported there was no signal from any of the carriers. The technician further confirmed the lack of signal with a police officer on patrol. We referred your case to VerizonWireless for their review.

In absence of carrier signal and thus connectivity, texting to 911 will not succeed. I urge you to contact VerizonWireless for assistance.

Regards,

Shahri Moin

Director, 911 Systems

From: Ellen Coburn <~~ellen.coburn@gmail.com~~>
Sent: Thursday, June 16, 2022 4:04 PM
To: Moin, Shahri (911) <shahri.moin@mass.gov>
Cc: susan@montereyma.gov; Justin Makuc <justin@montereyma.gov>; Shawn Tryon <chief@montereyma.gov>; Gareth Backhaus <mpdchief@montereyma.gov>; Don Coburn <~~dcoburn@mel.com~~>
Subject: request for information

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Shahri,

I would appreciate an update from you as to the progress you're making in addressing our lack of 911 service at 350 Beartown Mountain Road in Monterey. I met the person from your department who was testing various cell phones on our road last week. Nothing worked for him at my address. However, I haven't heard anything since about what is being done to remedy the situation.

1) Can you explain why I'm able to text other people in Monterey and even out of state, but my 911 texts don't get delivered?

2) What will your office be doing next to ensure that we are able to call or text 911 in an emergency?

3) What temporary fix can you offer us? Is there an official you can name who would be on duty 24/7 and could pass a 911 text on to the Berkshire County dispatcher in an emergency? The next time my landline goes out, who can I text?

Regards,

Ellen Coburn

Monterey Town Administrator

From: clerk@montereyma.gov
Sent: Tuesday, June 28, 2022 8:07 PM
To: Monterey Assistant; Justin Makuc; susan@montereyma.gov
Cc: burkejared@gmail.com
Subject: RE: Memo regarding workplace mediation offered to Ms. Walker
Attachments: mediation.pdf

I declined mediation on June 1, 2022 at a Selectboard meeting and I advised the board to contact my attorney regarding this matter. Have you contacted my attorney? Given the current situation at town hall, I will not respond to your letter.

Memo is attached

Jared S. Burke, Esq.
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