

**Select Board
Minutes of the meeting of 8/31/22**

Meeting Opened at: 5:30pm

Select Board Members Present: Justin Makuc, Chair, Susan Cooper and Scott Jenssen

Also present: Dan Moriarity, Steve Snyder, Don Coburn, Mickey Jervas, Hillel Maximon, Virgil Stucker

Also present remotely: Attorney Donna Brewer, Mary Makuc, Chris Blair

The Board welcomed Scott back to the Board. Scott thanked the residents for voting him in and admonished the past actions of members that resigned as reprehensible.

The Board let Steve Snyder know that the ballfield request will be added to next week's agenda.

5:30pm A motion was made to enter executive Session, G.L. c. 30A, § 21(a)(2), to discuss strategy in preparation for negotiations with the Town Clerk, to invite Town Counsel to participate, and to return to open session after the executive session. The motion was seconded. Susan yes, Justin, yes and Scott abstained. The motion passed 2 – 0. Roll call: Scott Jenssen present, Susan Cooper present and Justin Makuc present. The Board returned to open session at 6:27pm.

Justin noted that the 7:00pm interview scheduled for tonight has been rescheduled for next week.

1. Town Charter Committee status: Given the lack of interest Justin motioned to let the current appointments expire in November and not make any new appointments for the time being. The motion was seconded and unanimously approved.
2. Scanlon & Associates, LLC audit: A motion was made to accept the FY21 audit report. The motion was seconded and unanimously approved.
3. Electronic voting system: Justin has been speaking with the New Marlborough moderator about possibly sharing clickers if we both purchase the same systems. Justin is recommending going with the Meridia system. A motion was made to move forward with purchasing the Meridia electronic voting system on the basis it is preferred to Turning and we can potentially share with the Town of New Marlborough. The motion was seconded and unanimously approved.
4. Draft Special Town Meeting warrant
 - a. Request for Conservation Commission Agent line item: The agent has previously been paid through the Wetlands revolving fund and the Chair of the Conservation Commission, Chris Blair feels having a more robust line item to cover the time necessary to perform the work is a reasonable request. Chris noted that the revolving funds are limited. Justin asked to confirm that the current agent is working up to 25 hours a month at \$25/hour. Chris explained that we took in \$1,800 last month and paid out \$2,600 from the current revolving funds. Justin asked how much fees

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would have to go up to cover the costs; Chris has not yet done that exercise yet and noted it could pose a hardship on residents that have to file with the Commission but suggested that it might need to be doubled from \$100 to \$200. Justin would like to take a second look at the numbers and see what raising fees to cover costs might look like.

- b. Previously discussed items: tree work at Bidwell Park, tree work at the Community Center, elevator work, FY22 unpaid bills: Justin provided Scott with history of the items, and the Community Center work is more preventative to make the area safer during any future storms. Justin suggested that Scott and Susan should each meet with Jim at the Community Center to familiarize themselves with the situation. Justin asked if we could make a reserve fund transfer request for the elevator repair, Melissa Noe said yes that would be appropriate, Scott and Susan concurred.
 - c. Scheduling Special Town Meeting: The Clerk is available Oct 8 after 3pm and anytime on the 15th. Justin proposed the 15th of October at 1pm or 1:30pm pending availability of the Moderator, the Board agreed.
5. Hillel thanked and welcomed Scott for stepping up to the Board. Dan Moriarity said he was happy to see Scott take the position and hopes Scott can proceed without any difficulties.
 6. Review Town Administrator job description and corresponding draft memo: The Board will review with Sophia prior to discussing any proposed amendments.
 7. Virgil Stucker raised an interesting point in an email dated 7/13/22, regarding parking fees at State Parks for non-residents which vary considerably (non-residents \$30, Massachusetts residents \$8 and a senior pass for \$10 a year). Virgil argued that he pays taxes on two homes and feels that is enough and the fees the state are imposing are unfair and would like the Board to look into it to see if there is anything that can be done. Susan will draft a letter to Smitty Pignatelli to be reviewed and signed next week.
 8. Review executive session minutes to determine if disclosure is appropriate: 10/4/21, 11/4/21, 11/17/21, and 6/8/22: Justin explained that the Board is tasked with reviewing executive session minutes on a regular basis to determine if they can be released. Justin said the Board can discuss and make decision as a Board or delegate to one member of the Board to determine if they can be released. All of the minutes noted have been approved but not for release. Susan has reviewed them all and thinks that are acceptable for release but would prefer to see the automated transcript for the October 4th meeting deleted as it is largely unintelligible. Justin agrees that all the ones from 2021 are acceptable to be released. The Board is awaiting Scott's review.
 9. The Board is still waiting on the Finance Committee to interview the interested parties for the vacant seat and make a recommendation.
 10. Advertising/hiring process for new Police Chief: The current Chief will be retiring December 31st the Town Administrator and Human Resource Director have come up with a proposed plan/schedule. An advertisement will be put out in the next couple of weeks, after approval by the Board, interviews conducted in October by Chief Backhaus, Sophia Bletsos and Melissa Noe and then recommendations will be made to the Board for a second round of interviews by the Board in November. The Board agreed.

11. The Board discussed the \$15,000 request for funding from the 8 Town Regional School District Planning Board to continue research and operations for the next 12 months. They are requesting this amount from all eight towns. The Board noted that the budget process is usually in the spring and asked how the regional school district planning board was expecting towns to come up with the funds; Don said by either transfers or special town meetings. Justin moved that Lucy Prashker be invited to the next meeting to answer the Board's questions before the Board proceeds. The motion was seconded and approved unanimously.
12. Justin added the item of the 8 town Regional School District Planning Board and selection of a representative for School District Agreement committee to alert the Board as Lucy Prashker had informed him that representatives were being selected with input from the Select Board, yet the RSDPB never reached out to the Select Board about this matter. Circumstances have since changed and they are not forming a new committee but rather have the finance subcommittee addressing the taxation issue.
13. Consider recommendations from Human Resources director on draft policies: non-discrimination, professionalism, vacation, and holiday pay for part-time employees. Justin noted that he will be recusing himself from any deliberations or decisions on the part-time employee vacation and holiday pay policy as the policies directly effects the financial status of members of his family. This will be tabled until next week.
14. Select representative for Southeast sub regional caucus of the Berkshire Metropolitan Planning Organization: Justin asked if anyone was available on the 22nd to attend the zoom meeting and select a representative. Susan is willing to attend the meeting on the 22nd but she is not willing to put herself forward as a representative, Scott is also not willing to serve. A motion was made to have Susan Cooper be the representative for Monterey at the September 22nd meeting. The motion was seconded and unanimously approved.
15. A motion was made to accept and sign the Annual Memorandum of Understanding for police lock up in Great Barrington. The motion was seconded and unanimously approved.
16. The Board discussed the future Select Board meeting schedule. Justin said that since he has been on the Board the schedule has changed a few times from biweekly, to weekly at 6:00pm, and then to weekly at 6:00pm other than the first week of the month at 12:00pm. The current schedule is the first Wednesday of the month at noon and the remaining Wednesday meetings at 6pm. Susan suggested changing the 6pm meetings to 4pm. Justin would prefer to keep them at 6pm for his work schedule and acknowledged that the one meeting a month at noon is a disruption to his work schedule but he's willing to accommodate. Scott asked if we needed four meetings a month. Everyone concurred that weekly meetings with shorter agendas were preferred to longer agendas every other week. It was agreed to keep the schedule as is, taking weeks off as the Board sees fit and Justin as the Chair will make an effort to keep the meetings moving to prevent them running past 8pm on a regular basis.
17. Justin reported that he did contact counsel on a time sensitive matter with regard to early voting. A resident brought to the Boards attention that the Clerk's office, registrars and Select Board were delinquent in a number of categories with regard to early voting and Massachusetts General Law Chapter 54 Section 25B. Justin

- cited Mass General Law which has recently changed due to the VOTES Act, which requires the Select Board to take a number of actions related to voting and early voting. The Select Board will make certain to stay on top of these responsibilities better for the State election in November, as Town Counsel has laid out each deadline and associated task. A motion was made to hold early voting hours this Thursday from 4:30-8:30 pm and Friday 12-8pm. The motion was seconded and unanimously approved.
18. A motion was made to designate one police officer for the primary on September 6th and the state election on November 8th. The motion was seconded. Susan reported that she had a conversation with the Chief and Sergeant about Attorney Brewer's previous opinion about the pay for officers at elections and feels that her opinion may have been directed toward communities that have multiple officers on during a shift and thus Monterey is forced to pay a detail rate. Justin noted that the only thing the Board is required to do is determine the number of officers to be scheduled. The motion was seconded and unanimously approved.
 19. Review mail & correspondence received or to be sent:
 - a. 7/27/22 email from Steve Moore of the Monterey News, re: Select Board corner – this will be tabled to the next meeting.
 20. A motion was made to approve the amended minutes of 8/13/22. The motion was seconded and approved 2-0. A motion was made to approve the amended minutes of 8/16/22. The motion was seconded and approved 2-0. A motion was made to approve the amended minutes of 8/17/22. The motion was seconded and approved 2-0.
 21. Comments & questions from the public: none
 22. A motion was made to review the Counsel reviewed version of the Board's letter to the Town Clerk regarding her office hours, during open session. The Board agreed to take up the letter in open session. A few edits were made. A motion was made to accept and sign the letter as amended. The motion was seconded and unanimously approved.

A motion was made and unanimously approved to adjourn the meeting at: 8:31pm

Submitted by:

Melissa Noe, Town Administrator

Approved by:

Monterey Select Board

cc: Website (www.montereyma.gov)

Select Board Members

Minutes Book

Town Clerk

Any documents used in the meeting are listed below and are available by request at town hall.

1. Town charter committee update
2. Audit management letter
3. Email from New Marlborough re: Meridia electronic voting
4. Conservation Commission request

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5. Direct supervision memo and Town Administrator job description
6. Draft special town meeting warrant
7. Request from the 8 Town Regional School District Planning Board
8. Draft policies from Human Resource Director
9. Contact legal counsel form from Chair and response from Counsel
10. Email from Stephen Moore
11. Email from Virgil Stucker
12. Letter from Town Clerk's Attorney
13. Response to Town Clerk