

## Monterey Town Administrator

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**From:** Justin Makuc <justin@montereyma.gov>  
**Sent:** Tuesday, August 23, 2022 11:18 PM  
**To:** Monterey Administrator  
**Subject:** Town Charter Committee update  
**Attachments:** Janet Maximon.pdf; Hurst.pdf

Hi Melissa,

Just wanted to keep up about the Town Charter Committee. I have heard back from two since the last meeting: Catherine Hurst and Janet Maximon (attached as pdf).

Here is a summary of how it stands:

### **INTERESTED**

Hillel Maximon - "I am still interested in serving on the Town Charter Committee."

Shawn Tryon - "Yes, I would be part of that."

Janet Maximon - "I am still very interested in being on the committee and available."

### **SOMEWHAT INTERESTED/NEED TO CHECK BACK IN**

Mickey Jervas

### **NOT INTERESTED**

Don Coburn - "Since I'm firmly opposed to the idea, I don't think I'd be a good choice for that committee."

Catherine Hurst - "I am not further interested in being part of the town charter committee."

Debbie Slater - "I'd like to withdraw my name from [consideration]"

### **HAVE NOT HEARD BACK**

Rebecca Wolin - I have not heard back yet.

Jon Sylbert - I have not heard back yet.

Ron Winters - I have not heard back yet.

I put this list together and figured it would be good to send to you to keep you updated as well. Please let me know if you think I missed anyone.

Justin



## **TOWN OF MONTEREY**

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

Scanlon and Associates, LLC  
8 Tina Drive  
South Deerfield, Massachusetts

This representation letter is provided in connection with your audit of the financial statements of Town of Monterey, Massachusetts, which comprise the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information as of June 30, 2021, and the respective changes in financial position and, where applicable, cash flows for the June 30, 2021 then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of audit report date, the following representations made to you during your audit.

### **Financial Statements**

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP and for preparation of the supplementary information in accordance with the applicable criteria.
- 2) The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the primary government required by generally accepted accounting principles to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

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- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- 6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with U.S. GAAP.
- 7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements or in the schedule of findings and questioned costs.
- 8) The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole for each opinion unit.
- 9) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.
- 10) Guarantees, whether written or oral, under which the Town is contingently liable, if any, have been properly recorded or disclosed.

#### **Information Provided**

11) We have provided you with:

- a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.
  - b) Additional information that you have requested from us for the purpose of the audit.
  - c) Unrestricted access to persons within the Town from whom you determined it necessary to obtain audit evidence.
  - d) Minutes of the meetings of Select Board or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedule of expenditures of federal awards.

13) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

14) We have no knowledge of any fraud or suspected fraud that affects the Town and involves:

- Management,
- Employees who have significant roles in internal control, or
- Others where the fraud could have a material effect on the financial statements.

15) We have no knowledge of any allegations of fraud or suspected fraud affecting the Town's financial statements communicated by employees, former employees, regulators, or others.

16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or waste or abuse, whose effects should be considered when preparing financial statements.

17) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.

18) We have disclosed to you the identity of the Town's related parties and all the related party relationships and transactions of which we are aware.

#### **Government-specific**

19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

20) We have a process to track the status of audit findings and recommendations.

21) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.

22) We have provided our views on reported findings, conclusions, and recommendations, as well as our planned corrective actions, for the report.

23) The Town has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources, and fund balance or net position.

24) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.

- 25) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
- 26) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- 27) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.
- 28) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 29) As part of your audit, you assisted with preparation of the financial statements and related notes and schedule of expenditures of federal awards. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes and schedule of expenditures of federal awards.
- 30) The Town has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 31) The Town has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 32) The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.
- 33) The financial statements include all fiduciary activities required by GASB 84.
- 34) The financial statements properly classify all funds and activities in accordance with GASB Statement No. 34 as amended, and with GASB No. 84.
- 35) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.

- 36) Components of net position (net investment in capital assets; restricted; and unrestricted) and classifications of fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.
- 37) Investments, derivative instruments, and land and other real estate held by endowments are properly valued.
- 38) Provisions for uncollectible receivables have been properly identified and recorded.
- 39) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 40) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- 41) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
- 42) Special and extraordinary items are appropriately classified and reported.
- 43) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.
- 44) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.
- 45) We have appropriately disclosed the Town's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.
- 46) We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.
- 47) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.
- 48) With respect to the supplementary information:
- a) We acknowledge our responsibility for presenting the supplementary information in accordance with accounting principles generally accepted in the United States of America, and we believe the supplementary information, including its form and content,

is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

- b) If the supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.

49) With respect to federal award programs:

- a) We are responsible for understanding and complying with and have complied with the requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), including requirements relating to preparation of the schedule of expenditures of federal awards.
- b) We acknowledge our responsibility for presenting the schedule of expenditures of federal awards (SEFA) and related notes in accordance with the requirements of the Uniform Guidance, and we believe the SEFA, including its form and content, is fairly presented in accordance with the Uniform Guidance. The methods of measurement or presentation of the SEFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement or presentation of the SEFA.
- c) If the SEFA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA no later than the date we issue the SEFA and the auditor's report thereon.
- d) We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance compliance audit, and have included in the SEFA, expenditures made during the audit period for all awards provided by federal agencies in the form of federal awards, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
- e) We are responsible for understanding and complying with, and have complied with, the requirements of federal statutes, regulations, and the terms and conditions of federal awards related to each of our federal programs and have identified and disclosed to you the requirements of federal statutes, regulations, and the terms and conditions of federal awards that are considered to have a direct and material effect on each major program.
- f) We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for federal programs that provides

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reasonable assurance that we are managing our federal awards in compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a material effect on our federal programs. We believe the internal control system is adequate and is functioning as intended.

- g) We have made available to you all federal awards (including amendments, if any) and any other correspondence with federal agencies or pass-through entities relevant to federal programs and related activities.
- h) We have received no requests from a federal agency to audit one or more specific programs as a major program.
- i) We have complied with the direct and material compliance requirements (except for noncompliance disclosed to you), including when applicable, those set forth in the *OMB Compliance Supplement*, relating to federal awards and have identified and disclosed to you all amounts questioned and all known noncompliance with the direct and material compliance requirements of federal awards OR confirm that there were no amounts questioned and no known noncompliance with the direct and material compliance requirements of federal awards.
- j) We have disclosed any communications from federal awarding agencies and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.
- k) We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.
- l) Amounts claimed or used for matching were determined in accordance with relevant guidelines in OMB's Uniform Guidance (2 CFR part 200, subpart E).
- m) We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- n) We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.
- o) We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.



- p) There are no such known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditor's report.
- q) No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies or material weaknesses in internal control over compliance, subsequent to the period covered by the auditor's report.
- r) Federal program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.
- s) The copies of federal program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal agency or pass-through entity, as applicable.
- t) We have charged costs to federal awards in accordance with applicable cost principles.
- u) We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance, and we have provided you with all information on the status of the follow-up on prior audit findings by federal awarding agencies and pass-through entities, including all management decisions.
- v) We are responsible for and have ensured the reporting package does not contain protected personally identifiable information.
- w) We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.
- x) We are responsible for taking corrective action on each audit finding of the compliance audit and have developed a corrective action plan that meets the requirements of the Uniform Guidance.

*Lisa Kelly / Eric Kinsler CPA*

Lisa Kelly  
Monterey Town Accountant

SB/mn

## Monterey Town Administrator

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**From:** Justin Makuc <justin@montereyma.gov>  
**Sent:** Wednesday, August 31, 2022 6:52 AM  
**To:** Monterey Administrator  
**Subject:** [FWD: Re: Electronic voting]

Melissa,

Can you please print this for Scott and Susan for the meeting this evening?

Thanks,

Justin

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

Subject: Re: Electronic voting  
From: "Barry R. Shapiro" <[REDACTED]>  
Date: Mon, August 29, 2022 12:58 pm  
To: Justin Makuc <justin@montereyma.gov>  
Cc: Mari Enoch <nmbos@newmarlboroughma.gov>

Hi, Justin.

Our reasons for picking Meridia:

1. The price is competitive.
2. The system is encrypted.
3. It is simple and easy to use.
4. There is high satisfaction from other towns.
5. We have already used it.
6. It has audit trail capability.
7. It is used by the House of Representatives and some state legislatures.
8. There is no annual licensing fee as there is with Turning Technologies.
9. Turning seems to have changed their focus away from town meeting service.
10. Option, the only other choice, was pricey.

I hope that helps.

Not sure of my schedule on Wednesday but if you need me, please let me know and I'll see what I can do.

Best.

Barry

Barry R. Shapiro  
Post Office Box 227  
227 Hickey Hill Road  
Sheffield, Massachusetts 01257

On Sun, Aug 28, 2022 at 2:22 PM Justin Makuc <[justin@montereyma.gov](mailto:justin@montereyma.gov)> wrote:  
Hi Barry,

Our Board is considering going with Meridia, as I understand New Marlborough has already settled on. We wanted to hear from you about why New Marlborough decided to go with Meridia. Would you be able to either write up the advantages (and any disadvantages) you found with Meridia, or speak briefly to this at our Select Board meeting this Wednesday evening (at Town Hall or remotely)?

Thank you for your help,

Justin

FILE: Monterey Concom agent funding line

CREATED: 20 June 2022

REVISED: 24 August 2022

TO: Selectboard, Finance Committee, Town Administrator

I believe the Wetlands Protection Act and the regulations put the unfunded mandate for carrying out the work on the desk of the Mayor or the Selectboard. The Selectboard may appoint a Commission to carry out the work.

As Monterey adopted the Scenic Mountain Act and regulations those petitions are also require processing.

When I started on the Commission around 1994 all the commissioners went to sites, familiarized themselves with proponents' petitions and even took classes about the myriad elements of being a Conservation Commissioner. Mary Ellen Brown would do the intake, processing, minutes, fund collection, advertising, applicant advice, and so on. A large task to be sure; however, the Concom members would not do this work: not skilled or versed in the work, can't type, no additional time to devote to the tasks. The volunteers, in addition to those hours of visits, would attend any scheduled meeting until its completion.

Later, when Melissa Noe came to work for the Town she took up these same duties, while working also for the Selectboard, Board of Health and sometimes the ZBA. Some of the membership could talk petitioners through their work, but it was largely left for people to get their information to the front window at Town Hall.

The Conservation Commission Agent fulfills that work. Larger Towns have been using the agent format for a long time as a full time employee; smaller ones, not so much. We have had Agent 1, then 2, then 3, and now back to Agent 1.

At some recent time funding was set as up to 25 hours at \$25. This has been wholly funded by the fees collected from the petitioners. Much of that money goes to advertising cost; some goes to membership fees, copies, postage, and to pay the Agent. That is too big a burden on this small income.

Digging out of the administrative hole of Feb 2022 has taken a bit of time. Working with the new Commissioners takes a bit more. We find the Agent format of working with the Concom helpful, beneficial, and even necessary. The account can't support all the overhead with the outflows.

WORK:

1. Process incoming petitions under WPA and SMA;
2. Process general and specific inquiries about filing in Monterey from engineers, wetland scientists, architects, and the citizens and public;

3. Report to Building Commissioner applicability of each building permit application to the WPA and SMA
4. Schedule meetings
5. Make agenda and post for each monthly meeting
6. Make minutes and post for each monthly meeting
7. Assign incoming petitions to Conservation Commission membership for review.
8. Coordinate requests from citizens to remove trees in jurisdictional areas that threaten property or people whether on Private or Town property
9. Coordinate with the State.
10. File petitions with the State as required in WPA and Regs.
11. Ensure proper protocol and procedures during meetings for all advertised petitions.
12. End.

Salary ranges comparable to our Town work load in the Commonwealth range from \$9,125 to \$26,888. Many of the larger Towns have fulltime Agents. Monterey does not need a full time agent. (I did explore having only an Agent and no Commissioners however the law says we shall have Commissioners.) If one is working part-time here and there, \$25/hr is not a living wage. 2014 MACC survey attached.

If you look at 6 h/week or 312 h/year at the \$12,171 expense then the rate is \$39/h. If you look at 17 h/week or 884 h/year at the \$26,888 expense then the rate is \$30/h.

As does the Building Dept/Building Commissioner we believe it is time to fund the Agent in Monterey.

I am proposing funding the Conservation Commission Agent at between \$10,800 (360 h/yr x \$30/h) and \$14,700 (420 h/year x \$35/h) per fiscal year. At this time we think up to 25 h/month is reasonable however there will be times, owing to the volume of petitions arriving in Town, that the number of hours will exceed 25 h/month.

Some of the wage expenditure will be offset by the surplus, however small, of the application fees. If we are unable to fund the Agent, and she leaves, there will be a period when the Selectboard will have to manage intake et. al. and then the added time/expense to advertise and rehire a new Agent.

Thank you,

Christopher Blair  
Monterey Conservation Commission



## Massachusetts Association of Conservation Commissions

*protecting wetlands, open space and biological diversity through education and advocacy*

### Conservation Commission Staff Salary Survey Results

October 16, 2014

On August 26, 2014, MACC emailed a salary survey to 231 conservation commissions in Massachusetts, chosen because MACC expected them to have paid staff. On September 10, 2014, a reminder was sent to those that did not reply. The survey closed on October 2, 2014.

Of the 231 surveys sent, there were 66 replies, a 29% response rate. One respondent reported not having any staff and is not reflected in the results.

The survey asked for the name of the city/town, the number of paid staff, the titles of all paid staff, how many hours they worked, how many of those hours were work for the conservation commission, and the salary range for each position. Also, it asked that a job description for each position be emailed separately; not many who completed the survey sent a job description.

Some respondents reported hourly rates, some a salary. All data is converted to a yearly salary for comparison purposes except the Recording Secretaries because they all reported hourly ranges.

#### RESULTS

##### *Number of staff*

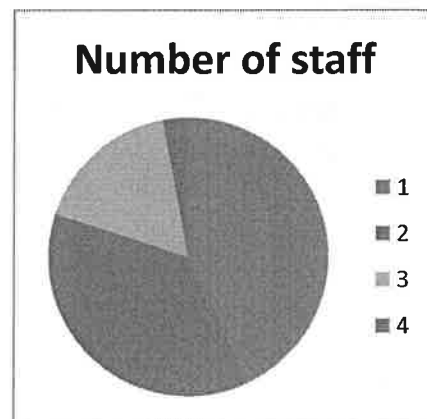
With 1 to 4 staff members being reported, the mean number of employees is 1.8.

43% of respondents have 1 staff member

37% of respondents have 2 staff members

17% of respondents have 3 staff members

3% of respondents have 4 staff members



**Types of staff**

**Conservation Agents/Administrators/Coordinators/Managers/Planners** (herein called "agents")

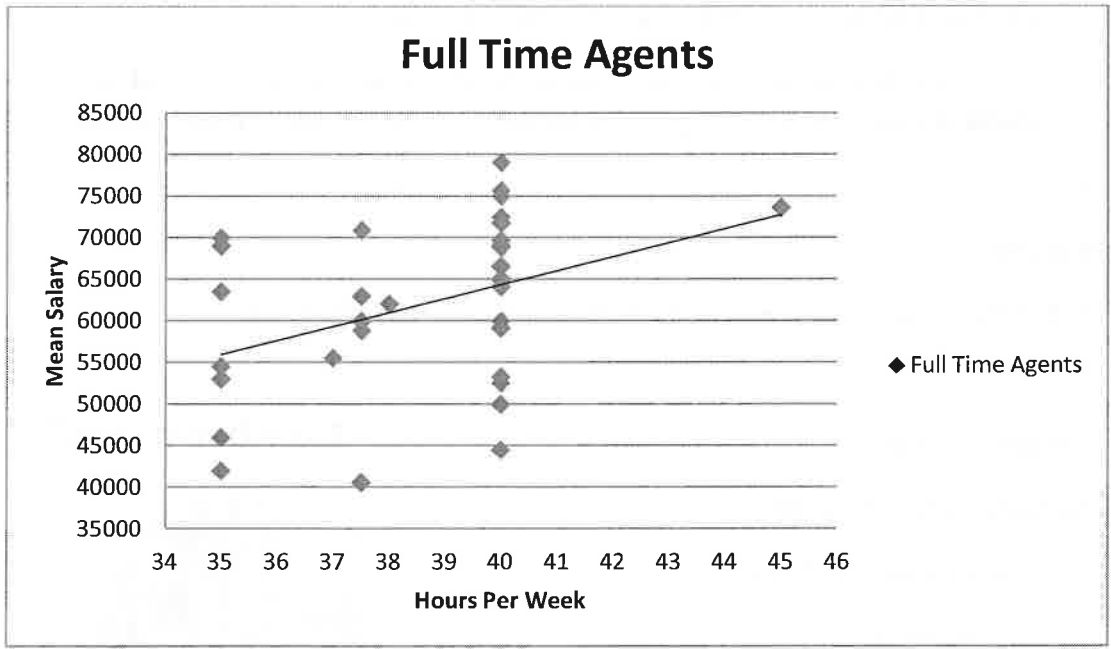
Total=60 Full Time =33 Part Time =27

Ten agents, or 17%, split their work time between the conservation commission and other responsibilities. This report uses the hours they work for the conservation commission and the portion of their salary earned in those hours.

**Full Time**

Thirty-three agents, or 55%, work full time at 35 to 45 hours a week with a mean work week of 38.56 hours.

Salary ranges between \$38,504.00 and \$93,000 annually with a mean salary of \$61,920.74 annually.

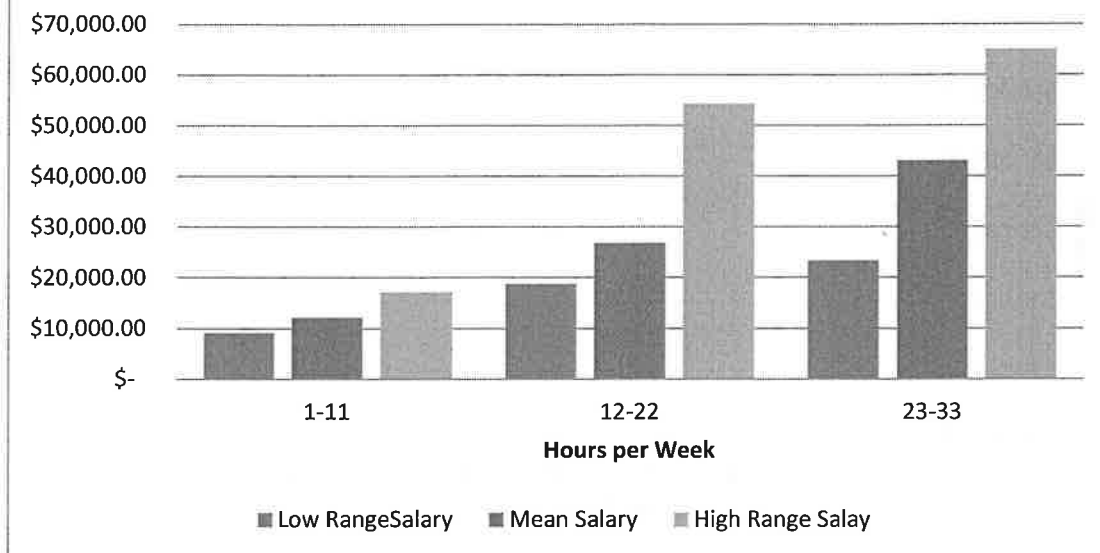


**Part Time**

Twenty-seven agents, or 45%, work part time, between 5 and 32.5 hours a week with a mean work week of 21.69 hours.

We broke the hours down further into 11 hour increments. The chart below shows the salary ranges for these hourly increments.

## Part Time Agents Salary Range



The salary range for 1-11 hours is \$9,125.00 to \$17,143.00 with a mean of \$12,171.00.

The salary range for 12-22 hours is \$18,772.00 to \$54,288.00 with a mean of \$26,888.23.

The salary range for 23-33 hours is \$23,395.00 to \$65,122.00 with a mean of \$43,136.55.

### Clerk Positions

Total =41 Full time =8 Part time =33

Of all surveyed, the hours worked are between 2 and 40 a week, with a mean of 19.37 a week.

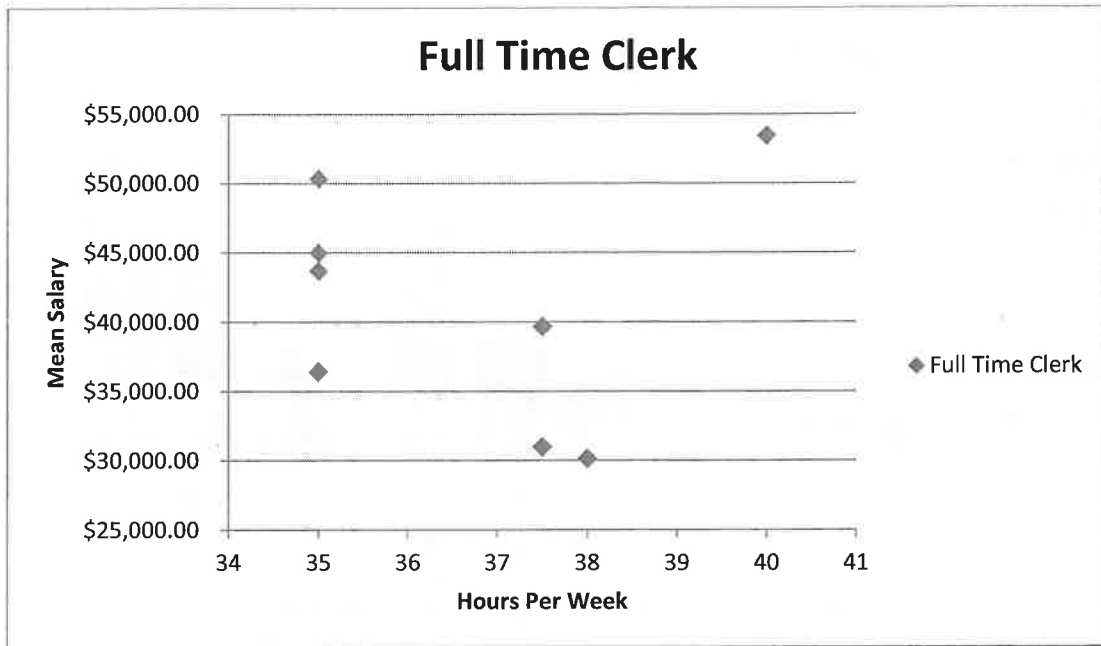
Six clerks, or 15%, split their work time between the conservation commission and other responsibilities. This report uses the hours they work for the conservation commission and the portion of their salary they earn in those hours.

#### *Full Time*

Eight clerks work full time of more than 35 hours a week for a mean work week of 36.63 hours.

Salary ranges between \$27,000 and \$62,316.00 annually with a mean salary of \$41,213.50 annually.

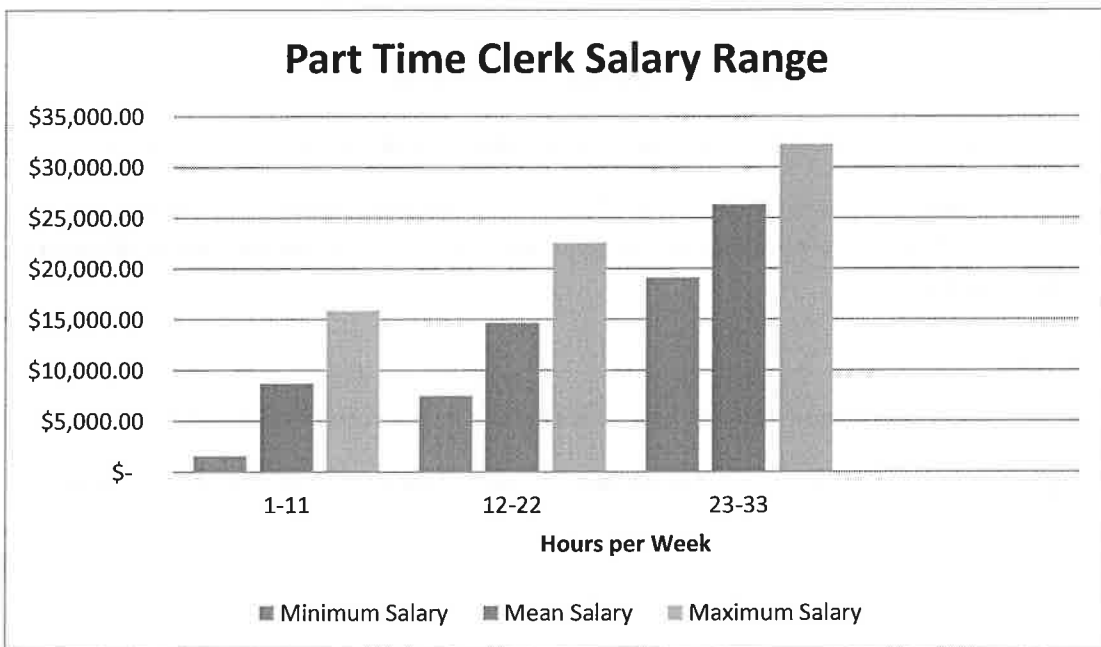




*Part Time*

Thirty-three clerks work part time, between 2 and 33 hours a week for a mean work week of 15.18 hours.

We broke the hours down further into 11 hour increments. The chart below shows the salary ranges for these hourly increments.



The salary range for 1-11 hours is \$1,560.00 to \$15,860.00 with a mean salary of \$8,702.00.

The salary range for 12-22 hours is \$7,488.00 to \$22,500.00 with a mean salary of \$14,671.08.

The salary range for 23-33 hours is \$19,123.00 to \$32,280.00 with a mean salary of \$26,325.37.

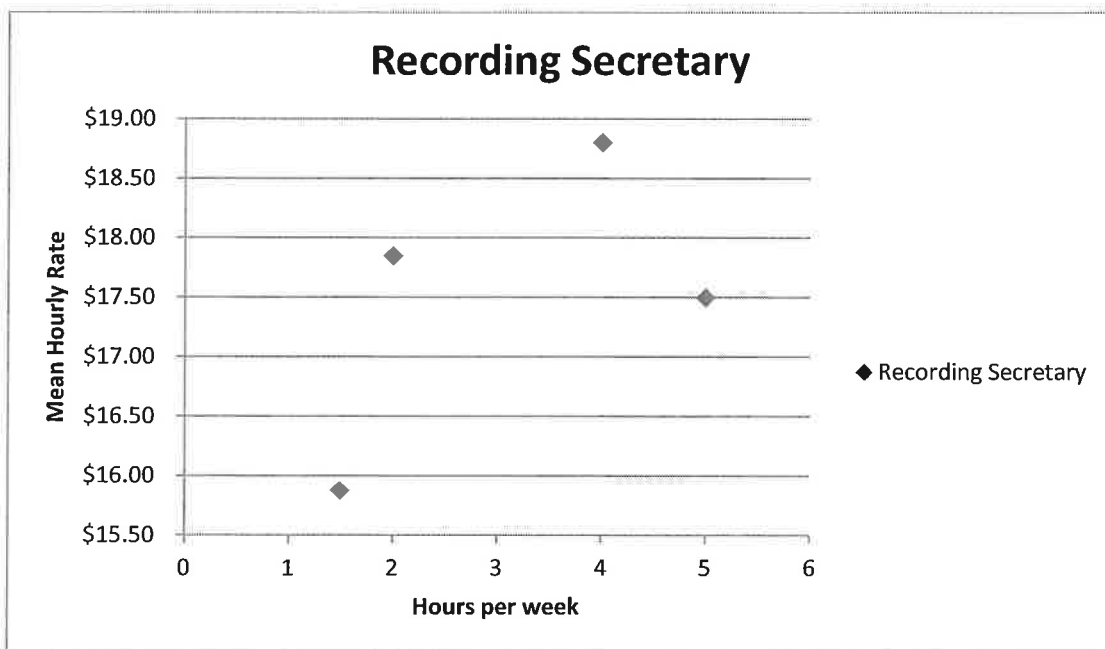
One clerk position reported as less than part time with a weekly rate of \$198.00 plus \$70.00 per Notice of Intent. It is not included in the salary range above.

### Recording Secretary

Total = 4

Hours worked are between 1.5 and 5 a week with a mean week of 3.125 hours.

Hourly rates range from \$14.43 to \$21.60 with a mean rate of \$17.51 an hour.





## *Town of Monterey Memorandum*

**TO:** Town Clerk, Police Chief, Building Inspector, Council on Aging Outreach Worker, Director of Operations, Fire Chief, ~~Human Resource Director~~ and all appointed Boards and Commissions *Community Center Admin*

**FROM:** Select Board

**CC:** Town Administrator

**DATE:** 8/17/22

**SUBJ:** Direct Supervision and Reporting

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As part of the ongoing process to clarify town policies and procedures, as well as ~~remove distance~~ the Board from human resource functions allowing us to stay focused on policy setting and those responsibilities assigned to us under Massachusetts General Laws, the following memo outlines the procedures for immediate supervision.

As one of the departments named above you report directly to the Town Administrator who is responsible on a town-wide basis for success of programs accomplished through others. The Town Administrator will work with you to analyze program objectives, review work operations, assist with estimates and allocations for the financial and staff resources required, including recommendations to the Select Board for the hiring, training, and disciplining of employees. The Town Administrator is tasked with supervising and the efficient administration of all departments, commissions, boards and officers.

Effective immediately all day to day operational items, including but not limited to ~~;~~ time off requests, human resource concerns, financial questions and staffing should be reported directly to the Town Administrator whether in person or via email ([admin@montereyma.gov](mailto:admin@montereyma.gov)); ~~please do not carbon copy the Board as we are trying to streamline communications and make operations more efficient. The Town Administrator will be responsible for updating the Board as necessary.~~ If you have a concern that involves a negative interaction with the Town Administrator you would

contact the Human Resource Director for guidance by phone (413-854-3213) or email ([hr@montereyma.gov](mailto:hr@montereyma.gov) ).

The Town Administrator and Human Resource Director will be reaching out to you to schedule a meeting to review your current job description as well as any comments, concerns or suggestions you may have with regard to your department.

We thank you for your cooperation on this matter.

Sincerely,

Justin Makuc, Chair  
Monterey Select Board

Susan Cooper

**Position Title:** Town Administrator

**Hours/Compensation:** This position is a full time, salaried, exempt position. Due to the nature of the job additional hours beyond the normal workweek may be necessary.

**Benefits:** Full benefits. Please see the Employee Manual for more details.

**Statement of Duties:**

The Town Administrator (TA) works with all town departments toward the achievement of common goals for the Town. The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during such service, unless in advance approved by the Select Board. Professional administrative, technical and supervisory work in managing and directing town activities, departments and projects on behalf of the Select Board including the establishment of departmental goals and objectives, policies and regulations. Researches, analyzes and recommends changes in town policies, personnel, systems and procedures, and serves as liaison and coordinator between town officials, employees and citizens; all other related work as required.

**Supervision Required:** The TA is appointed by the Select Board and functions under its jurisdiction and policy direction in accordance with town bylaws, policies and procedures, state and federal statutes. The TA will refer specific issues or problems to the Select Board when clarification or interpretation of town policy or procedures is required.

**Confidentiality:** Employee has complete access to all municipal confidential information in accordance with the State Public Records Law.

**Supervisory Responsibility:** The employee is accountable on a town-wide basis for success of programs accomplished through others. Analyzes program objectives, reviews work operations, estimates and allocates the financial and staff resources required, including recommendations to the Select Board for the hiring, training, and disciplining of employees. Employee provides direct supervision of Select Board staff, department heads, and individual staff under the jurisdiction of the Select Board. Recruits, screens and recommends personnel to Select Board for appointment.

**Essential Functions:** The powers, duties, and essential functions of the TA shall include, but are not limited to, the following:

- a. The TA supervises and is responsible for the efficient administration of all departments, commissions, boards and officers.
- b. The TA attends all regular meetings of the Select Board except meetings at which the TA's removal is being considered, and attends all town meetings and shall be permitted to speak when recognized by the moderator.
- c. The TA keeps the Select Board fully advised as to the needs of the town and shall recommend to it for adoption such measures requiring action by them or by the town meeting as the TA may deem necessary or expedient.
- d. The TA works collaboratively with the Town Accountant to prepare and submit to the Select Board and finance committee an operating and capital improvement budget, as provided by the town's bylaw and MGL. The TA shall monitor town spending through the fiscal year and make

financial reports to the Select Board as requested. The TA shall coordinate the development of strategic financial goals for the Town and make recommendations concerning financial policies and practices to the select board and Finance Committee.

- e. The TA acts as the first line of contact for internal inquiries of the Accountant and Treasurer.
- f. The TA coordinates appointments to offices, boards/committees and employment with the Town over which the Select Board has final approval or appointing authority. The TA may recommend removal of the same, for cause, in writing and otherwise in accordance with town bylaws.
- g. The TA supervises the rental and use of all town property.
- h. The TA supervises the permit and license procedures for the Select Board.
- i. The TA is the purchasing agent and chief procurement officer for the town. The TA shall be responsible for ensuring that departments are aware of and comply with the provisions of MGL Chapter 30B.
- j. The TA supervises the town's human resource administration. The TA provides for the maintenance and security of personnel files.
- k. The TA administers and supervises, either directly or through a person or persons reporting to her/him, all provisions of general and special laws applicable to the town, all HR issues, all bylaws and votes of the town, and all regulations established by the Select Board.
- l. The TA is accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.
- m. The TA keeps full and complete records of her/his office, and provides periodic reports as requested by the Select Board.
- n. The TA prepares or writes town meeting warrant articles for presentation to the Select Board; the TA submits the warrants to town counsel for review.
- o. The TA oversees the coordination and compilation of Annual Town Reports.
- p. The TA prepares applications for grants, administers grants received, works with appropriate state, federal, and private officials on various town projects as required.
- q. The TA performs such other duties as may be required of her/him by bylaw, by vote of the Select Board, or vote of the town meeting.
- r. The TA supervises the Town's website and ensures that the Town's website complies with all aspects of the town bylaws and laws of the Commonwealth.
- s. The TA administers Town Insurances, including health, life, dental, property, casualty, liability and workers compensation.

**Work Environment:** Work is performed under typical office conditions. Position requires occasional night meetings and work after normal business hours as needed; may be contacted on the town owned cell phone at any time to respond to important situations and emergencies.

### **Recommended Minimum Qualifications**

**Education and Experience:** Bachelor's Degree in Public Administration, or a related field with Master's degree preferred; minimum of five years' experience in public administration; or any equivalent combination of education, training, and experience which provides the required knowledge, skills, and abilities to perform the essential functions of the job.

**Special Requirements:** Class D Motor Vehicle Operator's License in good standing.

**Knowledge:** Working knowledge of Massachusetts General Laws and regulations; working knowledge of municipal finance laws and regulations, labor laws, procurement laws, personnel practices and procedures. Sufficient knowledge of emerging technologies and to recognize its value to the Town. Comprehensive knowledge of the various financial requirements of municipal government. Proficiency in various computer software and hardware applications.

**Skills and Ability:** Strong oral communication skills including the ability to represent the Town with an array of organizations including the media. Excellent writing skills. Strong organizational skills including the ability to manage a large number of projects and tasks. Skill in the utilization of technology. Professional skills related to customer service. Ability to direct and evaluate the work of department heads as well as other subordinates including office staff. Ability to plan, organize, and direct the development of projects, the preparation of reports, analyze problems and formulate recommendations. Ability to bring people together around complex goals and develop consensus among community groups and individuals that may not share common priorities. Ability to establish and maintain harmonious and effective working relationships and deal appropriately with employees, Select Board/committee members, agencies and officials, media and the public. Ability to prioritize and manage multiple tasks, and delegate authority in a prompt and effective manner. Ability to negotiate contracts, agreements and appropriate working arrangements and achieve timely results with the aid of the Select Board and/or Town Counsel. Ability to deal tactfully with disgruntled members of the public and town staff.

**Physical and Cognitive Requirements:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. In the event the TA becomes disabled, as defined by the Americans with Disabilities Act, the TA must be able to perform the essential job functions (as listed) either aided or unaided or with the assistance of a reasonable accommodation to be determined by the Select Board.

Minimal physical effort generally required in performing duties under typical office conditions. Position requires the ability to operate a personal computer and typical office equipment. The employee is frequently required to use hands to finger, handle, or feel objects, tools or controls and reach with hands and arms. The employee is frequently required to sit, talk and hear. Employee may be required to lift/move objects weighing up to 10 pounds.

Duties are largely cognitive, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, keyboarding and/or word processing.

Visual demands include constantly reading documents for general understanding and analytical purposes.

WARRANT  
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF BERKSHIRE, SS.  
TOWN OF MONTEREY

To: Julio Rodriguez, Constable of the Town of Monterey in the County of Berkshire,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn inhabitants of said Town qualified to vote in Town affairs to meet in the Firehouse of the Monterey Fire Company Ltd. in said Town on 10/15, 2022, at 10:30 o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1.** To see if the Town will vote to transfer the sum of \$25,000 or any other sum from Free Cash to the Highway Operations Storm Damage Account to clean up damage at Bidwell Park, or take any other action relative thereto.

**ARTICLE 2.** To see if the Town will vote to transfer the sum of 25,600 or any other sum from Free Cash to the Highway Operations Storm Damage Account for preventative at Community Center, or take any other action relative thereto.

**ARTICLE 3.** To see if the Town will vote to transfer the sum of \$8,500 or any other sum from Free Cash to the Town Hall Operating Account to comply with a mandatory upgrade to the elevator in town hall, or take any other action relative thereto.

**ARTICLE 4.** To see if the Town will vote to transfer from free cash the sum of \$6,000 or any other sum to pay for a FY22 bills received after the deadline to pay, or take any other action relative thereto.

**This will require a 9/10 vote.**

Hereof fail not and make return of this Warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands this       day of       , 2022.

\_\_\_\_\_  
Justin Makuc, Chair

\_\_\_\_\_  
Susan Cooper

\_\_\_\_\_  
Scott Jenssen  
MONTEREY SELECT BOARD

A true copy attest.



Pursuant to the within Warrant, I have this      day of September, 2022, notified and warned inhabitants of the Town of Monterey in accordance with the Town Bylaws and the General Laws of the Commonwealth of Massachusetts.

---

Julio Rodriguez, Constable

Monterey Town Hall  
Monterey Transfer Station  
U.S. Post Office  
Monterey General Store  
Main Rd. at/near intersection of Swann Rd.  
Select Board file

**8 Town Regional School District Planning Board**

c/o RSDPB Chair, Lucy Prashker

[lprashker@cainhibbard.com](mailto:lprashker@cainhibbard.com)

August 25, 2022

**By Email**

Town of Great Barrington

Town of Stockbridge

Town of West Stockbridge

Town of Sheffield

Town of New Marlborough

Town of Monterey

Town of Egremont

Town of Alford

Berkshire Hills Regional School District School Committee

Southern Berkshire Regional School District School Committee

*Re: 8 Town Regional School District Planning Board / Request for Funding*

Dear Selectboards and School Committees:


At our last meeting, the 8 Town Regional School District Planning Board (“RSDPB”) voted to ask our 8 towns and two school districts for \$15,000 each to fund the RSDPB’s next 12 months of operations.

As we mentioned during our most recent update meetings with the selectboards/finance committees earlier this summer, our existing funds will be close to fully expended by September 30<sup>th</sup>. As you know, most of our funding to date was secured through state grants. Those funds were required to be fully expended by June 30, 2022, which they were. While we had hoped for additional state funding to support our work in FY23, this year’s state budget unfortunately (and somewhat surprisingly) did not include any funding specifically earmarked for regionalization efforts. As a result, we must look to you for additional funding in order to continue our work.

We have attached our current estimate of the funds needed over the next 12 months. After applying \$51,630 we were able to preserve from the funds the 8 towns appropriated for our work in FY22 (\$64,000 in the aggregate), and assuming, as looks probable, we are able to secure a grant from the Barr Foundation of \$50,000 to cover the cost of certain educational visioning work that is planned, the net amount needed is approximately \$150,000. A contribution of \$15,000 by each of the 8 towns and the two school districts would cover that amount.

We would be happy to appear at your next available meeting to address any questions. We thank you for your past support of this important work and for what we know will be your careful consideration of this request.

Very truly yours,



Lucy Prashker  
Chair, RSDPB

Copy: Peter Taylor  
Jake Eberwein

<u>RSDPB Proposed Expenses (FY23, 12 month)</u>		<u>July 2022-June 2023</u>	
Project Manager	\$	60,000.00	
Research Team	\$	40,000.00	
Administration	\$	14,000.00	
Abrahams (Finance)	\$	15,000.00	
Legal	\$	12,000.00	
Website	\$	1,000.00	
<b>Community Outreach</b>	\$	25,000.00	
Educational Visioning			
9-12 consultants, facilitators, supplies	\$	50,000.00	
PK-4, 5-8 lead teachers, supplies	\$	21,400.00	
<u>CVTE lead teachers, supplies</u>	<u>\$</u>	<u>13,500.00</u>	
	\$	251,900.00	<u>Working Total</u>
Less Barr grant (\$50,000) & current town funds (\$51,630)	\$	<b><u>150,220.00</u></b>	<b><u>Adjusted Total (Need)</u></b>

## Vacation Policy

The full time employee portion of this policy is heavily dictated by the by law, as you know. If we want to include part time employees in this benefit, we have more freedom but I need us to decide on the options that follow.

Creating a part time employee benefit for vacation time. Each section is a different part of the policy that needs to be decided upon.

### Execution of benefit:

1. Give employee(EE) a balance upon hire (first day).
2. Give EE a balance after a probationary period.

### Criteria to determine an EEs balance:

1. Have the EE accrue/accumulate time based on average hours worked, on an anniversary year cycle or fiscal cycle.
2. Have an employee's balance dictated by their seniority (years worked for the town).

\*These are just a few ways but this section is flexible, we should choose a method that is easily tracked, if questioned.

### Exclusions:

We need to add a minimum amount of hours to qualify for PT vacation. We should have a seasonal employee classification. We probably don't want this benefit for someone who only works only a few times a year.

### Caps:

What is the max amount of vacation a part time employee can accumulate? We want this because we don't want the benefit to exceed the person's commitment to the town if they aren't full time.

### Carry over:

1. A person's balance is lost if it isn't used by the renewal date we choose.
2. The person can carry over the balance in to the next cycle (not fun to track and usual leaves people with more time than they can actual use).
3. The town cashes out any vacation time that is not used by the renewal date.

I will need a decision for each of these sections if we are going to proceed.

### Additional Questions/comments for the overall policy:

1. Can an employee use vacation before it has been accrued?
2. We need to commit to what type of notice is required.
3. Consequence and acceptations for not giving reasonable notice.
4. We need to firm up or change our carry over policy.

**Commented [M1]:** I thought earned time had to be paid?

**Commented [M2]:** I would just add a comment to the board that this will require an additional line item on the budget

## Holiday Pay

It looks like details regarding holiday pay need to be solidified a bit more.

Questions/comments I need clarity on:

1. Do part time employees get holiday pay.
2. When a person is paid out for a holiday, is it based on an 8-hour day or the individuals daily average?
3. When a person is paid out for a holiday, is it because they were scheduled for work that day?

"If available, a full day of unused time may be used for this purpose"

4. What unused time is this exert referring to?

**Commented [M3]:** Part timers are not currently afforded any time off, see page 6 under employee statues item B. Maybe it should read do we want to pay part timers holiday pay (it wasn't clear to me what you were asking)

**Town of Monterey  
Policy Statement**

**REQUEST TO USE LEGAL COUNSEL – FORM**

Prior to completing this form, please check this box to confirm that you are familiar with the Town's policy for Contacting Town Counsel: <input checked="" type="checkbox"/>
Name: Justin Makuc
Department/multimember group: Select Board
If multimember group, was this request approved by group at a meeting? No
Date submitted: 8/30/2022
Requesting contact with: <input checked="" type="checkbox"/> Town Counsel <input type="checkbox"/> Special Counsel
Form of questions: <input checked="" type="checkbox"/> Written questions via email <input type="checkbox"/> Phone conversation <input type="checkbox"/> Other:
Description of legal services needed/issue faced (attach written questions if applicable and/or explanatory documentation):  <b>Questions about early voting laws</b>  Monterey did not conduct early voting hours last weekend, the only applicable weekend given the time frame of early voting for this election. The Select Board did not vote on the early voting hours at least 20 days before the beginning of early voting, although I see that is a "may." The Town did not officially establish an early voting site. The registrars did not post early voting hours at least 5 days before the beginning of the early voting period.  Yesterday, we realized the new requirements of the law and posted early voting hours on the Town website for "Thursday 9/1 - 4:30PM-8:30PM, Friday 9/2 - 12PM-8PM, Saturday 9/3 - 9AM-12PM." Today we are removing the Saturday hours because Saturday is too close to the election and not in the State's designated early voting period.  What can we do to remedy our noncompliance?
Is this matter time sensitive? If so, please explain:  Yes. We are in the middle of the early voting period, which ends this Friday. If we waited to contact Counsel until after our meeting on Wednesday, it would potentially nullify any remedies that we could enact if we had answers to these questions by the Select Board meeting on Wednesday.
Is this matter confidential/subject to attorney-client privilege? If so, please explain:  No.

REQUEST:  Approved     Denied

8/30/22	JSM
Date	Select Board, Chair

**Town of Monterey  
Policy Statement**

Date

Select Board

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Date

Select Board

For use by Select Board Chair (or alternate Counsel Liaison) if request is reviewed by less than a majority of the Select Board. I deem this matter to be:  Time sensitive  Confidential



## Monterey Town Administrator

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**From:** Justin Makuc <justin@montereyma.gov>  
**Sent:** Tuesday, August 30, 2022 2:46 PM  
**To:** admin@montereyma.gov  
**Subject:** Fwd: Early voting hours for the State Primary election

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

**From:** Donna Brewer <dbrewer@miyares-harrington.com>  
**Date:** Tue, Aug 30, 2022 at 10:50 AM  
**Subject:** Re: Early voting hours for the State Primary election  
**To:** Justin Makuc <justin@montereyma.gov>

Hi Justin, what you have done now is the best that you can do to remedy the situation regarding the hours for the primary election. I see that you have also specified where the early voting can occur. You are correct, there cannot be early voting on 9/3.

Early voting will also be required for the general election in November, so you'll want to be sure that you meet these deadlines:

1. No later than October 2, the Select Board determines the hours for early voting. They must be for at least 4 hours during the weekend of October 29-30. Due to Monterey's size, no other early voting hours are required to be set, but the Select Board may choose to establish more hours.
2. no later than October 8 the Select Board designates the location for early voting. If Town Hall is unsuitable for early voting, then another central location must be designated.
3. no later than October 17, the board of registrars publishes notice of the location, dates, and hours of early voting. The notice must be posted in the town clerk's office, on the official bulletin board of the town, other public buildings chosen by the registrars, on the town's website, and submitted to the Elections Division for posting on the Secretary of the Commonwealth's website.

Donna Brewer

[dbrewer@miyares-harrington.com](mailto:dbrewer@miyares-harrington.com)

(617) 804-2423 dd

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**From:** Justin Makuc <justin@montereyma.gov>  
**Date:** Tuesday, August 30, 2022 at 7:33 AM  
**To:** Donna Brewer <dbrewer@miyares-harrington.com>  
**Subject:** Early voting hours for the State Primary election

Hi Donna,

Our Town has, to my understanding, missed some of the new requirements of the law regarding early voting. I would appreciate your guidance on how to move forward from here.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter54/Section25B>

- "Early voting in person shall be conducted on weekend dates during the early voting period as follows: (i) for municipalities with less than 5,000 registered voters, for not less than 4 hours each weekend"
- "For each other day during the early voting period, early voting in-person shall be conducted as follows: (i) for municipalities with less than 5,000 registered voters the city council of a city or board of selectmen or select board of a town may, at a public meeting held not less than 20 days before the first day of the early voting period, vote to provide early voting hours of not less than 25 per cent of the usual business hours of the town clerk"
- "Each city and town shall establish an early voting site that shall include the local election office for the city or town"
- "The designation of an early voting site shall be made not less than 14 days prior to the beginning of the early voting period established in this section. Not less than 5 business days prior to the beginning of the early voting period and at least once during the early voting period, the registrars for each city and town shall publish notice of the location of the early voting sites as well as the applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the city or town clerk and on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town's website; and (iv) on the website of the state secretary. "

Monterey did not conduct early voting hours last weekend, the only applicable weekend given the time frame of early voting for this election. The Select Board did not vote on the early voting hours at least 20 days before the beginning of early voting, although I see that is a "may." The Town did not officially establish an early voting site. The registrars did not post early voting hours at least 5 days before the beginning of the early voting period.

Yesterday, we realized the new requirements of the law and posted early voting hours on the Town website for "Thursday 9/1 - 4:30PM-8:30PM, Friday 9/2 - 12PM-8PM, Saturday 9/3 - 9AM-12PM." Today we are removing the Saturday hours because Saturday is too close to the election and not in the State's designated early voting period.

What can we do to remedy our noncompliance? This issue is on Wednesday's Select Board agenda.

Thanks,

Justin

## Monterey Town Administrator

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**From:** Justin Makuc <[justin@montereyma.gov](mailto:justin@montereyma.gov)>  
**Sent:** Tuesday, August 30, 2022 6:52 AM  
**To:** Monterey Administrator  
**Subject:** [FWD: Reviving the Select Board Corner]

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

Subject: Reviving the Select Board Corner  
From: Monterey News <[montereynews9@gmail.com](mailto:montereynews9@gmail.com)>  
Date: Wed, July 27, 2022 10:19 am  
To: Justin Makuc <[justin@montereyma.gov](mailto:justin@montereyma.gov)>, [susan@montereyma.gov](mailto:susan@montereyma.gov)

Justin and Susan,

To begin poetically, I've been waiting for the storm clouds to lift away before venturing forth.

From what I've observed, and I wrote about this in the current issue, both of you have been able to work respectfully and productively as a two-person board. I really appreciate the way you've worked towards creating a better structure for the town, for the town employees, and managing to address the various operational issues that have come up.

What I've been waiting to do is to ask that you as a board to consider reviving the select board corner that I published for years inside the back page of the paper. This was an opportunity to speak as a board to the town about any town governance news or information that you think the town ought to know. This feature was a casualty as the board meetings became more difficult a couple of years ago. It just dwindled and then totally dropped, and I didn't try to push to keep it going.

Good communication can rise above just about any issue.

I'll give an example. I believe the town really needs to be confronting the growing hazard of dying ash trees along the roadsides, and this will involve considerably more money each year than currently budgeted for. There's little point in hoping these trees won't die, won't become a hazard, because they are going to. So, as an example, the select board corner would be a place to raise this as an issue, by the board, to help prepare for the discussion over the expense.

Pick any issue, difficult or not, and communication is the key.

I'm aware that this would probably require an agenda item so you can discuss it. You may or may not wish to wait until after the special election. I know that Scott Jenssen participated in this feature when he was on the board before. If an agenda item is set up, I would appreciate being appraised of it so I can be sure to be available.

Thanks for thinking about this.

Steve

Stephen Moore, Ed.  
*Monterey News*  
[montereynews9@gmail.com](mailto:montereynews9@gmail.com)

## Monterey Town Administrator

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**From:** Justin Makuc <justin@montereyma.gov>  
**Sent:** Tuesday, August 30, 2022 6:51 AM  
**To:** Monterey Administrator  
**Subject:** [FWD: Curious...\_issue\_for\_non-resident\_homeowners\_in\_Monterey]

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

Subject: Curious...\_issue\_for\_non-resident\_homeowners\_in\_Monterey  
From: Virgil Stucker <[REDACTED]>  
Date: Wed, July 13, 2022 5:22 pm  
To: [justin@montereyma.gov](mailto:justin@montereyma.gov)

Justin,

You may be aware that we (as non-resident, home owning, real estate tax payers) now have to pay \$30 to the Commonwealth EVERY time we park at Benedict Pond to go hiking! No exceptions.

This is new... and seems unfair. Our real estate tax dollars to Monterey help keep the roads to Beartown Forest in good shape and support emergency services that may be needed.

Local Massachusetts residents now pay \$8 to park and can buy a senior pass for \$10. At 70 years of age and as someone who has paid Monterey taxes for years, I am being treated unfairly, as are other non-resident Monterey home owners. All of us have to pay \$30 every time we want to walk around Benedict Pond.

Would it be good for me to come to a SelectBoard meeting and seek the help of the SelectBoard?

Gratefully,

Virgil Stucker

[REDACTED] 38 Blue Hill Road, Monterey, MA 01245

[REDACTED] 828 388 4673

## LAW OFFICES OF TIMOTHY M. BURKE

NEEDHAM CORPORATE CENTER  
160 Gould Street, Suite 100  
Needham, Massachusetts 02494-2300  
(781) 455-0707  
Facsimile (781) 455-8879

*Timothy M. Burke*  
*Jordan E. Burke*  
*Jared S. Burke*

August 25, 2022

Town Hall, Monterey  
435 Main Rd  
Monterey, MA 01245

Re: Terry Walker

Dear Sir/Madam,

As you are aware, this office represents the interests of Terry Walker (hereinafter "Ms. Walker") with regard to her employment with the Town of Monterey (hereinafter "Town").

Our previous correspondence, dated, May 25, 2022, placed the Town on formal notice of Ms. Walker's Massachusetts Whistleblower claim pursuant to M.G.L.C. 149 sec. 185. As previously stated, Ms. Walker has been repeatedly retaliated against for her objections to and refusals to engage in conduct, which she reasonably believed to be illegal, a threat to public safety and/or in violation of the Massachusetts State Ethics laws as well as Town's Departmental Rules and Regulations.

Many of the complaints raised by Ms. Walker, but not all, were investigated by Corinne Hood Greene, of the law firm of Greene & Hafer. The Green and Hafer report concluded:

"Our investigation revealed a significant number of potentially actionable retaliation claims, some of which may be adjudged serious and ongoing. With regard to the investigated complaints detailed above, the actions of the SB and Noe are likely imputable to the Town and therefore may subject the Town to liability. Immediate action must be taken to address retaliatory conduct, including assuring employees who have initiated complaints that they have the right to be free from retaliation and providing a conduit through which any such conduct can be reported...The Town needs to immediately implement procedures to independently address and provide redress to complainants."

On June 1, 2022, the Monterey Board of Selectmen, Susan Cooper and Chairman Justin Makuc voted and approved an amended working schedule, implemented for Ms. Walker's safety so as to not be forced to interact with Ms. Noe who, the Greene & Hafer report's concluded, had

been engaging in a misuse of power through “a pattern of conduct” that was retaliatory and manipulative toward Ms. Walker:

The agreed upon schedule for Ms. Walker’s working hours was set for Thursday 4:30-8:30 p.m, Friday 12-8 p.m., with the balance of the 19.75 hours worked left as ‘discretionary hours.’ 7.75 hours would be worked Saturdays and Sundays. The voted on accommodation was designed so that Ms. Walker would be able to perform her duties when Ms. Noe was not in Town Hall.

Recently, it has come to our attention that the Town intends to remove the previous accommodations put in place to provide a safe and harassment free environment for Ms. Walker. The temporal proximity of the Town’s adverse actions and retaliation following Ms. Walker’s notice of intent to pursue litigation is obvious. Despite the clear recommendation and conclusions reached by the investigator, the Town’s recent actions, as well as those taken by Town Administrator Melissa Noe, are clearly designed to further retaliate and harass Ms. Walker for her reporting of unethical and illegal conduct and her intention to litigate.

While we continue and maintain our position that the amending of the accommodation is further retaliation by the Town, in an effort to comply with the recent requests of the Town to withdraw and/or amend the previously agreed upon accommodation for scheduled hours, Ms. Walker proposes the following work schedule:

- Wednesdays 10 a.m. to 8 p.m. Ms. Walker’s assistant would need to be present so that she is not presented with a situation where she may be alone with Ms. Noe
- Friday 12 pm to 7 p.m.
- 2.75 hours as discretionary hours for weekend hours
- The new hours would begin October 5, 2022

Should you wish to discuss this matter in more detail prior to the filing of Ms. Walker’s complaint, please feel free to contact me at (781) 455-0707.

Very truly yours,

Timothy M. Burke



## TOWN OF MONTEREY

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

Terry Walker



August 31, 2022

Dear Ms. Walker,

Thank you for responding to our request for revised hours. Your current hours were always deemed temporary by the Board and this has previously been made clear. While we understand your concerns regarding your perceived work environment, we feel that many changes have been successfully implemented in our policies that should ameliorate the situation. The Town has now hired a Human Resources Director, revised our sexual harassment policy and investigation procedure, is continuing to revise and update all of our employee related policies, procedures, and job descriptions, and will begin yearly performance evaluation of all employees. We feel that these measures are adequate to deal with problems should they arise.

The Select Board has reviewed your proposed revised hours. The Board's interest in the Clerk's schedule is entirely about the proper functioning of the Clerk's office, the Clerk's availability to the public, and the Clerk's ability to timely respond to the Board when their action is required. After due deliberation, we would like you to begin the work schedule as outlined below.

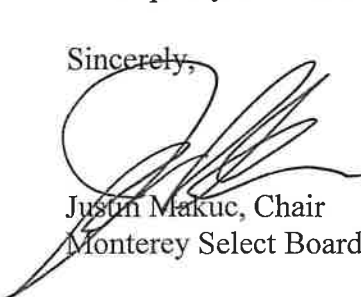
The Clerk's new hours will be:

Wednesday, 10:00 am to 6:30 pm (8.5 hours)  
Friday, 12:00 pm – 4:30pm (4.5 hours)  
Saturday, 9:30 am – 1:30 pm (4 hours)  
2.75 discretionary hours

The Wednesday hours will coincide with the hours of the Human Resources Director. In addition, they will ensure that pressing business questions can be timely answered for the Select Board prior to or at their regularly scheduled meeting. The Saturday hours will ensure availability to all residents.

We expect you to start these revised hours as of Wednesday, September 14, 2022.

Sincerely,

  
Justin Makuc, Chair  
Monterey Select Board

  
Susan Cooper

  
Scott Jenssen

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