

friends of the



monterey library

September 19, 2022

SELECT BOARD
PO BOX 308
MONTEREY MA 01245

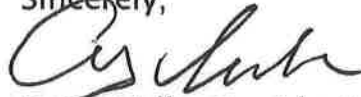
HAND DELIVERED

Dear Board Members,

At the request of the Trustees, the Friends of the Monterey Library will be making a donation to the Town in the amount of \$25,000.

This donation is to be used to reduce the balance of the loan taken in support of the Library Building Project. Together with the Town appropriation of \$100,000 this will leave a balance of \$875,000 to be financed this November.

Sincerely,



Carey Vella, President

cc: Sara Hunter, Treasurer Monterey
David M. Eisenthal, VP USFASC
Melissa Noe, Town Administrator

**452 Main Road, P.O. Box 178
Monterey, MA 01245
(415) 528-5795**

8 Town Regional School District Planning Board

c/o RSDPB Chair, Lucy Prashker

lprashker@cainhibbard.com

September 16, 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:

Since our August 25, 2022 letter requesting funding to support the ongoing work of the RSDPB, there have been two encouraging developments that may reduce, or possibly even obviate, the need for the requested funding at this time. First, based on an encouraging conversation we had with Senator Adam Hinds, it appears there is a good chance that the Commonwealth's FY22 Supplemental Budget may include funding for district regionalization work, including the work of the RSDPB. (The state legislature will likely address the Supplemental Budget sometime in October.) In addition, BERK12 has told us that it will be able to provide us with some bridge funding that would cover our efforts through November 2022.

For those of you who have already approved our request, we thank you for the vote of support. For those who have not yet approved the request, or who require the scheduling of a special town meeting just for this request, we leave to you the decision whether to table our request until after the Supplemental Budget is addressed. For those towns that have a special town meeting already scheduled in the next month or so, you may decide that you would prefer to seek authorization at that meeting for up to \$15,000 in the event the state funding does not materialize. Either way, we do not plan to ask you to contribute any specific amount until we determine exactly what additional funding (if any) we will need to raise locally following action on the Supplemental Budget.

We will keep you advised of future developments as we learn of them. In the interim, we are moving forward with our study of the preferred model, the drafting of a proposed 8 Town regional school district agreement, and educational visioning. Thank you again for your past support of this important work.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lucy Prashker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lucy Prashker
Chair, RSDPB

Copy: Peter Taylor
Jake Eberwein

Town of Monterey, Select Board

Rules of Order

1. Matters may be discussed before a formal motion is made. It may be helpful to discuss the wording of a motion before actually proposing it, thereby avoiding the time-consuming process of amending the motion to reach the agreed form. However, formal motions and votes should be used to keep the Board on task and moving along efficiently.
2. Any member, including the chair, can make a motion, second a motion, speak on a motion, and vote on a motion (presuming there is no conflict of interest or other prohibition).
3. Seconds are assumed, and therefore not always necessary. However, any member can respond to a motion by asking "is there a second?" If there is no second in response to this question, the motion fails due to lack of second. A motion that fails due to lack of second cannot be made again by the same member during the same meeting of the Board.
4. If a motion is made (and seconded if required), it is then open for discussion.
5. Board members and members of the public must be recognized by the chair in order to speak.
6. The chair must be fair in recognizing speakers. The chair has a duty to make sure contrary and possibly minority opinions are given the opportunity to speak.
7. Once Board members have had a chance to speak on an agenda item or a motion, the chair, at his own discretion, should recognize members of the public who would like to speak. First-time speakers should be recognized before those who have already spoken. The Board reserves the right to close the floor to public comment to allow for Board deliberation, for discussions with employees, and for other reasons should the need arise.
8. Remarks must be on topic and courteous in language and deportment – avoid all personalities, never allude to others by name or to motives. Off topic or out of decorum speech should be ruled out of order by the chair. The chair may also be ruled out of order by any member of the Board should the chair's remarks be inappropriate as noted above.
9. A substitute motion can be made, or an amended motion can be made.

Reasoning: The rule for seconds applies to these motions as well. If properly made, the substitute motion would be acted on before the main motion. It's best to try to have no more than one substitute motion pending.

10. Members have a right to know at all times what the immediately preceding motion is, and to have it restated before a vote is taken.
11. Any member may make a motion to "call the question." If successful, this motion ends discussion and calls for a vote on the motion being discussed. The rule for seconds applies, and generally this motion is not debated, although limited discussion may be allowed by the chair. This motion should be an isolated statement and not made immediately after the same member presents an opinion.

12. The chair shall conduct votes on each motion and declare the results.

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

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

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

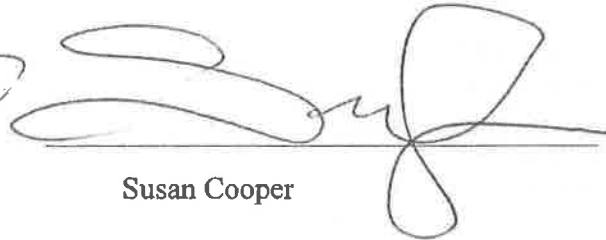
14. These rules of procedure for the board may be suspended by action of the board.

Reasoning: A failure to comply with the rules does not affect the validity of any action. This will help in instances where someone is challenging a board's actions because the board did not strictly comply with its own rules. While compliance is important, government should not be hamstrung by what is often a technicality.

Adopted May 18, 2022



Justin Makuc



Susan Cooper

Anti- Discrimination and Harassment Policy

Introduction

The Town of Monterey strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the Town should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The Town of Monterey will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, Town of Monterey will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR) or the Select Board, are in violation of this policy and subject to discipline.

Definitions

The Town of Monterey, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination- It is a violation of Town of Monterey's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and

the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment- Town of Monterey prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Town of Monterey.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment- Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Town of Monterey's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR director will take

adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint Procedure

The town of Monterey has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The Town will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted to the HR Director or Select Board as soon as possible after an incident has occurred, preferably in writing. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the Select Board and review the complaint with the Town's legal counsel.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
5. During the investigation, the HR director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
6. Upon conclusion of an investigation, the HR director or other person conducting the investigation will submit a written report of his or her findings to the Town. If it is determined that a violation of this policy has occurred, the HR director will recommend appropriate disciplinary action to the Select Board. The appropriate action will depend on the following factors:
 - a) the severity, frequency and pervasiveness of the conduct;
 - b) prior complaints made by the complainant;
 - c) prior complaints made against the respondent; and
 - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Select Board may recommend appropriate preventive action.

7. The Select Board will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, will be taken.

8. Once a final decision is made by the Select Board, the HR director or Select Board will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Corrective Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

Alternative legal remedies

In addition to the above, if you believe you have been subjected to harassment of any type, including sexual harassment and retaliation, you may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

United States Equal Employment Opportunity Commission ("EEOC")

JFK Federal Building 15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Springfield Office:

436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

Reasonable Accommodation

Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Massachusetts Fair Employment Law, and all applicable state or local law, the Town will reasonably accommodate qualified individuals with a disability if such accommodation would

allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

Any individual seeking a reasonable accommodation may submit a request to the Select Board. The Town may require the individual to participate in an interactive discussion in connection with any such request. Furthermore, individuals requesting a reasonable accommodation may not receive the specific accommodation requested if the Town determines that an alternate accommodation would be effective in allowing the individual to perform the essential functions of the job.

From: michele@montereyma.gov
Sent: Wednesday, September 21, 2022 4:39 PM
To: Town Administrator; Susan Cooper; Justin Makuc; scott montereyma.gov
Cc: frank montereyma.gov
Subject: Finance Committee appt

Greetings,

I am writing to confirm our recommendations to the Select Board at our joint meeting of Tuesday as drawn from the recording of that meeting.

We discussed the high quality of the candidates and their various qualifications.

In conclusion, Roger Tryon and Ilene Marcus were recommended to you for their ability to work in a positive way to further the town's priorities.

Mr Tryon brings a lifetime of knowledge and understanding of Monterey as well as a self-described conservative fiscal outlook. He has served as Tree warden, on the Planning Board and has hands-on experience to inform his point of view.

Ms. Marcus has a strong resume and a record of service on the Transfer Station and COA. She has innovative ideas and a strong financial understanding.

Thank you for including us in this process.

Michele Miller

Monterey Town Administrator

From: Contact form at Monterey MA <cmsmailer@civicplus.com>
Sent: Wednesday, September 14, 2022 12:50 PM
To: Select Board
Subject: [Monterey MA] Fiber Connect (Sent by Robin Williams, [REDACTED])

Hello Select Board,

Robin Williams ([REDACTED]) has sent you a message via your contact form (<https://www.montereyma.gov/user/671/contact>) at Monterey MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.montereyma.gov/user/671/edit>.

Message:

To the Select Board,

Fiber Connect should not be permitted to solicit huge amounts of money for preinstallation without any commitment for a date the wired internet will be live. I, along with many people in Monterey, live here for part of the year. That does not mean I am wealthy. I am a retired teacher on a fixed income. I had my name on their list for about two years now as interested in getting wired internet. It is outrageous that in New Marlboro just a little up the road from me, they have wired internet without any exorbitant installation fees for only \$50 a month. It is in operation. Why did we not get that? Instead this company lied to the town and said they would not seek government grants which they did. We lost a company, I believe Wired West, that was being considered in the past. Fiber Connect wants \$500 in advance or \$1000 if I hold off plus \$100 a month. They do not yet have any plan, like most companies do, where I would not have to pay while I am away, which is about 7 months of the year. By the time they turn it on, I will be charged \$100 a month, and I won't even be here. But who knows when they will turn the service on? Do you know? Are there any demands placed on this company? Or are they just pocketing our money? They ran cable down my street a year ago. Nothing has happened. They need to face some demands by the Select Board. You are here to represent the public's interest. In this day and age it is outrageous that in the enlightened state of Massachusetts we have no wired internet. I participate in and run many meetings on Zoom that have been a disaster due to reliance on a hotspot. Please do something to remedy this problem. It is a long overdue priority. I have seen the town waste time and energy embroiling itself instead in petty personal attacks on employees and officials. Wired internet is a key priority for all parts of the town!



TOWN OF MONTEREY

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

Laurie McArthur


September 21, 2022

Re: Select Board Secretary

Dear Laurie,

We are pleased to appoint you as the Select Board Secretary at an hourly rate of \$18.00 an hour for up to 6 hours per week with no town benefits with a 3 month probationary period.

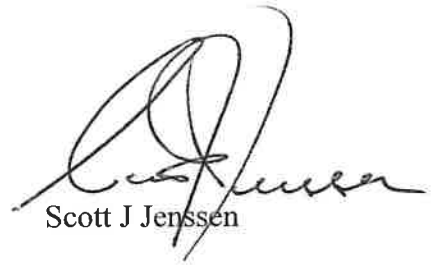
We look forward to you beginning your future with the Town of Monterey. Please contact the Town Clerk, Terry Walker at 528-1443 x113 to schedule a convenient time to be sworn in and see Town Administrator, Melissa Noe to get the necessary new hire paperwork and discuss your start date.

Congratulations,



Justin Makuc, Chair
Monterey Select Board

Susan Cooper



Scott J Jensen

SB/mn

Cc: Town Clerk, Treasurer, Accountant

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

- 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.): Town Administrator

Contact information for submitter:

Name: Melissa Noe

Phone number: 528-1443 x111

Email: admin@montereyma.gov

Mailing address: Box 308, Monterey, MA 01245

Date request is submitted 9/15/22

Funding information

Amount of request: \$4,000

Will additional funds be required to complete the project? Yes

If yes, where will those funds be obtained? Grants or town meeting

Will additional expenses be incurred regularly for maintenance or replacement after the initial project? Potentially, depending on the outcome of the survey and other possible scenarios

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) TBD

Proposed project

What is the proposed use of these funds? To pay to hire a professional firm to perform an analysis on the property the Town owns on Fox Hill Rd. The site analysis would consist of developing a compiled site plan, performing a site review to identify general areas of the site that have potential development opportunities or areas that have visible constraints due to floodplain, slopes, soils, ledge, high groundwater, trees or other visible

site conditions. The firm will then research the current bylaws and other relevant regulations to determine which laws and regulations apply to the property and what opportunities and constraints they may impose for improvements to the property. It will also include a review of potential jurisdictional environmental regulations that the site may be subject to under the proposed use. Lastly the firm will develop a conceptual plan to illustrate 1-2 potential site development configurations for proposed workforce, senior or moderately priced housing units based on the findings.

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? It will be the first step in determining if the large plot of land is an ideal location for workforce, senior or moderately priced housing.

Who in the community will be most directly served? Those that are in need of workforce, senior or moderately priced housing options.

Relevance to the purpose of the American Rescue Plan Act

How will this project fulfill the purpose of ARPA? It will help to address the negative economic impacts.

(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? Thank you for taking the time to consider this project request.

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

The Special Town Meeting Warrant has two articles requesting the transfer of Free Cash for tree work on Town properties. The tree work at Bidwell Park (located in the village center across the Konkapot River from the Library) and the Community Center are both related to the aftermath of a high-wind storm that took place on July 12th.

Bidwell Park had a number of trees fall down this in the storm. The wind left Bidwell Park a huge mess of trees down on the ground, and others still leaning on each other and hanging in the air. Since July, the Park entrance has been barricaded, with a sign posted to deter potential visitors and notify them that the park is closed. Bidwell Park will remain closed until the trees are cleaned up, and the complexity of trees that are not fully on the ground as well as the sheer volume of trees down require that the Town contract with our tree contractor (John W Field Tree Service) to do the work.

The other property that money is being requested for tree work at is the Community Center property. After the same July storm, a number of broken off limbs and main stems littered the Community Center property. The mess on the ground has been cleaned up and since July it has not hindered the normal operation of the Community Center property. However, the stand of mature white pines along the intersection of Main Road and New Marlborough Road that was the cause of the mess still mostly stands. The Director of Operations, Jim Hunt, and Tree Warden, Myles Pierce, have advised the Select Board that the remaining stand of mature white pines are only becoming more likely to break in each additional weather event, as the holes in the stand (from trees that have fallen or snapped off) can make the remaining trees more susceptible to high winds. The weakened stand has developed a pattern of snapping during most major weather events in the last few years, creating possible issues during every future storm and a mess to clean up after each storm has passed. There are no trees down at the community center right now, but removing the stand of mature white pines that remains will prevent this pattern from continuing and possibly causing further damage and costs to the Town.

The estimates are based on the Town's contract with John W. Field Tree service. The work at Bidwell Park is estimated to take four days for a bucket truck and crew (\$1,600/day), crane and operator (\$2,800/day), chipper and crew (\$1,200/day), and excavator and operator (\$800/day) for a total of \$25,600. The work at the Community Center is estimated to take the same four days with the same equipment, for the same total of \$25,600.

When the Select Board was presented with the cost of these two tree work projects, we consulted with the Director of Operations, Tree Warden, Parks Commission, and Community Center Committee to determine how these projects might be funded. It was ultimately clear that the \$25,600 for each project was not available in our FY23 budget, and that it would be necessary to call a Special Town Meeting, if the Town wanted to get the work done before July 2023. Within the Highway Operations account (line 422), there is \$17,500 in an internal sub account for Storm Damage (line 5520). This \$17,500 was expended after the July storm, including the clean-up of Wellman Road. The Special Town Meeting articles request that the money be transferred from Free Cash to this internal sub account called Storm Damage within the Highway Operations Account.