



TOWN OF MONTEREY

435 Main Rd. P.O. Box 308

Monterey, MA 01245

September 23, 2022

BY HAND

Dear Ms. Walker:

On behalf of the Select Board, you are hereby notified that a hearing will be held before the Select Board on Wednesday, September 28, 2022 at 6pm in the Town Hall Meeting Room. The purpose of this hearing is to discuss: 1) a substantive error with the state primary warrant as originally sent to the Select Board, and its accompanying communications, delays and poor responses; 2) The two month delay in submission of the ATM warrant articles to the AG's office; 3) revisiting the flow of information to the Clerk's office regarding elected and appointed officials included in the Boards and Commissions list; 4) a complaint from Rebecca Hart dated 9/21/22 concerning lack of response to her request for an update on her voter registration. The Board will discuss whether discipline, up to and including termination, is warranted based on the information provided at the hearing.


The hearing will be conducted in executive session pursuant to G.L. c. 30A, § 21(a)(1), unless you request that the meeting be held in open session. Under this same statute, you have the following rights:

- i. to be present at such executive session during deliberations which involve you;
- ii. to have counsel or a representative of your choosing present and attending for the purpose of advising you and not for the purpose of active participation in the executive session;
- iii. to speak on your own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at your expense.

A copy of this letter will be placed in your personnel file.

Please contact me if you would like to elect for the hearing to be held in open session.

Sincerely,



Susan Cooper, Member of the Select Board

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DRAFT

Memo of Understanding regarding 9/21/22 meeting between the Select Board and Town Clerk Terry Walker

On Wednesday, September 21, 2022 the Monterey Select Board met in Executive Session with Town Clerk Terry Walker concerning a number of performance issues that had been identified, as well as to obtain further information on some problems identified by Ms. Walker or the Board. This document serves to formally note the conclusions of the Board with regard to that meeting, and our expectations of the Clerk's roles and responsibilities going forward.

The Board was very clear that Ms. Walker needs to provide greater clarity in her communications. We note that the lack of clarity has repeatedly led to substantive questions about work product, delays in actions and decisions, and in some cases deprived the Board of information needed to make an informed decision, for example in setting the date for this year's special election.

Remediation

We now expect that when the Clerk advises the Board, she needs to be clear and thorough in supporting this counsel and do so **in writing**, so that this advice is duly documented. Said communication should include:

- 1) What the Clerk recommends,
- 2) Why she makes that recommendation, and
- 3) any financial, scheduling, practical or other relevant matters that inform that advice.

We further note that communications that appear to intentionally muddy the issue, avoid the question asked or result in undue delays in clarification will not be considered acceptable work product.

In light of recent difficulties in scheduling Board meetings with the Clerk, henceforth when the Select Board requests a meeting with the Clerk on a date certain, the Clerk must respond by the end of her next scheduled day with office hours. The Board was very clear that we are willing to accommodate meeting times other than Wednesdays, although given the Clerk's new hours on Wednesday and Friday this policy should not be burdensome.

In the Clerk's response, she must either:

- 1) accept that date and appear,
- 2) propose an alternate meeting time within eight calendar days of the Board's chosen date, or
- 3) provide a clear, compelling and verifiable reason why this is not possible and propose an alternate date within no more than seven additional calendar days.

With regard to the Boards and Commissions list, the Board understands that the work product provided was the preliminary result of the Clerk's five-year effort to restore lost files. We trust that the Clerk will work to correct extensive errors in the current draft of the document so that the Town can have an up to date and accurate list of those serving the town and the status of their required training. We further note, that contrary to the Clerk's assertion in the meeting that she had no written documentation of those serving, the Clerk's office does indeed get notification of all of those who serve the town. The Clerk's office runs elections, and therefore has the means to update the list of elected officials. Furthermore, the

Clerk's office receives written notification of all those appointed by the Board either via email or mail when the newly appointed individual is informed of their appointment. We expect that going forward, the Clerk will appropriately track this information stream, and keep the list duly updated. We look forward to seeing the edited product by November 23, 2022.

Given the many communications difficulties that have arisen over the past few months and the delays, frustrations and poor work products that have resulted, the Board believes that the current lack of communication between the Town Administrator and the Clerk is causing the Town undue hardship. The Town now has access to the services of a human resources specialist, and updated employment policies, including an improved policy concerning complaints and their adjudication. We therefore order the resumption of communication between the Town Administrator and the Clerk through written communication only. This will not only allow for faster and more efficient communication, but will provide a legal record of all communication so that any problematic communication can be resolved.

The Board will be further evaluating communications in Town Hall, and may be issuing further guidance or changes in the flow of communication to improve efficiency in Town Hall and the governance of the Town.

We trust that the Clerk will work on these performance issues, meet deadlines with a good work product, and communicate more responsibly, clearly and in a timely fashion. These items may be further addressed in the context of the Town's upcoming implementation of annual performance reviews.

Respectfully,