



Donna M. Brewer
T: 617.804.2423
dbrewer@miyares-harrington.com

September 22, 2022

Jeremia A. Pollard
Hannon Lerner, P.C.
184 Main St.
P.O. Box 697
Lee, MA 01238

Re: Statement for Services *Hume Lake Christian Camp, LLC. v. Sawyer*

Dear Mr. Pollard:

I write on behalf of the Monterey Select Board regarding your statement for services rendered in defense of the Planning Board in the above-referenced appeal. When the Select Board hired you on May 4, 2022, you represented that the entire cost would be in the range of \$3,500 to \$4,000. You described this as the “high end” of the cost with the range including “everything.” You also stated that you expected that staff could assist you with some work at \$30 an hour, considerably lower than your hourly rate of \$180. The Board agreed to retain you on the basis of these representations.

The Board has received two statements for services from you. The first is dated June 9, 2022 for 2.9 hours at \$180/hour. The town has paid this statement. The second is dated September 1, 2022 for 46.7 hours at \$180/hour. I request your response to certain questions of the Board.

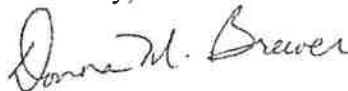
The September statement is simply one block entry. There is no identification as to when the services were performed or the amount of time each service took. Please provide the date and time expended for each item identified in the block entry.

I presume that you performed all of this work yourself since no time is billed at the \$30/hour rate. Some of the tasks in the block entry are the types of work that can be done by staff, such as preparing addendums and formatting the brief. Please explain why there is no time billed at \$30/hour and why you did not use staff for the word processing tasks.

Please explain why the cost billed to date (\$9259.31) is more than double your estimate for “everything” even taking into account the high end of the range. I note that R. 1.5 of the Rules of Professional Conduct, comment 1, directs attorneys to provide a revised estimate when it is clear that an estimate is substantially inaccurate. No revised estimate or explanation has been provided to the Board.

I look forward to receiving your response so that I may discuss this further with the Select Board.

Sincerely,



Donna M. Brewer

Re: Special Town Meeting Warrant DRAFTDonna Brewer <dbrewer@miyares-harrington.com>

Thu 9/22/2022 5:19 PM

To: Justin Makuc <justin@montereyma.gov>Cc: Alexandra Rubin <arubin@miyares-harrington.com>

Hi Justin, yes we should amend Article 14 in the way that you have presented it for Article 4.

Something for you to consider. The article is only to put town voters on notice of the subject matter to be addressed at Town Meeting and need not be verbatim what the motion will be. I recommend flexibility in the wording of warrant articles to prevent a situation where the moderator calls a motion to be beyond the four corners of the article and rules it out of order. For that reason, I recommend that the article read "to see if the Town will vote to raise and appropriate or transfer from available funds" rather than specifying Free Cash. The motion will specify the funding is from Free Cash. If you prefer to leave it the way that you have it, you can do so, understanding the potential limitation on flexibility.

Donna Brewer

dbrewer@miyares-harrington.com

(617) 804-2423 dd

From: Justin Makuc <justin@montereyma.gov>
Date: Thursday, September 22, 2022 at 4:58 PM
To: Donna Brewer <dbrewer@miyares-harrington.com>
Cc: Alexandra Rubin <arubin@miyares-harrington.com>
Subject: Special Town Meeting Warrant DRAFT

Hi Donna,

The Select Board is planning to call a Special Town Meeting for October to deal with a few matters: some unexpected tree work at a Town park, unpaid bills from last Fiscal Year that were submitted to the Town late, legal fees (regarding the Hume appeal, we are hoping to negotiate them down but will amend on the floor as necessary), and one other issue. We are hoping to sign next week, otherwise we will have to postpone in order to meet the 14 day posting criteria.

Could you please review the attached Warrant draft as to legal form?

I have another particular question about Article 4 in this draft Warrant. Annual Town Meeting this past May approved the following article:

ARTICLE 14. To see if the Town will vote to appropriate the sum of \$160,000 to purchase and outfit a F550 truck, and to authorize the Select Board to trade in or sell at auction the Town's 2014 F550, and that to meet this appropriation, the Town Treasurer with the approval of the Select Board is authorized to borrow said amount or take any other action relative thereto.

Our highway superintendent has since learned that it is very difficult to purchase the F550 model truck, but that it is possible to purchase similar trucks from other brands. The article, as it was passed at Town Meeting, specifies an F550 made by Ford. Is there a way to allow more flexibility to the highway department to purchase a similar truck from another brand for the same amount of money? If it would require a Town Meeting vote, is the draft Article 4 the proper wording?

Thank you,

9/28/22, 6:55 AM

Mail - Justin Makuc - Outlook

Justin

I am cc'ing Alex in the case that she is going to be taking this on.

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 Saturday, October 15, 2022, at 1:30 o'clock in the afternoon, then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to transfer the sum of \$29,580 or any other sum from Free Cash to the Highway Operations Storm Damage Account to clean up storm damage at Bidwell Park, or take any other action relative thereto.
The Finance Committee supports approving this article.

ARTICLE 2. To see if the Town will vote to transfer the sum of \$7,237.31 or any other sum from Free Cash to the Litigation Fees & Expenses Account for legal fees in appealing the Hume v. Monterey case and to cover the town's deductible with regard to potential new litigation or take any other action relative thereto.
The Finance Committee supports approving this article.

ARTICLE 3. To see if the Town will vote to transfer from free cash the sum of \$10,001.66 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.
The Finance Committee supports approving this article.

ARTICLE 4. To see if the Town will vote to amend Article 14 approved at the May 2022 Annual Town Meeting from "to purchase and outfit a F550 truck" to "to purchase and outfit a truck up to 20,000lb GVW", or take any other action relative thereto.

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 September, 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

DRAFT

Town Clerk Weekly Status Report

Beginning Date:	
Ending Date:	
Department/Position:	
Today's Date:	

Town Clerk Responsibilities	Time spent on each activity	Total Number Issued This Week
Vital statistics including births, deaths and marriages		
DBA's/Business Certificates		
Dog Licenses		
Swearing in newly elected and appointed officials		
Voter Registration		
Date stamping Zoning Appeals Applications		
Printing, posting and filing agendas and minutes		
Election pre and post prep		N/A
Mailing Ballots		
Maintaining boards and commissions list		N/A
Town Meeting items; minutes, items sent to AG		N/A
Annual Street Census		N/A
Updating Bylaws (zoning and town)		N/A
Voicemails		
Emails		

Information requests

Please list types of request outside of norm and amount of time spent

Special Projects in progress	% Complete	Items left to complete activity

Upcoming projects/activities

Do you need any assistance with any current or upcoming projects? Please explain:

Goals/Priorities

Thoughts, ideas, suggestions, questions

Please submit form at the end of each work week to the Town Administrator via email to admin@montereyma.gov

Town Administrator

From: Justin Makuc
Sent: Wednesday, September 28, 2022 12:49 PM
To: Town Administrator
Subject: Fw: Keys to main office

From: mpdchief montereyma.gov <mpdchief@montereyma.gov>
Sent: Thursday, September 22, 2022 3:25 PM
To: Justin Makuc <justin@montereyma.gov>
Subject: Re: Keys to main office

No, go right ahead.

From: Justin Makuc <justin@montereyma.gov>
Sent: Thursday, September 22, 2022 3:22 PM
To: mpdchief montereyma.gov <mpdchief@montereyma.gov>
Subject: Re: Keys to main office

Gareth,

Do you mind if I run this by the Board and see what they think? Maybe the Town should focus on selecting better Select Board members if those in charge can't even be trusted with keys to the office.

Thanks,
Justin

From: mpdchief montereyma.gov <mpdchief@montereyma.gov>
Sent: Thursday, September 22, 2022 2:50 PM
To: Justin Makuc <justin@montereyma.gov>
Subject: Re: Keys to main office

Melissa's office contains many confidential and irreplaceable documents that **she** is responsible for. As we have witnessed recently, sometimes we elect a select person whose motives are not necessarily in the best interest of the town and /or have personal objectives which do not support the efforts of the Town Administrator. Under these circumstances, if something were to go missing, altered or added, and we had given three additional people access, we would be in a difficult position to place the responsibility on the Town Administrator. Also, each of the other departments in this building are solely responsible for their key access, so it doesn't seem to make sense to set a separate policy for Melissa's office. It appears we now have a cohesive group, but that is not always the case. Changing this policy sets a precedent for the future which could have serious consequences. This topic has come up many times over the years and the select boards have always been supportive of this.

Thank-you,

Gareth

From: Justin Makuc <justin@montereyma.gov>
Sent: Wednesday, September 21, 2022 3:53 PM
To: mpdchief montereyma.gov <mpdchief@montereyma.gov>
Subject: RE: Keys to main office

Hi Gareth,

Please let me know how you come down on this issue. Thanks,

Justin

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

Subject: RE: Keys to main office
From: "Monterey Town Administrator" <admin@montereyma.gov>
Date: Wed, September 21, 2022 9:59 am
To: "'Justin Makuc'" <justin@montereyma.gov>
Cc: "Chief Backhaus" <mpdchief@montereyma.gov>

This is actually a decision for the Police Chief as he is the one that decides access to each office as well as the security of offices and the building. I will cc him on this email.

Melissa

From: Justin Makuc [<mailto:justin@montereyma.gov>]
Sent: Wednesday, September 21, 2022 7:30 AM
To: Monterey Administrator <admin@montereyma.gov>
Subject: Keys to main office

Hi Melissa,

When time allows, could you please provide a key to the main office at Town Hall to each Select Board member? I think it is important that the Select Board be able to enter the office when you may not be present, and it is burdensome to request access from the police. If you don't feel comfortable doing this without approval by the Board, I can put it on the next available agenda.

Thanks,

Justin

Massachusetts Electric Company d/b/a National Grid
 Illustrative cost per unit comparison between existing HPS roadway luminaires and potential LED luminaire replacements
 Town of Monterey, Massachusetts

1. This estimator is to be used as a guidance tool only. The replacement LED fixture option is the customer's choice and should be based on roadway classification needs.
2. Rates are based on the current approved tariff rates (July 2022) and are subject to change at any time.

* Lower wattage offering for customer if they chose this option

** Basic Service is the Fixed Price option offered by National Grid. This may vary depending on the Customer's choice of energy provider.

3K LED Option

Existing Wattage	# of Units to Convert	Annual kWh Per Year	Total Annual kWh Per Year	Basic Service Rate Per kWh	Delivery Service Rate Per kWh	Combined Delivery and Service	Annual Billed (Basic and Delivery)	Annual Luminaire Charge	Total Luminaire Charge	Total Annual Charges (Delivery and Luminaire)	Proposed LED Replacement Luminaire Per Tariff	Actual Luminaire Wattage	Annual kWh Per Tariff	Total Annual kWh Per Year	Basic Service Rate Per kWh	Delivery Service Rate Per kWh	Combined Delivery and Service	Annual Billed (Basic and Delivery)	Annual Luminaire Charge	Total Luminaire Charge	Total Annual Charges (Delivery and Luminaire)	Annual Savings () or Cost per Year	
LUM HPS RWY 50W	12	255	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 96.70	\$ -	\$ 96.70	LUM LED RWY 19W	19W	84	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 90.50	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 50W*	12	255	3,060	\$0.10370	\$0.06789	\$0.17159	\$ 525.07	\$ 96.70	\$ 1,160.40	\$ 1,685.47	LUM LED RWY 15W	15W	67	804	\$0.10370	\$0.06789	\$0.17159	\$ 137.96	\$ 89.73	\$ 1,076.76	\$ 1,214.72	\$ (470.75)	
LUM HPS RWY 70W	10	359	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 119.96	\$ -	\$ 119.96	LUM LED RWY 19W	19W	84	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 90.50	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 70W*	10	359	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 119.96	\$ -	\$ 119.96	LUM LED RWY 15W	15W	67	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 89.73	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 100W	10	493	4,930	\$0.10370	\$0.06789	\$0.17159	\$ 845.94	\$ 133.29	\$ 1,332.80	\$ 2,178.84	LUM LED RWY 41W	41W	176	1,760	\$0.10370	\$0.06789	\$0.17159	\$ 302.00	\$ 96.91	\$ 969.10	\$ 1,271.10	\$ (907.74)	
LUM HPS RWY 150W	10	722	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 153.42	\$ -	\$ 153.42	LUM LED RWY 41W	41W	176	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 96.91	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 250W	10	1,269	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 212.36	\$ -	\$ 212.36	LUM LED RWY 95W	95W	401	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 127.02	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 400W	10	1,962	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 306.69	\$ -	\$ 306.69	LUM LED RWY 260W	260W	1,091	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 206.03	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 400W*	10	1,962	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 306.69	\$ -	\$ 306.69	LUM LED RWY 95W	95W	401	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 127.02	\$ -	\$ -	\$ -	\$ -
LUM HPS RWY 1000W	10	4,618	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 528.08	\$ -	\$ 528.08	LUM LED RWY 260W	260W	1,091	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 206.03	\$ -	\$ -	\$ -	\$ -
LUM MV RWY 100W	10	543	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 102.88	\$ -	\$ 102.88	LUM LED RWY 15W	15W	67	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 89.73	\$ -	\$ -	\$ -	\$ -
LUM MV RWY 175W	10	881	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 130.88	\$ -	\$ 130.88	LUM LED RWY 19W	19W	84	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 90.50	\$ -	\$ -	\$ -	\$ -
LUM MV RWY 250W	10	1,282	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 177.06	\$ -	\$ 177.06	LUM LED RWY 41W	41W	176	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 96.91	\$ -	\$ -	\$ -	\$ -
LUM MV RWY 400W	10	1,991	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 247.90	\$ -	\$ 247.90	LUM LED RWY 95W	95W	401	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 127.02	\$ -	\$ -	\$ -	\$ -
LUM MV RWY 1000W	10	4,572	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 500.15	\$ -	\$ 500.15	LUM LED RWY 260	260W	1,091	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 206.03	\$ -	\$ -	\$ -	\$ -
LUM INC RWY 105W	10	438	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 96.67	\$ -	\$ 96.67	LUM LED RWY 15W	15W	67	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 89.73	\$ -	\$ -	\$ -	\$ -
LUM INC RWY 205W	10	856	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 137.92	\$ -	\$ 137.92	LUM LED RWY 15W	15W	67	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 89.73	\$ -	\$ -	\$ -	\$ -
LUM HPS POST 50W	10	255	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 209.55	\$ -	\$ 209.55	LUM LED POST 50W	50W	213	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 196.20	\$ -	\$ -	\$ -	\$ -
LUM HPS POST 100W	10	493	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 225.25	\$ -	\$ 225.25	LUM LED POST 50W	50W	213	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 196.20	\$ -	\$ -	\$ -	\$ -
LUM MV POST 100W	10	543	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 116.05	\$ -	\$ 116.05	LUM LED POST 50W	50W	213	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 196.20	\$ -	\$ -	\$ -	\$ -
LUM MV POST 175W	10	881	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 164.38	\$ -	\$ 164.38	LUM LED POST 50W	50W	213	0	\$0.10370	\$0.06789	\$0.17159	\$ -	\$ 196.20	\$ -	\$ -	\$ -	\$ -
GRAND TOTALS	22		7,990				\$ 1,371.00		\$ 2,493.30	\$ 3,864.30				2,564				\$ 439.96		\$ 2,045.66	\$ 2,485.82	\$ (1,378.49)	

3K LED Available Offerings

- LUM LED RWY 15W
- LUM LED RWY 19W
- LUM LED RWY 41W
- LUM LED RWY 95W
- LUM LED RWY 260W
- LUM LED POST 50W

Program Summary

	HPS	LED	Cost / (Savings)
Total number of units to be converted	22	22	
Annual Billed (Basic and Delivery)	\$ 1,371.00	\$ 439.96	\$ (931.05)
Total Luminaire Charge	\$ 2,493.30	\$ 2,045.86	\$ (447.44)
Total Charges (Basic, Delivery and Luminaire)	\$ 3,864.30	\$ 2,485.82	\$ (1,378.49)

* more consistent with the type of lighting we're accustomed to