

BERKSHIRE REGIONAL PLANNING COMMISSION  
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201  
TELEPHONE (413) 442-1521 · FAX (413) 442-1523  
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370  
[www.berkshireplanning.org](http://www.berkshireplanning.org)

SHEILA IRVIN, Chair  
KYLE HANLON, Vice-Chair  
MARIE RAFTERY, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

MEETING NOTICE

There will be a meeting of the

EXECUTIVE COMMITTEE

on Thursday, August 7, 2014, 4:00 p.m.  
at the Berkshire Regional Planning Commission Office  
1 Fenn Street, Suite 201, Pittsfield, MA

AGENDA

- |      |  |        |
|------|--|--------|
| I.   | Call to Order & Open Meeting Law Statement   | (4:00) |
| II.  | Approval of Minutes of Executive Committee Meeting of June 12, 2014 *  | (4:05) |
| III. | Organization of 2014-2015 Executive Committee and Commission   | (4:10) |
|      | A. Appointment of BRPC Policy Representatives *  |        |
|      | B. Executive Committee & BRPC Meeting Dates/Times for FY 2015  |        |
|      | C. Committee Membership for FY 2015  |        |
|      | D. Other   |        |
| IV.  | Financial Reports  | (4:25) |
|      | A. June Expenditures Report *  |        |
|      | B. July Expenditures Report *  |        |
|      | C. Accounts Receivable Report  |        |
|      | D. Unaudited Year-End Financial Status   |        |
|      | E. Status of Receipt of Community Assessments for FY 2015  |        |
|      | F. Other   |        |
| V.   | Delegate & Alternate Issues  | (4:35) |
| VI.  | Items Requiring Action *   | (4:40) |
|      | A. Approval to Enter into Agreements with Municipalities for Technical Assistance Services for FY 2015                       |        |
|      | B. Approval to Submit Grant Application on behalf of Berkshire Boards of Public Health Association for a Hoarding Task Force |        |
|      | C. Appointment to Mohawk Trail Woodlands Partnership Project Advisory Committee  |        |

- VII. Committee Reports (4:50)
- A. Regional Issues Committee – Review of S.2183 – Wireless Bill
  - C. Other
- VIII. Executive Director’s Report (5:00)
- A. Report on New Contracts/Agreements
  - B. Public Health Alliance Services
  - C. FY 2015 State Budget – District Local Technical Assistance and Community Innovation Challenge Grant Funding
  - D. MassDOT Signage Program for High Crash Curve Locations – application deadline Friday, August 15<sup>th</sup>
  - E. Public Meeting on Passenger Rail Station Location & Design Study – Wednesday, August 6<sup>th</sup>, 6 p.m., Pittsfield Intermodal Transportation Center
  - F. MassWorks Grant Applications Open – application deadline Friday, August 29<sup>th</sup>
  - G. EPA Extension of Comment Period for Proposed Clean-up of PCB’s from Housatonic River & Notice of Public Hearing
  - H. State Acquisition of Housatonic Railroad Line & Initial \$35 Million Investment
  - I. Nominations for 2014 Charles Kusik Award for Outstanding Contributions to Planning in Berkshire County
  - J. 2014 State Ethics Forms & Required Certificate of Training
  - K. Award of Community Development Block Grant Funding for Joint Application by Great Barrington & Sheffield
  - L. MEPA Requirements for Tennessee Gas Pipeline Project in Sandisfield & Tyringham
  - M. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30<sup>th</sup>, Westover AFB
  - N. Other
- IX. Old Business (5:10)
- X. New Business (5:15)
- A. September BRPC Meeting(s)
  - B. Orientation for New Delegates and Alternates
  - C. Scheduling Executive Director’s Annual Performance Review
  - D. Other
- XI. Adjournment (5:30)

\* Items Requiring Action

Attachments: May Local Technical Assistance Report  
June Local Technical Assistance Report

City and Town Clerks: Please post this notice pursuant to M.G.L. Chapter 39, Section 23B

SHEILA IRVIN, Chair  
KYLE HANLON, Vice-Chair  
MARILYN WILEY, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.  
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## DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, June 12, 2014  
At the Berkshire Regional Planning Commission Office  
1 Fenn Street, Suite 201, Pittsfield, MA 01201

### I. Call to Order

#### A. The meeting is called to order at: 4:03 p.m.

Chair Sheila Irvin started the meeting by reading a statement regarding the open meeting law. BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be left with the chair of the meeting.

#### B. Roll Call:

Sheila Irvin, Chair  
Kyle Hanlon, Vice Chair  
Chuck Ogden, Treasurer  
Roger Bolton, Clearinghouse Committee Chair  
Rene Wood, Commission Development Committee Chair  
Marie Raftery, At Large

A quorum is present.

Others Present: None

Staff Present: Nat Karns – Executive Director  
Tom Matuszko, Assistant Director

### II. Approval of Minutes of Executive Committee Meeting of April 3, 2014

Rene Wood moved to approve; Kyle Hanlon seconded. Unanimously approved with one abstention.

### III. Financial Reports

#### A. April Expenditure Report

Nat asked all to look at the complete expenditure list, and he would answer any questions. Rene Wood moved to approve as presented; Kyle Hanlon seconded. Unanimously approved.

#### B. May Expenditure Report

Rene Wood moved to approve as presented; Kyle Hanlon seconded. Unanimously approved.

#### C. Accounts Receivable Report

Staff is continuing to follow up on aged receivables over 90 days. None of the aged receivables are at risk. Nat pointed out some aged receivables have been paid or payment is the mail.

**D. Other** – Nat explained that some of the other RPA's have received notices from the Massachusetts State Retirement Board for owing pension liability from FY2014. The Massachusetts State Retirement Board was audited. The auditor found legislation where any members should pay into the system over the amount put in from the employees. All the RPA's that received letters have been in the State Retirement System since the 1970's. BRPC has not received a letter or call. BRPC joined the Massachusetts State Retirement System under special legislation in 2006. The RPAs in the State Retirement System have all agreed to each spend up to \$1000 each for legal counsel for assistance on understanding legislation for the state versus municipal employees. Some of the other RPAs have received bills for approximately \$70,000. Pioneer Valley has received a letter stating an amount of \$240,000 is due. Any liability BRPC would owe would increase our overhead rate. BRPC would have to insist MassDOT change contracts to allow a higher overhead rate. Rene Wood suggested the municipalities may have the same issue and may need assistance. Nat will keep the Executive Committee informed on this issue.

**IV. Delegate and Alternate Issues – none**

**V. Clearinghouse Review**

**A. ENF for Roundabout Construction at Route 8 and Friend St (Adams)**

Nat explained there are minor impacts for this ENF. The attached comments have been sent to MEPA.

Rene Wood moved to approve as presented; Kyle Hanlon seconded. Unanimously approved.

**B. Status of Review of EENF for Connecticut Expansion Project by Tennessee Gas Pipeline Company (Sandisfield and Tyringham)**

Roger Bolton and Melissa Provencher visited the site in Tyringham. Sarah Hudson also visited the Tyringham site. Roger and Melissa went to the site visit in Sandisfield. Many residents at the Sandisfield site visit had strong comments that the comment period should be extended due to the consulting firm sending out copies of the EENF that were received the day before the site visit. There is a lot of controversy regarding the Sandisfield site where excavation will occur. Tyringham involves a pipe yard for the project. Nat explained the comment period has been extended to July 3<sup>rd</sup>. A Clearinghouse Committee meeting will be set up to review the EENF in late June or or July 2<sup>nd</sup>.

There will be another ENF for the Clearinghouse Review Committee to review in October for the Northeast pipeline expansion. Richmond has some remaining funds from the last time Richmond dealt with Tennessee Gas. BRPC will use that money for education session for the effected municipalities to understand the legal and permitting process.

Rene Wood moved to have the Clearinghouse Review Committee prepare and submit comments on the EENF; seconded by Kyle Hanlon. Unanimously approved.

**C. Other** – There may be an ENF for the new rail to be put in Adams.

**VI. Items Requiring Action**

**A. Approval to Submit Grant Application to Toxic Use Reduction Institute to Reduce Use of Toxic Substances in Schools**

Rene Wood moved to approve as presented; Chuck Ogden seconded. Unanimously approved.

**B. Other** – none

## VII. Committee Reports

### A. Commission Development Committee

Rene Wood reported the Climate Change Training event was a success.

#### Annual Meeting October 16th

There is no contest between candidates for the upcoming election.

The Committee would like to have a panel of our state legislative delegation attend for comments and questions. The Committee thinks this format has a value to allow a discussion on legislation and policy issues. An information packet would be sent out prior to the meeting. The time set would be 25 to 30 minute for this session. Sheila suggested each person be given a specific topic to comment on and limit the topics to five.

### B. Regional Issues Committee – Review of H.4065, Land Use Reform legislation

Nat explain the Regional Issues Committee reviewed the Land Use Reform legislation and he will draft a letter of comment for the Commission to approve. Zoning was changed in the legislation based on BRPCs prior comments. The master plan section favors the eastern parts of the state and not rural areas.

Rene Wood moved to have Nat prepare and submit comments on the land use reform and additional comments can be added from the Commission at a later date; seconded by Kyle Hanlon. Unanimously approved.

### C. Other - none

## VIII. Executive Director's Report

### A. Report on New Contracts/Agreements

### B. Report on Status of Berkshire Health Alliance

### C. Status of District Local Technical Assistance and Community Innovation Challenge Grants in FY 2015 State Budget

### D. MassWorks Grant Applications Open – application deadline Friday, August 29<sup>th</sup>

### E. Provision of Outsource Planner Assistance to Adams with Community Development Program Support

### F. Initiation of Phase II Project to Plan for Evacuation Service Centers in Western Massachusetts

### G. Approval of Grant of Services by EPA for Brownfields Assessment of Eagle Mill in Lee

### H. EPA Releases Proposed Remedy for Clean-up of PCB's from Housatonic River

### I. Other – Passenger Rail

Nat reported the State will acquire the real estate and railroad tracks and replace the tracks. Comments from Nat:

- There is a similar effort being done in Connecticut.
- Freight Service needs to be protected and safe. Companies and jobs in both states are dependent on the freight service.
- The Housatonic Railroad would enter into an operating agreement to operate the railroad service.
- The new track will also help the Rest of River clean up.

## IX. Old Business - none

## X. New Business

### A. Summer BRPC Meeting(s)

Full Commission meeting will be **July 10<sup>th</sup>** at 5:30 p.m.\*

\*Note: If Kindred Morgan attends the full Commission meeting we will need to hold the meeting at a larger venue.

No Executive meeting in July is planned

**B. Scheduling Executive Director's Annual Performance Review**

Scheduled for the August 3<sup>rd</sup> Executive Meeting

**C. Other** – Marie reported she attended a Wild and Scenic Rivers meeting with the Westfield River Wild & Scenic Committee . If anyone is interested Marie has information.

**XI. Adjournment**

Marie Raftery moved to adjourn the meeting which was seconded by Kyle Hanlon.  
The meeting was adjourned at 4:45 p.m.

Materials distributed or presented during this meeting:

Agenda  
Minutes  
Check Register April and May  
Aged Receivables  
Executive Director's Memo  
Technical Assistance Report March and April  
Clearinghouse Review Report – Adams MA  
2014 MassWorks Applications

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**MEMORANDUM**

**TO:** Executive Committee, Berkshire Regional Planning Commission  
**FROM:** Nathaniel W. Karns, AICP, Executive Director  
**DATE:** July 31, 2014  
**SUBJ:** Agenda Items

**III. Organization of 2014-2015 Executive Committee and Commission**

We have a few organizational issues for the current year to take up at the Executive Committee meeting. Two require action by the Executive Committee; the other does not.

A. Appointment of BRPC Policy Representatives

There are several policy representative appointments to organizations and committees that are made annually. We have not checked with any of last year's representatives to determine if they wish to continue.

Westfield River Wild and Scenic Advisory Committee – member: Marie Raftery (Stockbridge Alternate) served last year.

Berkshire-Pioneer Resource Conservation & Development Area – this organization seems to have gone inactive again; we left the position vacant last year.

Berkshire Metropolitan Planning Organization – alternate representative (the Chair is the primary representative): Transportation Advisory Committee Chair Sam Haupt, Peru Delegate, has been the alternate for the last eight years. For the past five years we also appointed Jack Hickey, Lanesborough Alternate and past-Chair, as a second alternate.

Sustainable Berkshires Plan Consortium – Regional Issues Committee Chair (and Past-BRPC Chair) Jamie Mullen has been the representative; Roger Bolton has been the Alternate.

Executive Committee approval of BRPC Policy Representatives is needed.

B. Executive Committee & BRPC Meeting Dates/Times for FY 2015 (attachment)

A tentative Executive Committee and Commission meeting schedule for FY 2015 is attached which assumes that the day of the month and times will stay the same. We should confirm which day of each month and time of day best meets the Executive Committee members' needs.

C. Committee Membership for FY 2015 (2 attachments)

Attached is a list of Committees with the members from last year. We will start working with Committee Chairs to discuss changes they may like to see. The Executive Committee should also review the list and determine if there are committees that need additional members and review the list of delegates and alternates (attached) to determine appropriate new members.

#### **IV. Financial Reports**

##### **D. Unaudited Year-End Financial Status**

We are pleased to report that we ended FY 2014 with a surplus of \$12,273.08, primarily because we had two projects which were completed under-budget and which were not strictly cost-reimbursement based. This is a significant turn-around from the two previous years and slowly rebuilding our reserves has been a financial priority. A lot of credit goes to Marianne and Linda for developing procedures to properly track and manage our modest community assessment funds and to all staff in being careful in requesting use of those funds to meet various needs. We will keep those procedures in place as even with this modest success, we will need to continue to slowly rebuild those reserves to a more prudent level.

##### **E. Status of Receipt of Community Assessments for FY 2015 (attachment)**

We have received the FY 2015 assessments from 16 of 32 municipalities to-date. Williamstown earned this year's "Atta-Boy!" for the first payment received, on July 7th. We will send out reminders early in September to the communities who have not paid at that point. We sincerely appreciate the prompt payment by the 16 communities.

#### **VI. Items Requiring Action**

##### **A. Approval to Enter into Agreements with Municipalities for Technical Assistance Services for FY 2015**

We request approval by the Executive Committee for the Executive Director to be authorized to enter into intergovernmental agreements and contracts with Berkshire municipalities, state agencies and non-profit organizations for technical assistance services during the course of FY 2015. During the course of each year we have a number of requests to provide services in excess of those permitted under our general fund allowance. These require written agreements to provide services and be reimbursed for our costs. Grant applications will continue to be brought to the Executive Committee for approval as has been done in the past. We will continue to provide a monthly report on new agreements and contracts to the Executive Committee.

##### **B. Approval to Submit Grant Application on Behalf of Berkshire County Boards of Health Association for a Hoarding Task Force**

The Executive Committee is requested to authorize the Executive Director to submit a small grant application to Mass Housing Partnership to put together a resource guide and standard operating guidelines for Boards of Health dealing with hoarding issues and for the Executive Director to enter into any resulting contracts and agreements. No BRPC match is required.

##### **C. Appointment to Mohawk Trail Woodlands Partnership Project Advisory Committee**

An Advisory Committee is being formed to help shape the Mohawk Trail Woodlands Partnership project. This project has been referred to in previous documents as "A Community Partnership for Forest Conservation and Economic Development Using a Private Ownership Model." The project aims to increase forest-based economic development and conservation, and to bring recognition and additional financial and technical resources to the 20-town region in northern Berkshire County and western Franklin County that contain extensive forest resources. These additional resources could be provided by the Federal government through the U.S. Forest Service and by the State through the Executive Office of Energy and Environmental Affairs (EOEEA). In order to receive additional U.S. Forest Service resources, the 20-town region would need to be designated as being eligible to receive them. In addition, a Federal designation recognizing the region could assist in obtaining funding from State and Federal economic development programs.

The Advisory Committee would:

- Review and provide comments to create the final version of the Project Framework;

- Review and comment on the Plan prepared by the BRPC, FRCOG and the Franklin Land Trust which will include recommended projects and strategies to support forest conservation and economic development;
- Assist in determining the level of interest in pursuing a Federal designation. The Committee will consist of town representatives from each town in the 20-town region. These could be a municipal official, forest landowner, forestry or tourism business owner, forester, or other community member. In addition to the town representatives, one (1) member from the Berkshire Regional Planning Commission, one (1) member from the Franklin Regional Planning Board and one (1) representative from each of the following: two (2) forestry organizations, two (2) environmental organizations and two (2) land trusts working in Berkshire and/or Franklin County will be invited to participate. The Advisory Committee will meet 3-4 times over a 9-12 month period; and
- Assist with the drafting of State legislation if enough towns would like to proceed with a Federal designation.

## VII. Committee Reports

### A. Regional Issues Committee – Review of S.2183 – Wireless Bill

Towards the end of June, we became aware that there was a push on in the legislature to report out bills regarding wireless facilities which would make local review of requests for wireless facilities co-locations or mounting of wireless antennas on existing structures of any sort much more difficult, and basically limit those to simply compliance with the state building code. The Regional Issues Committee took this up at a called meeting on July 14<sup>th</sup> and approved sending the attached letter regarding these bills.

## VIII. Executive Director's Report

### A. Report on New Contracts/Agreements

Since your last meeting on June 12th, we have entered into the following new contracts:

- Town of Adams for continuation of Outsource GIS Services
- Town of Adams for Public Health Nursing Services
- MassDOT for planning work for Lee Bike Path
- Metropolitan Area Planning Council for Partnering For Emergency Preparedness With Faith Based Organizations - Emergency Rest Centers
- FRCOG for Berkshire Medical Reserve Corps FY15 (Public Health Emergency Preparedness Planning)
- Mass. Department of Public Health for emergency preparedness planning for FY 2015
- Town of Great Barrington for Pavement Management Survey & Report
- Mass DPH for opioid use prevention program for FY 2015
- Berkshire County Boards of Health Association support services for FY 2015
- Town of Sandisfield for procurement assistance services for repairing/rebuilding a road
- Berkshire United Way for continued support of Berkshire Benchmarks for FY 2015
- Town of Washington for Pavement Management Survey & Report

### B. Public Health Alliance Services

The Public Health Alliance continue to provide inspectional services for Egremont, Peru & Washington, with occasional services for Clarksburg, North Adams, Sheffield & Becket (Becket is the biggest user). Town of Chester is now asking for inspectional services, though we do not yet have a signed contract.

Public Health Nursing: Windsor declined to renew their public health nursing contract; the other six towns (Great Barrington, Clarksburg, Egremont, Washington, Peru, North Adams) all renewed. We also added Adams and Becket, for a total of 8 towns. However Becket's contract is now in jeopardy and we have stopped work on it (they are deciding the vote was not done properly, Porchlight Visiting Nurse Association is contesting it, and they will have the selectmen decide on it some undetermined time in the future).

For further information about Public Health Alliance Services, contact Public Health Program Manager Laura Kittross at [lkittross@berkshireplanning.org](mailto:lkittross@berkshireplanning.org) or 413-442-1521, ext. 37.

C. FY 2015 State Budget – District Local Technical Assistance and Community Innovation Challenge Grant Funding

I am very pleased to report that the final FY 2015 state budget contains \$2.8 million for District Local Technical Assistance (level-funded from last year) and \$3.0 million for Community Innovation Challenge Grants (a decrease of \$1.0 million). We do appreciate the support that various Commission members and our municipalities provided in making their interest in these programs known to our legislative delegation, all of whom have been very supportive.

D. MassDOT Signage Program for High Crash Curve Locations – application deadline Friday, August 15th

Attached is information on this new local assistance program to address high crash curves on locally-owned roadways. The deadline is very soon but this is a way to get hazardous curves in our communities addressed. Since the priorities will be set based on documentation in the state accident database, this reinforces the need for municipal police departments to comprehensively and accurately report crashes to the State on a continuous basis. Contact Transportation Program Manager Clete Kus for more information ([ckus@berkshireplanning.org](mailto:ckus@berkshireplanning.org) or 413-442-1521 ext. 20).

E. Public Meeting on Passenger Rail Station Location & Design Study – Wednesday, August 6<sup>th</sup>, 6 p.m., Pittsfield Intermodal Transportation Center

As the study of potential passenger rail stations gets close to being wrapped up, there is a public meeting scheduled for Wednesday, August 6<sup>th</sup> to present the study and its close to final conclusions. A copy of the announcement is attached. Contact Senior Planner Brian Domina ([bdomina@berkshireplanning.org](mailto:bdomina@berkshireplanning.org)) or 413-442-1521, ext. 14) or Planner Gwen Miller at [gmillier@berkshireplanning.org](mailto:gmillier@berkshireplanning.org) or ext. 19 for further information.

F. MassWorks Grant Applications Open – application deadline Friday, August 29th

Attached is the announcement for the 2014 MassWorks program. Based on requests from two towns, we have checked with MassWorks staff regarding whether project budgets can include the cost to contract with someone, such as BRPC, to assist the town in administering the grant if successful and MassWorks has confirmed that is an eligible cost. If you would like that type of assistance, please contact Nat Karns immediately. However if BRPC is named to provide contract management services, we will not comment on the submitted application (we have had a formal commenter role for the past two grant cycles). For everyone, it is very helpful for us to be aware of your application and what it entails. That allows us to provide much more productive comments on the application during the review process. Contact Nat Karns about MassWorks if you need assistance or want to discuss your application ([nkarns@berkshireplanning.org](mailto:nkarns@berkshireplanning.org) or 413-442-1521 ext. 26).

G. EPA Extension of Comment Period for Proposed Clean-up of PCB's from Housatonic River and Notice of Public Hearing

EPA has extended the public comment period for the PCB clean-up for the Rest of River to October 1, 2014 (public announcement attached). The legally required public hearing is scheduled for Tuesday, September 23, 2014 starting at 6:30 at the Lenox Memorial Middle and High School. However, for anyone wishing to maintain legal standing during subsequent phases of this lengthy process, comments on the proposed clean-up must be submitted in writing.

H. State Acquisition of Housatonic Railroad Line & Initial \$35 Million Investment

On July 18<sup>th</sup>, the MassDOT Board approved acquisition of the underlying physical rail infrastructure and right-of-way of the Housatonic Railroad and will enter into a perpetual operating agreement with the railroad to operate freight service on the line. In addition to purchasing the right-of-way

and track, the State will invest \$35 million immediately in upgrading the track which dates to 1920 and is long-past need for replacement. The new track will help protect the almost 1,000 manufacturing jobs in the Berkshires and northwest Connecticut which are partially or completely dependent upon modern rail freight service and will also be fully compatible for providing future passenger rail service.

The acquisition includes the unused Coltsville Spur to the Lanesborough town line which has been formally noticed for abandonment. This will allow the construction of first southward extension of the Ashuwillticook Rail Trail to Crane Avenue in Pittsfield which is under design and programmed for construction in FY 2016. The City has already removed the tracks at the rail crossing at Crane Avenue which have long been a source of loud complaint by motorists.

I. Nominations for 2014 Charles Kusik Award for Outstanding Contributions to Planning in Berkshire County

Attached is the nomination solicitation and form for this year's Kusik Award. The award will be made at our Annual Meeting which is scheduled for Thursday, October 16<sup>th</sup>. Please make nominations by September 1.

J. 2014 State Ethics Forms & Required Certificate of Training

Attached are the Summary of the Conflict of Interest Law with the acknowledgement of receipt at the bottom of the last page. We need this acknowledgement back annually for our files in order to be in compliance with the law. In addition, a number of you will be approaching your 2 year anniversary and have to take the on-line training and provide us a copy of the certificate that you have done so. If you have done this for your town or city clerk already, just provide us a copy. Thanks. If you have questions, contact Office Assistant Judy Wagner at 413-442-1521, ext. 10 or [jwagner@berkshireplanning.org](mailto:jwagner@berkshireplanning.org) or Office Manager Marianne Sniezek at ext. 13 or [msniezek@berkshireplanning.org](mailto:msniezek@berkshireplanning.org).

K. Award of Community Development Block Grant Funding for Joint Application by Great Barrington and Sheffield

We are pleased that Governor Patrick and the Department of Housing & Community Development have awarded Great Barrington and Sheffield, working together, \$803,100 in federal Community Development Block Grant funds to provide housing rehabilitation assistance to 15 units, for an infrastructure design project in the Housatonic Village and for an accessibility design project at Sheffield Town Hall. Senior Planner Pat Mullins and Planner Jaclyn Pacejo assisted the towns in developing the successful grant application and will be managing the project for the towns.

The FY 2015 round of applications will be upon us very, very soon so if your community is interested in discussing potential projects, it is critical to do so in the next couple of weeks. For information, contact Pat at [pmullins@berkshireplanning.org](mailto:pmullins@berkshireplanning.org) or 413-442-1521, ext. 17 or Jaclyn at [jpacejo@berkshireplanning.org](mailto:jpacejo@berkshireplanning.org) or ext. 32.

L. MEPA Requirements for Tennessee Gas Pipeline Project in Sandisfield & Tyringham

We are pleased to announce that the Secretary of Energy & Environmental Affairs, in her review of the Expanded Environmental Notification Form for the expansion of the existing Tennessee Gas Pipeline in Sandisfield, which also includes a "pipeyard" in Tyringham and will impact roads in other towns (definitely Monterey & Otis, probably Lee, and possibly others), is denying the company's request for a consolidated Final Environmental Impact Report and requiring the preparation of a Draft report first. This should provide the company the opportunity to more fully analyze the impacts of its proposed work and for the state, non-profit and local agencies, as well as interested citizens to be able to be involved in shaping the final project to avoid, minimize and mitigate potential impacts.

- M. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30<sup>th</sup>, Westover AFB

Attached is the notice of the annual workshop developed by MassDevelopment aimed at western Massachusetts economic development needs. This year's workshop is at Westover Air Force Base; last year's was held in Adams.

**X. New Business**

- A. September BRPC Meeting(s)

Kinder Morgan has agreed to present its proposed Northeast Expansion Project at the next regularly scheduled BRPC meeting on Thursday, September 18<sup>th</sup>. We are presuming this will take an entire meeting and we will not be able to conduct other significant business at this meeting. The place and format are to be determined as we are certain our normal meeting space is not adequate for this purpose given the level of public interest in this project. We also expect that a number of municipal officials will want to attend as there have been no presentations by KM in the majority of the currently potentially affected Berkshire communities.

The Commission also needs to hold a special meeting, either the prior Thursday (the 11<sup>th</sup>) or subsequent one (the 25<sup>th</sup>) to conduct other business. September 25<sup>th</sup> is Rosh Hashanah. Notably, consideration of BRPC's comments on EPA's proposed "Rest of River" remedy to deal with the PCB's in and along the Housatonic River will need to happen (the deadline for submittal of comments is October 1).

- B. Orientation for New Delegates and Alternates

We would normally hold the orientation session for new Delegates and Alternates as part of the regular September Commission meeting. Given that meeting will not be at our offices and it unusual nature, it would probably be preferable to hold it at the special meeting, whenever that is scheduled. Last year we did not hold the orientation as a special meeting but wrapped it into the regular meeting which hopefully helped all the Commission members become more familiar with BRPC and its various responsibilities and practices.

- C. Scheduling Executive Director's Annual Performance Review

I had hoped to have my written self evaluation done but due to a variety of circumstances have not completed it. We had tentatively set this meeting for the review; I propose we put it off to the September 4<sup>th</sup> Executive Committee meeting.

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**SCHEDULE OF MEETINGS FOR FY2015**

**Commission & Executive Committee Meetings**

<b>Commission Meetings</b>	<b>Executive Committee Meetings</b>
	Thursday, August 7, 4:00 p.m.
Thursday, September 18, 7:00 p.m.	Thursday, September 4, 4:00 p.m.
	Thursday, October 2, 4:00 p.m.
Thursday, November 20, 7:00 p.m.	Thursday, November 6, 4:00 p.m.
	Thursday, December 4, 4:00 p.m.
Thursday, January 15, 7:00 p.m.	Thursday, January 8, 4:00 p.m.
	Thursday, February 5, 4:00 p.m.
Thursday, March 19, 7:00 p.m.	Thursday, March 5, 4:00 p.m.
	Thursday, April 2, 4:00 p.m.
Thursday, May 21, 7:00 p.m.	Thursday, May 7, 4:00 p.m.
	Thursday, June 4, 4:00 p.m.

## **BRPC COMMITTEE MEMBERSHIP**

**FY 2015**

July 31, 2014

### **Executive Committee**

Staff: Nathaniel Karns, Executive Director

**Sheila Irvin, Chair (Pittsfield)**

**Kyle Hanlon, Vice Chair (North Adams)**

**Marie Raftery, Clerk (Stockbridge)**

**Charles Ogden, Treasurer & Finance Committee Chair (Egremont)**

**Roger Bolton, Clearinghouse Committee Chair (Williamstown)**

**Rene Wood, Commission Development Committee Chair (Sheffield)**

**James Mullen, Regional Issues Committee Chair (New Marlborough)**

**Samuel Haupt, At- Large (Peru)**

To be named, At-Large

### **Clearinghouse Review Committee**

Staff: Nathaniel Karns, Executive Director

**Roger Bolton, Chair (Williamstown)**

James Mullen, Vice Chair (New Marlborough)

Stephen McMahon (West Stockbridge) (Non-Commission member)

John "Jack" Hickey (Lanesborough)

Sarah Hudson (Tyringham)

Eleanor Tillinghast (Mt. Washington) (Non-Commission member)

**Sheila Irvin (Pittsfield) (Ex-Officio)**

### **Commission Development Committee**

Staff: Thomas Matuszko, Assistant Director

**Rene Wood, Chair (Sheffield)**

Sarah Hudson (Tyringham)

James Lovejoy (Mt. Washington)

Jamie Mullen (New Marlborough)

Thomas Wickham (Lee)

Kate Fletcher (Stockbridge)

**Sheila Irvin (Pittsfield) (Ex-Officio)**

### **Finance Committee**

Staff: Marianne Sniezek, Office Manager

**Charles Ogden, Chair & Treasurer (Egremont)**

Kyle Hanlon (North Adams)

Sam Haupt (Peru)

Gary Schiff (Lenox)

Matt Chester (Stockbridge) (Non-Commission member)

**Sheila Irvin (Pittsfield) (Ex-Officio)**

## Regional Issues Committee

Staff: Nathaniel Karns, Executive Director

### **Jamie Mullen, Chair (New Marlborough)**

Robert Bott, (Mt. Washington)

Kate Fletcher (Stockbridge)

Sarah Hudson (Tyringham)

CJ Hoss, (Pittsfield)

Caitlin Pemble (Pittsfield) (Non-Commission member)

Marie Raftery (Stockbridge)

Chris Rembold (Gt. Barrington)

Eleanor Tillinghast (Mount Washington) (Non-Commission member)

Thomas Wickham (Lee)

Andrew Groff (Williamstown) (Non-Commission member)

### **Sheila Irvin (Pittsfield) (Ex-Officio)**

## Commission Representatives to Related Groups:

Westfield River Wild and Scenic Advisory Committee – Representative: Marie Raftery  
(Stockbridge)

Berkshire-Pioneer Resource Conservation & Development Area – no representative; seems  
inactive

Berkshire Metropolitan Planning Organization – **Representative: Chair Sheila Irvin (Pittsfield);**  
Alternate: At-Large (Transportation expertise) Exec. Comm. Member Sam Haupt (Peru);  
second Alternate: Jack Hickey (Lanesborough)

Berkshire Brownfields Committee – Jack Hickey (Lanesborough)

Berkshire Comprehensive Economic Development Strategy Committee – Roger Bolton  
(Williamstown)

Sustainable Berkshires Plan Consortium – Representative: James Mullen (New Marlborough);  
Alternate: Roger Bolton (Williamstown)

TOWNS	LAST NAME	FIRST NAME	TITLE	REC'D CONFIRMATION
<b>ADAMS</b>	Moderski	Sandra	DELEGATE	
ADAMS	Duval	JOHN	ALTERNATE	6/13/2014
<b>ALFORD</b>	VACANT		DELEGATE	
ALFORD	Gadd	Larry	ALTERNATE	7/22/2014
<b>BECKET</b>	Ronzio	Robert	DELEGATE	7/24/2014
BECKET	Krawet	Ann	ALTERNATE	7/29/2014
<b>CHESHIRE</b>	Bator	Bernard	DELEGATE	
CHESHIRE	Ciscowski	Robert	ALTERNATE	7/28/2014
<b>CLARKSBURG</b>	Matys	Audrey	DELEGATE	
CLARKSBURG	VACANT		ALTERNATE	
<b>DALTON</b>	Darby	Caleb	DELEGATE	7/17/2014
DALTON	Horth	Louisa	ALTERNATE	
<b>EGREMONT</b>	Holmes	Mark	DELEGATE	7/23/2014
EGREMONT	Ogden	Charles	ALTERNATE	7/22/2014
<b>FLORIDA</b>	Brule'	Thomas	DELEGATE	
FLORIDA	Dobbert	Christine	ALTERNATE	
<b>GREAT BARRINGTON</b>	Fick	Malcolm	DELEGATE	6/2/2014
GREAT BARRINGTON	Rembold	Christopher	ALTERNATE	6/2/2014
<b>HANCOCK</b>	Jordan	Jeff	DELEGATE	
HANCOCK	VACANT		ALTERNATE	
<b>HINSDALE</b>	Brown	Daniel	DELEGATE	
HINSDALE	Roussin	Richard	ALTERNATE	
<b>LANESBOROUGH</b>	Rubin	Bob	DELEGATE	
LANESBOROUGH	Hickey	Jack	ALTERNATE	7/30/2014
<b>LEE</b>	Wickham	Thomas	DELEGATE	
LEE	Hall	Shaun	ALTERNATE	
<b>LENOX</b>	Smith	Mark	DELEGATE	
LENOX	Schiff	Gary	ALTERNATE	
<b>MONTEREY</b>	Salamon	Alan	DELEGATE	
MONTEREY	Burkhart	Wayne	ALTERNATE	7/23/2014
<b>MT WASHINGTON</b>	Bott	Robert	DELEGATE	
MT WASHINGTON	Lovejoy	James	ALTERNATE	
<b>NEW ASHFORD</b>	VACANT		DELEGATE	
NEW ASHFORD	Flicker	Kevin	ALTERNATE	
<b>NEW MARLBOROUGH</b>	Mullen	James	DELEGATE	
NEW MARLBOROUGH	Hardyman	Patricia	ALTERNATE	
<b>NORTH ADAMS</b>	Hanlon	Kyle	DELEGATE	
NORTH ADAMS	Maloney	Glenn	ALTERNATE	
<b>OTIS</b>	VACANT		DELEGATE	
OTIS	Hawley	Donald	ALTERNATE	
<b>PERU</b>	Haupt	Samuel	DELEGATE	
PERU	Haskins	Douglas	ALTERNATE	
<b>PITTSFIELD</b>	Irvin	Sheila	DELEGATE	
PITTSFIELD	Hoss	CJ	ALTERNATE	7/25/2015
<b>RICHMOND</b>	Patterson	Paula	DELEGATE	
RICHMOND	Bell	Richard	ALTERNATE	
<b>SANDISFIELD</b>	Bottum	Gary	DELEGATE	
SANDISFIELD	Segrin	Kathleen	ALTERNATE	
<b>SAVOY</b>	Tynan	John	DELEGATE	
SAVOY	LaBonte	Daniel	ALTERNATE	7/24/2014

<b>TOWNS</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>REC'D CONFIRMATION</b>
<b>SHEFFIELD</b>	Smith, Sr.	David	DELEGATE	
SHEFFIELD	Wood	Rene	ALTERNATE	
<b>STOCKBRIDGE</b>	Fletcher	Kate	DELEGATE	
STOCKBRIDGE	Raftery	Marie	ALTERNATE	
<b>TYRINGHAM</b>	Ketron	Holly	DELEGATE	
TYRINGHAM	Hudson	Sarah	ALTERNATE	
<b>WASHINGTON</b>	Wiley	Marilyn	DELEGATE	
WASHINGTON	Beemer	Michele	ALTERNATE	
<b>WEST STOCKBRIDGE</b>	Bixby	Dana	DELEGATE	7/25/2014
WEST STOCKBRIDGE	Zick	Karen	ALTERNATE	
<b>WILLIAMSTOWN</b>	Jeschawitz	Amy	DELEGATE	6/17/2014
WILLIAMSTOWN	Bolton	Roger	ALTERNATE	6/13/2014
<b>WINDSOR</b>	VACANT		DELEGATE	
WINDSOR	VACANT		ALTERNATE	
			TOTAL REC'D	17

# BERKSHIRE REGIONAL PLANNING COMMISSION

## Check Register

For the Period From Jun 1, 2014 to Jun 30, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	
10282	6/2/14	DT SYSTEMS	1040.00	80.00	Phone System
10283	6/2/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.00	1,626.01	Copying
10284	6/2/14	MIIA HEALTH BENEFITS TRUST	1040.00	1,252.76	Dental
10285	6/2/14	MIIA HEALTH BENEFITS TRUST	1040.00	18,672.74	Health
10286	6/2/14	CITY OF PITTSFIELD	1040.00	245.00	Parking
10287	6/2/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	3,727.00	Rent
10288	6/2/14	VALLEY GREEN SHREDDING, LLC	1040.00	210.00	Shredding
10289	6/2/14	MUTUAL OF OMAHA	1040.00	600.37	Life/Disability
EFT	6/12/14	SPRINGHILL SUITES	1040.00	247.98	Training - PM
EFT	6/23/14	SURVEY MONKEY	1040.00	24.00	Survey Tool
10290	6/24/14	ALLIANCE APPLIANCE	1040.00	95.00	Fix Refridgerator
10291	6/24/14	NEW ENGLAND NEWSPAPERS, INC.	1040.00	541.66	Ad - TPL/Nurses
10292	6/24/14	BRIDGE, INC.	1040.00	4,000.00	#301 BOAPC
10293	6/24/14	BARBARA CHOON	1040.00	328.00	338 ANF/CICPHN14
10294	6/24/14	E-Z PASS MA	1040.00	75.00	Tolls
10295	6/24/14	ENTERPRISE RENT-A-CAR	1040.00	147.57	Car Rental
10296	6/24/14	FEDEX	1040.00	60.99	Postage
10297	6/24/14	BRENDA J. HITCHCOCK	1040.00	2,496.00	338 ANF/CICPHN14
10298	6/24/14	HURWIT & ASSOCIATES	1040.00	680.70	Legal - Non Profit
10299	6/24/14	NATHANIEL W. KARNS	1040.00	338.06	Expense
10300	6/24/14	KELLEY CLEANING SERVICES	1040.00	200.00	Cleaning Services
10301	6/24/14	SCOTT B. KRZANIK	1040.00	1,593.00	#330 HRIA
10302	6/24/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.00	913.27	Copying
10303	6/24/14	MARPA	1040.00	1,000.00	Legal Assessment
10304	6/24/14	MASS STATE EMPLOYEES RET.SYSTEM	1040.00	9,632.06	Retirement
10305	6/24/14	GWEN MILLER	1040.00	267.17	Expense
10306	6/24/14	NORTHERN BERKSHIRE COMMUNITY COALITION	1040.00	5,132.48	#301 BOAPC
10307	6/24/14	NEW ENGLAND OFFICE SUPPLY	1040.00	207.86	Supplies
10308	6/24/14	PITNEY BOWES GLOBAL FINANCIAL SERV.,LLC	1040.00	157.35	Postage Meter
10309	6/24/14	RAILROAD STREET YOUTH PROJECT	1040.00	3,385.14	#301 BOAPC
10310	6/24/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	989.53	Utilities
10311	6/24/14	STAPLES ADVANTAGE	1040.00	154.47	Supplies
10312	6/24/14	THAT'S A WRAP	1040.00	244.75	Meeting
10313	6/24/14	TIME WARNER CABLE	1040.00	421.21	Phone/Internet
10314	6/24/14	VALLEY GREEN SHREDDING, LLC	1040.00	70.00	Shredding
10315	6/24/14	W.B. MASON COMPANY, INC.	1040.00	367.24	Supplies
10316	6/24/14	WJ BLUEPRINT & DIGITAL GRAPHICS	1040.00	1,528.54	Map Expense
EFT	6/24/14	WALMART.COM	1040.00	150.66	Supplies
EFT	6/25/14	GORILLOFFICE.COM	1040.00	96.22	Supplies
EFT	6/25/14	MATT REILLY'S	1040.00	77.74	Staff Picnic
EFT	6/26/14	GOTOMYPC.COM	1040.00	19.90	Remote Access
EFT	6/27/14	MICRODAQ.COM	1040.00	154.99	Fridge #303

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Check Register

For the Period From Jun 1, 2014 to Jun 30, 2014

Filter Criteria includes: Report order is by Date.

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Cash Account</b>	<b>Amount</b>	
1015	6/30/14	CITY OF PITTSFIELD	1042.00	13,988.62	#166 EPA/RLF
10317	6/30/14	PATRICIA A. MULLINS	1040.00	<u>333.95</u>	Expense Check
<b>Total</b>				<u><b>76,534.99</b></u>	

# BERKSHIRE REGIONAL PLANNING COMMISSION

## Check Register

For the Period From Jul 1, 2014 to Jul 31, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	Expenses
10318	7/2/14	AMERICAN SOCIETY LANDSCAPE ARCHITECTS	1040.00	485.00	Staff Dev PM
10319	7/2/14	BCBOHA	1040.00	21.07	#303 Postage
10320	7/2/14	BERKSHIRE VISITORS BUREAU	1040.00	245.00	#167 Membership
10321	7/2/14	BRIAN M. DOMINA	1040.00	112.08	Expenses
10322	7/2/14	LAUREN L. GAHERTY	1040.00	78.40	Expenses
10323	7/2/14	NATHANIEL W. KARNIS	1040.00	150.84	Expenses
10324	7/2/14	KELLEY CLEANING SERVICES	1040.00	245.00	Cleaning
10325	7/2/14	LAURA KITROSS	1040.00	518.34	Expenses
10326	7/2/14	CLETUS K. KUS	1040.00	27.08	Expenses
10327	7/2/14	MARK MALOY	1040.00	58.24	Expenses
10328	7/2/14	SANDRA B. MARTIN	1040.00	656.22	Expenses
10329	7/2/14	THOMAS E. MATUSZKO	1040.00	148.60	Expenses
10330	7/2/14	MCPPO	1040.00	125.00	Training
10331	7/2/14	MUTUAL OF OMAHA	1040.00	637.37	Life/Disability
10332	7/2/14	ONSITE TECH SERVICES	1040.00	300.00	#330 Web Hosting
10333	7/2/14	PETTY CASH & MARIANNE SNIEZEK	1040.00	13.27	Supplies
10334	7/2/14	JACLYN PACEJO	1040.00	128.85	Expenses
10335	7/2/14	CITY OF PITTSFIELD	1040.00	245.00	Parking
10336	7/2/14	DIANE PERSSON	1040.00	456.50	Expenses
10337	7/2/14	DOUGLAS PLACHCINSKI	1040.00	722.50	Staff DV/Expenses
10338	7/2/14	MELISSA J. PROVENCHER	1040.00	112.47	Expenses
10339	7/2/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	3,727.00	Rent
10340	7/2/14	PITTSFIELD RETIREMENT SYSTEM	1040.00	5,903.00	Retirement
10341	7/2/14	JUDITH WAGNER	1040.00	16.74	Expenses
10342	7/10/14	MIIA HEALTH BENEFITS TRUST	1040.00	1,438.61	Dental
10343	7/10/14	MIIA HEALTH BENEFITS TRUST	1040.00	18,663.44	Health
10344	7/10/14	MIIA PROPERTY & CASUALTY GROUP, INC.	1040.00	2,333.05	Insurance
10345	7/10/14	MIIA PROPERTY & CASUALTY GROUP, INC.	1040.00	1,024.72	Workers Comp
10346	7/10/14	TIME WARNER CABLE	1040.00	378.67	Telephone/Internet
10347	7/10/14	BERKSHIRE MOUNTAIN	1040.00	71.00	Water
10348	7/16/14	BERKSHIRE UNITED WAY, INC.	1040.00	6,901.42	#301 Subcontractor
10349	7/16/14	ALDAM PRESS, INC.	1040.00	670.49	#301 Postcards
10350	7/16/14	BCBOHA	1040.00	60.00	Training
10351	7/16/14	BECKS PRINTING	1040.00	3,679.90	#279 Plan Printing
10352	7/16/14	BERKSHIRES TOMORROW, INC.	1040.00	2,371.75	Lease Pmt - Software
10353	7/16/14	NEW ENGLAND NEWSPAPERS, INC.	1040.00	292.90	#338 Nurse Ads
10354	7/16/14	CITY OF EASTHAMPTON	1040.00	2,000.00	337 MAPC/SHELT14 Subcontractor
10355	7/16/14	COMPUWORKS	1040.00	153.00	Supplies
10356	7/16/14	CORNERSTONE	1040.00	1,142.74	Telephone/Internet
10357	7/16/14	FAIRVIEW HOSPITAL, INC.	1040.00	2,735.62	#299 Subcontractor
10358	7/16/14	FEDEX	1040.00	20.20	Postage
10359	7/16/14	FRANKLIN REGIONAL COUNCIL	1040.00	6,415.90	263 MT/HIST Subcontractor

# BERKSHIRE REGIONAL PLANNING COMMISSION

## Check Register

For the Period From Jul 1, 2014 to Jul 31, 2014

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount	Expenses
10360	7/16/14	ANUJA KOIRALA	1040.00	604.00	Staff Dev/Expenses
10361	7/16/14	MASS STATE EMPLOYEES RET.SYSTEM	1040.00	9,873.29	Retirement
10362	7/16/14	NORTHERN BERKSHIRE COMMUNITY COALITION	1040.00	15,622.04	#301 Subcontractor
10363	7/16/14	RAILROAD STREET YOUTH PROJECT	1040.00	4,914.86	#301 Subcontractor
10364	7/16/14	STAPLES ADVANTAGE	1040.00	71.28	Supplies
10365	7/16/14	TRC ENVIRONMENTAL CORPORATION	1040.00	38,757.77	#250/287 Subcontractor
10366	7/16/14	W.B. MASON COMPANY, INC.	1040.00	508.16	Supplies
DEBIT CARD	7/16/14	BUSINESS MANAGEMENT DAILY	1040.00	197.00	Staff Dev MS
DEBIT CARD	7/18/14	FRED PRYOR SEMINARS/CAREERTRACK	1040.00	199.00	Staff Dev JW
EFT	7/24/14	SURVEY MONKEY	1040.00	24.00	Survey Tool
EFT	7/25/14	ZIP CONFERENCING	1040.00	12.01	#263 Conference Call
10367	7/28/14	BARBARA CHOON	1040.00	1,288.00	338 ANF/CICPHN14 Subcontractor
10368	7/28/14	EVERGREEN PRINTING SUPPLIES	1040.00	279.67	Supplies
10369	7/28/14	BRENDA J. HITCHCOCK	1040.00	1,280.00	338 ANF/CICPHN14 Subcontractor
10370	7/28/14	SCOTT B. KRZANIK	1040.00	1,431.00	330 HRIA/PHDIG14 Subcontractor
10371	7/28/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.00	843.87	Copying
10372	7/28/14	VIVIAN ORLOWSKI	1040.00	6,750.00	#299 Subcontractor
10373	7/28/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.00	1,094.25	Utilities
10374	7/28/14	VALLEY GREEN SHREDDING, LLC	1040.00	70.00	Shredding
10375	7/28/14	W.B. MASON COMPANY, INC.	1040.00	73.04	Supplies
10376	7/28/14	BERKSHIRE MOUNTAIN	1040.00	71.00	Water
EFT	7/28/14	GOTOMYPC.COM	1040.00	19.90	Remote Access
CF#300175	7/28/14	PITNEY BOWES PURCHASE POWER	1040.00	496.81	Postage
10377	7/31/14	COMPUWORKS	1040.00	23.00	Supplies
10378	7/31/14	BRIAN M. DOMINA	1040.00	20.91	Expenses
10379	7/31/14	LAUREN L. GAHERTY	1040.00	111.94	Expenses
10380	7/31/14	JENNIFER L. KIMBALL	1040.00	69.40	Expenses
10381	7/31/14	LAURA KITROSS	1040.00	265.38	Expenses
10382	7/31/14	MARK MALOY	1040.00	32.68	Expenses
10383	7/31/14	SANDRA B. MARTIN	1040.00	292.70	Expenses
10384	7/31/14	THOMAS E. MATUSZKO	1040.00	102.29	Expenses
10385	7/31/14	PATRICIA A. MULLINS	1040.00	86.28	Expenses
10386	7/31/14	JACLYN PACEJO	1040.00	460.72	Expenses
10387	7/31/14	DIANE PERSSON	1040.00	478.57	Expenses
10388	7/31/14	BCARC, INC.	1040.00	97.29	Common Ground
<b>Total</b>				<b>152,009.09</b>	

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

As of Jul 31, 2014

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed

Customer ID	Customer	Date	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
254/DEP/BST	DEP - DEP/BST	7/15/14	19,879.51				19,879.51
<b>254/DEP/BST</b>	<b>DEP - DEP/BST</b>		<b>19,879.51</b>				<b>19,879.51</b>
258/FRCOG/MKT	FRCOG - FRCOG/MKT	7/10/14	276.20				276.20
<b>258/FRCOG/MKT</b>	<b>FRCOG - FRCOG/MKT</b>		<b>276.20</b>				<b>276.20</b>
263/MT/HIST	MASS DOT - MT/HIST	7/14/14	8,472.51				8,472.51
<b>263/MT/HIST</b>	<b>MASS DOT - MT/HIST</b>		<b>8,472.51</b>				<b>8,472.51</b>
281/TPL13	MASSDOT#75425 - TPL13	7/14/14	32,830.49				32,830.49
<b>281/TPL13</b>	<b>MASSDOT#75425 - TPL13</b>		<b>32,830.49</b>				<b>32,830.49</b>
283 BHPA/INSP/CLK	TOWN OF CLARKSBURG	6/30/14		337.50			337.50
<b>283 BHPA/INSP/CLK</b>	<b>TOWN OF CLARKSBURG</b>			<b>337.50</b>			<b>337.50</b>
283 BHPA/INSP/WSH	TOWN OF WASHINGTON	1/4/14			50.00		50.00
<b>283 BHPA/INSP/WSH</b>	<b>TOWN OF WASHINGTON</b>				<b>50.00</b>		<b>50.00</b>
284/BHPN/PHN/ADAMS	TOWN OF ADAMS	7/1/14	1,463.71				1,463.71
<b>284/BHPN/PHN/ADAMS</b>	<b>TOWN OF ADAMS</b>		<b>1,463.71</b>				<b>1,463.71</b>
284/BHPN/PHN/BKT	TOWN OF BECKET	7/1/14	511.94				511.94
<b>284/BHPN/PHN/BKT</b>	<b>TOWN OF BECKET</b>		<b>511.94</b>				<b>511.94</b>
284/BHPN/PHN/NAD	CITY OF NORTH ADAMS	7/1/14	2,018.75				2,018.75
<b>284/BHPN/PHN/NAD</b>	<b>CITY OF NORTH ADAMS</b>		<b>2,018.75</b>				<b>2,018.75</b>
284/BHPN/PHN/PTS	CITY OF PITTSFIELD - BOARD OF HEALTH	4/1/14			800.00		800.00

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

As of Jul 31, 2014

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed

Customer ID	Customer	Date	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
<b>284/BHPN/PHN/PTS</b>	<b>CITY OF PITTSFIELD - BOARD OF HEALTH</b>					<b>800.00</b>	<b>800.00</b>
284/BPHN/PHN/WSH	TOWN OF WASHINGTON	7/1/14		255.50			255.50
<b>284/BPHN/PHN/WSH</b>	<b>TOWN OF WASHINGTON</b>			<b>255.50</b>			<b>255.50</b>
287/LEE/CLNUP	TOWN OF LEE	4/16/14			6,039.47		6,039.47
<b>287/LEE/CLNUP</b>	<b>TOWN OF LEE</b>				<b>6,039.47</b>		<b>6,039.47</b>
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION	7/14/14	17,862.81				17,862.81
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION	7/16/14	-2,717.52				-2,717.52
290/MASSDOT/PRSDL	MASSACHUSETTS DEPT OF TRANSPORTATION	7/16/14	9,805.97				9,805.97
<b>290/MASSDOT/PRSDL</b>	<b>MASSACHUSETTS DEPT OF TRANSPORTATION</b>		<b>24,951.26</b>				<b>24,951.26</b>
301 BSAS/EOHHS	BUREAU OF SUBSTANCE ABUSE	7/14/14	34,319.64				34,319.64
301 BSAS/EOHHS	BUREAU OF SUBSTANCE ABUSE	7/15/14	487.18				487.18
301 BSAS/EOHHS	BUREAU OF SUBSTANCE ABUSE	7/17/14	4,311.72				4,311.72
<b>301 BSAS/EOHHS</b>	<b>BUREAU OF SUBSTANCE ABUSE</b>		<b>39,118.54</b>				<b>39,118.54</b>
<b>309 BB/BUW14</b>	<b>BERKSHIRE UNITED WAY</b>						
310/MBPT2	MASSDOT#77954 - MBPT2	7/14/14	4,382.26				4,382.26
<b>310/MBPT2</b>	<b>MASSDOT#77954 - MBPT2</b>		<b>4,382.26</b>				<b>4,382.26</b>
311/FCCDC/ERNT	FRANKLIN COUNTY COMMUNITY DEV CORP	7/15/14	2,028.29				2,028.29
<b>311/FCCDC/ERNT</b>	<b>FRANKLIN COUNTY COMMUNITY DEV CORP</b>		<b>2,028.29</b>				<b>2,028.29</b>
314/BCBOHA	BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC	7/10/14	31.92				31.92
<b>314/BCBOHA</b>	<b>BERKSHIRE COUNTY BOARDS OF HEALTH ASSOC</b>		<b>31.92</b>				<b>31.92</b>

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

As of Jul 31, 2014

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed

Customer ID	Customer	Date	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
315/TOWN OF DALTON	TOWN OF DALTON	6/26/14		5,212.49			5,212.49
<b>315/TOWN OF DALTON</b>	<b>TOWN OF DALTON</b>			<b>5,212.49</b>			<b>5,212.49</b>
316/NMB	TOWN OF NEW MARLBOROUGH	4/15/14			3,199.61		3,199.61
316/NMB	TOWN OF NEW MARLBOROUGH	6/19/14		100.39			100.39
<b>316/NMB</b>	<b>TOWN OF NEW MARLBOROUGH</b>			<b>100.39</b>		<b>3,199.61</b>	<b>3,300.00</b>
317/FRCOG/WF	FRANKLIN REGIONAL COUNCIL OF GOVT	7/9/14	9,253.53				9,253.53
<b>317/FRCOG/WF</b>	<b>FRANKLIN REGIONAL COUNCIL OF GOVT</b>		<b>9,253.53</b>				<b>9,253.53</b>
320/LEE/BFAWP	TOWN OF LEE	4/17/14			2,811.20		2,811.20
320/LEE/BFAWP	TOWN OF LEE	7/10/14	10,391.61				10,391.61
<b>320/LEE/BFAWP</b>	<b>TOWN OF LEE</b>		<b>10,391.61</b>			<b>2,811.20</b>	<b>13,202.81</b>
<b>322/NAD/DP</b>	<b>CITY OF NORTH ADAMS</b>						
325/PVPC/TL	PIONEER VALLEY PLANNING COMMISSION	7/10/14	2,543.30				2,543.30
<b>325/PVPC/TL</b>	<b>PIONEER VALLEY PLANNING COMMISSION</b>		<b>2,543.30</b>				<b>2,543.30</b>
328/BKT/GCTA2	TOWN OF BECKET	4/30/14			2,341.33		2,341.33
328/BKT/GCTA2	TOWN OF BECKET	7/15/14	2,513.31				2,513.31
<b>328/BKT/GCTA2</b>	<b>TOWN OF BECKET</b>		<b>2,513.31</b>			<b>2,341.33</b>	<b>4,854.64</b>
332/BHS/	BERKSHIRE HEALTH SYSTEMS	7/16/14	1,500.00				1,500.00
<b>332/BHS/</b>	<b>BERKSHIRE HEALTH SYSTEMS</b>		<b>1,500.00</b>				<b>1,500.00</b>
333/EOT08	OFFICE OF TRANSPORTATION PLANNING	7/15/14	2,461.75				2,461.75

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

As of Jul 31, 2014

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Customer ID	Customer	Date	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
<b>333/EOT08</b>	<b>OFFICE OF TRANSPORTATION PLANNING</b>		<b>2,461.75</b>				<b>2,461.75</b>
336/MAPC/POPA	WESTERN MASS HOMELAND SECURITY REGION	5/7/14			978.39		978.39
336/MAPC/POPA	WESTERN MASS HOMELAND SECURITY REGION	6/11/14		1,708.95			1,708.95
336/MAPC/POPA	WESTERN MASS HOMELAND SECURITY REGION	7/9/14	1,367.20				1,367.20
<b>336/MAPC/POPA</b>	<b>WESTERN MASS HOMELAND SECURITY REGION</b>		<b>1,367.20</b>	<b>1,708.95</b>	<b>978.39</b>		<b>4,054.54</b>
337/MAPC/SHELT14	METROPOLITAN AREA PLANNING COUNCIL	6/23/14		4,000.00			4,000.00
<b>337/MAPC/SHELT14</b>	<b>METROPOLITAN AREA PLANNING COUNCIL</b>			<b>4,000.00</b>			<b>4,000.00</b>
<b><u>UNPAID FY 15 ASSESSMENTS</u></b>							
CITY OF PITTSFIELD	CITY OF PITTSFIELD	7/1/14	31,505.06				31,505.06
<b>CITY OF PITTSFIELD</b>	<b>CITY OF PITTSFIELD</b>		<b>31,505.06</b>				<b>31,505.06</b>
TOWN OF ADAMS	TOWN OF ADAMS	7/1/14	5,975.38				5,975.38
<b>TOWN OF ADAMS</b>	<b>TOWN OF ADAMS</b>		<b>5,975.38</b>				<b>5,975.38</b>
TOWN OF CHESHIRE	TOWN OF CHESHIRE	7/1/14	2,278.18				2,278.18
<b>TOWN OF CHESHIRE</b>	<b>TOWN OF CHESHIRE</b>		<b>2,278.18</b>				<b>2,278.18</b>
TOWN OF CLARKSBURG	TOWN OF CLARKSBURG	7/1/14	1,198.60				1,198.60
<b>TOWN OF CLARKSBURG</b>	<b>TOWN OF CLARKSBURG</b>		<b>1,198.60</b>				<b>1,198.60</b>
TOWN OF FLORIDA	TOWN OF FLORIDA	7/1/14	529.58				529.58
<b>TOWN OF FLORIDA</b>	<b>TOWN OF FLORIDA</b>		<b>529.58</b>				<b>529.58</b>
TOWN OF HINSDALE	TOWN OF HINSDALE	7/1/14	1,430.99				1,430.99
<b>TOWN OF HINSDALE</b>	<b>TOWN OF HINSDALE</b>		<b>1,430.99</b>				<b>1,430.99</b>

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

As of Jul 31, 2014

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Customer ID	Customer	Date	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
TOWN OF LEE	TOWN OF LEE	7/1/14	4,185.23				4,185.23
<b>TOWN OF LEE</b>	<b>TOWN OF LEE</b>		<b>4,185.23</b>				<b>4,185.23</b>
TOWN OF MONTEREY	TOWN OF MONTEREY	7/1/14	676.76				676.76
<b>TOWN OF MONTEREY</b>	<b>TOWN OF MONTEREY</b>		<b>676.76</b>				<b>676.76</b>
TOWN OF MT WASHINGTON	TOWN OF MT WASHINGTON	7/1/14	117.61				117.61
<b>TOWN OF MT WASHINGTON</b>	<b>TOWN OF MT WASHINGTON</b>		<b>117.61</b>				<b>117.61</b>
TOWN OF NEW ASHFORD	TOWN OF NEW ASHFORD	7/1/14	160.56				160.56
<b>TOWN OF NEW ASHFORD</b>	<b>TOWN OF NEW ASHFORD</b>		<b>160.56</b>				<b>160.56</b>
TOWN OF NEW MARLBORO	TOWN OF NEW MARLBOROUGH	7/1/14	1,062.68				1,062.68
<b>TOWN OF NEW MARLBORO</b>	<b>TOWN OF NEW MARLBOROUGH</b>		<b>1,062.68</b>				<b>1,062.68</b>
TOWN OF PERU	TOWN OF PERU	7/1/14	596.48				596.48
<b>TOWN OF PERU</b>	<b>TOWN OF PERU</b>		<b>596.48</b>				<b>596.48</b>
TOWN OF SAVOY	TOWN OF SAVOY	7/1/14	487.33				487.33
<b>TOWN OF SAVOY</b>	<b>TOWN OF SAVOY</b>		<b>487.33</b>				<b>487.33</b>
TOWN OF STOCKBRIDGE	TOWN OF STOCKBRIDGE	7/1/14	1,371.13				1,371.13
<b>TOWN OF STOCKBRIDGE</b>	<b>TOWN OF STOCKBRIDGE</b>		<b>1,371.13</b>				<b>1,371.13</b>
TOWN OF TYRINGHAM	TOWN OF TYRINGHAM	7/1/14	-0.72				-0.72
<b>TOWN OF TYRINGHAM</b>	<b>TOWN OF TYRINGHAM</b>		<b>-0.72</b>				<b>-0.72</b>

**BERKSHIRE REGIONAL PLANNING COMMISSION**

Aged Receivables

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<b>Customer ID</b>	<b>Customer</b>	<b>Date</b>	<b>0 - 30</b>	<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90 days</b>	<b>Amount Due</b>
TOWN OF W STOCKBRIDG	TOWN OF WEST STOCKBRIDGE	7/1/14	919.72				919.72
<b>TOWN OF W STOCKBRIDG</b>	<b>TOWN OF WEST STOCKBRIDGE</b>		<b>919.72</b>				<b>919.72</b>
TOWN OF WINDSOR	TOWN OF WINDSOR	7/1/14	633.10				633.10
<b>TOWN OF WINDSOR</b>	<b>TOWN OF WINDSOR</b>		<b>633.10</b>				<b>633.10</b>
<b>Report Total</b>			<b>219,379.25</b>	<b>11,359.33</b>	<b>978.39</b>	<b>15,241.61</b>	<b>246,958.58</b>

**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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Jen Follow Up

Jen Follow Up

**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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Melissa Follow Up

MassDOT Error

**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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**Doug Follow Up**

Melissa Follow Up

Pat Follow Up

**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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**BERKSHIRE REGIONAL PLANNING COMMISSION**

**Aged Receivables**

As of Jul 31, 2014

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BERKSHIRE REGIONAL PLANNING COMMISSION  
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201  
TELEPHONE (413) 442-1521 · FAX (413) 442-1523  
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370  
[www.berkshireplanning.org](http://www.berkshireplanning.org)

SHEILA IRVIN, Chair  
KYLE HANLON, Vice-Chair  
MARIE RAFTERY, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

July 15, 2014

The Honorable Therese Murray, President  
Massachusetts Senate  
State House, Suite 332  
Boston, MA 02133

The Honorable Robert A. DeLeo, Speaker  
Massachusetts House of Representatives  
State House, Room 356  
Boston, MA 02113

RE: S.2183 "An Act Upgrading Mobile Broadband Coverage in the Commonwealth" and House Economic Development Bill (H.4181) Sections 74 & 75

Dear President Murray and Speaker DeLeo:

The Berkshire Regional Planning Commission (BRPC), which serves the 32 cities and towns in Berkshire County, strongly opposes the attempt represented in these bills by the telecommunications industry to preempt virtually all municipal zoning or control over the siting of wireless antennas and equipment in our communities. If either of these bills passes, cities and towns will be prevented from having any effective say in how the build-out of wireless networks impacts their communities and neighborhoods. These bills would allow the telecommunications companies to place wireless antennas and equipment on virtually any building or structure in any location in any community, and override all municipal zoning bylaws, ordinances and local authority to protect neighborhoods and the public from unsightly, intrusive, and potentially unsafe antennas and equipment.

Specific concerns we have with either of these bills are:

- 1) They explicitly preclude wireless antennas and equipment from local zoning regulation, even for very modest requirements such as setbacks from adjoining residences, screening, noise control for equipment, or camouflaging equipment and a community could not even require a site plan.
- 2) The telecommunications companies could "collocate" unlimited new antennas and equipment on any and all existing buildings and structures, regardless of the impact on neighborhoods or interference with public rights of way. The buildings and structures do not currently even have to be used for any wireless telecommunications purpose. These buildings and structures could include commercial or residential buildings, water towers, billboards, and even homes, with no effective location authority to regulate. The telecommunications companies could ignore all municipal zoning provisions, ordinances and bylaws, including height limits, set-back

requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment are less intrusive.

- 3) It appears that an existing tower could be expanded a number of times under this legislation, with each subsequent collocation being treated separately. This will lead to ever-increasingly tall and cluttered towers.
- 4) Municipalities will have no ability to require that unused or abandoned facilities and equipment be removed.
- 5) Municipalities will have no ability to require information on or to consider whether there are other available, suitable locations, including existing towers. This greatly exceeds FCC restrictions on collocation approvals by local authorities.
- 6) The regulation of emergency power systems by local authorities is prohibited. Emergency generators can create considerable noise and are not necessarily attractive if your house is located adjacent to one. The local authorities should be able to regulate emergency power systems in order to reduce some of the potential concerns, for instance by requiring screening.
- 7) The proposed legislation does not allow local governments to place more restrictions pertaining to navigable airspace than restrictions by the Federal Aviation Administration. The issue of local regulations being "in conflict with" FAA requirements is a non-issue; as a matter of law a federal permit overrides any conflicting local regulation. However, there could be towers with considerable height or located on top of a mountain or in proximity to an airport which fall under FAA purview but about which the local government has its own set of legitimate local concerns regarding its height or location. As an example, if an existing tower subject to FAA regulation of airspace were being "substantially modified" in height, but the new fall zone included existing homes, shouldn't the local permitting authority be able to regulate this?
- 8) The maximum total of 90 days for local approval is not provided to any other land use and is not reasonable. First, the municipality would have to determine and put into writing any deficiencies in the application that was submitted. It is almost certain the some in the industry will intentionally submit deficient applications because it starts the 90 day clock ticking. The locality will often need to obtain the services of an independent technical consultant in order to evaluate the application, typically for technical deficiencies first and then to help actually evaluate the proposed facility. There are various legally required processes, as established by current law, that the local authority has to follow in conducting its review and business. All this adds up to a situation that a significant portion of applications would end up being constructively approved without a local permit being issued.
- 9) The maximum 90 days for local approval from initial submittal, even of an incomplete or inaccurate application, is different than the 90 day so-called "shot clock" required by the Federal Communications Commission. Under the FCC rules as they now exist, the municipality has 30 days to determine if and how an application is deficient and to inform the applicant. The 90 day shot clock then is paused until the applicant corrects the deficiencies and resubmits. There is no such pause in the proposed bills.
- 10) Third party review fees are limited to \$1,000. This is absurdly low and this type of limit is not in place for any other type of land use, with the exception of affordable housing where no review fee is allowed. Travel expenses cannot be included. Essentially the legislation might as well prohibit the charging of third party review fees because that is what this amounts to. A technical review by a qualified independent consultant will require more than \$1,000 and will involve travel. The wireless industry should not be given preferential treatment over any other industry.
- 11) If denied a permit by the locality, the aggrieved applicant is given 60 days to file suit. The norm in all other land use disputes is much narrower, only 20 days. The wireless industry should not be given preferential treatment over any other industry.

The Federal Communications Commission is currently promulgating National Standards on Wireless Antenna siting to implement a nationwide uniform process. This is in response to the 2012 passage by Congress of "The Spectrum Act". It is fully expected that the FCC will give the telecommunications industry its often-stated top goal of a time-limited expedited application process. Those final rules are expected to be issued later this year. The Legislature should reject the fast-track attempt by the wireless industry to circumvent the FCC process, and instead wait until the FCC issues its final rules on uniform national standards later this year.

Please oppose any attempt to pass S.2183 or similar language contained in other bills (such as H.4181) that would strip cities and towns of the ability to reasonably regulate wireless antennas. If you have any questions, please do not hesitate to contact me.

Sincerely,



Nathaniel W. Karns, AICP  
Executive Director

Cc: The Honorable Stephen M. Brewer, Chair, Senate Ways & Means Committee  
The Honorable Brian Dempsey, Chair, House Ways & Means Committee  
The Honorable Benjamin B. Downing, Senate Chair, Joint Committee on Telecommunications, Utilities & Energy  
The Honorable John D. Keenan, House Chair, Joint Committee on Telecommunications, Utilities & Energy  
The Honorable Gailanne Cariddi, State Representative, 1<sup>st</sup> Berkshire  
The Honorable Paul Mark, State Representative, 2<sup>nd</sup> Berkshire  
The Honorable Tricia Farley-Bouvier, State Representative, 3<sup>rd</sup> Berkshire  
The Honorable Smitty Pignatelli, State Representative, 4<sup>th</sup> Berkshire  
Mr. Geoffrey C. Beckwith, Executive Director, Massachusetts Municipal Association



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**TO:** MARPA TMG, Mass Highway Association, Mass Municipal Association  
**FROM:** Bonnie Polin  
**DATE:** July 15, 2014  
**RE:** HSIP Funded Systematic Approach to Safety for Curves along Roadways

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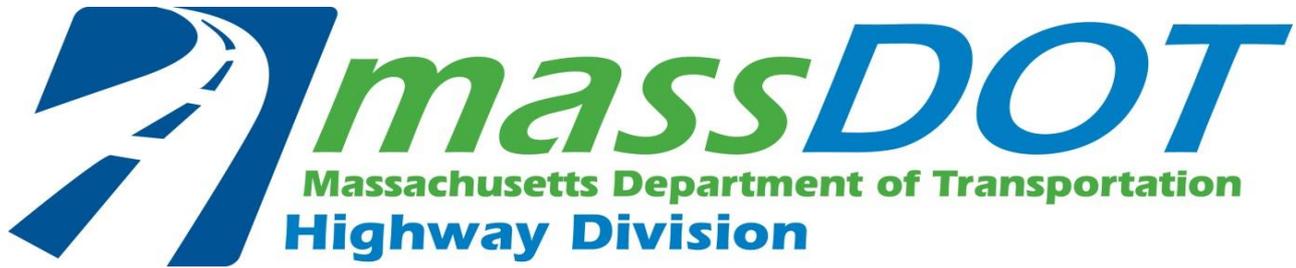
Between 2004 – 2011, 55% of all road fatalities and 24% of all incapacitating injuries involved lane departure crashes and nearly 2/3 of these occurred on locally owned roadways. Based on national statistics and earlier studies, the majority of lane departure crashes occurred on curves. The Commonwealth’s Strategic Highway Safety Plan (<http://www.massdot.state.ma.us/Portals/8/docs/traffic/shsp/shspSeptember2013.pdf>) includes Lane Departures as a strategic emphasis area with a goal of reducing lane departure related fatalities and incapacitating injuries by 20% in 5 years. MassDOT is developing a systematic low cost strategy to address lane departures along locally owned curves based on input from local town engineers and community officials as well as the Regional Planning Agencies.

Cities and towns, that are interested in participating, must submit a brief application (see attached) for each high crash curve, **by August 15<sup>th</sup>**, to:

Bonnie Polin  
Traffic Engineering and Safety  
MassDOT - Highway Division  
10 Park Plaza, Room 7210  
Boston, MA 02116  
Phone: 857-368-9636  
Fax: 857-368-0628  
[Bonnie.Polin@state.ma.us](mailto:Bonnie.Polin@state.ma.us)

MassDOT staff or consultant (Stantec) will contact the community and set up a time to visit the location and sketch up a sign plan. The sign plan will then be submitted to the applicant for approval. Once approved, MassDOT would provide the community with the materials (signs and posts) and the sketch plan (MassDOT’s sign shop will prepare the signs). It will be up to the community to install the signs and submit photos of the completed project. In the future, there will be an evaluation of the effectiveness of the sign installation. The community must submit 3 years of post-installation crash data.

Although we initially envisioned a start during during spring, we recently received approvals and the consultant (Stantec) was issued a notice to proceed. Applications will be accepted through August 15<sup>th</sup>. If MassDOT receives more locations than anticipated, MassDOT will prioritize the locations based on crash information. Please make all of your communities aware of this program and have them submit applications as soon as possible or have them contact MassDOT with any questions.



**Application for Signage Improvements Along High Crash Curves - Due August 15, 2014**

MassDOT is working with the MPOs to assist communities to reduce crashes along curves in roadways. The program involves communities completing this application and submitting it to MassDOT. MassDOT has retained a consultant to evaluate each curve location. The consultant will sketch up a sign plan and submit to the city/town for review and approval. Once approved, MassDOT will provide the signs and posts for communities to install. The communities will be required to submit photos upon completion of the installation. The community will agree to provide updated data (crash, volume, speed) 3 years post installation. **Use a separate application for each location to be included in the program. When complete please send to Bonnie Polin, MassDOT Highway Division, Traffic Engineering and Safety, 10 Park Plaza, Room 7210, Boston, MA 02116. Call or email with any questions. 857-368-9636**  
Bonnie.polin@state.ma.us

City / Town: \_\_\_\_\_ Request Date: \_\_\_\_\_

Roadway: \_\_\_\_\_

Specific curve location (describe location, includes coordinates, if possible): \_\_\_\_\_

Average Daily Traffic Volume (if known): \_\_\_\_\_ Count Year: \_\_\_\_\_

Number of travel lanes in each direction: \_\_\_\_\_

Number of crashes over 3 recent years (if known, source of information): \_\_\_\_\_  
 (Attach backup of crash data including actual crash reports - REQUIRED for evaluation)

Has a speed study been conducted around the curve (Y / N), if so, please attach \_\_\_\_\_

Regulatory/posted speed in vicinity of curve: \_\_\_\_\_

Please attach photos of the existing condition of the curve, taken from both approaches

Comments:

\_\_\_\_\_  
 Name, Title and Organization of Applicant Date  
 Public Works Director, Selectman Chair or Town Administrator/City Manager

\_\_\_\_\_  
 Signature of Applicant



**EPA New England News Release**  
Protecting Human Health and the Environment

## **News Release**

U.S. Environmental Protection Agency  
New England Regional Office  
July 09, 2014

**Contact: David Deegan, (617) 918-1017**

### **EPA Extends Comment Period for Proposed Cleanup Plan for Housatonic River “Rest of River”**

*Public Hearing to be Held on Tuesday, September 23*

(BOSTON) – EPA has scheduled a formal public hearing and is extending the public comment period regarding its Draft Modification to General Electric’s Reissued RCRA Permit (also referred to as the Proposed Cleanup Plan for the Housatonic River Rest of River).

EPA will hold a public hearing on the Draft Modification to the RCRA Permit on September 23 at 6:30 p.m. at Lenox Memorial Middle and High School (Duffin Theater). In response to several requests for extension, public comments on the Draft Permit will also be accepted through October 1, 2014.

The Draft Modification to the RCRA Permit sets forth EPA’s Proposed Remedial Action and Operation and Maintenance requirements for the Rest of River. The Rest of River begins at the confluence of the East and West branches of the Housatonic River in Pittsfield, Massachusetts and extends into Connecticut.

At the end of May, EPA released its Statement of Basis for EPA’s Proposed Remedial Action for the Housatonic River “Rest of River” and the associated Draft Modification to the RCRA Permit. Public Informational meetings were held on June 18 in Lenox, Massachusetts and June 24 in Kent, Connecticut.

Copies of the Statement of Basis and the Draft Modification to the RCRA Permit are available for review at, at the EPA office in Boston, on the EPA Region 1 website at <http://www.epa.gov/region1/ge/proposedcleanupplan.html>, and at local information repositories (see website for locations).

Additional information on the Rest of River can be found at:  
<http://www.epa.gov/region1/ge/thesite/restofriver.html>.

# # #

Learn More about the [Latest EPA News & Events in New England](http://www.epa.gov/region1/newsevents/index.html)  
(<http://www.epa.gov/region1/newsevents/index.html>)

Follow [EPA New England on Twitter](http://twitter.com/epanewengland) (<http://twitter.com/epanewengland>)

Connect with [EPA New England on Facebook](https://www.facebook.com/EPARegion1) (<https://www.facebook.com/EPARegion1>)

Kelsey O'Neil  
Congressional Liaison, Community Involvement Coordinator  
[oneil.kelsey@epa.gov](mailto:oneil.kelsey@epa.gov)  
Office: 617-918-1003  
Cell: 857-998-0226

# Public Meetings



Berkshire Regional Planning Commission  
Berkshire County Passenger Rail Station Analysis

*BRPC has spent the last year working to identify four proposed passenger rail station locations within Berkshire County. Please join BRPC at one of two public meetings to review recommendations and to provide public comment on the draft report.*

**Wednesday, July 23**

**Great Barrington**

**6:00 p.m. to 8:00 p.m.**

**37 State Road**

**(Fire House)**

**Wednesday, August 6**

**Pittsfield**

**6:00 p.m. to 8:00 p.m.**

**1 Columbus Avenue**

**(Intermodal Center: large  
classroom, ITC 1)**

**SAVE THE DATE**

*Where's the report draft? We'll let you know when it is available for your review.*

**Questions? Contact Brian Domina via  
[bdomina@berkshireplanning.org](mailto:bdomina@berkshireplanning.org) or  
(413) 442-1521 x 14.**

This meeting is accessible to people with disabilities and those with limited English proficiency. Accessibility accommodations and language services will be provided free of charge, upon request, as available. Such services include documents in alternate formats, translated documents, assistive listening devices, and interpreters (including American Sign Language). For more information or to request reasonable accommodation and/or language services please contact Clete Kus by July 16 at [ckus@berkshireplanning.org](mailto:ckus@berkshireplanning.org) or (413) 442-1521 x20.



**Commonwealth of Massachusetts Executive Department  
Office of Housing and Economic Development  
Press Release**

**Contact:** Matt Sheaff (HED) – 617-788-3603

Samantha Ormsby (HED) – 617-788-3615

- Follow us on [Twitter](#) –

**PATRICK ADMINISTRATION MAKES APPLICATIONS FOR  
FOURTH ANNUAL ROUND OF MASSWORKS  
INFRASTRUCTURE PROGRAM AVAILABLE**

BOSTON – Monday, June 2, 2014 –Housing and Economic Development Secretary Greg Bialecki today announced that the fourth round of the annual MassWorks Infrastructure Program grant program will be open to new applications online between June 1 and August 29, 2014.

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking funding to support housing, economic development and job creation. In addition, the Program also supports municipalities with a population of 7,000 or less that may seek grants for road improvements to enhance safety.

The 2014 grant round will support housing or commercial growth opportunities that contribute to the long-term strength and sustainability of Massachusetts with a particular emphasis on projects that support the production of multi-family housing in appropriately located mixed-use districts or that support economic development in weak or distressed areas. The MassWorks Program encourages communities to apply for projects where they have planned ahead for such growth by implementing prompt and predictable permitting and zoning that supports the desired growth.

The materials for the fourth round of grants and the electronic application system were put online June 1, 2014, giving public entities a 10-week head start on gathering information they need to apply for these grants in August. A copy of the 2014 application, guidelines, FAQs and other relevant materials are available at <http://mass.gov/hed/massworks>. All data submitted during the 2011, 2012 and 2013 grant rounds will be available to previous applicants for updating, making reapplying easier. All decisions will be rendered within approximately eight weeks.

In total, the past three grant rounds of the MassWorks Infrastructure Program have assisted over 100 projects with over \$180 million in infrastructure improvement projects in all areas of the Commonwealth.

The first competitive MassWorks grant round was held in September 2011. In the latest round, the Administration approved 33 projects worth over \$79 million.

The MassWorks Program represents six capital budget programs that were consolidated by the Patrick Administration in 2011 and codified by the Jobs Bill signed by Governor Deval Patrick in August 2012. To learn more about the MassWorks Infrastructure Program and how it is supporting job growth and long-term, sustainable economic development, please visit: <http://mass.gov/hed/massworks>.

###

## MassDOT Berkshire Rail Line Purchase



The MassDOT Board of Directors has authorized MassDOT Secretary and CEO Richard A. Davey to execute an agreement to purchase the Berkshire Line from the Housatonic Railroad Company, a major step toward delivering passenger rail service between New York City and the Berkshires.

The agreement includes \$12.13 million to acquire the line and an estimated \$35 million for initial track improvements, funded by the 2014 Transportation Bond Bill approved by the legislature. The Berkshire Line extends approximately 37 miles from the Connecticut border in Sheffield through Great Barrington, Stockbridge, Lee, and Lenox to Pittsfield, where it joins the CSXT Railroad main line.

"Studies have shown that a Berkshire County rail connection to New York City would be a winner, with more than one million rides annually," said Secretary Davey. "This purchase and the initial upgrades in the line represent historic steps toward improved access to the Berkshires for tourists and residents alike." The initial track improvements will permit the operation of passenger trains but serve freight trains until the Connecticut portion of the project is completed. A final round of track improvements will be required along with improvements on the Connecticut portion of the line prior to the start of passenger rail service. The Transportation Bond Bill included \$113 million for the purchase and Massachusetts portion of the track improvements.

A date for the beginning of passenger service is dependent upon completion of the upgrades in both states.

**BERKSHIRE REGIONAL PLANNING COMMISSION**  
**1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201**  
**TELEPHONE (413) 442-1521 · FAX (413) 442-1523**  
[www.berkshireplanning.org](http://www.berkshireplanning.org)

SHEILA IRVIN, Chair  
KYLE HANLON, Vice-Chair  
MARILYN WILEY, Clerk  
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

**NOMINATION FORM**

**Charles Kusik Award for Outstanding Contributions  
to Planning in Berkshire County**

The Charles Kusik Award was instituted to recognize projects, groups, or individuals who have made outstanding contributions to planning in Berkshire County. Employees, Delegates and Alternates to the Berkshire Regional Planning Commission are not eligible for the award.

I nominate the following for the Charles Kusik Award:

I believe that this project, group, or individual deserves the award because:

Please return to: Executive Committee, BRPC, 1 Fenn Street, Ste. 201, Pittsfield, MA 01201  
Fax Number: 413-442-1523  
E-mail: [nkarns@berkshireplanning.org](mailto:nkarns@berkshireplanning.org)

Nominations must be received no later than September 1, 2014.



## State Ethics Commission

Home > Education & Training Resources > Mandatory Conflict Law Education Requirements > Municipal Employee Summary

### Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

#### I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

#### II. On-the-job restrictions.

##### (a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

##### (b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation* : A town administrator accepts reduced rental payments from developers.

*Example of violation* : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions** . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation* : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

**Example where there is no violation** : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

**Example of violation** : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

**Example of violation** : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

**Example of violation** : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

**Example of violation** : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

**Example of violation** : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

**Example** : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Example where there is no violation** : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they

make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

*Example where there is no violation:* A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

*Example of violation :* A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation :* A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### **III. After-hours restrictions.**

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example :* A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

*Example of violation :* A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

*Example of violation :* A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the

client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

*Example* : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example* : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

*Example of violation* : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation* : A selectman buys a surplus truck from the town DPW.

*Example of violation* : A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation* : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

**IV. After you leave municipal employment. (See Section 18)**

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation* : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

**Example :** An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

**Example :** While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

**Example :** A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 6: Revised May 10, 2013

\* \* \* \* \*

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**ACKNOWLEDGMENT OF RECEIPT**

I, \_\_\_\_\_, an employee at \_\_\_\_\_, hereby acknowledge that I received a  
*(first and last name)* *(name of municipal dept.)*  
copy of the summary of the conflict of interest law for municipal employees, revised May 10, 2013, on \_\_\_\_\_.  
*(date)*

*Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an e-mail acknowledging receipt of the summary to the individual who provided them with a copy of it.*



## Conflict of Interest Law Online Training Programs

Please review these instructions prior to beginning the online training program:

- **Web browser-** The programs were developed to work with the Internet Explorer web browser. The programs may also work with other web browsers such as Firefox or Safari, but some pages do not display properly using the Google Chrome web browser. It is recommended that you **do not use Google Chrome** to run either program.
- **Pop-up blockers-** Some of the information presented in each program, such as the program completion certificate, is displayed using pop-up windows, therefore **you must disable any pop-up blockers on your computer**. If you are using Internet Explorer, you can do this by clicking "Tools" at the toolbar at the upper left-hand side of the browser page, and then look for "Pop-up Blocker" in the drop-down menu. Hover your mouse over that selection to see if the option to turn off pop-up blockers appears, and if so, turn off pop-up blockers. If you are able to proceed through the entire program but your completion certificate does not display properly, you can temporarily disable the pop-up blocker by holding down the "Ctrl" key on your keyboard, and then click the "View Certificate" button on the program. If you are using Safari, you can disable the pop-up blocker by clicking "Safari", then click "Preferences", then click "Security", and then uncheck the box "Block Pop-up Windows".
- **Program freezes or slow page downloads-** You need to have a media flash player downloaded on your computer to run the video segments. Click the link to download the [Adobe Flash Player](#) if you find that the video does not play or the program appears to freeze and a page will not display properly. If you continue to experience slow downloads, the issue could be with your computer or internet connection.
- **Print your completion certificate-** Remember to print your completion certificate to submit to your employer, and please retain a copy for your records. **The Ethics Commission will not have any records to verify that you completed the program.**
- **Electronically saving the completion certificate-** To electronically save your completion certificate, you must convert it to a .pdf and then save it to your computer or network. You can also print and scan the completion certificate or save it to your computer as a screenshot. Either way, the completion certificate can then be emailed to your employer as an attachment.
- **Obscured text-** If any text on a page is obscured, you will need to adjust your browser view setting. To adjust your browser view setting, click "View" at the toolbar at the upper left-hand side of the browser page, then select "Zoom" from the drop-down menu and select 100%.

To begin the Conflict of Interest Law online training program, click one of the program links below. If you are unsure which link to click, please ask your employer or contact the State Ethics Commission at 617-371-9500.

### FOR STATE AND COUNTY EMPLOYEES

Click the link below

[STATE-COUNTY EMPLOYEE ONLINE TRAINING PROGRAM](#)

### FOR MUNICIPAL EMPLOYEES

Click the link below

[MUNICIPAL EMPLOYEE ONLINE TRAINING PROGRAM](#)

Please contact Marisa Donelan, the Commission's Public Education and Communications Division Deputy Chief, at 617-371-9524 or [mdonelan@eth.state.ma.us](mailto:mdonelan@eth.state.ma.us) if you have any questions.

# SAVE THE DATE

## Resources for Economic Development

**September 30, 2014**

8:30 a.m. - Registration/Breakfast

9:00 a.m. - Program/Workshops

Noon - Lunch/Networking

1:00 p.m. - Westover Air Force Base will provide a 45-minute behind-the-scenes C5 aircraft tour.

**Westover Club  
130 Galaxy Road, Chicopee**

*RSVP by Friday, September 5 to Sheri Corbeil at  
[scorbeil@massdevelopment.com](mailto:scorbeil@massdevelopment.com).*

*Westover requires attendees provide a **driver's license number and date of birth** with RSVP information in order to attend the event .*



MASSDEVELOPMENT

**MassDevelopment**  
1350 Main Street, 11th Floor  
Springfield, MA 01103  
800-445-8030

**BERKSHIRE REGIONAL PLANNING COMMISSION**

1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

[www.berkshireplanning.org](http://www.berkshireplanning.org)

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NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

**MEMORANDUM**

**TO:** Delegates and Alternates, Berkshire Regional Planning Commission  
**FROM:** Nathaniel W. Karns, AICP, Executive Director  
**DATE:** June 3, 2014  
**RE:** **May Technical Assistance Activities**

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of May 2014. This assistance was provided in response to requests staff received as identified in the Board/Organization column. Responses to requests were supported by local assessment funds or grant funds, if available and permitted by the funding agencies. This report is intended to keep municipal officials informed regarding the uses to which local assessment funds are put and to indicate the types of local and technical assistance that BRPC can provide. If assistance to others may be useful to your community, please feel free to contact us for details.

<b>Town/City/State</b>	<b>Municipal Technical Assistance</b>	<b>Board/Organization</b>
Great Barrington	Lake Mansfield site visit regarding environmental improvements to Mansfield Road and provided bank stabilization guidance.	Town Planner
Lanesboro	Provided estimated budget for an Open Space Plan and grant funding availability with Division of Conservation Services.	Conservation Commission
Lanesborough/Pittsfield	Joint presentation with City of Pittsfield to Friends of Pontoosuc regarding environmental benefits of vegetation buffers.	Park, Open Space and Natural Resources Manager
Lanesborough	Provided NPDES Annual Report.	Town Administrator
Peru	Provided assistance with creating an independent Board of Health.	Board of Selectmen
New Marlborough	Provided assistance with possible amendments to the zoning provisions on accessory dwelling units.	Planning Board Member
Sheffield	Provided assistance with warrant article language for moratorium on smart grid/smart meter installations.	Planning Board Member
Sheffield	Provided a map of town owned land.	Assessor
County	Provided a map of Southern Berkshire school districts.	Berkshire Hills Superintendent

**BERKSHIRE REGIONAL PLANNING COMMISSION**

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Executive Director

**MEMORANDUM**

**TO:** Delegates and Alternates, Berkshire Regional Planning Commission  
**FROM:** Nathaniel W. Karns, AICP, Executive Director  
**DATE:** July 1, 2014  
**RE: June Technical Assistance Activities**

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of June 2014. This assistance was provided in response to requests staff received as identified in the Board/Organization column. Responses to requests were supported by local assessment funds or grant funds, if available and permitted by the funding agencies. This report is intended to keep municipal officials informed regarding the uses to which local assessment funds are put and to indicate the types of local and technical assistance that BRPC can provide. If assistance to others may be useful to your community, please feel free to contact us for details.

<b>Town/City/State</b>	<b>Municipal Technical Assistance</b>	<b>Board/Organization</b>
Egremont	Provided assistance with setbacks for medical marijuana treatment centers.	Planning Board Member
Great Barrington	Provided population information.	Finance Committee Member
Lanesborough	Provided assistance LAND & PARC grant programs and open space requirements.	Conservation Commission
Lee	Provided digital copies of their old Open Space and Recreational Plan.	Conservation Commission
Lenox	Provided technical assistance with interpretation of zoning bylaws.	Building Inspector
Pittsfield	Provided information on sustainability and housing issues from Sustainable Berkshire Plan. Also provided a summary of pipeline information.	Conservation Commission
Pittsfield	Provided a map of Low Mod Income Eligible areas.	Department of Community Development
Sheffield	Provided assistance with proposed state telecommunications legislation.	Planning Board Member
Sheffield	Provided an updated zoning map.	Planning Board Member
Tyringham	Staff member attend a planning board meeting to discuss wind and solar energy.	Planning Board Member