

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
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Massachusetts Relay Service: TTY: 771 or 1-800-439-2370
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, September 4, 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 July 7, 2014 * (4:05)
- III. Organization of 2014-2015 Executive Committee and Commission (4:10)
 - A. Final At-Large Member on Executive Committee
 - B. Committee Membership for FY 2015
 - C. Other
- IV. Financial Reports (4:15)
 - A. August Expenditures Report *
 - B. Accounts Receivable Report
 - C. Status of Receipt of Community Assessments for FY 2015
 - D. Other
- V. Delegate & Alternate Issues (4:20)
- VI. Items Requiring Action * (4:25)
 - A. Approval to File for Intervenor Status with the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline Connecticut Expansion Project
 - B. Approval to Submit Grant Application to the U.S. Food & Drug Administration for projects and training to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards).
 - C. Approval to Submit Community Incentive Challenge Grant Application(s) to the Executive Office of Administration & Finance
 - D. 2014 Charles Kusik Award
 - E. Other

- VII. Committee Reports (4:40)
- VIII. Executive Director's Report (4:45)
 - A. Report on New Contracts/Agreements
 - B. Public Health Alliance Services
 - C. Deadline for Receipt of Comments on Passenger Rail Station Location & Design Study – September 15, 2014
 - D. EPA Comment Period for Proposed Clean-up of PCB's from Housatonic River & Notice of Public Hearing
 - E. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30th, Westover AFB
 - F. 2014 State Ethics Forms & Required Certificate of Training
 - G. Award of Priority Development Funding for Housing Planning Activities
 - H. Award of Grant from Berkshire Environmental Endowment for Continuation of Training for Conservation Commissions
 - I. Award of EPA/DEP Grants to Town of Stockbridge for both Assessment & Improvements at Stockbridge Bowl
 - J. Other
- IX. Old Business (4:50)
 - A. September 11th Special BRPC Meeting
 - B. September 18th BRPC Meeting – Gas Pipeline Projects
 - C. BRPC Annual Meeting – Thursday, October 16th
 - D. Other
- X. New Business (5:05)
- XI. Adjournment (5:05)

* Items Requiring Action

Attachments: July Local Technical Assistance Report

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

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DRAFT MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Thursday, August 7, 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: 4:00 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
Marie Raftery, Clerk
Rene Wood, Commission Development Committee Chair
Sam Haupt, At Large

A quorum is present.

Others Present: John Duval – Adams Alternate
Sarah Hudson – Tyringham Alternate
Marilyn Wiley – Washington Delegate
Andy McKeever – Berkshire Staff

Staff Present: Nat Karns – Executive Director
Marianne Sniezek – Office Manager

II. Approval of Minutes of Executive Committee Meeting of June 12, 2014

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

III. Organization of 2014-2015 Executive Committee and Commission

A. Appointment of BRPC Policy Representatives

- **Westfield River Wild and Scenic Advisory Committee** – Marie Raftery (Stockbridge Alternate) agreed to serve again in FY2015.
- **Berkshire-Pioneer Resource Conservation & Development Area** –The Executive Committee agreed to keep this position vacant due to the organization being inactive.
- **Berkshire Metropolitan Planning Organization** –Sheila Irvin - Chair is the primary representative. Sam Haupt, Peru Delegate and Chair of the Transportation Advisory Committee of the MPO, has agreed to be the alternate. Jack Hickey, Lanesborough

Alternate and past-Chair, has been the second alternate. Nat will ask Jack if he will continue to be the second alternate for FY2015.

- **Sustainable Berkshires Plan Consortium** – Preparation of the final document will be wrapped up shortly. BRPC would like to continue having the Consortium meet a couple of times each year. Regional Issues Committee Chair (and Past-BRPC Chair) Jamie Mullen has been the representative; Roger Bolton has been the Alternate.

Rene Wood moved to approve James Mullen and Roger Bolton to continue as the Commission's Representatives; Sam Haupt seconded. Unanimously approved.

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

After a discussion regarding changing the Commission meeting to an earlier time than 7 p.m. it was decided Sheila Irvin and Nat would discuss an appropriate time. All agreed on the meeting dates.

C. Committee Membership for FY 2015

Committee Chairs will review their committees and seek changes in members if needed. Committee members present confirmed they would remain on committees. John Duval agreed to become a new Commission Development Committee Member.

D. Other - none

IV. Financial Reports

A. June Expenditure Report

B. July Expenditure Report

Nat asked all to look at the two complete expenditure lists, and he would answer any questions.

Sam Haupt moved to approve June and July Expenditures 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, one where the invoice was lost and another invoice was sent.

D. Unaudited Year-End Financial Status

BRPC ended FY2014 with surplus revenue. There were two projects the expenses were less than the revenue. One project was task based; the other was a Department of Public Health (DPH) Opioid Grant. BRPC was instructed to fully bill the contract out. BRPC is setting those funds aside in FY2015 and will track the expenses and spending them on the approved purpose of the grant in case we ever have a program audit. BRPC's general fund achieved a small surplus for the year. Additional controls and reporting ensured no losses for FY2014.

E. Status of Receipt of Community Assessment for FY2015

Communities are continuing to pay. When the receivables become aged BRPC will follow up on any late payments.

F. Other- The EPA liability for prior years due to EPA not allowing the Administration portion of the overhead was paid in full in FY2014.

V. Delegate and Alternate Issues – none

VI. Items Requiring Action

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

Rene Wood moved to approve as presented; Sam Haupt seconded. Unanimously approved.

B. Approval to Submit Grant Application on behalf of Berkshire Boards of Public Health Association for a Hoarding Task Force

Rene Wood moved to approve as presented; Sam Haupt seconded. Unanimously approved.

C. Appointment to Mohawk Trail Woodlands Partnership Project Advisory Committee

Kyle explained he agreed to be Berkshire Regional Planning Commission's member to the Committee. There will be someone else to represent the city of North Adams on the Committee.

Rene Wood moved to approve the appointment of Kyle Hanlon as BRPC's member to the Mohawk Trail Woodland Partnership Project Advisory Committee; Marie Raftery seconded. Unanimously approved.

VII. Committee Reports

A. Commission Development Committee – Review of S.2183- Wireless Bill

Nat reported the Regional Issues Committee met to help with the comments in the letter sent in July regarding the bills trying to regulate wireless telecom facilities. Two sections of the economic development bill did not pass. Also the stand-alone bill did not get passed. Raising awareness does help.

B. Other - none

VIII. Executive Director's Report

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 15th

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

At both meetings the feedback was positive. The ridership estimates were questioned.

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

Nat reported many of the municipalities are sending in MassWorks Grant applications. BRPC is assisting Otis with their application.

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

Please complete and return the yearly acknowledgement form. Also, anyone that must complete the on-line ethics test please provide BRPC with a copy of your Ethics Certificate.

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

BRPC submitted comments.

M. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30th, Westover AFB

N. Other - none

IX. Old Business – Nat reported there is a need to get back to Strategic Planning for BRPC.

X. New Business

A. Summer BRPC Meeting(s)

Pipeline

Presenters:	Kindred Morgan and one other*
Date/time:	Thursday, September 18 th / Time will be determined.
Location:	Berkshire Community College (BCC)
Length of meeting/presentation:	2 hours
Format:	Information-Gathering

*Note: BRPC will also invite someone else who is knowledgeable who is not from Kinder Morgan to present.

Due to the expected high turnout and the topic Berkshire Community College (BCC) President, Ellen Kennedy has been approached to moderate the meeting. The Committee also discussed allowing written questions to be gathered from attendees or requesting questions to be sent after the meeting to be passed onto company representatives. Details of the meeting are still being worked out.

The Commission has not taken a position on the proposed pipeline.

Rest of River and Commission Regular Agenda Items

Rest of River comments are due by October 1st. The committee agreed Thursday, September 11th for the date of the meeting. Time will be determined.

B. Orientation of New Delegates and Alternates

The Committee agreed orientation should be the review of the BRPC website at the beginning of Commission Meetings.

C. Scheduling Executive Director’s Annual Performance Review

September Executive meeting.

D. Other – none

XI. Adjournment

Rene Wood moved to adjourn the meeting which was seconded by Kyle Hanlon. The meeting was adjourned at 5:05 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
- Draft Schedule of Meetings FY2015
- Draft BRPC Committee Membership FY2015
- List Delegates and Alternates
- Letter RE: S.2183 Wireless Bill
- MassDOT Safety and Traffic
- Passenger Rail Public Meeting
- EPA Rest of River Extends Comment Period
- 2014 MassWorks Applications
- MassDOT Berkshire Rail Line Purchase
- Kusik Award Nomination Form
- State Ethics Form
- Save the Date Economic Development

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Executive Director

MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: August 29, 2014
SUBJ: Agenda Items

III. Organization of 2014-2015 Executive Committee and Commission

There are two updates on organization for FY 2015

A. Final At-Large Member on Executive Committee

John Duval, Adams Alternate and member of the Select Board, has agreed to serve on the Executive Committee this year. While John is a recent addition to the Commission, he represents a larger town in northern Berkshire, both of which are under-represented on the Executive Committee, and has the ability and willingness to serve. We will bring his appointment to the Commission for endorsement at the September 11th meeting.

B. Committee Membership for FY 2015

Attached is an updated list of Committees with their current membership. We haven't wrapped up the Commission Development Committee membership yet. We certainly have enough members on the other committees at this point but would welcome new members as well.

IV. Financial Reports

C. Status of Receipt of Community Assessments for FY 2015 (attachment)

We have received the FY 2015 assessments from 18 of 32 municipalities to-date. We will send out reminders this week to the communities who have not paid at that point.

VI. Items Requiring Action

A. Approval to File for Intervenor Status with the Federal Energy Regulatory Commission regarding the Tennessee Gas Pipeline Connecticut Expansion Project

We request approval from the Executive Committee for BRPC to file for Intervenor Status with FERC regarding the Tennessee Gas Pipeline Connecticut Expansion Project which directly affects Sandisfield and Tyringham but also potentially affects Lee, Monterey and Otis due to the roadway impacts. Due to the fact that the deadline to file as an Intervenor is 5 p.m. on the day of the Executive Committee meeting, we have already filed; if the Executive Committee feels otherwise, we can withdraw our application. A copy of the petition is attached.

- B. Approval to Submit Grant Application to the U.S. Food & Drug Administration for projects and training to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards)

The Executive Committee is requested to authorize the Executive Director to submit a grant application to the U.S. Food and Drug Administration (FDA) for the Berkshire Health Alliance and for the Executive Director to enter into any resulting contracts and agreements. The FDA and the Association of Food and Drug Officials (AFDO) have a program for projects and training to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards). No BRPC match is required.

- C. Approval to Submit Community Incentive Challenge Grant Application(s) to the Executive Office of Administration & Finance

Approval is requested to authorize the Executive Director to submit one or two CIC grant applications to the Executive Office of Administration & Finance and to enter into any resulting contracts and agreements. We are still working on developing a list of potential projects and making decisions about which are most useful and competitive. The solicitation was released on August 12th and applications are due no later than October 10th.

- D. 2014 Charles Kusik Award

Executive Committee members will be sent the nominations received to-date by separate transmittal. The award will be presented at the annual meeting on October 16th.

VIII. Executive Director's Report

- A. Report on New Contracts/Agreements

Since your last meeting on August 7th, we have entered into the following new contracts:

- Subcontractor to Town of Dalton, on behalf of Adams, Dalton, Great Barrington, and Richmond for various housing planning activities funded by the Massachusetts Housing Partnership – Project Manager: Senior Planner Pat Mullins
- Berkshire Environmental Endowment through the Berkshire Taconic Community Foundation for Continued Education for Conservation Commissions – Project Manager: Senior Planner Lauren Gaherty
- Town of Great Barrington, on behalf of Great Barrington and Sheffield, for administration and implementation of Community Development Block Grant – Project Manager: Senior Planner Pat Mullins

- B. Public Health Alliance Services

- Town of Chester has signed a contract for inspectional services.
- Great Barrington has awarded the Alliance \$2,000 for the FY15 Grant and Aid Program. These funds will be used to provide chronic disease self-management programs, as well as additional flu clinics for the town.

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

- C. Deadline for Receipt of Comments on Passenger Rail Station Location & Design Study – September 15, 2014

The final draft of the Passenger Rail Station Location & Design Study, as well as an Executive Summary, is available on BRPC's website and the deadline for comments on the draft is September 15th. For further information, contact Senior Planner Brian Domina at bdomina@berkshireplanning.org or 442-1521, ext. 14.

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

EPA has set 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 or by email. BRPC will be discussing its comments at a special Commission meeting scheduled for Thursday, September 11th at BRPC's office.

E. MassDevelopment Resources for Economic Development Workshop – Tuesday, September 30th, 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.

F. 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 or Office Manager Marianne Sniezek at ext. 13 or msniezek@berkshireplanning.org.

G. Award of Priority Development Funding for Housing Planning Activities

We are pleased that the Massachusetts Housing Partnership, in collaboration with the Department of Housing & Community Development have awarded Dalton, also on behalf of Adams, Great Barrington and Richmond to provide housing planning assistance, with BRPC to do the work under contract to the TownSenior 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. For information, contact Pat at pmullins@berkshireplanning.org or 413-442-1521, ext. 17 or Jaclyn at jpacejo@berkshireplanning.org or ext. 32.

H. Award of Grant from Berkshire Environmental Endowment for Continuation of Training for Conservation Commissions

We are pleased to announce that the Berkshire Environmental Endowment, a fund managed by the Berkshire Taconic Community Foundation, has provided a second year of funding for training for Conservation Commission members. This was highly successful and appreciated last year and we look forward to continue this good work. For further information, contact Senior Planner Lauren Gaherty at lgaherty@berkshireplanning.org or 442-1521, ext. 35.

I. Award of EPA/DEP Grants to Town of Stockbridge for both Assessment & Improvements at Stockbridge Bowl.

We are pleased to announce that the Department of Environmental Protection has awarded the Town of Stockbridge EPA Section 604b Water Quality Assessment and Section 319 Water Quality Improvement grants for work at Stockbridge Bowl. Senior Planner Lauren Gaherty worked closely with the town and lake association to develop the applications and BRPC will assist the town in administering and implementing these grants. The Town and Stockbridge Bowl Association are providing considerable required match for the implementation effort.

IX. Old Business

A. September 11th Special BRPC Meeting

We will hold a special BRPC meeting on Thursday, September 11, starting at 7 p.m. at the BRPC office in order to conduct business we cannot handle on the regular meeting date a week later. The primary agenda item is to consider draft BRPC comments to be submitted to the U.S. Environmental Protection Agency regarding the proposed plan to clean-up PCB's from the "Rest of River". We also will give an overview of BRPC activities aimed at new and old delegates and alternates. We expect we will also have at least one other agenda item.

B. September 18th BRPC Meeting – Gas Pipeline Projects

Kinder Morgan has agreed to present its proposed Northeast Expansion Project at the next regularly scheduled BRPC meeting on Thursday, September 18th. The Conservation Law Foundation is also presenting information on the permitting process, the most effective role of municipal governments and regional planning agencies in that process, as well as their overall views on this proposal. We 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 and all our municipal officials seem to be hungry for knowledge about both the project and the permitting process.

This meeting will be held at Berkshire Community College's West Street (Pittsfield) campus, in the Koussevitzky Auditorium, starting at 6 p.m. We are planning on using a moderator, Jake McCandless, Superintendent of the Pittsfield Public Schools, and are hoping to have this televised or at least taped for television on the community access channels. The format will be for Kinder Morgan to make a presentation for 20-30 minutes; allow the Commission members to ask questions and seek clarification for up to 30 minutes; then for the Conservation Law Foundation to make a presentation for 20-30 minutes; and allow the Commission members to ask questions and seek clarification for up to 30 minutes. We are not planning on allowing comments or questions from the public who may be present for the meeting.

C. BRPC Annual Meeting – Thursday, October 16th

The 48th Annual BRPC Dinner Meeting will be held on Thursday, October 16th at the Pittsfield Country Club. Social hour will start at 5:30, with dinner and speakers starting 6:15-6:30, and aiming to wrap-up around 8:30. We will present the 2014 Kusik Award, and our state legislators are our guest speakers. We should determine at the Executive Committee meeting what topics you would like for them to focus on.

Attachments (6)

BRPC Committee Membership FY 2015

Motion to Intervene of the Berkshire Regional Planning Commission – FERC Docket No. CP14-529-000

EPA Extends Comment Period for Proposed Cleanup Plan for Housatonic River "Rest of River"

Resources for Economic Development Flyer

Summary of the Conflict of Interest Law for Municipal Employees

Conflict of Interest Law Online Training Programs

BRPC COMMITTEE MEMBERSHIP

FY 2015

August 26, 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) Transportation Expert
John Duval, At-Large (Adams)

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)
John Duval (Adams)
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)
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)
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); 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)

Mohawk Trail Woodlands Partnership Project Advisory Committee – Representative: Kyle Hanlon (North Adams)

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
10389	8/1/14	MIIA HEALTH BENEFITS TRUST	1040.000	1,373.32 Dental Insurance
10390	8/1/14	MIIA HEALTH BENEFITS TRUST	1040.000	19,226.74 Health Insurance
10391	8/1/14	MUTUAL OF OMAHA	1040.000	646.13 Life/Disability Insurance
10392	8/1/14	CITY OF PITTSFIELD	1040.000	245.00 Parking
10393	8/1/14	RESERVE ACCOUNT	1040.000	500.00 Postage
10394	8/1/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.000	3,727.00 Rent
EFT	8/14/14	AMAZON.COM	1040.000	13.99 #320 LEE/BWAWP Meeting Supplies
EFT	8/14/14	AMAZON.COM	1040.000	16.13 #320 LEE/BWAWP Meeting Supplies
EFT	8/14/14	AMAZON.COM	1040.000	28.18 #320 LEE/BWAWP Meeting Supplies
EFT	8/14/14	AMAZON.COM	1040.000	28.97 #320 LEE/BWAWP Meeting Supplies
EFT	8/14/14	AMAZON.COM	1040.000	29.36 #320 LEE/BWAWP Meeting Supplies
EFT	8/14/14	AMAZON.COM	1040.000	31.50 #320 LEE/BWAWP Meeting Supplies
10395	8/18/14	BERKSHIRE COUNTY #1 HIGHWAY	1040.000	50.00 Karns/Mullins 082814 Meeting
10396	8/18/14	PAUL G. BOBROWSKI	1040.000	250.00 Dept #10 ED - CPTC SEMINAR
10397	8/18/14	ENTERPRISE RENT-A-CAR	1040.000	98.58 348 GTB/RM - Car Rental
10398	8/18/14	FEDEX	1040.000	28.31 Postage
10399	8/18/14	KELLEY CLEANING SERVICES	1040.000	265.00 Cleaning 2nd/3rd Floor
10400	8/18/14	MICHIGAN TECHNOLOGICAL UNIVERSITY	1040.000	1,495.00 #281 RENEWAL: 9/10/14-9/10/15
10401	8/18/14	PHASE ONE COMPUTING SERVICES, INC.	1040.000	175.00 Peachtree Training
10402	8/18/14	PITNEY BOWES, INC.	1040.000	190.97 Office Supplies
10403	8/18/14	STAPLES ADVANTAGE	1040.000	57.56 Office Supplies
10404	8/18/14	W.B. MASON COMPANY, INC.	1040.000	155.25 Office Supplies
EFT	8/26/14	GOTOMYPC.COM	1040.000	19.90 Remote PC Access
10405	8/27/14	ADELSON MOYNIHAN KOWALCZYK, PC	1040.000	1,350.00 June 2014 Review
10406	8/27/14	COMPUWORKS	1040.000	11,908.25 Server/Software
10407	8/27/14	CORNERSTONE	1040.000	583.56 Telephone
10408	8/27/14	ENTERPRISE RENT-A-CAR	1040.000	98.58 Car Rental
10409	8/27/14	FIDDLEHEADS GRILL AT GREENOCK	1040.000	1,085.00 320 LEE/BFAWP - Visioning Event
10410	8/27/14	GUNTLOW & ASSOCIATES, INC.	1040.000	8,700.00 254 DEP/BST - Subcontractor
10411	8/27/14	NATHANIEL W. KARNS	1040.000	91.12 Expense Report
10412	8/27/14	JENNIFER L. KIMBALL	1040.000	253.22 Expense Report
10413	8/27/14	LAURA KITROSS	1040.000	196.12 Expense Report
10414	8/27/14	SCOTT B. KRZANIK	1040.000	3,339.00 330 HRIA/PHDIG14 - SVCS 071514-081514
10415	8/27/14	CLETUS K. KUS	1040.000	59.56 Expense Report
10416	8/27/14	MACFARLANE OFFICE PRODUCTS, INC.	1040.000	818.66 Copying Expense
10417	8/27/14	MARK MALOY	1040.000	27.08 Expense Report
10418	8/27/14	MASS STATE EMPLOYEES RET.SYSTEM	1040.000	9,884.81 MA Retirement Contributions
10419	8/27/14	PATRICIA A. MULLINS	1040.000	122.38 Expense Report
10420	8/27/14	JACLYN PACEJO	1040.000	102.52 Expense Report
10421	8/27/14	DIANE PERSSON	1040.000	63.84 Expense Report
10422	8/27/14	DOUGLAS PLACHCINSKI	1040.000	240.89 Expense Report
10423	8/27/14	BERKSHIRE TECHNOLOGY PARTNERS	1040.000	1,027.92 Utilities

BERKSHIRE REGIONAL PLANNING COMMISSION

Check Register

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
10424	8/27/14	UMASS CONFERENCE SERVICES	1040.000	61.80 Meeting
10425	8/27/14	BERKSHIRE MOUNTAIN	1040.000	78.00 Water
10426	8/27/14	WJ BLUEPRINT & DIGITAL GRAPHICS	1040.000	55.00 PASSENGER RAIL STATION PLANNING STUDY
10427	8/27/14	MELISSA J. PROVENCHER	1040.000	121.21 Expense Report
Total				<u>68,920.41</u>

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2014

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

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due	
10 WINDSOR/MAPS	8/26/14	10-082614-WND	1,200.00				1,200.00	
10 WINDSOR/MAPS			1,200.00				1,200.00	
250/DAL/CLNUP	7/31/14	250-063014-22		20,654.84			20,654.84	
250/DAL/CLNUP				20,654.84			20,654.84	Melissa contacted
258/FRCOG/MKT	7/10/14	258-063014-18		276.20			276.20	
258/FRCOG/MKT				276.20			276.20	FRCOG always takes a while
281/TPL13	8/13/14	283-073114-2.10	29,367.61				29,367.61	
281/TPL13			29,367.61				29,367.61	
283 BHPA/INSP/CLK	6/30/14	283-063014-4-CLK			337.50		337.50	
283 BHPA/INSP/CLK					337.50		337.50	Jennifer - looking into
283 BHPA/INSP/WSH	1/4/14	283-123113-3				50.00	50.00	
283 BHPA/INSP/WSH						50.00	50.00	Jennifer - looking into
284/BHPN/PHN/BKT	7/1/14	284-093014-1-BKT			511.94		511.94	
284/BHPN/PHN/BKT					511.94		511.94	Jennifer - looking into
284/BHPN/PHN/PTS	4/1/14	284-063014-3-PTS				800.00	800.00	
284/BHPN/PHN/PTS						800.00	800.00	Jennifer - looking into
284/BPHN/PHN/WSH	7/1/14	284-093014-1-WSH			255.50		255.50	
284/BPHN/PHN/WSH					255.50		255.50	Jennifer - looking into
287/LEE/CLNUP	4/16/14	287-033114-06				6,039.47	6,039.47	

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2014

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

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due	
287/LEE/CLNUP	7/31/14	287-063014-7		2,448.81			2,448.81	
287/LEE/CLNUP				2,448.81		6,039.47	8,488.28	Melissa contacted
290/MASSDOT/PRSDL	8/13/14	290-073114-2.5	34,740.65				34,740.65	
290/MASSDOT/PRSDL			34,740.65				34,740.65	
314/BCBOHA	7/10/14	314-063014-4		31.92			31.92	
314/BCBOHA				31.92			31.92	
315/TOWN OF DALTON	6/26/14	315-063014-01-FINAL			5,212.49		5,212.49	
315/TOWN OF DALTON					5,212.49		5,212.49	Melissa contacted
316/NMB	4/15/14	316-041514-01				3,199.61	3,199.61	
316/NMB	6/19/14	319-061914-02			100.39		100.39	
316/NMB					100.39	3,199.61	3,300.00	Doug Contacted - they are looking into payment
317/FRCOG/WF	7/9/14	317-063014		9,253.53			9,253.53	
317/FRCOG/WF				9,253.53			9,253.53	
320/LEE/BFAWP	4/17/14	320-033114-02				2,811.20	2,811.20	
320/LEE/BFAWP	7/10/14	320-063014-13		10,391.61			10,391.61	
320/LEE/BFAWP				10,391.61		2,811.20	13,202.81	Melissa contacted
322/NAD/DP	8/12/14	322-073114-7	1,049.67				1,049.67	
322/NAD/DP			1,049.67				1,049.67	
325/PVPC/TL	7/10/14	325-063014-3		2,543.30			2,543.30	

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2014

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

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
325/PVPC/TL				2,543.30			2,543.30
328/BKT/GCTA2	4/30/14	328-033114-1				2,341.33	2,341.33
328/BKT/GCTA2	7/15/14	328-063014-2		2,513.31			2,513.31
328/BKT/GCTA2				2,513.31		2,341.33	4,854.64
							Pat Mullins
333/EOT08	8/13/14	333-073114-4	1,490.83				1,490.83
333/EOT08			1,490.83				1,490.83
336/MAPC/POPA	8/12/14	336-073114-4	879.65				879.65
336/MAPC/POPA			879.65				879.65
346/ADM/OUTSPC	8/12/14	346-073114-3	2,072.00				2,072.00
346/ADM/OUTSPC			2,072.00				2,072.00
352 BB/BUW14	8/12/14	352-073114-1	1,001.34				1,001.34
352 BB/BUW14			1,001.34				1,001.34
49/OUTS/ADM	8/12/14	49-073114-1	632.00				632.00
49/OUTS/ADM			632.00				632.00
TOWN OF CHESHIRE	7/1/14	FY15-CHS			2,278.18		2,278.18
TOWN OF CHESHIRE					2,278.18		2,278.18
TOWN OF CLARKSBURG	7/1/14	FY15-CLK			1,198.60		1,198.60
TOWN OF CLARKSBURG					1,198.60		1,198.60
TOWN OF FLORIDA	7/1/14	FY15-FLA			529.58		529.58

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2014

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

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
TOWN OF FLORIDA						529.58	529.58
TOWN OF HINSDALE	7/1/14	FY15-HIN				1,430.99	1,430.99
TOWN OF HINSDALE						1,430.99	1,430.99
TOWN OF LEE	7/1/14	FY15-LEE				4,185.23	4,185.23
TOWN OF LEE						4,185.23	4,185.23
TOWN OF MONTEREY	7/1/14	FY15-MON				676.76	676.76
TOWN OF MONTEREY						676.76	676.76
TOWN OF MT WASHINGTO	7/1/14	FY15-MTW				117.61	117.61
TOWN OF MT WASHINGTO						117.61	117.61
TOWN OF NEW ASHFORD	7/1/14	FY15-NAS				160.56	160.56
TOWN OF NEW ASHFORD						160.56	160.56
TOWN OF NEW MARLBORO	7/1/14	FY15-NMB				1,062.68	1,062.68
TOWN OF NEW MARLBORO						1,062.68	1,062.68
TOWN OF PERU	7/1/14	FY15-PER				596.48	596.48
TOWN OF PERU						596.48	596.48
TOWN OF RICHMOND	8/11/14	BCK LAW - #13011	4,295.55				4,295.55
TOWN OF RICHMOND			4,295.55				4,295.55
TOWN OF SAVOY	7/1/14	FY15-SAV				487.33	487.33
TOWN OF SAVOY						487.33	487.33

Received 9/2/14

BERKSHIRE REGIONAL PLANNING COMMISSION

Aged Receivables

As of Aug 31, 2014

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

Customer ID	Date	Invoice/CM #	0 - 30	31 - 60	61 - 90	Over 90 days	Amount Due
TOWN OF TYRINGHAM	7/1/14	FY15-TYR				-0.72	-0.72
TOWN OF TYRINGHAM						-0.72	-0.72
TOWN OF W STOCKBRIDG	7/1/14	FY15-WST				919.72	919.72
TOWN OF W STOCKBRIDG						919.72	919.72
TOWN OF WINDSOR	7/1/14	FY15-WND				633.10	633.10
TOWN OF WINDSOR						633.10	633.10
Report Total			76,729.30	48,113.52	20,693.92	15,241.61	160,778.35

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

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

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

BEFORE THE UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Tennessee Gas Pipeline Company, L.L.C.
Connecticut Expansion Project

Docket No. CP14-529-000

MOTION TO INTERVENE OF THE BERKSHIRE REGIONAL PLANNING COMMISSION

The Berkshire Regional Planning Commission is established under authority of Massachusetts General Laws Chapter 40B (the Regional Planning Law) as a governmental substate district. BRPC is the state-designated regional planning agency for the 32 municipalities in Berkshire County. Our mission is to serve our communities by providing technical assistance, maintaining a forum for the discussion of regional issues, and to advocate on behalf of our region and its local governments. Nearly four miles (3.8 miles) of the Connecticut Expansion pipeline will cross properties located within the Town of Sandisfield within Berkshire County. A pig receiver and Mainline Valve will be located at the terminus of the project in the Town of Sandisfield. In addition, a 3 acre pipeyard will be located in the Town of Tyringham, also within Berkshire County. Transportation routes for equipment and materials will cross at a minimum three other towns, Lee, Monterey and Otis, all within Berkshire County.

Pursuant to Commission Rules 385.214(b) and 157.10, the Berkshire Regional Planning Commission moves to intervene in the above captioned proceeding. This intervention is timely filed.

I. CONTACT INFORMATION

Please enter the Berkshire Regional Planning Commission below on the official service list for Docket No. CP14-529-000. All pleadings, filings and correspondence in this proceeding should be served on the following:

Nathaniel W. Karns, AICP
Executive Director
Berkshire Regional Planning Commission
1 Fenn Street, Suite 201

Pittsfield, MA 01201
nkarns@berkshireplanning.org
(413) 442-1521 ext. 26

II. MOTION TO INTERVENE

The Berkshire Regional Planning Commission seeks to intervene as its member communities (at a minimum, Sandisfield, Tyringham, Lee, Otis, and Monterey) are directly impacted by the proposed pipeline. The pipeline will cross 3.8 miles of property within the Town of Sandisfield and is proposed to cross Article 97 lands (conservation and recreation lands protected under Article 97 of the Massachusetts Constitution) held by the Department of Conservation and Recreation. In addition to Sandisfield and Tyringham, the conveyance of equipment and materials necessary to construct the project will impact local roadways and residences in the Towns of Lee, Monterey and Otis, at a minimum. The Berkshire Regional Planning Commission seeks to intervene to monitor this proceeding and address potential effects to land, wetlands, riverfront and waterfront, rare and endangered species, transportation, and homes in close proximity to the proposed pipeline.

The Berkshire Regional Planning Commission does not have enough information to take a position on the proposed project at this time, but reserves the right to do so in later comments as more information on the impacts emerges. The Berkshire Regional Planning Commission has reviewed and commented extensively on the information the applicant submitted to the Massachusetts Environmental Policy Act Office in the form of an Expanded Environmental Notification Form. The Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs has required that the applicant submit a Draft Environmental Impact Report prior to proceeding to a Final Environmental Impact Report due to the extensive unknown or incomplete information needed to properly assess the proposed pipeline's environmental and community impacts, with which decision the BRPC fully concurs. Subsequent to the Secretary's decision, the applicant filed its application with FERC, apparently determining that it would not utilize the recommended Pre-Permitting Process. Thus filing as an Intervenor is BRPC's only recourse to seek to avoid, minimize, or properly compensate for the environmental and community impacts which may reasonably be expected from a project of this nature.

WHEREFORE, for the foregoing reasons, the Berkshire Regional Planning Commission requests that the Commission GRANT this motion to intervene.

Respectfully submitted,



Nathaniel W. Karns, A.I.C.P.
Executive Director
Berkshire Regional Planning Commission
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Pittsfield, MA 01201

nkarns@berkshireplanning.org
(413) 442-1521 ext. 26

August 20, 2014



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>)

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

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.*

*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



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.

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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 if you have any questions.

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Executive Director

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Nathaniel W. Karns, AICP, Executive Director
DATE: August 5, 2014
RE: **July Technical Assistance Activities**

This report highlights technical assistance provided by the staff of the Berkshire Regional Planning Commission for the month of July 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.

Town/City/State	Municipal Technical Assistance	Board/Organization
Dalton	Provided recommendation on procurement issue regarding MGL Chapter 7 Designer Selection Law.	Planning Board Member
Dalton	Provided assistance regarding the procurement process for historic preservation.	Consultant for Hoose House
Great Barrington	Provided assistance with population projections.	Finance Committee Member
New Marlborough	Provided assistance with Open Meeting Law question.	Planning Board Member
Pittsfield	Provided assistance in determining population and employees within two miles of North Street.	Department of Community Development
Washington	Provided information about Owners Agent Technical Assistant grant.	Select Board Member
County	Provided population data.	State Representative