



MEETING NOTICE

There will be a meeting of the
BERKSHIRE REGIONAL PLANNING COMMISSION
on Thursday, July 8, 2021 at **6:00** p.m.
(note meeting date and time change from norm)

This will be a **Virtual Meeting** as allowed by Ch. 20 of the Acts of 2021 suspending certain provisions of the Open Meeting Law, G.L. c.30 sec.20.

Information to join the meeting is:
<https://us02web.zoom.us/j/2490902351>
Meeting ID: 249 090 2351

Call in information: 312.626.6799, 646.558.8656, 301.715.8592, 346.248.7799, 669.900.9128

Meeting Material: All written materials for the meeting are posted on BRPC's website: www.berkshireplanning.org. Click on the Calendar of Events for the meeting and available materials will be listed.

Agenda

- I. Opening (6:00-6:05)**
A. Call to Order
B. Roll Call
C. Approval of Minutes of the May 20, 2021 meeting
- II. Comments from the Public (6:05-6:10)**
Members of the public may offer comments regarding topics, which are on the agenda, or other matters which they wish to bring to the Commission's attention. Comments are limited to no more than three minutes and are to be directed to the Commission.
- III. Delegate and Alternate Issues (6:10-6:15)**
Delegates and Alternates may bring up any issue not on the agenda.
- IV. Executive Committee Action (6:15-6:20)**
Executive Committee actions taken on the Commission's behalf at its June 3, 2021 meeting are presented for discussion.
- V. Election of BRPC Officers for FY 2022 (6:20-6:25)**
BRPC Officers need to be elected for FY 22. The Nominating Committee proposed the following slate of officers for FY 2022:
- Chair: John Duval, Adams Alternate
- Vice Chair: Malcolm Fick, Great Barrington Alternate
- Clerk: Sheila Irvin, Pittsfield Delegate
- Treasurer: Buck Donovan, Lee Delegate
Nominations will be taken from the floor.

VI. Endorsement of Committee Chairs and At-Large Executive Committee Member Appointment for FY 2022 (6:25-6:30)

The BRPC bylaws require the Commission to approve the Committee Chairs as recommended by the BRPC Chair.

- *Environmental Review Committee – Roger Bolton, Williamstown*
- *Commission Development Committee – Rene Wood, Sheffield*
- *Regional Issues Committee – CJ Hoss, Pittsfield*
- *Berkshire Brownfields Committee – Sheila Irvin, Pittsfield*
- *Berkshire Comprehensive Economic Development Strategy Committee – Kyle Hanlon, North Adams*

The BRPC bylaws require the Commission to approve At-Large Executive Committee members as recommended by the BRPC Chair.

- *Kyle Hanlon, At-Large, North Adams*
- *Sam Haupt, At-Large, Peru (Knowledgeable about transportation issues)*

VII. Ratification of Commission Representatives to Related Groups (6:30-6:35)

The BRPC's Bylaws require the Commission to ratify the appointments of members to special or standing bodies not under that jurisdiction of BRPC. The following people need to be ratified for the identified committees.

- *Westfield River Wild and Scenic Advisory Committee – Representative: Marie Raftery (Stockbridge Non-Commission member)*
- *Berkshire Metropolitan Planning Organization –Alternate: Sam Haupt, Peru*

VIII. Authorization for Executive Committee to Act on Behalf of the Commission (6:35-6:40)

The BRPC bylaws require the Commission to vote annually to reconfirm the authorization of the Executive Committee to act in the name of and on behalf of the Commission. See attached memo.

IX. Recruitment to BRPC Committees (6:40 – 6:45)

The BRPC has several standing or special committees of the Commission. We will review the roles of those Committees and solicit new members to the Committees. See attached committee descriptions.

X. Kusik Award Nominations (6:45 - 6:50)

The Kusik Award recognizes projects, groups, or individuals who have made outstanding contributions to planning in Berkshire County. Please consider submitting a nomination using the attached form. A list of past award winners is included.

XI. Full Commission Meetings (6: 50 – 6:55)

Recently adopted legislation allows public bodies to continue to meet remotely until April 1, 2022, as well as in person. We seek input on meeting in person or remotely.

XII. Review of the BRPC Website (6:55 – 7:10)

Inasmuch as this first meeting of the fiscal year is largely an organizational meeting, staff will review the BRPC website, hopefully leading to a broader discussion of how BRPC can better meet the communities' needs.

XIII. Executive Director's Report

(7:10 – 7:15)

XIV. Adjournment

(7:15)

Other interested citizens and officials are invited to attend.

All times listed are estimates of when specific agenda items may be discussed.

City and Town Clerks: Please post this notice



DRAFT MINUTES OF THE FULL COMMISSION
May 20, 2021 MEETING

Virtual Meeting as allowed by Massachusetts Governor Charlie Baker's Executive Order dated March 12, 2020 suspending certain provision of the Open Meeting Law, G.L. c.30 sec.20.

I. Opening

A. The meeting was called to order at 7:01 PM

Chair Kyle Hanlon stated that per the open meeting law, BRPC records all meetings. Others may record the meeting after informing the chair. Any documents presented must be provided to the chair at the meeting. Pittsfield TV was recording.

B. Roll Call

The following Commission members were present:

Peter Traub – Cheshire Delegate
Pedro Pachano – Great Barrington Delegate
Malcolm Fick – Great Barrington Alternate
James Sullivan – Hinsdale Delegate
Gwen Miller – Lanesborough Alternate
Buck Donovan – Lee Delegate
Pam Kueber – Lenox Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
Fred Schubert – Richmond Alternate
Rene Wood – Sheffield Alternate
Ken Smith – Sheffield Delegate
Nancy Socha – Stockbridge Alternate
Amanda Hamilton – Tyringham Delegate
Roger Bolton – Williamstown Alternate
David Zink – Windsor Delegate

Staff Present:

Thomas Matuszko – Executive Director
Marianne Sniezek – Office Manager
Clete Kus – Transportation Program Manager
Anuja Koirala – Principal Transportation Planner
Mark Maloy – GIS, Data & IT Program Manager
Kate Hill Tapia – Office Administrator

Others Present:

Susan Strate - UMass Donahue Institute
Brittany Polito - iBerkshire
Pittsfield Community Television
Amy Cooper
Josh Vallieres
413-743-3496

C. Approval of Minutes of March 18, 2021 Meeting

Roger Bolton moved to approve the draft minutes of the March 18, 2021 meeting; Buck Donovan seconded the motion. There were no comments or discussion. The Minutes were approved with a roll call vote and five abstentions.

Yes:

Peter Traub - Cheshire Delegate
Malcolm Fick - Great Barrington Alternate
Buck Donovan - Lee Delegate
Pam Kueber - Lenox Delegate
Kyle Hanlon - North Adams Delegate
Sheila Irvin - Pittsfield Delegate
Fred Schubert - Richmond Alternate
Rene Wood - Sheffield Alternate
Nancy Socha - Stockbridge Alternate
Roger Bolton - Williamstown Alternate
David Zink - Windsor Delegate

Abstained:

Pedro Pachano - Great Barrington Delegate
James Sullivan - Hinsdale Delegate
Gwen Miller - Lanesborough Alternate
Ken Smith - Sheffield Delegate
Amanda Hamilton - Tyringham Delegate

II. Comments from the Public

There were no comments from the public.

III. Delegate & Alternate Issues

There were no Delegate or Alternate

IV. Executive Committee Actions

There were no questions or comments on the actions taken by the Executive Committee at the April 1 and May 6 meetings.

V. Juneteenth Holiday

Juneteenth (June 19th) was adopted by the state legislature as a state holiday in 2020. At its May 6, 2021 meeting, the Executive Committee voted to recommend that the Full Commission vote to add Juneteenth/June 19 as an additional BRPC floating holiday in recognition of this date as the end to slavery. Tom confirmed that this does not require a bylaw change.

Pam Kueber made a motion for BRPC to add Juneteenth/June 19 as an additional BRPC floating holiday in accordance with Massachusetts Law and Governor Baker's proclamation "setting apart the nineteenth of June as Juneteenth Independence Day, to be observed on June 19th of each year, in recognition of June 19, 1865 when Union General Gordon Granger announced freedom for all slaves in the Southwestern United States and in recognition of the end of slavery in the United States as well as the significant contributions, individuals of African descent have made to the commonwealth and to the United States and recommending that said day be observed in an appropriate manner by the people."

Amanda Hamilton seconded the motion which was unanimously approved by a roll vote.

Yes:

Peter Traub – Cheshire Delegate
Pedro Pachano – Great Barrington Delegate
James Sullivan – Hinsdale Delegate
Gwen Miller – Lanesborough Alternate
Buck Donovan – Lee Delegate
Pam Kueber – Lenox Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
Fred Schubert – Richmond Alternate
Rene Wood – Sheffield Alternate
Nancy Socha – Stockbridge Alternate
Amanda Hamilton – Tyringham Delegate
Roger Bolton – Williamstown Alternate
Ken Smith – Sheffield Delegate
David Zink – Windsor Delegate

VI. U.S. Census Differential Privacy Policy

Susan Strate, the Senior Program Manager of the Population Estimates Program with the UMass Donahue Institute gave a PowerPoint presentation on the U.S. Census's Differential Privacy Policy. With the differential privacy policy, except for at the state level, the Census Bureau intentionally distorts actual counts of some population groups at congressional district, township and census blocks levels to protect the privacy of small number population groups. This is commonly referred to as an injection of "noise" into the count.

Concerns were expressed about the impact of applying the differential privacy technique and whether census data will continue to be what people need. Susan confirmed that the numbers will not be the same as the census count due the injected "noise" and among other things, may impact population projections.

Susan does not see the application of this technique as political but rather an attempt to apply best statistical theory to protect privacy. The census does re-survey to retest areas to ensure accuracy. Changes are still happening as it is still in draft form. The first version showed a greater impact on rural communities vs. the recent version.

BRPC is considering submitting comments by May 28. Susan will get Tom the email address.

VII. Transportation Improvement Program for FFY 2022-2026

The Berkshires' Transportation Improvement Program (TIP) for the next five fiscal years (2022-2026) was presented by BRPC Principal Planner Anuja Koirala. The plan establishes which projects receive limited federal transportation funds. The process started in January 2021 by asking towns for priority projects. The 140 page document was released for review and comment in April.

The plan will be reviewed and confirmed at next week's Transportation Advisory Committee meeting. Anuja shared a map detailing proposed projects by community and year. Projects include:

- Bridges: rebuilding and maintenance
- Highway: resurfacing & construction
- Intersection improvements: signals, safety, roundabouts
- Bike/Trail: continuation of VT to CT multi-use trail
- Transit: preventive maintenance and new vehicles

Jim Sullivan made a motion to instruct the BRPC Chair to endorse staff recommendations on the Transportation Improvement Program (TIP) for FFY 2022-2026 at the next Berkshire Metropolitan Planning Organization (MPO) Tuesday, May 25, 2021. Fred Schubert seconded the motion which was unanimously approved by a roll vote.

Yes:

Peter Traub – Cheshire Delegate
Pedro Pachano – Great Barrington Delegate
James Sullivan – Hinsdale Delegate
Buck Donovan – Lee Delegate
Pam Kueber – Lenox Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
Fred Schubert – Richmond Alternate
Rene Wood – Sheffield Alternate
Nancy Socha – Stockbridge Alternate
Roger Bolton – Williamstown Alternate
Ken Smith – Sheffield Delegate
Amanda Hamilton – Tyringham Delegate

Abstained:
David Zink – Windsor Delegate

VIII. Transportation Unified Planning Work Program for FFY 2022

Clete Kus, Transportation Program Manager, reviewed the proposed Unified Planning Work Program (UPWP) for FFY 2022, which establishes the transportation planning work BRPC staff will be involved in for the coming year. Focus Areas are:

Public Participation

- VPI – Virtual Public Involvement best practices
- Remote meeting participation
- Public Participation Plan Update

Transportation Improvement Program (TIP)

- Increase outreach to communities
- Assistance to increase TIP projects

Bike & Pedestrian Planning

- Bike and Pedestrian Safety Plan
- Hodges Cross Road to Downtown N Adams scoping study
- Study to evaluate countywide Bike and Pedestrian Advisory Board
- Adventure Trail (from Spruces to MassMOCA)
- Bennington trolley line trail

Regional Data & Analysis

- Update demographic databases-2020 Census

Pavement Management

- Statewide standardized PMS ratings/system

Special Studies

- EV Infrastructure Strategic Plan Implementation
- Micro mobility implementation plan – bike share feasibility study funded for Pittsfield but regional interest and focus
- Housatonic Rail Line Intra County service feasibility study (train vs. buses)

Climate Change

- Coordination of efforts: Transportation Climate Initiatives-P and Green Communities

Expansion of Transit

- Transportation Management Association (TMA) Implementation

Rail Initiatives

- Participation in Northern Tier Study (Rt. 2 / Pan Am line)
- Berkshire Flyer Pilot Service Implementation
- East/West Rail Implementation

Jim Sullivan made a motion to authorize the BRPC Chair to vote in the affirmative on the Unified Planning Work Program (UPWP) following staffs' recommendations for FFY 2022 at the MPO meeting June 22, 2021. Pedro Pachano seconded the motion which was unanimously approved by a roll call vote.

Yes:

Peter Traub – Cheshire Delegate
Pedro Pachano – Great Barrington Delegate
James Sullivan – Hinsdale Delegate
Buck Donovan – Lee Delegate
Pam Kueber – Lenox Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
Fred Schubert – Richmond Alternate
Rene Wood – Sheffield Alternate
Nancy Socha – Stockbridge Alternate
Roger Bolton – Williamstown Alternate
Ken Smith – Sheffield Delegate
Amanda Hamilton – Tyringham Delegate
David Zink – Windsor Delegate

X. Adoption of the BRPC FY 2022 Budget

Malcom Fick, Chair of the Finance Committee, reported that both the Finance and Executive Committees recommend approving the proposed FY 2022 budget. Income actuals are higher than last year and the overhead rate remains the same. Tom pointed out that the only unknown is the cost of the office lease.

Pedro Pachano motioned to approve the draft FY 2022 Budget.

Jim Sullivan seconded the motions which was approved unanimously by a roll call vote.

Yes:

Peter Traub – Cheshire Delegate
Pedro Pachano – Great Barrington Delegate
James Sullivan – Hinsdale Delegate
Buck Donovan – Lee Delegate
Pam Kueber – Lenox Delegate
Kyle Hanlon – North Adams Delegate
Sheila Irvin – Pittsfield Delegate
Fred Schubert – Richmond Alternate
Rene Wood – Sheffield Alternate
Nancy Socha – Stockbridge Alternate
Roger Bolton – Williamstown Alternate
Ken Smith – Sheffield Delegate
Amanda Hamilton – Tyringham Delegate
David Zink – Windsor Delegate

XI. Nominating Committee Report – Officers for FY 2022

Rene Wood, Chair of the Nominating Subcommittee of the Commission Development Committee, presented a slate of BRPC officers, all of whom have agreed to serve, for FY 2022. Voting will be at the first BRPC Full

Commission meeting after July 1st. Nominations will also be taken from the floor.

Chair, John Duval
Vice Chair, Malcom Fick
Clerk, Sheila Irvin
Treasurer, Buck Donovan

XII. Roundtable Discussion – Trials, Tribulations and Successes of Zoning Amendments at Town Meetings

Delegates and Alternates were asked to share their experiences getting zoning amendments passed at town meetings.

Ken Smith from Sheffield reported two minor changes to their Table of Use changes easily passed at their May meeting.

XIII. Executive Director’s Report

A. Office Update

Due to the COVID-19 pandemic, the BRPC Office is still closed to the public. Due to recent announcements by the Governor, we will re-open June 15 under the recently revised telework policy. The lease for our current office space expires on November 30, 2021. We have gone out to bid for space according to the Mass Procurement Law. Bids are due June 1st. Unless there is new legislation, meetings will return to in-person.

B. District Local Technical Assistance (DLTA) Funding

FY 22 funding for the DLTA program is currently in the legislative process. Similar to previous years, it was included in the House budget, but not included in the Senate Ways and Means budget. Tom reported that we are working with our RPA colleagues to have it funded again this year but may request Commission members’ assistance to remind Senator Hinds how important DLTA funding is and has been. He has been asked to co-sign.

C. Greylock Glen

Tom congratulated the Town of Adams for securing funding to build the Outdoor Recreation Center at Greylock Glen. The Outdoor center is the central component of a larger project to spur natural resource based economic development in the town. This has been a long standing, sometime controversial, effort to transform the base of Mount Greylock. Special congratulations to Donna Cesan, whose persistence was a major driver to making this happen.

D. 2021 MassDOT Transportation Innovation Conference-Virtual

Details were shared for the annual MassDOT Transportation Innovation Conference 5/25/2021 7:00 AM - 5/27/2021 1:30 PM. It provides a forum for innovative transportation systems, management ideas, and initiatives.

The conference is arranged by topics:

- Practices in Municipal and Regional Transportation
- Mobility, Accessibility, and Transportation Equity
- Techniques in Design, Materials, and Construction
- Promoting a Culture of Safe Transportation
- Shaping the Transportation Landscape for a Post Covid world

Register at <https://www.umasstransportationcenter.org/umtc/default.asp>

E. Clean Energy and Climate Plan for 2030

At the March Commission meeting, there was much discussion about the proposed Clean Energy and Climate Plan for 2030. A copy of the final comment letter that was submitted was distributed. Also attached was a response email from Secretary Theoharides.

F. Other

Fred Schubert reported on Richmond's positive vote for \$7 million for a new Town Hall / Community Center / Library. A similar effort failed several years ago. This effort was restarted in 2017. His only concern is whether the project will have to be scaled back due to increases in construction costs. It is possible to ask Town Meeting for supplemental funds and private donations are helping.

XIV. Adjournment

Jim Sullivan made a motion to adjourn; seconded by Pedro Pachano. Unanimously approved. Adjourned at 8:52 pm.

Materials distributed or presented during this meeting:

Meeting Agenda

Draft Meeting Minutes March 18, 2021

Executive Committee Actions Memo for April and May 2021

Executive Director's Report

Differential Privacy for Census Data and PowerPoint presentation

2021 Holiday Schedule Draft with Juneteenth

Berkshire MPO FFY 2022-2026 Draft TIP and /map

2022cUPWP Highlights and Budget

BRPC Agency FY22 Budget Memo

FY22 Agency Budget Recommended Revenue

FY22 Agency Budget Recommended Expenses

CECP Comment Letter Approved 2021.03.18

e-2030 CECP finalization 05.13.21

MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: June 17, 2021
SUBJ: Executive Committee Actions for June 2021

In accordance with the bylaws, actions taken by the Executive Committee on the Commission's behalf are reported and presented for discussion at the next Commission meeting. The Executive Committee took the following actions at its June 3, 2021 meeting.

Executive Committee Actions on June 3, 2021

Approval to Submit Grant Applications to the Environmental Protection Agency and Toxic Use Reduction Institute

The Executive Committee retroactively authorized the Executive Director to submit three complimentary grant applications and sign resulting contracts and agreements: two to the Environmental Protection Agency and a third to the Toxic Use Reduction Institute. The first application is to the EPA's Healthy Communities Grant Program for \$28,020.71 over two years (maximum amount is \$30,000). The application was submitted on May 20, 2021, so the Executive Committee was asked to retroactively authorize this submission. The grant requires a 5% match which will come from current BRPC grants Gray to Green and Affordable Access to Regional Coordination.

The second application is to EPA's Environmental Justice Small Grants program for \$75,000 which requires no funding match. Like Healthy Communities, EJ Small Grants funds projects that address local environmental and public health issues in underserved communities and community empowerment. Program funds will cover the same tasks as the Healthy Communities application and include promoting tenant's rights. Related tasks will include neighborhood listening sessions, educating tenants on their rights to habitable conditions and fair rents, outreach to landlords about the State and City programs to remediate hazards and substandard conditions and improve energy efficiency, and data collection for the City of Pittsfield.

The third application is for the Toxic Use Reduction Institute's Community Grants for \$10,000. This grant would fund the creation of kits that will include recipe books, containers, and the ingredients to mix non-toxic cleaning and pest management agents. The kits will be delivered to residents and daycares by Habitat for Humanity's community navigators as part of their door to door outreach. The grant does not require a match.

Approval to Accept Grant Funds from the Western Region Homeland Security Advisory Council

The Executive Committee retroactively authorized the Executive Director to accept grant funds and to sign any resulting contracts and agreements related to a grant the Public Health Program received from the Western Region Homeland Security Advisory Council. This \$39,400 grant is to develop a detailed Scope of Services (SOS) which will direct the procurement and work of a consultant in the Fall to complete a COVID-19 After Action Report (AAR) and Improvement Plan (IP) for the region by October 5, 2021.

Approval to Submit a Grant Application to the Mohawk Trail Woodlands Partnership Implementation Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs

The Executive Committee approved authorization for the Executive Director to submit (after the fact) a grant application and to sign any resulting contracts and agreements to the Mohawk Trail Woodlands Partnership Implementation Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs. This \$60,000 application would be teamed up with a \$20,000 application from North Adams to advance the design and permitting of the North Adams Adventure Trail. BRPC will provide in-kind services, valued at \$6,000 as match.

Approval to Submit Grant Applications to the Massachusetts Department of Energy Resources

The Executive Committee authorized the Executive Director to submit grant applications to the Department of Energy Resources Green Communities division for the Regional Energy Planning Assistance program. BRPC will enter into MOUs with member municipalities to assist them with energy planning and technical assistance. Technical assistance services include becoming a designated Green Community, maintaining Green Community status by assisting with grant and annual reporting requirements, applying for competitive grants, and incorporating regional school districts into the program. Municipal clean energy planning services include assistance in developing a net-zero plan for municipal buildings, preparing a GHG inventory, and preparation toward developing a community-wide net-zero plan. Regional clean energy planning assistance services include coordinating multi-town efforts such as launching campaigns to increase the adoption of renewable technologies and community-wide capacity building activities. The maximum funding per municipality or public body is \$150,000. No local match is required.

BRPC's Revised Telework Policy

To approve the revised telework policy with the allowance of a return to office at full strength June 15 instead of August 1, 2021.

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko AICP, Executive Director
DATE: July 2, 2021
SUBJ: Authorization for Executive Committee to Act on Behalf of the Commission

The BRPC bylaws stipulate that the Delegates (or in the absence of a delegate, the Alternate) must vote annually whether to authorize the Executive Committee to act on the Commission's behalf. Such authorization requires approval by a two-thirds ballot vote of the delegates (22 affirmative votes must be received). The authorization for the Executive Committee to act on the Commission's behalf is limited to the following:

1. Disbursement of Commission funds based on a warrant;
2. Borrowing funds in anticipation of revenue and authorizing the Treasurer to give the Executive Director the authority to borrow funds when needed;
3. Establishing personnel policies;
4. Hearing and resolving personnel grievances;
5. Authorizing applications for federal, state, and local aid;
6. Seeking contributions;
7. Entering into contracts;
8. Approving comments on proposals of a regional or inter-community nature;
9. Approving submittal of comments for projects undergoing state or federal agency review;
10. Establishing policy regarding requests for planning-related technical assistance;
11. Authorization for planning services;
12. Approving submittal of comments on legislation or regulations which affect the region or member municipalities; and
13. Acting on routine transportation matters (excepting adoption of plans, programs, or endorsement of specific projects.

All actions of the Executive Committee are presented for review and discussion at the next Commission meeting. This authorization may be revoked at any Commission meeting by simple majority vote. The Commission retains sole authority to act on the following:

1. Adoption of regional plans or policies;
2. Adoption of BRPC annual assessment and budgets;
3. Election of officers and approval of At-Large Executive Committee members and all committee chairs;
4. Confirmation of appointments to all committees;
5. Approval of Transportation Improvement Program;
6. Endorsement of specific transportation projects;
7. Modification of the duties of the Executive Director; and
8. Adoption or amendment to the bylaws.

Please email the completed ballot to officeassistant@berkshireplanning.org or by mail to BRPC stating that you either vote in favor of or oppose authorizing the Executive Committee to act on behalf of the Commission.

Thank you.

The Executive Committee of the Berkshire Regional Planning Commission

_____ should be authorized

_____ should not be authorized

to act on behalf of the Commission for the remainder of Fiscal Year 2021.

Delegate's name(printed)

Delegate's signature

Community represented



BRPC

Berkshire Regional Planning Commission

KYLE HANLON, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
MALCOLM FICK, Treasurer
THOMAS MATUSZKO, A.I.C.P.
Executive Director

COMMITTEES OF THE BERKSHIRE REGIONAL PLANNING COMMISSION

COMMISSION DEVELOPMENT COMMITTEE

The Commission Development Committee considers Commission education, membership, structure, and process, including periodic evaluation of the performance of the Commission. Periodically, the Committee also reviews the Commission's bylaws to determine whether amendments are needed to enhance the operations of the Commission. The Commission Development Committee also establishes a nominating subcommittee to recommend a slate of officer candidates for the next fiscal year.

ENVIRONMENTAL REVIEW COMMITTEE

The Environmental Review Committee reviews projects requiring state or federal environmental permits. It may review requests for funding assistance from state or federal agencies and local land use actions for potential regional impacts and compliance with adopted regional plans. The Committee also advises the Commission or the Executive Committee regarding its recommendations and requested conditions before a given project or action is approved or denied by state, federal, or local authorities.

FINANCE COMMITTEE

The Finance Committee has oversight over the Commission's financial operations and reviews the annual audit. It recommends the per capita assessments of the member cities and towns for the next fiscal year and presents such recommendation to the Commission for approval. It recommends a full budget for the next fiscal year for Commission action.

REGIONAL ISSUES COMMITTEE

The Regional Issues Committee shall provide recommendations to the Commission identifying regional issues facing Berkshire County. It shall provide recommendations on proposed state or federal legislation or regulations, make recommendations to the Commission concerning requests from municipalities for policy or guidance on regional issues and study regional issues and policies. It shall consist of at least five (5) members.

BERKSHIRE BROWNFIELDS COMMITTEE

The Berkshire Brownfields Committee provides recommendations to the Commission regarding brownfield assessments and clean-up. It provides recommendations on which brownfield sites receive assessment funding and revolving loan funds for site clean-up.

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE

The Comprehensive Economic Development Strategy (CEDS) planning process is an on-going regional economic development effort focused on identifying regional economic goals and priorities, identifying strategies for and facilitating implementation, and measuring progress in the region. This process is facilitated by a Strategy Committee. Members of this committee are responsible for developing each 5-year CEDS and updating it annually during intervening years. The committee is broadly representative of the main economic interests of the region, which include private sector, public officials, workforce development, institutions of higher education, minority and labor groups, and private individuals. The committee must meet at least two times per year. CEDS Committee makeup is aligned with the requirements for federally designated Economic Development Districts.



JOHN DUVAL, Chair
MALCOLM FICK, Vice-Chair
SHEILA IRVIN, Clerk
BUCK DONOVAN, Treasurer
THOMAS MATUSZKO, 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.

The award will be given at the **September 16th, 2021** annual meeting.

I nominate the following for the Charles Kusik Award:

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

Please return to the Executive Committee at below address or fax or email to:
tmatuszko@berkshireplanning.org

Written nominations must be received by **August 26, 2021**.

Background on Charles Kusik

The BRPC inaugurated the Kusik Award in 1996. This annual award is named in honor of the late Charles Kusik, a resident of the Town of Richmond, who for over three decades placed his expert imprint on the zoning bylaws of nearly every town in the Berkshires. He retired at age 82. He and his wife continued to live in Richmond until shortly before his death at age 91 in 1992.

Charles was an Estonian Diplomat who had first come to this county with his parents in 1921. He held a Master's Degree from New York University and in 1931 completed all of the course requirements for a Doctorate from Columbia University Business School. He served as Estonia's Consul General in New York from 1931 to 1939 and was also in charge of the Washington legation during those years. He returned to Estonia and was working as First Secretary of the Ministry of Foreign Affairs when Soviet Troops invaded his country in 1940. He fled with his wife, Mary, who was also of Estonian descent and two children. In need of a job, he moved with his family to Richmond, where he bought a chicken farm on West Street. That provided him with a second career while he and Mary raised their family. He became very active in Richmond Civic affairs, most notably serving for 28 years on the Planning Board, where he was instrumental in the passage of Richmond's first zoning bylaw in 1954.

From the formation of the Commission in the mid-sixties, Charles was an active Delegate. In 1967, the Commission consisted mostly of the two cities and the larger towns – who needed Regional Plans in order to become eligible for sewer and water grants and loans. The smaller towns who had no central water supply or sewer systems were slow to adopt zoning and subdivision controls. Many had no Planning Boards until the late sixties, and Tyringham was the last town to establish a Planning Board in 1978. The small towns had only rudimentary zoning and some had none at all. The Commission quickly became a resource for people in the Berkshire Town who want to plan to control growth. Charles began his remarkable career as "Citizen Planner". He first worked as a volunteer and then worked as the Commission only paid traveling consultant. (This was a third career, as he happily retired from chicken farming.) He spent countless evenings at Planning Board meetings helping towns to craft Zoning packages that could get through Town Meetings which had been notably resistant to any regulation that came from the outside. But Charles was one of their own, and his extensive knowledge and his endless patience helped nearly all Berkshire towns adopt or amend their zoning and amend subdivision regulations. He'll quickly say that what local Boards needed most was a basic "How To" Guide for their activities, and so he wrote a large number of manuals, including:

- How a Zoning Board of Appeals Operates
- Non-Conforming Uses
- How to Conduct a Public Hearing
- Notice Requirements
- Special Permits and Variances
- Procedures for Adopting Bylaws

He devised a basic template for a one district zoning bylaw – usually with one-acre zoning (no map required) and a number of by right uses and a number more by Special Permit. Those bare bones have been fleshed out or replaced in many towns in recent years, but many towns are reluctant to adopt

bylaws which are more complicated. Because Charles knew first-hand how towns work, he was able to help Boards get their bylaws adopted and to help them administer them; almost entirely with local planner and staff.

For many towns, he **was** the Regional Planning Commission and what they saw as the reason for belonging to it, as all communities did by 1979. Charles could talk knowledgeably to Board members and lawyers about zoning problems and questions and there were few cases in the field that he didn't know by heart.

He was honored nationally for his work, receiving an award as a "Citizen Planner" from the National Planning Professional Association. Charles was a night owl, and local Board members knew they could call him as late as midnight and find him working and happy to talk with them. He and his wife had a nap and an early dinner, and then he was set to work far into the night.

He never lost his Estonian accent and when he spoke he often failed to use articles so that he always spoke about "power of Planning Board" – a power he believed in firmly. He encouraged Planning Board to stand up for what they believed was right even when it was, as it often was, very unpopular. He taught Boards that they needed town plans and that they needed to participate in Regional Planning activities. When asked after the passage of the first Richmond Zoning Bylaw if he thought people knew what they were voting on, he said. "no, of course not, or they wouldn't have voted voluntarily to restrict their freedom of action with regard to their land, but they will learn that Richmond community will be a much better place with what they voted for tonight." He and the Richmond Planning Board continued to refine that bylaw, but you can still see the bare bones they set for in the 1954 Bylaw.

Berkshire County is a far different place in outward appearance and inward beauty than it would be if Charles had not lived.

CHARLES KUSIK AWARD RECIPIENTS
Berkshire Regional Planning Commission

<u>Year</u>	<u>Recipient(s)</u>	<u>Topic</u>
1996	Mayor John Barrett, III	Reuse of Old Mill Buildings – MassMOCA
1997	Rachel Fletcher & Timothy Gray	Housatonic River Reclamation Efforts
1998	Rep. Peter J. Larkin	Economic Revitalization Efforts – Brownfields Legislation
1999	George S. Wislocki & Tad Ames	Preserving Natural Resources
1999	Mayor Gerald S. Doyle, Jr. & Thomes E. Hickey, Jr.	Economic Development Efforts – GE Settlement
2000	Donald R. Dubendorf, Esq.	Berkshire Connect
2001	Leslie Reed-Evans	Agricultural Preservation
2002	Southern Berkshire Housing Coalition & Community Development Corp. of Southern. Berkshire	Affordable Housing
2003	Robert Race	Lake Preservation
2004	Congressman John Olver	Regional Leadership & Support
2005	No award granted	
2006	Peter Lafayette	Affordable housing
2007	Donald Schmidt	Support to the local planning officials
2008	Sally Bell	Legal service&30 years support for planning boards
2009	Marjorie Cohen	Bike Path Council
2010	Daniel Bosley	Advanced Economic Development
2011	Donald Goranson	35 years Great Barrington Planning Board
2012	Aimee Thayer	Leadership in Berkshire County and Lanesborough
2013	Mayor Richard J. Alcombright	Planning in North Adams and Collaborative Work with Other Communities
2014	Eleanor Tillinghast	Leadership and Advocacy to Protect the Natural Resources
2015	Donna Cesan	15 years Community Development in Adams
2016	Benjamin B. Downing	10 years as State Senator, Championing Berkshire County, Addressing Issues Important to its Communities
2017	Roberta “Bobbie” Orsi	For Her Initiation of and Leadership to Age Friendly Berkshires
2018	Barbara Zheutlin	Berkshire Grown
2019	Kristine Hazzard	For her leadership of Berkshire United Way and its community impact work
2020	No award due to COVID-19	

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. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

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 7: Revised November 14, 2016.

* * * * *

ACKNOWLEDGMENT OF RECEIPT

I, _____, an employee at _____,
(first and last name) *(name of municipal dept.)*

**hereby acknowledge that I received a copy of the summary of the conflict of interest law
for municipal employees, revised November 14, 2016, 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 email acknowledging receipt of the summary to the individual who provided them with a copy of it.

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MEMORANDUM

TO: Delegates & Alternates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, AICP, Executive Director
DATE: July 2, 2021
SUBJ: Executive Director's Report

A. State Ethics Form

The State Ethics Commission requires that annually we provide a copy of the Conflict of Interest Law and receive signed copies of an acknowledgement of receipt of said law from all Delegates, Alternates and Commission Committee members. Attached is a copy of the Summary of the Law, with the Acknowledgement of Receipt at the end. Please email the completed Acknowledgement of Receipt Form to officeassistant@berkshireplanning.org or by mail to BRPC. Where the form says "name of municipal dept" please enter Berkshire Regional Planning Commission. Alternatively, you may send an e-mail acknowledging receipt of the summary of the Conflict of Interest Law to officeassistant@berkshireplanning.org.

B. Office Update

As of June 15, 2021 the BRPC office is open to the public. Staff is working in the office, according to our recently adopted telework policy, a minimum of 2 days per week. Anyone who is unvaccinated, including staff or visitors, must wear a face covering at all time until further notice. Those who are vaccinated do not have to wear a face covering. The main door to the building will remain locked at all times. There is an entry system at the door to the street. Staff have a key fob to open the door. Visitors will need to enter a code in the touchpad that rings in our upstairs office where we can unlock the magnetic door lock.

C. District Local Technical Assistance Funding

FY 22 funding for the District Local Technical Assistance Funding (DLTA) program is still mired in the legislative process. Similar to previous years, it was included in the House budget, but not included in the Senate Ways and Means budget. Hence, if it is to be approved this year it will need to be included by the Conference Committee. As I write this memo, the state budget process is still in the hands of the Conference Committee. We do not know where DLTA funding stands.

D. US Census Differential Privacy Policy Update

As you will recall, at the last meeting Susan Strate, the Senior Program Manager, Population Estimates Program at the Donahue Institute gave a presentation about the US Census Differential Privacy Policy, which proposes to distort census counts in some instances to protect privacy. Just recently, I received a very brief update from Susan where she indicated the process seems to be much improved with the intentional distortions much smaller.