



MEETING NOTICE

There will be a meeting of the
BERKSHIRE REGIONAL PLANNING COMMISSION
on Thursday, July 20, 2023 at **6:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join Zoom meeting at <https://us02web.zoom.us/j/3926128831>
Meeting ID: 392 612 8831, Phone: 646.558.8656, 301.715.8592, 312.626.6799

Meeting Materials are posted at www.berkshireplanning.org. Click on the meeting in the Events Calendar to open them.

Agenda

(All times approximate)

- I. Opening (6:00-6:05)**
A. *Call to Order and Open Meeting Law Statement*
B. *Roll Call of Commission Members Attending the Meeting*
C. *Vote to Approve Minutes of the May 18, 2023 Full Commission Meeting*
- II. Comments from and Discussion with Berkshire Regional Planning Commission Delegates and Alternates Issues (6:05-6:10)**
Delegates and Alternates may bring up any issue not on the agenda for discussion. Any possible action will be referred to a future meeting.
- III. Comments from the Public (6:10-6:15)**
Members of the public may offer comments regarding topics on the agenda or other matters they wish to bring to the Commission's attention. Comments are to be directed to the Commission. Commenters must state their names and the city or town they are from.
- IV. Presentation of Executive Committee Actions (6:15-6:20)**
Executive Committee actions taken on the Commission's behalf at its June 1, 2023 meeting are presented for discussion.
- V. Vote to Elect BRPC Officers for FY 2024 (6:20-6:25)**
BRPC Officers need to be elected for FY 24. The Nominating Committee proposed the following slate of officers for FY 2024:
- *Chair: Malcolm Fick, Great Barrington Alternate*
- *Vice Chair: John Duval, Adams Alternate*
- *Clerk: Sheila Irvin, Pittsfield Delegate*
- *Treasurer: Buck Donovan, Lee Delegate*
Nominations will be taken from the floor.
- VI. Vote to Endorse Committee Chairs and At-Large Executive Committee Member Appointments for FY 2024 (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*
- *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

VII. Vote to Authorize the BRPC Chair to Vote to Approve the 2024 Regional Transportation Plan (RTP) at the July 25, 2023 Metropolitan Planning Organization(MPO) Meeting (6:25-6:45)

The Regional Transportation Plan (RTP) lays the groundwork for transportation investments in Berkshire County for the next twenty years. It recommends projects, programs, and planning staff activities that will complement and enhance Berkshire County's transportation infrastructure. Discussion and input will instruct the BRPC Chair how to vote at the upcoming MPO meeting. The full document can be found at [RTP2024: Berkshire County Regional Transportation Plan \(berkshireplanning.org\)](https://www.berkshireplanning.org/RTP2024)

VIII. Vote to Authorize the BRPC Chair to Vote to Approve the October 1, 2023 – September 30, 2024 Unified Planning Work Program (UPWP) at the July 25, 2023 Metropolitan Planning Organization (MPO) Meeting (6:45-7:00)

The Unified Planning Work Program for FFY 2024 establishes the transportation planning work BRPC staff will be involved in for the coming year. Discussion and input will instruct the BRPC Chair how to vote at the upcoming MPO meeting. The full document can be found at [BMPO-Draft-FFY-24-UPWP.pdf \(berkshireplanning.org\)](https://www.berkshireplanning.org/BMPO-Draft-FFY-24-UPWP.pdf)

IX. Authorization for Executive Committee to Act on Behalf of the Commission (7:00-7:05)

BRPC bylaws require Commission members to vote annually reconfirming the Executive Committee's authorization to act in the name of and on behalf of the Commission. Details on three easy ways to vote are in an attached memo: email response; SurveyMonkey poll or return paper form.

X. Recruitment to BRPC Committees (7:05-7:10)

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.

XI. Ethics Law Compliance Records (7:10-7:15)

The Commission must maintain a record of Delegates' and Alternates' compliance with state ethics laws including annual Acknowledgement of Receipt of the Ethics Law (law and receipt acknowledgement form in meeting materials); current Conflict of Interest Law course Certificate (every two years); and receipt of Open Meeting Law form (once, does not repeat). Email yours to officeassistant@berkshireplanning.org.

XII. Economic Development District "Survey" of Commission Members (7:15-7:20)

BRPC's status as an Economic Development District requires us to document certain attributes of our members. Staff will be sending a brief survey.

XIII. Executive Director's Report (7:20-7:25)

The Executive Director is available to discuss items in his report

XIV. Adjournment (7:25)

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 FULL COMMISSION MEETING MINUTES **May 18, 2023**

This was a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

I. Opening

A. The meeting was called to order at 7:03 pm.

Chair John Duval stated that per the open meeting law, BRPC was recording this meeting. Others may record the meeting after informing the meeting Chair. Documents presented must be provided to the Chair at the meeting.

B. Roll Call

The following Commission members were present:

John Duval – Adams Alternate
Peter Traub – Cheshire Delegate
Caleb Darby – Dalton Delegate
Mary McGurn – Egremont Delegate (left early)
Stephen Lyle – Egremont Alternate
Pedro Pachano – Great Barrington Delegate
Malcolm Fick – Great Barrington Alternate
Richard Roussin – Hinsdale Delegate
Barb Davis-Hassan – Lanesborough Delegate (in and out)
Leanne Yinger – Lanesborough Alternate
Buck Donovan – Lee Delegate
Laura Mensi – Monterey
Keith Torrico – Mt Washington
Mark Anthony – Otis Delegate
Sheila Irvin – Pittsfield Delegate
Sari Hoy – Sheffield Delegate
Rene Wood – Sheffield Alternate
Nancy Socha – Stockbridge Delegate
Christine Rasmussen – Stockbridge Alternate
Don Gagnon – Washington Delegate
Kenneth Kuttner – Williamstown Delegate
Roger Bolton – Williamstown Alternate
Doug McNally – Windsor Delegate

Towns with Absent Delegates and no Alternate present:

Alford, Becket, Clarksburg, Florida, Hancock, Lenox, New Ashford,
New Marlborough, North Adams, Peru, Richmond, Sandisfield,
Savoy, Tyringham, West Stockbridge

Staff Present:

Thomas Matuszko, Marianne Sniezek, Kate Hill Tapia, Wylie Goodman, Anuja Koirala, Clete Kus

Others Present:

PCTV, KWTiphone, Bill BA

C. Approval of Minutes of March 16, 2023, Meeting

Roger Bolton moved to approve the March 16, 2023, draft meeting minutes, and Doug McNally seconded the motion. There was no discussion. The minutes were approved with a roll call vote.

John Duval, Peter Traub, Caleb Darby, Pedro Pachano, Buck Donovan, Laura Mensi, Mark Anthony, Sheila Irvin, Sari Hoy, Nancy Socha, Don Gagnon, Kenneth Kuttner, Doug McNally

Abstained: Richard Roussin, Ketih Torrico, Sari Hoy

II. Comments from and Discussion with Berkshire Regional Planning Commission Delegates and Alternates Issues

None

III. Presentation of Executive Committee Actions

There were no questions.

IV. Vote to Authorize the BRPC Chair to Vote to Approve the Coordinated Public Transit – Human Services Transportation Plan (CHST) Plan at the June 27, 2023 Metropolitan Planning Organization(MPO) Meeting

Senior Transportation Planner Anuja Koirala reviewed the Coordinated Public Transit – Human Services Transportation Plan (CHST) that assesses the needs of and identifies strategies to improve the quality and availability of transportation services for persons with disabilities and seniors within Berkshire County. It is updated every four years with input from, or representatives of, seniors and individuals with disabilities, and public, private and non-profit transportation and human service providers and coordinated with other transportation service providers.

Doug McNally authorized the BRPC Chair to vote to approve the Coordinated Public Transit – Human Services Transportation Plan (CHST) at the June 27, 2023, Metropolitan Planning Organization(MPO) Meeting. It was seconded by Pedro Pachano and approved by a roll call vote:

John Duval, Peter Traub, Caleb Darby, Pedro Pachano, Richard Roussin, Leanne Yinger, Buck Donovan, Laura Mensi, Keith Torrico, Mark Anthony, Sheila Irvin, Sari Hoy, Nancy Socha, Don Gagnon, Kenneth Kuttner, Doug McNally

V. Approval Vote to Authorize the BRPC Chair to Vote to Approve the October 1, 2023 – September 30, 2028 Transportation Improvement Program (TIP) at the May 23, 2023 Metropolitan Planning Organization Meeting (MPO)

Anuja Koirala also went over the updated Transportation Improvement Program (TIP) for the Berkshires that determines the projects that will receive the limited federal transportation funds in the region.

Doug McNally moved to authorize the BRPCC Chair to vote to approve the October 1, 2023 – September 30, 2028 Transportation Improvement Program (TIP) at the May 23, 2023 Metropolitan Planning Organization Meeting (MPO); Roger Bolton seconded the motion. A roll call vote authorized the vote.

John Duval, Peter Traub, Caleb Darby, Pedro Pachano, Richard Roussin, Leanne Yinger, Buck Donovan, Laura Mensi, Keith Torrico, Mark Anthony, Sheila Irvin, Sari Hoy, Nancy Socha, Don Gagnon, Kenneth Kuttner, Doug McNally

VI. BRPC Nominating Committee Report for BRPC Officers for FY 2024:

The Nominating Committee recommended that the following officers for FY 2024 be voted on at the first Commission meeting after July 1, 2023.

Chair – Malcolm Fick; Vice Chair – John Duval; Treasurer – Buck Donovan; Secretary – Sheila Irvin

VII. Vote to Adopt the Berkshire Regional Planning Commission FY 2024 Budget

Pedro Pachano moved to adopt the annual budget for the coming fiscal year, beginning July 1, 2023, as recommended by the Finance Committee. Nancy Socha seconded the motion, and a roll call vote approved it:

John Duval, Peter Traub, Pedro Pachano, Richard Roussin, Leanne Yinger, Buck Donovan, Laura Mensi, Keith Torrico, Mark Anthony, Sheila Irvin, Sari Hoy, Nancy Socha, Don Gagnon, Kenneth Kuttner, Doug McNally

VIII. Digital Equity Planning Presentation

Senior Economic Development Planner Wylie Goodman reviewed BRPC's digital equity activities to promote access to high-speed broadband and technology and encouraged municipalities to participate in leveraging potential future funding.

IX. Executive Director's Report

A. CPTC Webinar Series, Introduction to the Zoning Act

A great opportunity for newly elected Planning Board members, the Spring - Summer CPTC Webinar Series begins with a workshop Introduction to the Zoning Act, addressing the purposes of the Zoning Act

and the process (and the Planning Board's role) for the adoption/amending of zoning bylaws and ordinances. It will be held via Zoom on Tuesday, May 23, at 5:30 pm. Registration is required.

B. Economic Development Planning Council

The Healey-Driscoll Administration recently initiated the state's economic development planning process with the first meeting of the Economic Development Planning Council at the Massachusetts State House. The council will hold a series of engagement sessions across the state this spring and summer to gather public input about the state's economic development needs and opportunities. The council will then craft a strategic plan to guide Massachusetts's economic development policy over the next four years. The first session is May 19, 2023 in Springfield. A Berkshire session is being planned.

C. Additional Housing Related Grant Funds

The Healey-Driscoll Administration announced the availability of additional funding to support community planning and engagement efforts geared towards increasing housing production. Approximately \$1.5M in community compact funds will be distributed competitively to eligible projects through the Community Planning Grant Program in the 2023 Community One Stop for Growth process.

D. 2023 State of the County Update

Berkshire Benchmarks released the 2023 State of the County Update as a follow-up to the 2022 State of the County Report, State-of-the-County-Update-2023.pdf (berkshirebenchmarks.org).

X. Comments from the Public

None

XI. Adjournment

Barb Davis-Hassan motioned to adjourn, seconded by Pedro Pachano, and approved by roll call vote. The meeting adjourned at 8:29 pm.

John Duval, Peter Traub, Pedro Pachano, Richard Roussin, Barb Davis-Hassan, Buck Donovan, Laura Mensi, Keith Torrico, Mark Anthony, Sheila Irvin, Sari Hoy, Nancy Socha, Don Gagnon, Kenneth Kuttner, Doug McNally



BRPC

Berkshire Regional Planning Commission

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

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: July 14, 2023
SUBJ: Executive Committee Actions for June 1, 2023

Per 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 the June meeting.

Executive Committee Actions on June 1, 2023

Approved the minutes of the May 4, 2023, BRPC Executive Committee meeting

Approved the May 1 to May 24, 2023, Expenditures Report

Approved a Grant contract (after the fact) from the Western MA Health and Medical Coordinating Coalition to Analyze the Equity in Emergency Issues in Western Mass

The Executive Committee authorized the Executive Director to approve a grant contract (after the fact) from the Western MA Health and Medical Coordinating Coalition to Analyze the Equity in Emergency Issues in Western Mass for \$15,558; the contract ends June 30, 2023.

Approved a Memorandum of Understanding with the Williamstown Chamber of Commerce & Cultural District for ArtWeek Management

The Executive Committee approved a Memorandum of Understanding with the Williamstown Chamber of Commerce & Cultural District for ArtWeek Management.

Approved the Submission of a Grant Application to the Substance Abuse and Mental Health Services Administration (SAMHSA) Strategic Prevention Framework-Partnerships for Success (SPF-PFS) Program in the U.S. Department of Health and Human Services

The Executive Committee authorized the Executive Director to submit a grant application to SAMHSA Strategic Prevention Framework-Partnerships for Success Program in the U.S. Department of Health and Human Services. BRPC's Berkshire Overdose Addiction Prevention Collaborative (BOAPC) would build on existing capacities to develop and implement community-driven, evidence-based interventions to reduce the onset and progression of substance misuse and its related problems while promoting mental health services and community resiliency. This \$1,875,000 five-year grant would be a collaborative project with community organizations.

Approved the Submission of a Grant Application to the Massachusetts Department of Energy Resources Green Communities Division for the Regional Energy Planning Assistance Program

The Executive Committee authorized the Executive Director to submit a grant application to the Massachusetts Department of Energy Resources Green Communities Division for the Regional Energy Planning Assistance program.

Approved the Submission of a Grant Application to the US Environmental Protection Agency Healthy Communities Grant Program

The Executive Committee authorized the Executive Director to submit a grant application to the US Environmental Protection Agency Healthy Communities Grant Program. The maximum available is \$150,000. BRPC would enter into MOUs with several member municipalities to assist them with energy planning and technical assistance services.

Approved the Submission (after the fact) of Two Grant Applications to the Planning Assistance Program with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA)

The Executive Committee authorized the Executive Director to submit two grant applications to the Planning Assistance Program with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA).

Approved the Submission of a Grant Application to Mass Tech Collaborative related to Digital Equity Planning and Regional Asset Mapping

The Executive Committee authorized the Executive Director to submit a grant application to Mass Tech Collaborative for \$15,000 for Digital Equity Planning and Regional Asset Mapping.

Approved the Submission of a Grant Application to the Massachusetts Community One Stop for Growth Program for the Berkshire County Municipal Employee Pipeline Program

The Executive Committee authorized the Executive Director to submit a \$100,000 grant application to the Community One Stop for Growth Program for the Berkshire County Municipal Employee Pipeline Program.

Approved the revised Personal, Family, and Medical Leave Policy

The Executive Committee approved extending the BRPC Telework Policy through June 30, 2024

Executive Summary

The Regional Transportation Plan (RTP) lays the groundwork for transportation investments in Berkshire County for the next twenty years. BRPC planning staff have spent the past year conducting outreach to stakeholders around the Berkshires, gathering the latest socioeconomic and demographic data for the region, and working with state and federal partners to craft an investment road map for our transportation assets.

This *RTP2024* document distills the data, feedback, and budgets that have been gathered, and recommends projects, programs, and planning staff activities that will complement and enhance Berkshire County's transportation infrastructure. The goals of this document are to address existing gaps identified in our infrastructure and to look to the future with recommendations to modernize our assets where most relevant.

This document is an update to the previous RTP, completed in 2020. Every four years, an updated Long Range Transportation Plan, such as this RTP, must be filed with the Federal Highway Administration (FHWA) in order for the region to remain eligible for federal highway dollars. Along with project and programmatic recommendations, the RTP also re-certifies the legal standing of the Berkshire Metropolitan Planning Organization (BMPO), a decision-making body comprised of elected officials or appointees from around the region.

Finally, the RTP document certifies the region's Air Quality standards conformity and demonstrates a fiscally constrained budget for transportation project planning. For more details about these about these items, along with where to find them in the RTP, please see **Chapter 2 - Planning Framework**.

Vision Statement

This RTP will work to achieve a long-term vision for Berkshire County where:

- ◆ People of all ages and abilities can move around the region in a safe and efficient way.
- ◆ Our transportation infrastructure is safe, reliable, and in a state of good repair, with zero fatalities and serious injuries on our roads.

- ◆ City and town centers are vibrant places of activity with attractive choices available to walk, cycle, take transit or drive to destinations.
- ◆ Residents feel empowered to be good stewards of our transportation system and infrastructure.
- ◆ Planning and feedback between decision makers and stakeholders is continuous, comprehensive and cooperative.
- ◆ Opportunities to innovate are identified and pursued when possible.
- ◆ Our transportation system is sustainable: environmentally, economically, and socially.
- ◆ Natural habitats are protected and supported by our infrastructure and negative externalities are minimized to the greatest extent.
- ◆ The quality of our infrastructure is competitive and attractive for prospective residents, businesses and visitors, and supportive of our established neighborhoods and industries.

Public Participation Insights

As part of the Public Participation goals of the RTP project, an online survey was published which invited Berkshire residents to share their views about the transportation system. Below are key data points gathered from aggregated survey responses, along with insights into what the data could mean for future planning work. Please see the **Public Engagement** section in **Chapter 2** for a more detailed breakdown of survey findings, and the **Appendix** for all survey data and comments that were gathered.

Data: Most respondents (85%) said they see themselves **living in the Berkshires** 5 years from now.

Insight: We are making investments for residents who are living here today and will be in the future.

Data: The highest proportion of respondents saw themselves living in a **detached house on a large lot** in the next stage of their life.

Insight: Rural lifestyles are prevalent in the Berkshires, and transportation planning should account for how to support that complementary infrastructure.

Data: A majority of respondents (88%) said they used a **personal vehicle** as their primary means of travel around the county.

Insight: Our region relies heavily on personal automobile ownership for mobility.

Data: Most respondents **did not indicate satisfaction** with various components of our transportation system.

Insight: There is work still to be done in the areas of maintenance, safety, accessibility, sustainability, active transportation, and transit.

Data: Lack of pedestrian infrastructure, lack of bike paths/lanes, and bus availability were the **top three challenges** selected by respondents.

Insight: There is regional appetite for a more connected pedestrian/bicycle network, and more availability of mass transportation.

Data: The **top-ranked budget priorities** from respondents were maintenance, improving public transit, safety, better bicycle/pedestrian facilities, and new technology enhancements

Insight: Planning for future transportation investments should include improvements to existing infrastructure while keeping pace with new technologies as they evolve.

Data: The most respondents (42%) desired to see **transit connections made to neighboring systems**, such as CDTA in Albany and PVTa in the Pioneer Valley. 79 percent of respondents said they **would likely use regional rail** connections.

Insight: Investments in regional connections could be attractive to residents wanting to visit other amenities or services.

Summary of Regional Socioeconomic Trends

Our regional population is declining and is expected to continue doing so.

Between 2000 and 2020, the Berkshire County population declined from 135,000 people to 129,000. By 2040 the population is projected to be around 122,500.

Our population is aging but this trend will shift over the next two decades.

Between 2020 and 2025, the age 65-69 age bracket is projected to contain the highest proportion of Berkshire County residents. By 2040, the

age 45-49 bracket is projected to be the highest proportion as the baby boom generation reaches its average life expectancy.

Our households are less wealthy than those in other parts of the state.

According to 2021 ACS estimates, the median household income for Berkshire County was \$60,749, compared to \$89,645 for Massachusetts as a whole. Berkshire County has a higher rate of child poverty within its population (15.6%) than of Massachusetts as a whole (12.6%).

Transportation Financing

Over the planning horizon from 2024-2044, the Berkshire MPO is expected to have a budget of approximately \$737.6 million, otherwise known as the Regional Target. The investments that are recommended and programmed under this plan must demonstrate that they are "fiscally constrained" within this target funding. See **Chapter 5 - Fiscal Constraint Analysis** for more information about the types of funding available for transportation projects in Berkshire County.

Long-Range Goals and Recommendations

The RTP2024 lists six major goals along with objectives recommended that will work to achieve those goals. See **Chapter 4 - Regional Goals and Recommendations** for a detailed breakdown of each of these items.

- 1. Maintain a State of Good Repair***
- 2. Foster Economic Development***
- 3. Enhance Transportation Services and Options***
- 4. Increase Safety and Security***
- 5. Promote Active Transportation***
- 6. Adapt for Sustainability and Resilience***

Within these goals and objectives are recommended projects, programs and activities that will advance efforts toward achieving them. Some are specific projects that have an estimated dollar figure applied, while others are more conceptual or consist of staff activities that may be placed on the Unified Planning Work Program (UPWP). All recommendations are summarized in the tables that follow.

2024 RTP Goals, Objectives and Recommendations

Goal 1. Maintain a State of Good Repair

► Objective 1a. Maintain Pavement Conditions

Recommended Projects:

Pittsfield: Route 7 (First Street) between East Street and Tyler Street: Approx. 3,800 LF of road reconstruction, bike/ped and ADA improvements, signal replacements, and other safety improvements. Estimated cost: \$6,000,000

Adams: Bucklin Road from Cheshire town line to Walling Road; East Road from Walling Road to Upper E Hoosac Street: Approx 2.1 miles of road rehabilitation. Estimated cost: \$1,100,000

Adams: West Road from Reservoir Road to Gould Road: Approx. 2.1 miles of road rehabilitation. Estimated cost: \$1,100,000

Lanesborough: Summer Street from Old Cheshire Road to Old State Road: Approx 6,500 LF of reconstruction. Estimated cost: \$563,000

Cheshire: Lanesboro Road from Lanesborough town line to Route 8: Approx 1.85 miles of road reconstruction. Estimated cost: \$849,000

Sheffield: County Road from Hickey Hill Road to New Marlborough line: Approx. 1.5 miles of reconstruction. Estimated cost: \$893,120

► Objective 1b. Maintain Bridge Conditions

Recommended UPWP Activities:

Report yearly to MPO on changes in bridge condition

Assist communities in obtaining up to date bridge data

Coordinate with municipalities as needed in navigating bridge funding opportunities

► Objective 1c. Maintain Culvert and Stream Crossing Conditions

Recommended UPWP Activities:

Continue gathering data for culverts that have yet to be assessed

Coordinate with local highway departments to prioritize culvert repairs or replacements, and find ways to streamline the process in concert with other road maintenance work

Encourage more towns to assess their stream crossings through the Municipal Vulnerability Preparedness (MVP) program

Research and share the latest culvert design standards that support adequate water flow and wildlife connectivity

Goal 2. Foster Economic Development

► Objective 2a. Grow Economic Opportunity through Transportation

Recommended Programs:

Bottleneck analysis and pavement management activities related to development of the Greylock Glen site

Intelligent Transportation System (ITS) feasibility study along Route 7 in central Pittsfield

Trip generation and demand study for large-scale regional attractions and events

Continued transition toward vehicle electrification and reducing VMTs through demand management and land use controls

► Objective 2b. Develop Scenic Byways

Recommended UPWP Activities:

Continue staff support for JLTSB, Inc. activities such as board meetings and communication

Perform duties as Clerk of the board including meeting minutes, annual report filing, and outreach as necessary

Provide technical support where needed for transportation-related initiatives along the corridor

Explore a re-connection with PVPC for initiatives that take place in Hampden County

Monitor for funding opportunities that are within the capacity of the Scenic Byway team

Maintain relationships with MassDOT and the Scenic Byways liaison

Maintain relationships with Berkshire towns along the Byway to solicit monetary and in-kind contributions for Byway work efforts

► Objective 2c. Support Freight and Airport Operation

Recommended Projects:

Pittsfield: Reconstruction of Hubbard Avenue rail overpass. Estimated cost: \$15-20 million

Pittsfield Municipal Airport: Major rehabilitation of taxiways. Estimated cost: \$11,000,000 (note: cannot be budgeted with highway funds)

Walter J. Koladza Airport: Rehabilitation of runway. Estimated cost: \$3,232,000. (note: cannot be budgeted with highway funds)

North Adams: Herriman-and-West Airport gateway enhancements at Route 2 intersection. Estimated cost: \$1 million

Goal 3. Expand Public Transportation Services & Options

► Objective 3a. Enhance Public Transportation

Recommended Projects:

Implement microtransit service in additional areas of Berkshire County. Estimated cost: \$4,200,000

North and South County transit hub locations, including vehicle storage and staging. Estimated cost: \$1,500,000 per hub

Run fixed-route services at 30-minute headways for daytime hours. Estimated cost: \$24,000,000

Recommended Programs:

Explore updated transit fare structure including free or reduced general fare

Explore increasing BRTA Member Communities to towns in the region who have yet to join

Explore fixed-route services to more towns in the region and connections to neighboring transit systems, such as via Route 143, Route 9, or Route 116 east to Franklin and Hampshire County.

Develop a feasibility roadmap for fleet replacement using alternative-fuel vehicles as opportunities arise

► Objective 3b. Expand Passenger Rail

Recommended Projects:

Continued operation of the Berkshire Flyer service, with potential assimilation into East-West Rail service west of Pittsfield. Estimated cost: \$750,000 per year

East-West passenger rail connection through Berkshire County. Estimated cost: \$2.4-4.6 billion statewide

Expanded passenger facilities at the Intermodal Transportation Center including 1000-ft track siding and level boarding platform. Estimated cost: \$6 million

Explore a pilot program of passenger rail service along the Housatonic Line from Pittsfield to Great Barrington. Estimated cost: \$62,400,000

Recommended UPWP Activities:

Continue to participate in efforts to assess the feasibility of Northern Tier passenger rail to North Adams

Study last-mile solutions to bring passengers to and from the ITC for rail transportation

► Objective 3c. Coordinate Transportation Services

Recommended UPWP Activities:

Implement recommendations of the CHST 2023 updates as resources become available

Develop a dementia-friendly Berkshires framework for guiding public works projects and transportation improvements

Explore the benefits of a regional mobility manager who could centralize mobility services for Berkshire constituents

Continue convening the Berkshire Regional Coordinating Council on Transportation (BRCCOT) to assess accessibility needs in the region

Pursue opportunities to leverage the MassDOT Community Transit Grant Program

Goal 4. Increase Safety and Security

► Objective 4a. Adopt the Safe Systems approach

Recommended UPWP Activities:

Implement a Berkshire County Comprehensive Safety Action Plan

Report yearly to MPO on changes to crash cluster and HSIP data

Report yearly on Performance Measure 1 (PM1) data to MPO and MassDOT

Assist in developing low-cost, expandable traffic calming solutions

Assist in developing bylaws and guidelines which promote effective access management

► Objective 4b. Continue roadway safety audits and countermeasures

Recommended UPWP Activities:

Coordinate with Berkshire County towns with HSIP-eligible crash clusters to program further study and implement countermeasures

Coordinate with MassDOT on RSAs (Road Safety Audits) to be conducted at top crash locations in the region

Prioritize future year HSIP projects

Identification of other potential safety improvements at crash clusters

Explore modernization and updates to a regional crash database

► Objective 4c. Standardize crash data

Recommended UPWP Activities:

Analyze the rates of crash reporting and geocoding for Berkshire municipalities

Conduct ongoing outreach with the MassDOT Office of Traffic Safety (OTS) and RMV

Conduct ongoing outreach to town police and first response units in partnership with OTS

Goal 5. Promote Active Transportation

► Objective 5a. Expand Bicycle infrastructure

Recommended Projects:

- Ashuwillticook Rail Trail extension: Hodges Cross Rd to Western Gateway Heritage State Park. Estimated cost: \$10,000,000
- North Adams: Adventure Trail from Williamstown town line to Western Gateway Heritage State Park. Estimated cost: \$15,000,000
- Great Barrington-Sheffield multi-use path. Estimated cost: \$16,000,000
- Williamstown Bike/Hike Path northern extension: Syndicate Road to VT state line. Estimated cost: \$3,200,000
- Lenox Bikeway Phase 1: Lee town line to Willow Creek Road. Estimated cost: \$3,500,000
- Lenox Bikeway Phase 2: Willow Creek Road to New Lenox road. Estimated cost: \$7,000,000
- Lenox/Pittsfield Connector Bikeway: New Lenox Road to Holmes Road. Estimated cost: \$4,000,000
- Lee Bikeway Phase 2: Downtown Lee to Lenox town line. Estimated cost: \$5,000,000

Recommended UPWP Activities:

- Continue to provide support to communities on Berkshire Bike Path implementation.
- Continue to provide technical support to Berkshire Bike Path Council (BBPC) and Bike North Berkshires including the provision of GIS-related services.
- Identify gaps in bicycle networks and develop a quality of service/bikability index
- Coordinate with MassDOT on U.S. Bike Route 7 signage installation
- Continue identifying priority areas for on-road cycling improvements and pedestrian enhancements, including best practices based on land use context
- Participate in Bay State Bike Week and Western New England Greenway initiatives
- Continue to support communities on general Complete Streets planning and implementation, including sidewalk inventories and walkability/bikability assessments
- Coordinate with MassDOT and municipalities on implementation of state Pedestrian and Bike Plans
- Maintain and report on an inventory of bicycle facilities in the region

► Objective 5b. Expand Pedestrian infrastructure

Recommended Projects:

- Route 7, Pittsfield: Approx. 3,200 LF of sidewalk to close the gap between MP 28.2 and MP 28.8 (Dan Fox Drive). Estimated cost: \$1,200,000
- Route 7/20, Lenox: Approx. 950 LF of sidewalk to connect isolated bus stops south of the intersection with New Lenox Road, including crosswalk upgrades at existing signal. Estimated cost: \$2,200,000
- Crane Avenue, Pittsfield: Approx. 550 LF of sidewalk and crosswalks in the vicinity of 898 Crane Ave, the Allendale Shopping Center, and the Ashuwillticook Rail Trail trailhead. Estimated cost: \$213,000
- East Street, Pittsfield: Construct a raised crossing at the existing crosswalk immediately east of Park Square. Estimated cost: \$100,000
- West Street/Government Drive, Pittsfield: Sidewalk extension or other pedestrian accommodations on Government Drive and College Way. Estimated cost: \$3,000,000

Recommended UPWP Activities:

- Conduct sidewalk inventory and gap analysis in Berkshire County
- Conduct walkshed analysis in Berkshire County
- Conduct an inventory of crosswalks in Berkshire County and categorize their current conditions and other characteristics
- Recommend priority crossings within the Urbanized Area and Urban Clusters in Berkshire County for enhancement
- Study how to utilize existing Roadsoft software to build the crosswalk inventory
- Collaborate with local Departments of Public Works and MassDOT to promulgate best practices for crosswalk installation in a standard way around the county

► Objective 5c. Expand Shared micromobility

Recommendations:

- Target: Implement or pilot shared micromobility options (i.e. bike share or e-scooter share) in the Phase 1 host cities identified.

Goal 6. Adapt for Sustainability and Resilience

► Objective 6a. Highlight the Links Between Transportation and Public Health

Recommended UPWP Activities:

- Conduct a special study of land use and public health indicators in Berkshire County
- Consider how to incorporate addiction recovery and prevention into CHST initiatives
- Incorporate measurable public health goals into transportation planning activities
- Collaborate with Public Health and substance recovery organizations to learn how the transportation system can better serve those seeking recovery
- Document how the infrastructure in our region can be adapted to encourage more in-person connections, outdoor recreation, exercise, and public engagement

► Objective 6b. Promote Electrification

Recommended Programs:

- Establish a Berkshire regional EV charging station working group, including leadership from local governments and industries such as electrical distributors and suppliers
- Work with municipalities on installing publicly-accessible L2 charging infrastructure in parking areas such as curbsides and municipal parking lots
- Conduct a benefit-cost analysis of adapting local bus fleets such as BRTA and PPS to alternative-fuel buses

Recommended UPWP Activities:

- Work with regional employers and tourism destinations to assist with EV charging station awareness, planning, financing and implementation
- Continue collaboration with regional bus operators to pursue reductions in tailpipe emissions from transit vehicles.
- Establish a community liaison or partner to provide a starting-off point for interested stakeholders, communicate with local utility providers, and advocate to policy makers about the needs of Berkshire County to continue EV adoption
- Collaborate with designated Green Communities in Berkshire County to leverage Green Communities grant funding for the acquisition of EV charging equipment
- Encourage municipalities to adopt electric vehicle fleets

► Objective 6c. Mitigate Impacts on Natural Habitats

Recommended UPWP Activities:

- Continue collaboration with BRPC's Environmental Planning program as well as partners like Housatonic Valley Association, Greenagers, Mass Audubon, and the Nature Conservancy to identify key culverts and wildlife crossing points
- Advocate for increased funding and technical resources for culvert and stream crossing infrastructure that will be upgraded to modern stream crossing standards
- Continue updating the inventory of culverts in Berkshire County and their AOP ratings

Introduction

The Unified Planning Work Program (UPWP) is a description of the annual program for a continuing, cooperative and comprehensive (3C) transportation planning process in the Berkshire region. As staff to the Berkshire Metropolitan Planning Organization (MPO), the Berkshire Regional Planning Commission (BRPC) is responsible for developing the UPWP in cooperation with the MPO and staff of member transportation agencies including the Berkshire Regional Transit Authority (BRTA) and Massachusetts Department of Transportation (MassDOT).

The UPWP provides an indication of regional long and short-range transportation planning objectives, the budget necessary to sustain the overall planning effort, and the sources of funding for each specific program element. All tasks will be performed by BRPC in cooperation with appropriate agencies including BRTA. The only exception is task 2.3, Traffic Data Collection which will be performed by a consultant.

The work tasks within this UPWP reflect issues and concerns from transportation agencies at the federal, state and local levels. The UPWP continues BRPCs emphasis on tasks leading to implementation of transportation improvements. Many of these tasks support the vision, goals and objectives of the *Regional Transportation Plan* and provisions of federal legislation, particularly *Fixing America's Surface Transportation* (FAST) Act (Public Law No. 114-94), the Clean Air Act Amendments of 1990 (CAAA), the Americans with Disabilities Act (ADA), and the Civil Rights Act of 1964.

This UPWP will focus on the following:

- Management of the 3C Process and TIP Development
- Preparation of a new TIP and prioritization of new projects
- Corridor access and land use management for communities
- Continued investment in transportation software and professional development.
- Safety as a major consideration for all travel modes
- Maintenance of the Pavement Management System.
- Annual Title VI reporting
- Support for bicycling and pedestrian travel and implementing Complete Streets initiatives
- Improving the accuracy and scope of data used in transportation planning, including traffic volumes, crash data, land development and major businesses
- Transportation technical assistance to local governments
- Travel Demand Model Updates
- Performance based planning and performance measures
- Increased use of clean, alternative transportation modes
- Strategies to reduce GHG emissions
- Expansion of transit and rail service
- Monitor Berkshire Flyer pilot service
- Outreach and interregional coordination

The Federal Highway Administration (FHWA) continues to recognize the importance of the UPWP to address ten planning factors, specifically during the development of the UPWP:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility options available to people and for freight;
5. Protect and enhance the environment, promote energy conservation, and improve quality of life;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation;
8. Emphasize the preservation of the existing transportation system;
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
10. Enhance travel and tourism.

This UPWP addresses the above ten Planning Factors in a variety of ways, the sum of which is comprehensive. The way each planning task/activity applies to the factors is depicted in the following table.

Table 1: Applicability of UPWP Tasks to Metropolitan Planning Factors

Task Number	UPWP Element	Metropolitan Planning Factor									
		1	2	3	4	5	6	7	8	9	10
1.1	Management of 3C Process	√	√	√	√	√	√	√	√	√	√
1.2	UPWP	√	√	√	√	√	√	√	√	√	√
1.3	Public Participation	√	√	√	√	√	√	√	√	√	√
1.4	Title VI & EJ	√	√	√	√	√	√	√	√	√	√
1.5	TIP Development	√	√	√		√		√	√	√	√
2.1	GIS, Mapping and Graphics	√	√	√	√	√	√	√	√	√	√
2.2	Regional Data & Analysis	√	√	√	√	√	√	√	√	√	√
2.3	Traffic and Travel Data	√	√	√	√	√	√	√	√	√	√
2.4	Travel Forecasting & GHG Analysis	√	√		√	√	√	√	√	√	√
2.5	Pavement Management	√	√	√	√	√	√	√	√	√	√
3.1	Special Studies	√	√	√	√	√	√	√	√	√	√
3.2	Bicycle & Pedestrian Planning	√	√	√		√		√	√	√	√
3.3	Regional Transit Planning	√		√	√	√	√	√	√	√	√
3.4	Safety Initiatives	√	√			√		√	√	√	√
3.5	Climate Change	√	√	√		√		√	√	√	√
3.6	Freight & Freight Rail Planning	√	√	√	√	√	√	√	√	√	√
3.7	Regional Performance Measures	√	√	√	√	√	√	√	√	√	√
3.8	Berk Flyer Marketing & Monitoring	√	√	√	√	√	√	√	√	√	√
4.1	Transportation and Land Use	√	√	√	√	√	√	√	√	√	√
4.2	Local Technical Assistance	√	√	√	√	√	√	√	√	√	√
4.3	Scenic Byway Projects	√	√	√	√	√	√		√	√	√
4.4	Expansion of Transit & Rail Service	√	√	√	√	√	√	√	√	√	√
4.5	Outreach & Interregional Coord.	√	√	√	√	√	√	√	√	√	√

In addition to the FHWA's ten Planning Factors, tasks within the UPWP address the Planning Emphasis Areas jointly developed by FHWA and FTA on December 30, 2021. These Planning Emphasis Areas (PEAs) are intended to be utilized in the development of metropolitan and statewide planning and research programs. The PEAs encourage MPOs to focus on climate and clean energy, equity, complete streets, public involvement, Department of Defense coordination, Federal Land Management Agency coordination, planning and environmental linkages and data sharing in the transportation planning process.

The descriptions of the tasks to be accomplished and the budgets for these tasks are based on the best estimate of what can be accomplished within the limits of available resources. If, in the performance of this work program, it becomes apparent that certain tasks cannot be accomplished due to changing or unforeseen circumstances, the UPWP will be adjusted by redefining the scope of the tasks and/or reallocating funds among tasks. Such adjustments will be made in cooperation with MassDOT, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Berkshire Regional Transit Authority (BRTA), and other concerned agencies.

On November 15, 2021, the [Infrastructure Investment and Jobs Act \(IIJA\) \(Public Law 117-58, also known as the "Bipartisan Infrastructure Law"\)](#) was signed into law. The BIL does continue all requirements that applied to the Metropolitan Planning Program under the Fixing America's Surface Transportation (FAST) Act. It also requires each MPO to use at least 2.5% of its PL funds on specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities. This requirement is addressed through Task 3.2, Bicycle and Pedestrian Planning through Complete Streets activities; the task budget of \$54,000 exceeds the 2.5% requirement of expenditure on this task.



BRPC

Berkshire Regional Planning Commission

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

MEMORANDUM

TO: Delegates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko AICP, Executive Director
DATE: July 20, 2023
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:

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. A simple majority vote may revoke this authorization at any Commission meeting. The Commission retains sole authority to act on:

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 complete the ballot one of the following ways by **Friday, August 4, 2023**:

- Web-based poll: <https://www.surveymonkey.com/r/MLF2BLG>
- Return this form via mail
- Respond via email to officeassistant@berkshireplanning.org
- Fax: 413-442-1523

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 2023.

Delegate's name(printed)

Delegate's signature

Community represented



BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201
Pittsfield, MA 01201
T: (413) 442-1521 · F: (413) 442-1523
TTY: 771 or (800) 439-2370
berkshireplanning.org

Committee Descriptions

An integral feature of the Berkshire Regional Planning Commission is the work done by the standing committees of the Commission. BRPC currently has the following committees, comprised of delegates, alternates, and, in some cases, members from outside BRPC.

Standing Committees

Executive Committee

The Executive Committee is responsible for oversight of the business affairs and formulates general programs for the Commission in accordance with specific needs, plans and goals of the Commission. It reports its actions at the next Commission meeting. The Executive Committee has the following powers: disbursement of Commission funds based upon a warrant approved by the Executive Committee; borrowing funds in anticipation of revenue; authorizing signatory authority on checks; hearing and resolving personnel grievances; establishing personnel policies; authorizing applications for federal, state and local aid; seeking contributions; entering into contracts; approving comments on proposals of a regional or inter-community nature; approving submittal of comments for projects undergoing state or federal agency review; establishing policy for responding to requests for planning related technical assistance; authorizing planning services; and approving submittal of comments on legislation or regulations which affect the region or member municipalities.

Environmental Review Committee

The Environmental Review Committee reviews projects requiring state or federal environmental permits. It may also 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 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.

Commission Development Committee

The Commission Development Committee considers Commission education, membership, structure, and process, including periodic evaluations 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. A nominating subcommittee of this committee recommends a slate of officer candidates to the Commission for the next fiscal year.

Finance Committee

The Finance Committee oversees 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 to the Commission for approval no later than February. It also recommends a full budget for the next fiscal year for Commission action before the beginning of the next fiscal year.

Regional Issues Committee

The Regional Issues Committee provides recommendations to the Commission identifying regional issues facing Berkshire County, provides recommendations on proposed state or federal legislation or regulations, makes recommendations to the Commission concerning requests from municipalities for policy or guidance on regional issues and studies regional issues and policies.

Special Committees

The **Comprehensive Economic Development Strategy (CEDS) Committee** oversees the planning process for ongoing regional economic development efforts focused on identifying regional economic goals and priorities, identifying strategies for and facilitating implementation, and measuring regional progress. The result of this ongoing planning process is the development of a 5-year Comprehensive Economic Development Strategy for the region and accompanying annual progress reports, which are sent to the Economic Development Administration (EDA) to maintain the region's eligibility for EDA investments.

The **Berkshire Brownfields Program Committee** oversees site assessments, reuse and cleanup planning, a revolving loan fund for cleanups, and site-specific cleanup projects. It also assists with community outreach. This program is funded by the Environmental Protection Agency (EPA) and allows Berkshire County to reclaim land that may be contaminated and underutilized.

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, www.mass.gov/orgs/state-ethics-commission, 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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BRPC

Berkshire Regional Planning Commission

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

MEMORANDUM

TO: Berkshire Regional Planning Commission Delegates & Alternates
FROM: Thomas Matuszko, Executive Director
DATE: July 14, 2023
SUBJ: July 20, 2023, Commission Meeting

A. BRPC Staff Changes and Recognition

I am pleased to announce that Laura Brennan was recently promoted to BRPC Assistant Director. Laura brings a strong skill set as well as strong networking abilities to the position. She will remain as the Economic Development Program Manager as well. In addition to assisting in agency operations and the development and implementation of agency plans and goals, she will focus on public relations and outreach and Commission Development.

In addition, Seth Jenkins, Jaymie Zapata and Marie Brady have been promoted to Senior Planners based on their recent fine performance.

Also, BRPC has had a strong group of summer interns. I want to thank Evan Boyle, Michael Keegan, Avery Kolenski, Adam Sussbauer, and Alison Zhang for their helpful efforts.

B. BRPC FY 24 Meeting Schedule

The Executive Committee is meeting immediately prior to the Commission meeting. An agenda item for the Executive Committee is to ratify a meeting schedule as proposed by the Chair. Attached is the draft meeting schedule.



DRAFT SCHEDULE OF MEETINGS FY2024

Commission & Executive Committee Meetings

Commission	Executive Committee
Thursday, July 20, 2023 – 6:00 p.m.	Thursday, July 20, 2023 – 4:00 p.m.
Thursday, September 21, 2023 - 7:00 p.m.	Thursday, September 7, 2023 – 4:00 p.m.
	Thursday, October 5, 2023 – 4:00 p.m.
Thursday, November 16, 2023 – 7:00 p.m.	Thursday, November 2, 2023 – 4:00 p.m.
	Thursday, December 7, 2023 – 4:00 p.m.
Thursday, January 18, 2024 – 7:00 p.m.	Thursday, January 4, 2024 – 4:00 p.m.
	Thursday, February 1, 2024 – 4:00 p.m.
Thursday, March 21, 2024 – 7:00 p.m.	Thursday, March 7, 2024 – 4:00 p.m.
	Thursday, April 4, 2024 – 4:00 p.m.
Thursday, May 16, 2024 – 7:00 p.m.	Thursday, May 2, 2024 – 4:00 p.m.
	Thursday, June 6, 2024 – 4:00 p.m.

Annual Meeting – to be determined

The following committees meet as needed:

- **Berkshire Brownfields**
- **Commission Development** (and Nominating Subcommittee)
- **Comprehensive Economic Development Strategy (CEDS)**
- **Environmental Review**
- **Finance**

- **Regional Issues Committee** meetings have been held at 4:00 p.m. the 4th Wednesday of the Month.