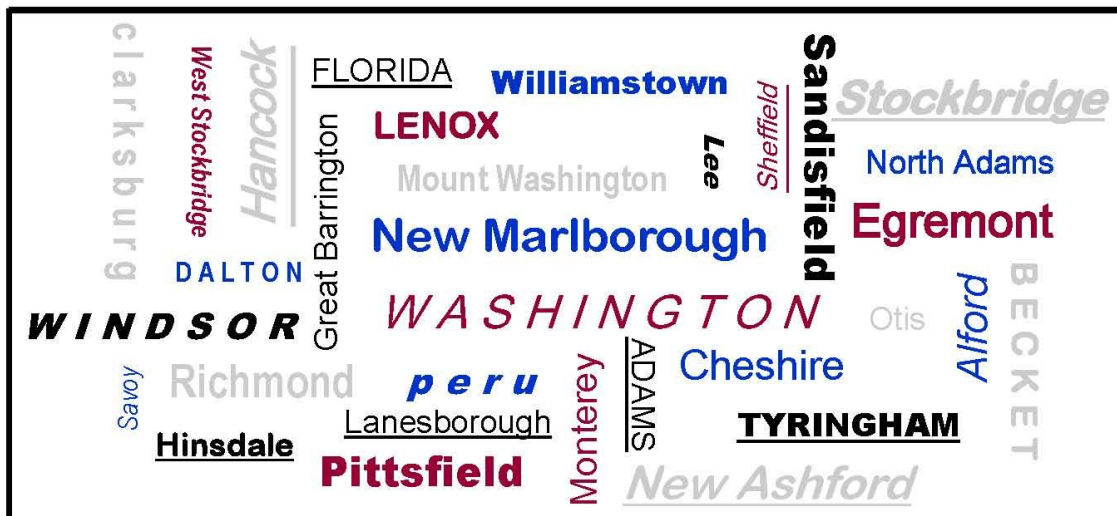


# Commissioner's Handbook FY 2012



1 Fenn Street, Suite 201  
Pittsfield, Massachusetts 01201-6229

<http://www.berkshireplanning.org>

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## **RESPONSIBILITIES OF DELEGATES AND ALTERNATES**

The Delegate, or Alternate Delegate in the absence of the Delegate, represents one of our 32 Berkshire municipalities, and as such, is presented by the mission of the Planning Commission with perspectives to balance and decisions to make, sometimes affecting his or her city or town and often the Region as a whole. Below is a list of some of the duties which a Delegate or Alternate should be prepared to fulfill.

1. Attend six full Commissions meetings a year;
2. Choose at least one of the Commission committees on which to serve actively, if possible, or on which to act in a non-active resource capacity;
3. Participate in the making of long range policy for the Commission;
4. Participate in the making of decisions which affect the Region;
5. Act as a conduit for communicating information of value to your city, town or to the Commission, calling items of import to the attention of your select board or mayor, pertinent city or town boards, or the Commission itself; and
6. Ensure that your municipality always has representation at the Commission.

# MISSION STATEMENT & GOALS

## Mission Statement

We, the Berkshire Regional Planning Commission, shall serve the cities and towns of Berkshire County and their common good.

We shall provide technical assistance, maintain a forum for the discussion of regional issues and deliver regional planning services.

We commit to promote a balance between economic development and resource preservation.

We commit to foster the enhancement of this region's human, natural and manmade resources, without prejudice.

*Adopted December 16, 1993*

## BRPC Goals

In recognition of the Berkshire's unique geographic characteristics and quality of life, the following goals are adopted:

1. To develop and promote regional and sub-regional planning.
2. To provide technical assistance to municipalities.
3. To take an active role in local planning issues that are significant to the Berkshires and to seek consensus.
4. To provide a forum for discussion of issues that are significant to the Berkshires and to seek consensus.
5. To promote a balance between economic development and resource preservation by analysis and persuasion.
6. To assist communities in promoting the growth, stability and prosperity of businesses which provide quality jobs for a diverse workforce.
7. To encourage efficient utilization of existing infrastructure and buildings.
8. To research, analyze and encourage innovative and progressive methods of land use planning and land use management.
9. To assure BRPC is responsive and open institutionally to change through continuing evaluation of its mission and goals.
10. To advocate the interests of the Berkshires on issues.
11. To develop and promote a regional policy plan.

*Adopted December 16, 1993*

## **WHAT IS THE BRPC & OTHER IMPORTANT QUESTIONS**

### **What is the Berkshire Regional Planning Commission?**

The Berkshire Regional Planning Commission is established under Chapter 40B of the Massachusetts General Laws and, as such, is the official area-wide planning agency in Berkshire County with comprehensive planning responsibilities which include land use, transportation, economic development and environmental planning. The Commission, composed of one Delegate and one Alternate from each member community, as well as a commission staff, is required to study the problems, needs and resources of the region and to make recommendations for physical, social, governmental and economic improvements in the Berkshires. BRPC is responsible for regional review procedures required by numerous federal and state programs. In addition, BRPC has been designated a regional depository for the U.S. Census Bureau. BRPC also has major transportation planning responsibilities mandated by federal law.

### **What is Regional Planning?**

Planning deals with both specific locations and regulations (functions carried out by local Planning Boards and Zoning Boards of Appeal), and with comprehensive, general and long range issues which can range from economic development to social services to parks and recreation, but which generally tie in to land use concerns within a geographic area. Regional planning is similar in principle to local planning, but deals primarily with matters affecting the region as a whole. Both local and regional comprehensive planning involves such subjects as land use, circulation and community facilities and services. Regional and local plans complement and reinforce each other. The difference is in scale, approach, and methods of putting plans into effect. Under Massachusetts legislation, regional plans are strictly advisory documents; they cannot be forced on any municipality. Consequently, regional planning usually depends on consensus and persuasion to be effective.

### **How was the Berkshire Regional Planning Commission formed?**

The Berkshire County Industrial Development Commission sponsored the formation of the Berkshire County Regional Planning Commission in 1966. BCRPC was formally organized in early 1966 by the votes of ten cities and towns in Berkshire County. They were Adams, Dalton, Great Barrington, Lanesborough, Lee, Lenox, New Marlborough, North Adams, Pittsfield and Stockbridge. On May 9, 1966, the Commonwealth of Massachusetts approved the ten-member region and designated its area of jurisdiction as being the 32 municipalities that comprise Berkshire County. Since then, all 32 municipalities have voted to join the Commission as members. In February 1997 Delegates voted to change the name to the Berkshire Regional Planning Commission. Because of the name change, many of BRPC's policies and documents prior to February 20, 1997 have "County" in the name.

### **What is the legal basis for the Commission?**

The procedure for the creation of the Commission and its powers and duties are set forth in Chapter 40B of the General Laws of Massachusetts. This law, adopted originally in 1955, has been strengthened by subsequent actions of the legislature. Chapter 40B is often referred to as "The Regional Planning Law." A copy is printed in the appendix section of this handbook.

### **Why is it important?**

Improved means of transportation and communication have made municipalities more dependent upon each other. The problems and needs of the region in which the municipality is

located are also the municipality's problems and needs.

Highways, land use, recreation, conservation, open space, economic development, water supply, air and water pollution control, sewerage, lake management, drainage, solid waste management and other community services are matters of regional concern.

A regional planning commission acts as a focal point for discussing and evaluating area-wide inter-municipal problems and needs, and for working out joint plans for their solution. These plans may then be rejected or accepted by the cities and towns involved.

Other functions include serving as a "united voice" for the Berkshires when dealing with state and federal agencies. The Commission also provides an opportunity for member communities to share experiences and results.

In recognition of the importance of regional planning, regional planning programs have become prerequisites for certain federal aid programs. Numerous programs and projects in which state or federal interests are involved must be submitted to the area's regional planning agency for review and comment.

The regional planning commission maintains a professional staff and consultants who, as part of their duties, provide direct technical assistance to the municipalities in the county. The BRPC is an affiliate data center for the U.S. Census, and maintains a data base and planning library that is used by municipalities, governmental agencies, consultants, students, lawyers, citizens, etc.

### **How is the Commission funded?**

Assessments are levied on the member cities and towns and are apportioned among member communities on a per capita basis according to the most recent national census. The current assessment is 63.59 cents per capita per year, which yields \$85,810.13 per year. Most of the local assessment money is used to fund activities for which no grants are available and to meet matching requirements for grants. Major funding sources are derived from grants and contracts entered into with the federal government, the state and local cities and towns.

### **What are the Commission's Statutory/Legal Responsibilities?**

Section 5 of Chapter 40B says: "A planning commission established hereunder shall make careful studies of the resources, problems, possibilities and needs of its district and, on the basis of such studies, shall prepare a comprehensive plan of development or a schematic study plan of such district or of such part or parts thereof as the commission may deem necessary and in such plans shall make such recommendations for the physical, social, governmental or economic improvement of the district as in their opinion will be in the best interest of the inhabitants of the district. Such plans and recommendations shall concern, among other things, the general use of the district, including land use, principle highways and expressways, bridges, airports, public utilities, public facilities, parks, recreation areas, public institutions and such other matters as in the opinion of said commission will be beneficial to the district and will promote with the greatest efficiency and economy the coordinated development of the district and the general welfare and prosperity of its people."

Additionally, subsequent to the dissolution of Berkshire County government in 2001, BRPC was requested to make Berkshire County appointments to the DEP Western Massachusetts Materials Recycling Facility Advisory Board by the Massachusetts Department of Environmental Protection and by statute appoints two members to the Berkshire County Regional Housing Authority Board.

## CURRENT BRPC MEMBERSHIP

The name of the community's **Delegate** (elected from amongst its members by the local Planning/Community Development Board) is listed first; the **Alternate** (appointed by the Board of Selectmen/Mayor/Town Manager) is listed second. The mailing address is in the town form which the member serves unless otherwise noted.

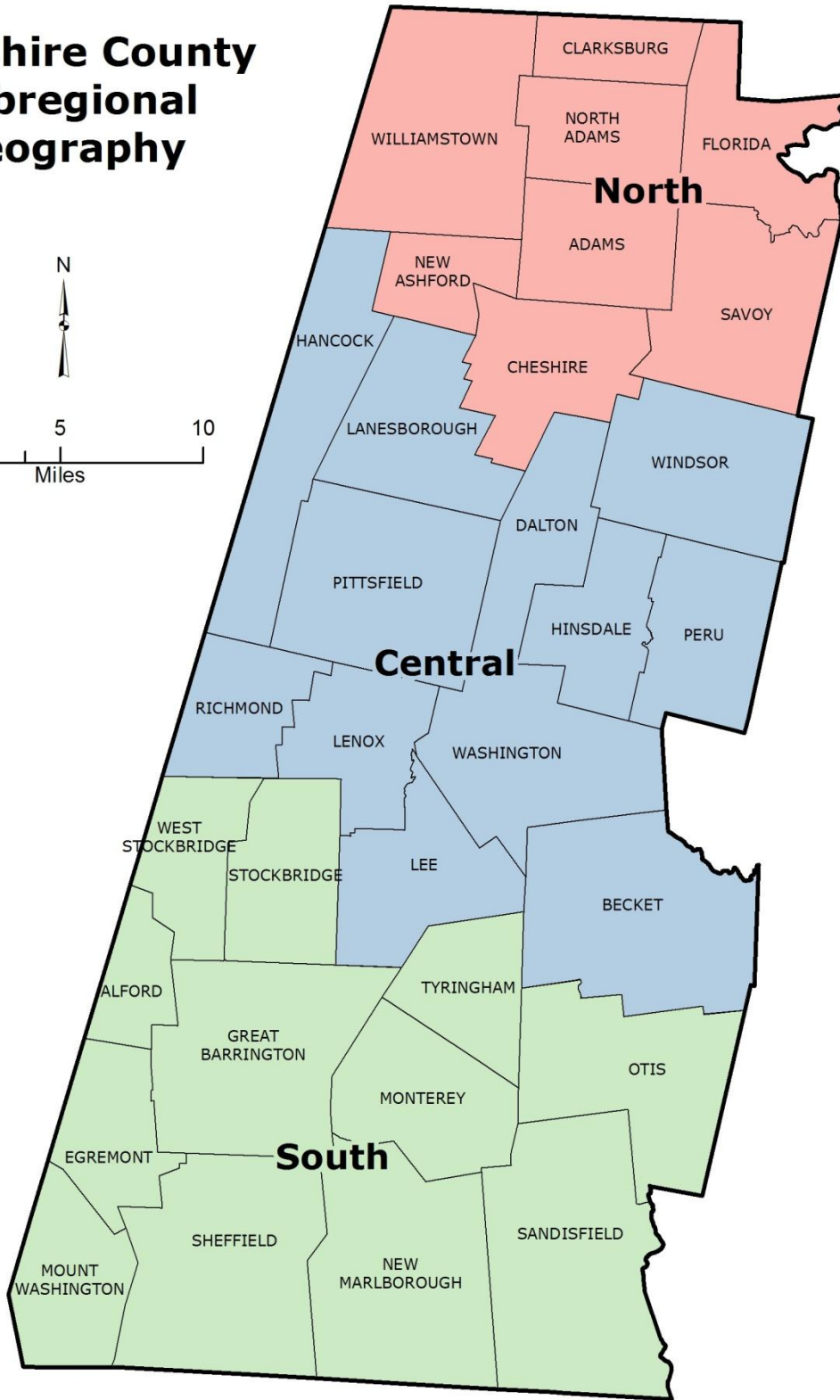
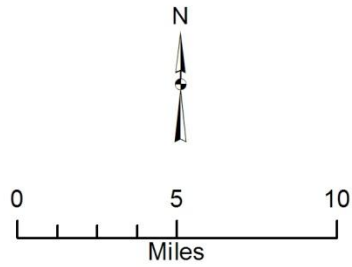
COMMUNITY	NAME	ADDRESS	PHONE
<b>Adams</b>	Hnatonko, Jason	30 Grove Street   Adams, 01220	776-7310 743-8300
	Moderski, Sandra	5 Richmond Street   Adams, 01220	743-2330 442-1411
<b>Alford</b>	Best, Billie	23 Egremont Plain Rd. #163   Egremont, 01230	644-8971
	Gadd, Larry	118 N Egremont Rd.   Egremont, 01230	528-0988
<b>Becket</b>	Labelle, Stephen	265 Quarry Road   Becket, 01223	623-6189
	Labelle, Gale	265 Quarry Road   Becket, 01223	623-6189 623-8934
<b>Cheshire</b>	Walsh, Christopher	84 Church Street   Cheshire, 01225	743-1690
	Delorey, Daniel	P.O. Box 647   Cheshire, 01225	743-4464 743-1690
<b>Clarksburg</b>	Matys, Audrey	111 River Road   Clarksburg, 01247	346-3219
	Canales, Michael	111 River Road   Clarksburg, 01247	663-8250
<b>Dalton</b>	Sargent, Stuart	567 North Street   Dalton, 01226	684-4356 684-6111 ext. 29
	Ladd, Richard	89 Tower Road   Dalton, 01226	684-1818 684-6111 ext. 29
<b>Egremont</b>	Krancer, Helen	29 Blunt Road   Great Barrington, 01230	644-9956 644-9700
	Ogden, Charles	153 Baldwin Hill Rd.   Great Barrington, 01230	528-9037 528-0182
<b>Florida</b>	Dobbert, Christine	379 Mohawk Trail   Drury, 01343	662-2448
	Zelazo, Timothy	55 Monroe Rd.   Drury, 01343	664-1018 663-8469
<b>Great Barrington</b>	Culleton, Ethan	1100 Main Street   Great Barrington, 01230	274-0011
	Rembold, Chris	334 Main Street   Great Barrington, 01230	528-1619
<b>Hancock</b>	Jordan, Jeff	231 Lebanon Mountain Rd.   Pittsfield, 01201	738-5225 442-2646
<b>Hinsdale</b>	Krutiak, Jon	31 Stagecoach Rd.   Hinsdale, 01235	655-0055
	Brown, Daniel	220 Pittsfield Rd.   Hinsdale, 01235	655-01652 499-1560

<b>COMMUNITY</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>PHONE</b>
<b>Lanesborough</b>	Thayer, Aimee	P.O. Box 9   Lanesborough, 01237	443-5402 443-1776 ext. 104
	Hickey, Jack	157 Narragansett Ave.   Pittsfield, 01201	442-6713
<b>Lee</b>	Wickham, Thomas	100 Fox Run   Lee, 01238	329-2629
	Hall, Shaun	68 Dublin Rd.   Lee, 01238	243-8426
<b>Lenox</b>	Schiff, Gary	10 Cedar Lane   Lenox, 01240	637-1653 445-8207
	Smith, Mark	210 East Street   Lenox, 01240	637-9996
<b>Monterey</b>	Klein, Lawrence	P.O. Box 232   Monterey, 01245	528-5695 528-1443
	Burkhart, Wayne	P.O. Box 157   Monterey, 01245	528-2144 528-1114
<b>Mount Washington</b>	Bott, Robert	134 West Street   Mount Washington, 01258	528-9710 528-2839
	Lovejoy, James	P.O. Box 1275   Sheffield, 01257	229-9008 528-1798
<b>New Ashford</b>	Burbank, Kelton (Kim)	P.O. Box 667   New Ashford, 01237	458-2278 499-7100
<b>New Marlborough</b>	Mullen, James	270 Old North Rd.   New Marlborough, 01230	528-0616
	Hardyman, Patricia	967 Hartsville-New Marlborough Rd.   Great Barrington, 01230	229-2384
<b>North Adams</b>	Hanlon, Kyle	264 Beaver Street   North Adams, 01247	664-4244 448-8205
	Maloney, Glenn	467 Church Street   North Adams, 01247	664-9110
<b>Otis</b>	Pyenson, Andrew	P.O. Box 32   Otis, 01253	269-0104 ext.103 269-6060
<b>Peru</b>	Haskins, Douglas	106 Curtin Rd.   Peru, 01235	655-2998 655-8312
	Haupt, Samuel	7 Gentain Hill Rd.   Peru, 01235	655-2170 395-4463
<b>Pittsfield</b>	Ruffer, Deanna	70 Allen Street   Pittsfield, 01201	499-9368 499-1761
	Irvin, Shelia	63 Commonwealth Ave.   Pittsfield, 01201	442-6180 448-9655
<b>Richmond</b>	Kelly, Michael	181 West Rd.   Richmond, 01254	698-2222 698-2525
	Patterson, Paula	132 Shore Rd.   Richmond, 01254	698-2961 698-2806
<b>Sandisfield</b>	Bottum, Sr., Gary	184 New Hartford Rd.   Sandisfield, 01255	318-5150

<b>COMMUNITY</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>PHONE</b>
<b>Savoy</b>	Dobe-Costa, Karen	16 Barnaid Rd.   Savoy, 01256	743-4290 743-8006
	<b>Sheffield</b>	Wood, Rene C.	P.O. Box 325   Sheffield, 01257
	Smith, David	483 Silver Street   Sheffield, 01257	229-3534 229-7000 229-9956
<b>Stockbridge</b>	Raferty, Marie	P.O. Box 1572   Stockbridge, 01262	298-4910
	Bujalski, Robert	9 Hawthorne St.   Lenox, 01240	637-4631 298-4170 ext. 261
<b>Tyringham</b>	Hudson, Sarah	P.O. Box 485   Tyringham, 01264	243-9840
	Nardi, Ed	P.O. Box 303   Tyringham, 01264	243-1253
<b>West Stockbridge</b>	Bixby, Dana	P.O. Box 556   West Stockbridge, 01266	232-7834
	Moffatt, Earl	P.O. Box 81   West Stockbridge, 01266	232-7785 232-0300 ext. 314
<b>Washington</b>	Wiley, Marilyn	47 Washington Mt. Rd.   Washington, 01223	623-5859 623-8878
	Nelson, Jan	325 Cross Place Rd.   Washington, 01223	623-2116
<b>Williamstown</b>	McCallum, Ann	716 Main Street   Williamstown, 01267	458-2885 458-2121
	Bolton, Roger	30 Grandview Drive   Williamstown, 01267	597-2393 458-4281
<b>Windsor</b>	Needham, Arthur	1890 Route 9   Windsor, 01270	684-3792

**CURRENT MAP**

**Berkshire County  
Subregional  
Geography**



# COMMITTEES

## Berkshire Regional Planning Commission Committees

September 8, 2011

### Executive Committee

The Executive Committee is responsible for oversight of the business affairs and general programs. 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; hearing and resolving personnel grievances; making applications for federal, state and local aid; seeking contributions; entering into contracts; preparing reviews and comments on proposals of a regional or inter-community nature; establishing policy for responding to requests for planning related technical assistance; authorization for planning services; and acting on routine transportation matters (excepting adoption of plans, programs or endorsement of specific projects).

**James Mullen, Chair (New Marlborough)**  
**Sheila Irvin, Vice Chair (Pittsfield)**  
**Gale LaBelle, Clerk (Becket)**  
**Charles Ogden, Treasurer & Finance Committee Chair (Egremont)**  
**Roger Bolton, Clearinghouse Committee Chair (Williamstown)**  
**Rene Wood, Commission Development Committee Chair (Sheffield)**  
**Aimee Thayer, Regional Issues Committee Chair (Lanesborough)**  
**Samuel Haupt, Transportation Committee Chair (Peru)**  
**Robert Bott, At-Large (Mt. Washington)**

Staff: Nathaniel Karns, Executive Director

### Clearinghouse Review Committee

The Clearinghouse Review Committee consists of at least five (5) members. It reviews projects requiring state or federal environmental permits, local land use actions, and, when required, requests for funding assistance from state or federal agencies for potential regional impacts and compliance with adopted regional plans. The committee advises the Commission or the Executive Committee regarding recommendations and conditions that should be requested before a given project or action is approved or denied by state, federal, or local authorities.

**Roger Bolton, Chair (Williamstown)**  
**James Mullen, Vice-Chair (New Marlborough)**  
**Stephen McMahon (West Stockbridge) (Non-Commission member)**  
**John "Jack" Hickey (Lanesborough)**  
**Sarah Hudson (Tyringham)**  
**Eleanor Tillinghast (Mt. Washington) (Non-Commission member)**

Staff: Nathaniel Karns, Executive Director

**Commission  
Development  
Committee**

The Commission Development Committee consists of at least four (4) members. It considers Commission 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. A nominating subcommittee of the Committee, comprised only of delegates and alternate designees and consisting of at least three members, recommends at the regular April meeting of the Commission a slate of officers for the next fiscal year to be acted upon at the June meeting. Such slate of officers reflects the Commission's desire to rotate officers so that as many members as possible will have a chance to participate in more than bi-monthly meetings and to be representative of all areas of the region.

**Rene Wood, Chair (Sheffield)**  
**Stephen LaBelle, Vice-Chair (Becket)**  
**Sarah Hudson (Tyringham)**  
**James Lovejoy (Mt. Washington)**  
**Thomas Wickham (Lee)**  
**James Mullen (New Marlborough) (Ex-Officio)**

Staff: Thomas Matuszko, Assistant Director

**Finance  
Committee**

The Finance Committee consists of at least four (4) members including the elected Treasurer who serves as Chair. It 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 for presentation to the Commission at its February meeting and recommends a full budget for the next fiscal year no later than the April Commission meeting.

**Charles Ogden, Chair & Treasurer (Egremont)**  
**Sheila Irvin (Pittsfield)**  
**Sam Haupt (Peru)**  
**Gary Schiff (Lenox)**  
**James Mullen (New Marlborough) (Ex-Officio)**

Staff: Marianne Sniezek, Office Manager

**Regional  
Issues  
Committee**

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

**Aimee Thayer, Chair (Lanesborough)**  
**Billie Best (Alford)**  
**Robert Bott (Mt Washington)**  
**Kim Burbank, (New Ashford)**  
**Sarah Hudson (Tyringham)**  
**Marie Raftery (Stockbridge)**  
**Chris Rembold (Gt. Barrington)**  
**Deanna Ruffer, (Pittsfield)**  
**Thomas Wickham (Lee)**  
**James Mullen (New Marlborough) (Ex-Officio)**

Staff: Nathaniel Karns, Executive Director

**Transportation Committee** The Transportation Committee consists of at least five (5) members. It provides recommendations to the Commission regarding transportation plans, programs, and projects in the region.

**Sam Haupt, Chair (Peru)**  
**Mary Albertson, (Lenox) (non-Commission Member)**  
**Jack Hickey (Lanesborough)**  
**Timothy Kaiser(Williamstown) (non-Commission Member)**  
**Jim Lovejoy (Mt. Washington)**  
**James Mullen (New Marlborough) (Ex-Officio)**

Staff: Clete Kus, Transportation Program Manager

**Commission Representatives to Related Groups:**

**Mass. Assoc. of Regional Planning Agencies –**

Delegate: James Mullen (New Marlborough)  
Alternate: Deanna Ruffer (Pittsfield)  
Second Alternate: Robert Bott (Mt. Washington)

**Westfield River Wild and Scenic Advisory Committee –**

Gale LaBelle (Becket)

**Berkshire-Pioneer Resource Conservation & Development Area –**

Aimee Thayer (Lanesborough)

**Berkshire Metropolitan Planning Organization –**

Representative: Chair James Mullen (New Marlborough)  
Alternate: Transportation Committee Chair Sam Haupt (Peru)  
Second Alternate: Jack Hickey (Lanesborough)

**Berkshire Brownfields Committee –**

Jack Hickey (Lanesborough)

**Berkshire Comprehensive Economic Development Strategy Committee –**

Roger Bolton (Williamstown)

## BERKSHIRE REGIONAL PLANNING COMMISSION

1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201

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

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

JAMES MULLEN, Chair  
SHEILA IRVIN, Vice-Chair  
GALE LABELLE, Clerk  
CHARLES P. OGDEN, Treasurer

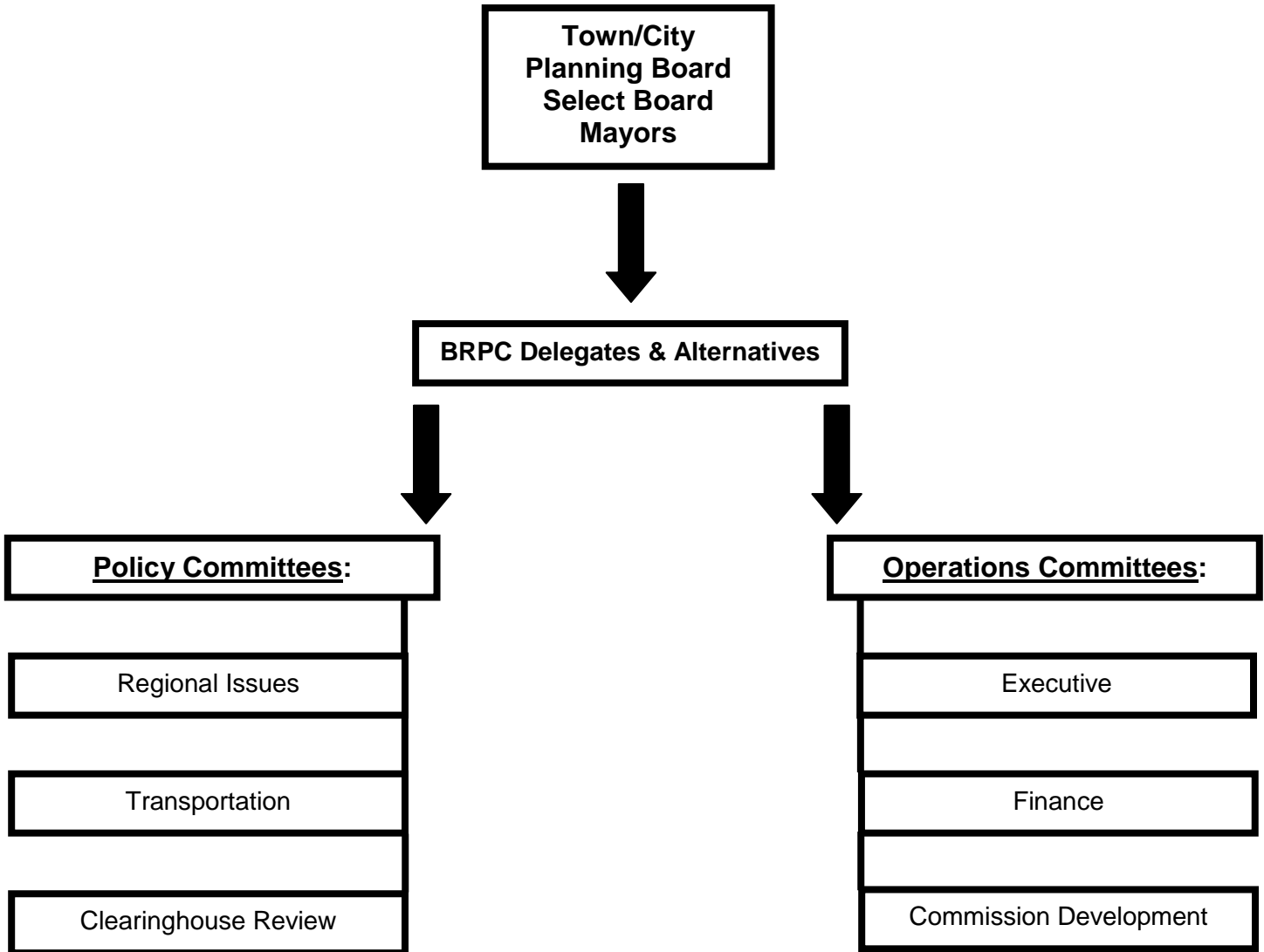
NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

### APPROVED SCHEDULE OF MEETINGS FOR FY 2012

#### Commission & Executive Committee Meetings

Commission Meetings	Executive Committee Meetings
	Thursday, July 7, 4:00 p.m.
Thursday, August 25, 5:30 p.m.	Thursday, August 25, 4:00 p.m.
Thursday, September 15, 7:00 p.m.	
	Thursday, October 6, 4:00 p.m.
Thursday, November 17, 7:00 p.m.	Thursday, November 3, 4:00 p.m.
	Thursday, December 1, 4:00 p.m.
Thursday, January 19, 7:00 p.m.	Thursday, January 5, 4:00 p.m.
	Thursday, February 2, 4:00 p.m.
Thursday, March 15, 7:00 p.m.	Thursday, March 1, 4:00 p.m.
	Thursday, April 5, 4:00 p.m.
Thursday, May 17, 7:00 p.m.	Thursday, May 3, 4:00 p.m.
	Thursday, June 7, 4:00 p.m.

# POLICY COMPONENTS



## **BRPC STAFF**

### **Nathaniel W. Karns, AICP - Executive Director - NKarns@berkshireplanning.org**

*Agency Administration, Economic & Community Development, Transportation Planning, Regional Planning*

Responsible for overall operation of the agency, under the direction of the Commission. Represents the agency with local, regional, state and federal officials and agencies. Manages staff to ensure that the agency missions, as well as regional and local needs are being met and that adopted regional policies are complied with. Leads staff efforts on major regional initiatives on behalf of BRPC and oversees agency budget and finances.

### **Thomas Matuszko, AICP - Assistant Director - TMatuszko@berkshireplanning.org**

*Agency Administration, Regional Planning, Local Planning Environmental Planning, Economic & Community Development*

Assists the Executive Director in administration and budgeting. Responsible for preparation of regional policy and other plans, coordination of comprehensive planning activities, particularly in areas of land use, environmental and natural resources and economic and community development planning, oversees regional service delivery programs such as Berkshire Conservation Agent program and Berkshire County Boards of Health Coalition. Develops grant applications and seeks other funding. Works with local and regional governments and organizations to determine their needs and coordinates BRPC responses to those needs.

### **Clete Kus, AICP - Transportation Program Manager - CKus@berkshireplanning.org**

*Transportation Planning*

Ensures that federal and state requirements are met for transportation planning programs and serves as a liaison to these agencies. Provides leadership and guidance on technical aspects of transportation planning programs. Develops and administers the Transportation Division's budget, provides oversight for various transportation planning projects and technical activities including traffic forecasts, corridor studies, alternatives evaluation, alternative transportation modes and environmental impact reviews.

### **Anuja Koirala, AICP - Senior Transportation Planner - akoirala@berkshireplanning.org**

*Transportation Planning, Regional Planning*

Develops and coordinates transportation and other planning projects. Specifically responsible for managing major transportation planning studies in areas of regional concern, involving highway, transit, bicycle and pedestrian planning. Provides transportation analysis for local planning projects. Responsible for development of Regional Transportation Improvement Program (TIP) and management of its database.

**Henry (Doug) Plachcinski, AICP - Senior Transportation Planner -  
DPlachcinski@berkshireplanning.org**

*Transportation Planning, Environmental Planning*

Coordinates various aspects of transportation planning. Lead staff assigned to the 2012 Regional Transportation Plan update. Participates in regional reviews under the Massachusetts Environmental Policy Act.

**Mark Maloy - GIS, Data and IT Manager - MMaloy@berkshireplanning.org**

*GIS, Mapping & Data Services, Information Technology, Homeland Security Planning, Hazard Mitigation Planning*

Manages GIS (Geographic Information System) services, data services and information technology for BRPC. Includes data analysis, conversion and mapping for environmental, natural resource, demographic, transportation, infrastructure, land use, economic and community development planning. Provides technical assistance to communities regarding GIS and mapping, including assistance to the Town of Adams through the Commission's Out Source GIS Planner Program. Manages Berkshire Benchmarks, along with being the liaison to the U.S. Census Bureau. Provides support services for BRPC's network, web page and computer hardware and software. Provides oversight the Western Regional Homeland Security Council initiatives and BRPC's Hazard Mitigation program.

**Lauren L. Gaherty - Senior Planner - LGaherty@berkshireplanning.org**

*Environment, Energy, Open Space & Recreation, Scenic Byways Program*

Provides assistance on regional and local planning and implementation projects, focusing on the environment, energy, scenic byways, open space and recreation. Provides assistance to member communities in grant writing and project administration. Project-related activities include conducting field investigations, research, analysis, data searches, project management and report writing.

**Melissa Provencher - Senior Planner - MProvencher@berkshireplanning.org**

*Environmental Planning, Energy Planning, Local & Regional Planning, Economic & Community Development and the Berkshire Brownfields Program*

Provides comprehensive planning assistance focusing on water quality, stormwater management, energy efficiency, conservation and Brownfields. Works with public and private project partners on a variety of environmental and regional planning projects, including management of several s.319 Nonpoint Pollution Grants, 604B Water Quality Assessment Grants and the Regional NPDES Program. Coordinates Energy Efficiency and Conservation Block Grant and Green Communities Technical Assistance projects. Coordinates the regional Brownfields Program, which includes multiple assessment projects and a Brownfields Clean-up Revolving Loan Fund. Currently managing a site specific clean-up project in the Town of Dalton. Responsible for writing grant proposals and reports, as well as grant management/administration.

**Amy Kacala - Senior Planner - AKacala@berkshireplanning.org**

*Sustainability Planning, Land Use Planning, Agriculture & Food Security Planning, Energy Planning, Equity & Social Justice Planning, Economic & Community Development*

Project Manager for the agency's HUD Sustainable Communities Planning Grant. Manages three related initiatives being linked to the regional plan: the North Adams Comprehensive Plan, the Great Barrington Master Plan and the Keep Farming initiative. Founding member of the region's first Food Policy Council in Northern Berkshire. Works on energy-related projects including Green Communities Act implementation, regional energy planning and climate change mitigation strategies. Also manages BRPC's District Local Technical Assistance grant program and the Berkshire Benchmarks program. Works in partnership with social service entities in the region to support initiatives including Teen Pregnancy Prevention Initiative, Early Childhood Education Think Tank and BUW's Community Impact work.

**Patricia Mullins - Senior Planner - PMullins@berkshireplanning.org**

*Community Development Planning, Economic Development, Housing, Regional & Planning*

Responsible for providing member municipalities with consensus building, planning and grant administrative services related to community development, including affordable housing initiatives, infrastructure projects, sustainability and other design related issues. Recently managed the Great Barrington CDBG Housatonic Village Infrastructure and Library ABR Design project, as well as the ARRA funded CDBG-R Lee Housing Authority project, and currently manages the Becket FY11CDBG Grant Infrastructure, Housing Rehab and Senior Housing Planning projects. Works with eight Berkshire County communities on various projects funded by Energy Efficiency Community Block Grants. Coordinates development of Community Development Block Grants (CDBG) for multiple communities. Assists with procurement related issues.

**Mackenzie Greer - Planner - MGreer@berkshireplanning.org**

*Community Development & Regional Services*

Supports Sustainable Berkshires, BRPC's ongoing regional planning initiative and assists in regionalization efforts to improve local government service delivery through collaboration and consolidation of services. Offers technical assistance for villages and downtowns through physical planning, grant proposal development and zoning analysis.

**Brian Domina, Esq. - Planner - BDomina@berkshireplanning.org**

*Land Use Planning, Economic & Community Development*

Serves as the lead staff person for land use projects, land use training and land use technical assistance requests. Additional areas of work include economic development planning, wind energy, natural hazard mitigation planning, healthy communities and broadband planning.

**Sara Lafayette - Planner - [slafayette@berkshireplanning.org](mailto:slafayette@berkshireplanning.org)**

*Homeland Security Planning, Bike & Pedestrian Planning, Economic & Community Development, Local & Regional Planning, Sustainability Planning*

Provides support for emergency preparedness initiatives for the Western Massachusetts Homeland Security Advisory Council. Primary contact for bike and pedestrian planning for the region. Works on the National Transit Database reporting for the Berkshire Regional Transit Authority. Provides assistance with project development, administration and implementation, as well as data analysis. Prepares the semi-monthly Common Ground newsletter.

**Daniel Sexton - Planner - [DSexton@berkshireplanning.org](mailto:DSexton@berkshireplanning.org)**

*Local & Regional Planning, Economic & Community Development, Historic Preservation*

Provides local units of government and regionalization efforts with support to develop, design, and facilitate the best possible planning for future development and growth, economic stability, and regional sustainability. Primary areas of work include coordinating District Local Technical Assistance projects, aiding the development of the North Adams Vision 2030 and Sustainable Berkshire long-range planning projects, facilitating the development of CDBG applications and conduct environmental reviews. Dan is the lead staff person for economic development projects, such as the Berkshire Comprehensive Economic Development Strategy. Additional areas of experience include: current planning, data analysis, development of design guidelines and standards, grant writing, historic preservation planning, project management and more.

**Marianne Sniezek - Office Manager - [MSniezek@berkshireplanning.org](mailto:MSniezek@berkshireplanning.org)**

*Agency Administration*

Office management and Human Resources functions for the agency. This includes providing support to the Commission and its committees, maintaining office services and efficiency, supervises the Bookkeeper, Office Assistant and the Accounts Receivable Assistant, manages office space and maintenance of office records. The Office Manger is responsible for the time management system. The Office Manager manages office and HR administrative functions including insurance, supplies, equipment, mailings, meeting logistics, database management, routine website updates, compliance to ethics reform law and open meeting law, maintenance of office records, and; works with Director and Assistant Director in development and monitoring of components of the agency budget; coordinates with the auditor and manages the annual audit ; prepares actual to budget quarterly financial statements, maintains personnel files; and orientation of new employees. The Office Manager develops updates and implements BRPC personnel, operating policies and procedures.

**Carolyn G. LeBlanc - Bookkeeper - [CLeblanc@berkshireplanning.org](mailto:CLeblanc@berkshireplanning.org)**

*Agency Administration*

Processes payroll and employee withholding and insurance; enters monthly bills and prepares payments to vendors; enters customer invoices and manages accounts receivables; receives all payments and processes all bank transactions; reconciliation of accounts; month-end and year-end closings; and prepares financial statements. Works with outside accountant and provides data for audits.

**Judy Wagner - Office Assistant - JWagner@berkshireplanning.org**

*Agency Administration*

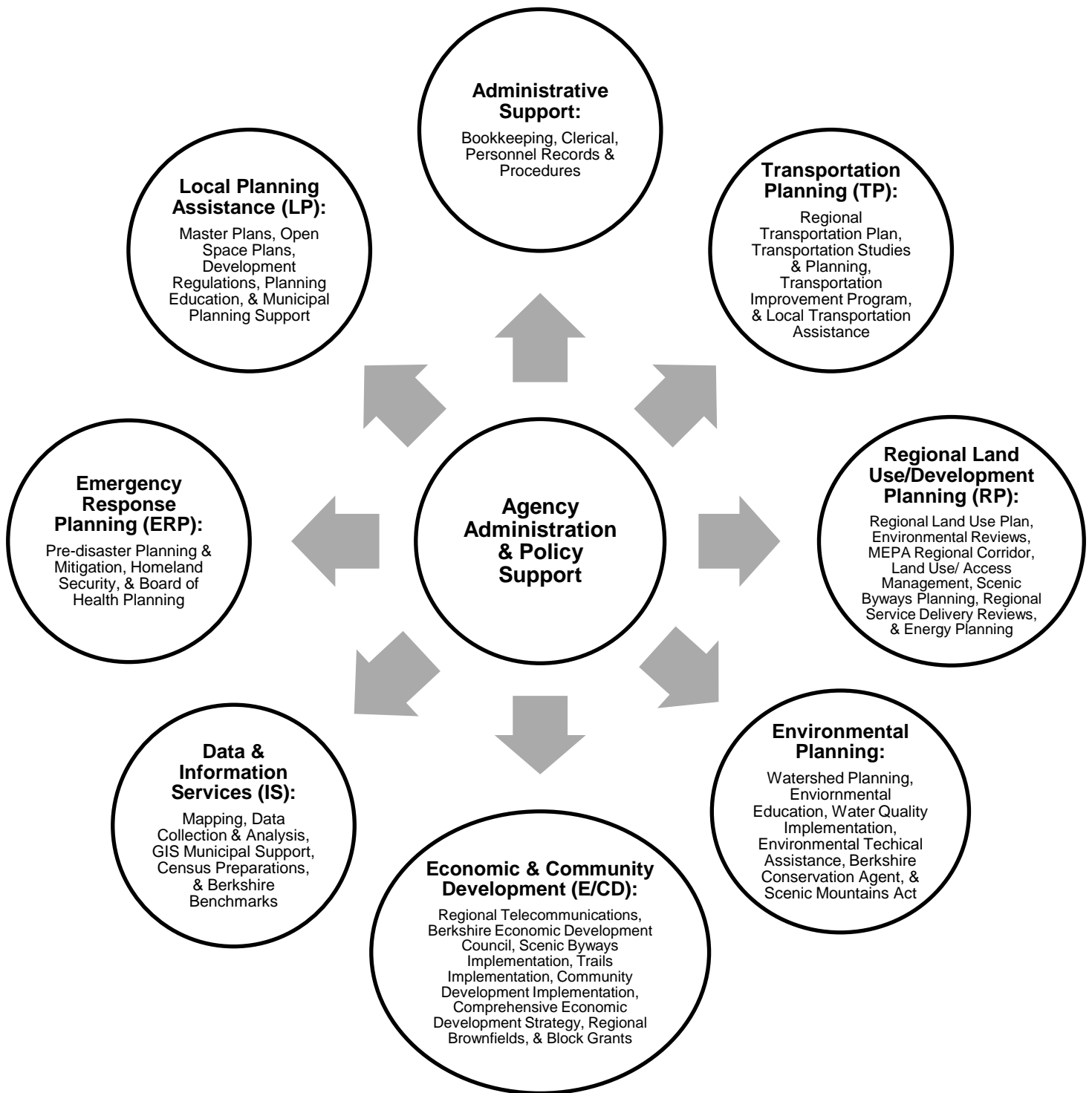
Assists in general office support including maintenance of mailing database, Commission & committee mailings, processing incoming and outgoing mail, purchase of supplies, preparation of Commissioners' Handbook and Annual Report, and preparations for Commission meetings & special events. Maintain the data base in access including updating the Delegates and Alternates and all town Officers. Updating and maintain email distributions list. Maintains agency inventory records and ensures accurate receipt of supplies and inventory. Responsible for advertising for open positions and applications.

**Ellen Downes - Accounts Receivable Assistant - EDownes@berkshireplanning.org**

*Agency Administration*

Works with BRPC Project Managers, Office Manager and the BRPC Bookkeeper, prepares invoices and requisitions for multiple Commission contracts, (according to the required schedule, i.e. monthly, quarterly), manages financial reporting requirements associated with specific contracts / projects, processes vendor or subcontractor invoices/payment requests for payment. Provides supporting documentation to audits on contracts. Responsible for ensuring the agency contract files are current and complete. Creates the aged accounts receivable, sets up contracts or agreements in accounting system, and is responsible for all dinner meeting collection of money.

# AGENCY ADMINISTRATION & POLICY SUPPORT



## COMMUNITY LIASON PROGRAM

In 1999 a Community Liaison Program was initiated by BRPC. Each planner is assigned as the liaison to specific communities in the region. In that role, the planner is expected to meet with local officials at least annually. The intent is to ensure that no less than once a year there is a meeting in the each member community with local officials. These meetings should serve to educate the BRPC staff regarding issues and concerns that each community has and to make us more knowledgeable regarding community needs and issues. The meetings are also intended to make local officials more knowledgeable regarding projects and programs at BRPC, especially those that may have impact on their community. Last year, meetings were held with every one of the 32 town and city planning or community development boards and a number of chief elected officials.

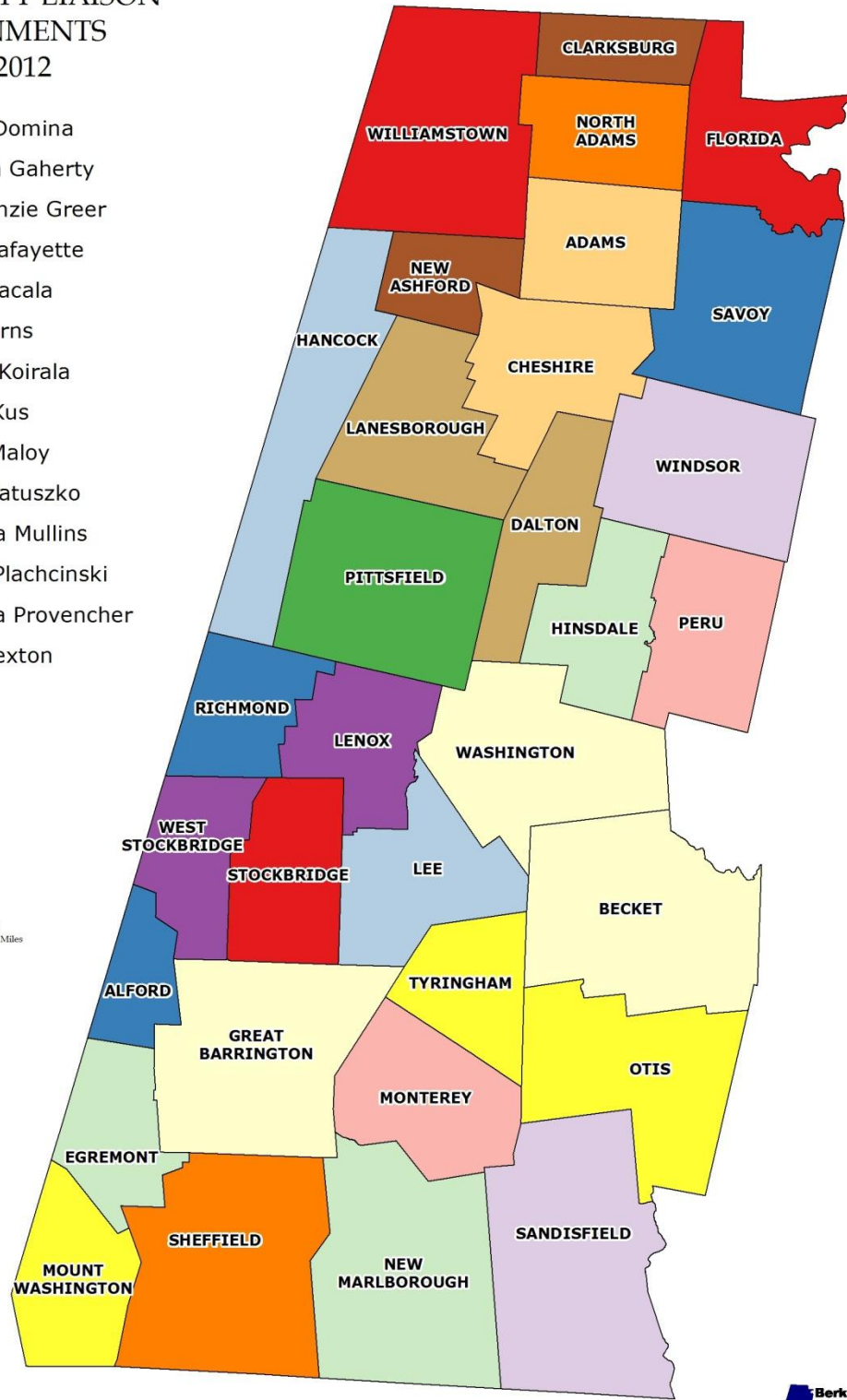
The second principle intent of the Community Liaison program is to give each community a point of initial contact at BRPC. When a local official has a question or needs assistance, it is more helpful to them to have a person to call on the BRPC staff who can then refer the request to the appropriate BRPC staff person to provide the response.

Community liaison assignments for FY 2012 are:

<b>Adams</b>	Mark Maloy	<b>New Ashford</b>	Dan Sexton
<b>Alford</b>	Sara Lafayette	<b>New Marlborough</b>	Amy Kacala
<b>Becket</b>	Patricia Mullins	<b>North Adams</b>	Tom Matuszko
<b>Cheshire</b>	Mark Maloy	<b>Otis</b>	Doug Plachcinski
<b>Clarksburg</b>	Dan Sexton	<b>Peru</b>	Brian Domina
<b>Dalton</b>	Melissa Provencher	<b>Pittsfield</b>	Nat Karns
<b>Egremont</b>	Amy Kacala	<b>Richmond</b>	Sara Lafayette
<b>Florida</b>	Lauren Gaherty	<b>Sandisfield</b>	Anuja Koirala
<b>Great Barrington</b>	Patricia Mullins	<b>Savoy</b>	Sara Lafayette
<b>Hancock</b>	Mackenzie Greer	<b>Sheffield</b>	Tom Matuszko
<b>Hinsdale</b>	Amy Kacala	<b>Stockbridge</b>	Lauren Gaherty
<b>Lanesborough</b>	Melissa Provencher	<b>Tyringham</b>	Doug Plachcinski
<b>Lee</b>	Mackenzie Greer	<b>West Stockbridge</b>	Clete Kus
<b>Lenox</b>	Clete Kus	<b>Washington</b>	Patricia Mullins
<b>Monterey</b>	Brian Domina	<b>Williamstown</b>	Lauren Gaherty
<b>Mount Washington</b>	Doug Plachcinski	<b>Windsor</b>	Anuja Koirala

# COMMUNITY LIAISON ASSIGNMENTS FY 2012

- Brian Domina
- Lauren Gaherty
- Mackenzie Greer
- Sara Lafayette
- Amy Kacala
- Nat Karns
- Anuja Koirala
- Clete Kus
- Mark Maloy
- Tom Matuszko
- Patricia Mullins
- Doug Plachcinski
- Melissa Provencher
- Dan Sexton



/CommunityLiaison/Projects/Liaison12.mxd  
July 28, 2011



## **MANDATED REGIONAL FUNCTIONS**

### **TRANSPORTATION**

A Comprehensive, Continuing, and Cooperative (3C) multi-modal transportation planning process is mandated by the Federal Highway Act of 1962 as amended. Transportation plans must be developed in cooperation with local communities, coordinated with regional land use planning and continually reviewed and modified to reflect changing needs and conditions. In Berkshire County, a decentralized transportation decision-making process was established through a Memorandum of Understanding (MOU) between the Massachusetts Department of Transportation (MassDOT), the Berkshire Regional Transit Authority and BRPC. This process provides for strong local participation throughout the planning process.

#### **What is SAFTEA-LU?**

The Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users is referred to as SAFTEA-LU. This legislation is the basis for regulations governing the regional planning process. BRPC is designated as the staff for the Metropolitan Planning Organization (MPO) for this region. As such, it has responsibility under SAFTEA-LU to develop, in cooperation with MassDOT and the Berkshire Regional Transit Authority, a long-range transportation plan and a transportation improvement program (TIP) for the area. The TIP must be consistent with this plan and must include all transportation projects in the region that are proposed for funding with either Federal or State transportation monies. The planning process must include consideration of land use, intermodal connections, methods to enhance transit service, and needs such as highway pavement maintenance and safety, bridges, traffic congestion and public transportation facilities and equipment.

#### **What is the Metropolitan Planning Organization (MPO)?**

The Metropolitan Planning Organization is required by federal law to adopt a regional transportation plan, the annual transportation Unified Planning Work Program (UPWP) and annual Transportation Improvement Program (TIP), which lists all transportation projects to receive funding for the next five years in the region. The MPO consists of the Chairs of BRPC and Berkshire Regional Transit Authority, the MassDOT Secretary and CEO, the MassDOT Highway Commissioner, the region's two mayors, and four selectmen from four sub regions of the County.

### **ENVIRONMENTAL REVIEW**

#### **What is MEPA?**

The Massachusetts Environmental Policy Act (MEPA) provides for a review process for projects which are expected to have certain kinds of impacts. The regulations establish thresholds which determine whether a development is subject to MEPA review. Such projects may include activities undertaken by any state agency, activities carried out with financial assistance from state agencies, and activities which require state permits.

If a project exceeds the pre-determined thresholds, the project proponent begins the MEPA review process by submitting an Environmental Notification Form (ENF) to the Secretary of the Executive Office of Environmental Affairs (EOEA). A thirty-day review period follows the submission, generally comprised of twenty days for public comment once the project has been published in the "Environmental Monitor", and seven to ten days for the Secretary to make a decision on the ENF. A site visit will usually be held during this review period.

At the close of this review period, the Secretary determines whether an Environmental Impact

Report (EIR) is necessary. If no EIR is required, state agencies may act on the project. If an EIR is required, it is prepared by the project proponent and submitted to the Secretary first in draft, then in final form. The availability of both the Draft EIR and the Final EIR are publicized in the "Environmental Monitor." Public comments are accepted for thirty days for each EIR. After completion of the Secretary's review of a Final EIR and expiration of a legal challenge period, state agencies may act on the project. (Examples might be a determination from the Dept. of Environmental Protection on wetlands impacts, or a driveway permit from the Mass. Highway Dept.) Local permitting processes involving Planning or Zoning Boards might overlap with the MEPA process.

### **Purpose of the Environmental Impact Report**

An EIR informs decision-makers and the public of the potential environmental effects of activities for which state approval is sought. An EIR enables full disclosure of environmental damages and benefits so that they may be considered by public agencies before permitting decisions are made. Indications of adverse environmental impacts do not, in themselves, require that an activity be abandoned.

### **BRPC's Role**

The Berkshire Regional Planning Commission receives and reviews both Environmental Notification Forms and Environmental Impact Reports. The Commission has designated the Clearinghouse Review Committee to review the reports and make recommendations to the Executive Committee or full Commission on actions which should be taken. (See Section V: of this handbook for a description of the Clearinghouse Review Committee.) The Clearinghouse Committee meets prior to the full Commission meeting, sometimes in the town in which the project is located, to discuss the project and its possible environmental impacts. Town officials and the public are invited to these meetings to provide local input. The Committee's recommendations are then made to the Executive Committee or the full Commission at its monthly meeting. The Commission votes on these recommendations and, if warranted, forwards its comments to the Secretary of EOE.

## **APPOINTMENTS TO REGIONAL BOARDS**

### **Berkshire County Regional Housing Authority**

With the dissolution of Berkshire County government in 2001, BRPC was asked to become an appointing body for the Berkshire County Regional Housing Authority. Under Chapter 495 of the Acts of 2002, BRPC is to appoint 2 members of the BCRHA board. The Mayor of Pittsfield appoints 3 members, the Mayor of North Adams appoints 2 members, and the Director of the Massachusetts Department of Housing and Community Development appoints 2 members. Membership is restricted to residents of the County and no more than two members may come from any single community. Mayors and Boards of Selectmen may nominate candidates. The Commission is also charged with removing or suspending board members in accordance with the provisions of Section 6 of Chapter 121B of the M.G.L. In practice, the BCRHA provides BRPC with a list of potential nominees and their qualifications. The Commission then acts on the nominees.

### **Western Massachusetts Materials Recycling Facility Advisory Board**

With the dissolution of Berkshire County government in 2001, BRPC was asked to become an appointing body for the Western Massachusetts Materials Recycling Facility Advisory Board. It is the MRF Board's responsibility to provide BRPC with a list of qualified candidates for the three Berkshire positions, one each from north, central and southern Berkshire. BRPC acts as the ratifying body for those appointments.

## LIST OF POTENTIAL SERVICES

The services to be provided by BRPC will be determined through outreach to its constituent communities. Regular meetings will be held with municipal officials and other community leaders to solicit their input about their concerns, needs and priorities, both local and regional, and obtain feedback about services and resources on which BRPC should focus. The BRPC, through its delegates, Executive Committee, Director, and Staff, will annually evaluate its Goals and Objectives for consistency and relevancy, and prepare an Annual Work Plan to achieve optimum results, consistent with available financial resources.

The following list of potential services is offered as a guide to the types of services which would be desirable. The list should be updated periodically through the process of outreach and evaluation.

*Adopted December 16, 1993  
Updated September 2010*

### REGIONAL PLANNING

- Prepare and update *The Regional Plan for the Berkshires* and topical plans, such as Regional Transportation Plan, Public Transportation Plans, Infrastructure Plans, County-wide Zoning Map, Housing Characteristics, Natural Resources Inventory, Open Space and Recreational Resources, Economic Development Plans, Demographic Studies, Historical and Archaeological Resource and Preservation Planning, Land Use Planning, etc.
- Formulate and advocate positions based on *The Regional Plan for the Berkshires* and technical analysis which balances the natural and cultural resources of the Berkshires with a vital, sustainable economy.
- Prepare other studies, reports, and documents as required by Mass. General Laws, Chapter 40B 5. and other enabling federal and state laws.
- Encourage use of incentives, cooperation, persuasion and negotiation to achieve planning objectives.
- Research, analyze, and disseminate information about innovative and progressive methods of land planning, zoning, conservation, and economic development which are consistent with regional policy.
- Actively promote measures and activities to achieve and implement regional Goals and Objectives.

### EDUCATION

- Provide training and support for members of municipal Planning Boards, Boards of Appeals, Boards of Selectmen, Boards of Health, Conservation Commissions, etc.
- Prepare and periodically update Technical Reports and Manuals to support and inform local boards about relevant current and pending Laws, Regulations, Case Law, Municipal Bylaws, Master Plans, etc.
- Sponsor seminars, meetings, brown bag lunches, lectures, short courses, etc. about methods of improving land use planning, making land use decisions and other topics of interest to the member communities.
- Prepare a regular newsletter highlighting significant regional issues, written in non-technical language for wide circulation to the populace of Berkshire County.

### FORUM

- Initiate discussion and development of consensus on issues of regional significance.

- Identify and encourage measures to mitigate potential adverse impacts of projects on the proposed locality and region.
- Provide professional/technical review of projects with recommendations for action by the Clearinghouse Review Committee, BRPC delegates, Executive Committee, and other constituents.
- Encourage formation of Public/Private Partnerships through dialogue and persuasion.

## **RESOURCES** (Basic Annual Assessment)

- Assist municipalities with planning issues and regulatory affairs.
- Act as a liaison between municipalities and other governmental agencies.
- Actively work for streamlining of regulatory process; encourage local and regional decision making.
- Identify sources of potential grants and assist communities with preparation of grant applications.
- Prepare and circulate model bylaws, design guidelines, procedures, checklists and other materials to assist members of local boards.
- Review and comment on proposed zoning district changes and bylaw amendments, especially those abutting municipal boundaries. Encourage compatible land uses which minimize regionally adverse impacts of developments.
- Maintain an easily-accessible, comprehensive library of local, state and federal information for use by municipalities, land owners, businesses, and other interested parties.
- Develop and maintain a Geographic Information System (GIS). GIS database and maps include county-wide zoning and land use, wetlands, water supplies, transportation system, public/private open space areas, prime agricultural lands, etc.

## **CONSULTING SERVICES** (See current Technical Assistance Policy)

- Provide technical consulting services (by professional staff or consultants) for individual communities or sub-regional groups. Such services might include:
  - Technical review of development plans (subdivisions, industrial, large commercial or residential projects, municipal facilities, etc.);
  - Assistance with preparation of master plans, comprehensive development plans, community action plans, etc.;
  - Drafting proposed bylaws, performance standards, etc.;
  - Preparing feasibility studies (for industrial parks, public recreational facilities, parking lots, municipal or regional facilities, etc.).
- Prepare grant applications, and perform coordination and administration of grants, including data compilation and processing, seeking endorsements, public participation programs, project management, and other administrative processes required by the granting agency.
- Produce customized GIS database queries with maps, charts, and graphs.
- Procure circuit riders for municipalities to assist volunteer municipal boards.
- Provide professional staff or consultants to train, assist and advise municipal inspectors/agents for building inspection, zoning enforcement, health board, conservation, etc.
- Form and utilize a pool of technical support staff or consultants in respective areas of expertise to assist with specific projects undertaken by BRPC or one or more of its constituent communities.

## **TECHNICAL ASSISTANCE POLICY** (Revision 3/27/02)

It is the policy of the Berkshire Regional Planning Commission to provide accurate, high quality, and timely technical assistance to its member communities and others regarding a wide range of planning activities. Staff will attempt to either provide the information necessary to respond to the request or direct the request to the appropriate source. Agency resources to respond to such requests are limited.

Each technical assistance request is often unpredictable and unique. It is the goal of this policy to remain flexible. Guidelines will be developed and updated as specific circumstances present themselves to help direct staff.

Rates to provide technical assistance shall be reviewed and established annually consistent with the BRPC annual budget cycle.

Adopted April 3, 2002

## **TECHNICAL ASSISTANCE GUIDELINES**

### 1. **BRPC Guidelines for Local Technical Assistance regarding Municipalities**

Staff shall generally respond to requests from Municipalities in the following manner.

#### **Requests using Community Assessment Funds through the Agency General Fund**

If staff time to respond to the request is to be funded by community assessment funds through the agency General Fund, total staff time per request should generally be limited to approximately one (1) person day per request. There is no limit to the number of separate requests a community may request per fiscal year. The Executive Director, however, may limit responses to requests from municipalities that have received numerous assistance responses in one fiscal year.

A Municipal request must come from a recognized Board or Commission member, such as a Planning Board Member or Conservation Commission member, or a municipal official, such as a Police Chief or Town Administrator.

BRPC frequently receives requests from Private Organizations, such as consultants, or Non-Profit Organizations working on behalf of a municipality. Those requests will be treated as a request from a municipality provided that it comes from or through a municipal Board or Commission member or municipal official. All other requests will be treated as a request from a Private Organization or Non-Profit Organization.

#### **Requests from Municipalities using Project Funds**

If staff time to respond to a request from a municipality is able to be funded through contract funds, staff should gauge what the contract can absorb and limit the time per request accordingly. Staff should discuss the request with the Executive Director. The Executive Director will make a determination about these requests.

### 2. **BRPC Guidelines for Technical Assistance regarding Non-Profit Organizations**

Many non-profit organizations provide public or quasi-public type services, often on a regional basis. BRPC often receives requests for technical assistance from such organizations. BRPC should limit its response to non-profit or quasi-public organizations to 5 minutes or less to direct or guide the inquirer as to where the information could be found. Time spent above this threshold should be charged according to the most recent Schedule of Fees.

Where the public purpose of a non-profit organization is unclear, staff should discuss the request with the Executive Director. The Executive Director will make a determination about these requests.

### 3. BRPC Guidelines for Technical Assistance regarding Private Organizations

BRPC often receives requests for technical assistance from private organizations or concerns, such as consultants. BRPC should limit its response to private organizations to 5 minutes or less to direct or guide the inquirer as to where the information could be found. Time spent above this threshold should be charged according to the most recent Schedule of Fees.

Where the request is unclear, staff should discuss the request with the Executive Director. The Executive Director will make a determination about these requests.

### 4. BRPC Guidelines for Regional Technical Assistance Requests

Responses to technical assistance requests that have a regional significance or widespread applicability will be determined by the Executive Director on a case by case basis. The one person day limit per request may be extended by the Executive Director in these instances.

### 5. BRPC Guidelines for Technical Assistance regarding Grant Writing

Grant writing is a valuable local technical assistance service BRPC can offer its member communities. If BRPC is to be a primary participant in the project should the project be funded, either as project consultant or subcontractor, BRPC may write all or substantial portions of the grant proposal. If BRPC is not a primary participant and does not have a major project role, BRPC should limit its role to providing services, such as an explanation of grant requirements, or providing data or maps, totaling no more than one (1) person day. Time spent above this threshold should be charged according to the most recent Schedule of Fees.

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

JAMES MULLEN, Chair  
SHEILA IRVIN, Vice-Chair  
GALE LABELLE, Clerk  
CHARLES P. OGDEN, Treasurer

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

## **TECHNICAL ASSISTANCE SCHEDULE OF FEES**

**(FY 12, JULY 1, 2011 - JUNE 30, 2012)**

BRPC will charge for Technical Assistance services above the general Technical Assistance thresholds established in the Technical Assistance Guidelines. Generally these thresholds are one-person day per request for municipal requests and more than a simple 5 minute response for most others. Charges are based on the following rates to be established yearly:

### **Rates for Municipal and Non-Profit / Quasi-Public Requests:**

For public, municipal, and non-profit / quasi-public projects or requests BRPC should approximate charges based on daily and hourly rates. BRPC's rates for general planning services are as follows:

Executive Director = \$170 / hr.  
Assistant Director = \$125 / hr.  
Transportation Program Manager = \$100 / hr.  
Senior Planner / GIS Coordinator = \$90 / hr.  
Planner = \$70 / hr.

The above rates assume we will be reimbursed for actual mileage. For those contracts where actual mileage will not be reimbursed a flat rate of \$5.00 / hr. will be added to the above rates.

Mileage is to be reimbursed at the current I.R.S. rate

A negotiated contract that includes a scope of work and budget should be established for more than 5 days of services. For specialized planning services or specific, well-defined project services, budgets and scopes of work should be negotiated and established prior to initiation of work.

### **Specialized Rates:**

On those occasions where BRPC provides planning services to private concerns, services shall be billed at an hourly rate equal to 125% of the hourly rate charged to Municipal and Non-Profit / Quasi-Public requests. Those rates are as follows:

Executive Director = \$213 / hr.  
Assistant Director = \$156 / hr.  
Transportation Program Manager = \$125 / hr.  
Senior Planner / GIS Coordinator = \$113 / hr.  
Planner = \$88 / hr.

### **Map Charges:**

The following fees are in effect for existing layouts only (an ArcView project must already exist). Additional prints of the same map are available at a reduced fee. However, the request for

additional prints must be made at the time of the initial request; otherwise the additional prints will be billed at the higher first map rate. Custom maps will be addressed in a unique contract or request between the customer and BRPC and charged at a rate of \$90 / hour for municipalities or \$113 / hour for private concerns. BRPC does not provide matting services.

<b>Number of Copies</b>	<b>A-Size (8.5x11)</b>	<b>B-Size (11x17)</b>	<b>C-Size (17x22)</b>	<b>D-Size (22x34)</b>	<b>E-Size (34x44)</b>
First Copy	\$10.00	\$15.00	\$20.00	\$25.00	\$30.00
Second Copy	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00

## **RESOURCES**

Commissioners and citizens should look to the offices and staff of the BRPC as resources for information and technical assistance. In some cases, the staff can help you locate publications or data.

### **Maps and Census Data**

Maps and aerial photographs at BRPC include those at regional, sub regional, and local scales. Transportation, land use, soils, flood zones, open space, scenic mountains, and zoning are among the types of maps included. Check with the staff to see whether existing maps are available for areas of interest to your community, or whether a map can be generated to fill an unmet need.

BRPC has been designated a regional depository for U.S. Census information. Data for individual communities and for larger statistical areas are often available on computer discs or in publications.

### **Planning Advisory Service**

The BRPC pays annual dues to maintain a membership in the Planning Advisory Service. This branch of the American Planning Association will research land use questions from member agencies around the country. They can provide examples from other communities, and will often provide copies of relevant studies, model bylaws, ordinances or other publications. Contact BRPC staff who will forward your request to the service.

### **Website**

A website is maintained by BRPC to provide information on planning, updates on projects (and drafts for review), and other material. It includes directions on coming to the office, a list of delegates and alternates, a calendar of planning events, staff contacts, an interactive bulletin board section, related web links, and considerable amounts of other information. The address of the site is [www.BerkshirePlanning.org](http://www.BerkshirePlanning.org). New contents are posted every three months or at shorter intervals to meet project needs.

### **Berkshire Benchmarks**

Berkshire Benchmarks is a collaborative effort to provide data and analysis on the region. The Data Clearinghouse provides a one-stop-shop for data on the region and is intended to assist the decision makers, service providers, and others who need reliable data to inform their work. The Regional Indicators defines what we want for our future and then tracks progress in achieving these goals. Berkshire Benchmarks can be found online at [www.BerkshireBenchmarks.org](http://www.BerkshireBenchmarks.org). Funding for Berkshire Benchmarks comes from BRPC, Berkshire United Way, Berkshire Community Action Council, Berkshire Taconic Community Foundation and Berkshire Head Start.

### **Library and BRPC Publications**

The offices of the BRPC at 1 Fenn Street, Suite 201 in Pittsfield hold many reports and publications. In the BRPC library, much information is available on specific developments, studies or proposals that have arisen within the County. There are also books, periodicals, and government publications.

They are produced by Berkshire Regional Planning Commission. Please contact BRPC to learn more.

## **BUDGET**

Berkshire Regional Planning Commission is funded through a combination of local assessments, state and federal grants and work done on a contract basis for individual local governments or other organizations. Local assessment funds, which are the only source of funds for regional programs that can be used flexibly, account for only 3.5% of the BRPC budget. By program, the FY 2012 budget breaks down as:

- Community & Economic Development – 31%
- Community Land Use – 8%
- Data & Information Services – 4%
- Emergency Preparedness – 12%
- Energy – 0%
- Environmental – 3%
- Other Regional – 1%
- Technical Assistance & Training – 8%
- Transportation planning, funded by the state from federal transportation funds – 25%

About 35% of the expenses of the BRPC go to staff salaries while benefits, operating expenses and subcontracts account for most of the remaining expenses. Capital expenses are quite limited, generally computers and other major office equipment. Contractors are used for various purposes such as legal advice on land use issues, design projects and for specific projects.

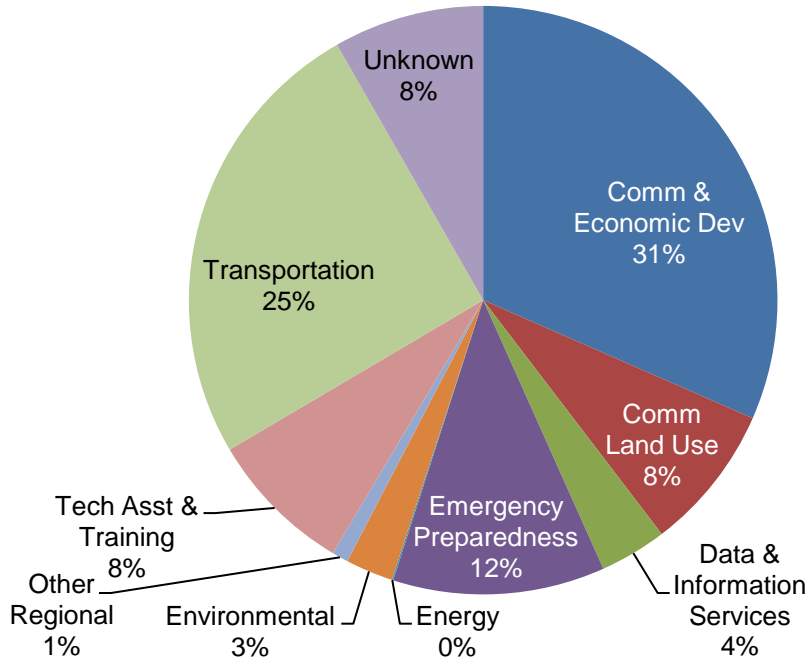
The following pages show the general distribution of both revenues and expenses for the previous and current budget years. A copy of the most recently adopted budget is also provided. For the current year, all sources of funding are known and any additional grants or contracts received would probably increase the budget although they may mean less drain on the funds available from local assessments.

The Executive Director, working with the Finance Committee, prepares the annual budget. Initial work begins around January 1, in order to establish local assessments which must be established in February to comply with state law. The target is to have a full budget proposal for Commission consideration by April. The Executive Committee also is closely involved in preparing the budget as it must establish merit raises and other personnel cost targets.

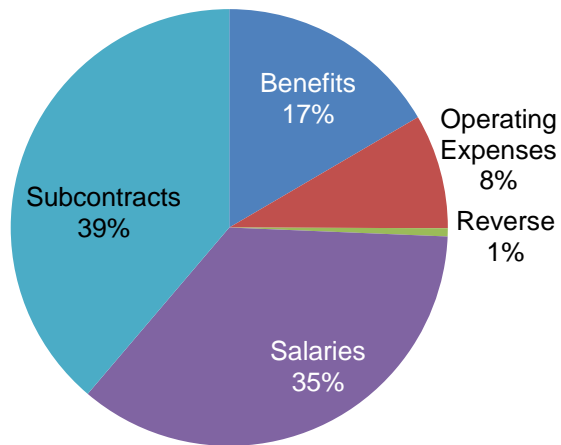
During the course of the year, Executive Committee approval is sought for any grant applications that are to be made and to sign resulting contracts with local governments, state or federal agencies.

All checks over \$5,000.00 are signed by both the Executive Director and a member of the Executive Committee, while checks up to \$5,000.00 require only one signature. The Executive Committee receives a list of all expenditures each month as part of the Treasurer's Report and must approve that report. Items that are out of the ordinary are noted but this is generally a routine item on each agenda.

## FY2012 REVENUE BUDGET \$2,484,692



## FY2012 EXPENDITURES BUDGET \$2,478,788



FY 2012 RECOMMENDED BUDGET - May 13, 2011 Version

Berkshire Regional Planning Commission

**PROJECTED REVENUES**

Contact Description	FY 2011 Approved	FY 11 YTD (as of 3/31/10)	FY11 Change from approved to revised	FY 2011 Revised	FY 2012 Recommended
Outsource GIS Planner (FY11)	\$ 11,000	\$ 4,234	\$ (5,954)	\$ 5,046	\$ 8,000
Berkshire Conservation Agent	\$ 12,000	\$ 6,638	\$ (3,200)	\$ 8,800	\$ 12,000
Brownfield Revolving Loan Fund	\$ 342,915	\$ 11,712	\$ (318,796)	\$ 24,119	\$ 650,000
Berkshire Bike Path Council Support	\$ 2,000	\$ 2,414	\$ 1,200	\$ 3,200	\$ 3,000
Oak Hill Stormwater Improvement	\$ 27,878	\$ 4,982	\$ 69,952	\$ 97,830	\$ 0
Berkshire Cons. Agent/Housatonic Watershed	\$ 65,000	\$ 52,530	\$ (12,470)	\$ 52,530	\$ 26,754
Onota Lake S319 Implementation	\$ 12,304	\$ 9,273	\$ (2,089)	\$ 10,215	\$ 2,419
Emergency Preparedness Planning GY 10E	\$ 155,000	\$ 140,447	\$ 23,257	\$ 178,257	\$ 180,000
Transportation Planning (PL-FFY009)	\$ 487,000	\$ 335,870	\$ (26,057)	\$ 460,943	\$ 471,690
Community Development Block Grant	\$ 0	\$ 14,533	\$ 14,533	\$ 14,533	\$ 0
EPA Assessment Coalition	\$ 377,000	\$ 363,507	\$ 49,117	\$ 426,117	\$ 120,466
Berkshire Benchmarks FY10	\$ 56,348	\$ 24,998	\$ (31,350)	\$ 24,998	\$ 0
Stockbridge Bowl S319 Project	\$ 18,290	\$ 7,193	\$ (9,642)	\$ 8,648	\$ 17,167
Rt 20 Corridor Access Mngt.	\$ 82,669	\$ 94,755	\$ 9,505	\$ 92,174	\$ 0
*Dalton Redevelopment Authority Assistance	\$ 8,000	\$ 4,944	\$ (2,300)	\$ 5,700	\$ 6,000
Public Health Emergency Response	\$ 0	\$ 71,301	\$ 93,530	\$ 93,530	\$ 10,000
Berkshire Hazard Mitigation Plan	\$ 45,000	\$ 35,082	\$ (4,434)	\$ 40,566	\$ 13,937
Green Communities Technical Assistance	\$ 0	\$ 21,810	\$ 21,810	\$ 21,810	\$ 0
Lee - CDBG application preparation	\$ 5,270	\$ 5,098	\$ (172)	\$ 5,098	\$ 0
ARRA Grant Assistance	\$ 0	\$ 7,437	\$ 11,985	\$ 11,985	\$ 0
District Local Technical Assistance - FY10	\$ 96,766	\$ 108,992	\$ 12,226	\$ 108,992	\$ 0
FRCOG - Homeland Security FFY07	\$ 30,000	\$ 14,901	\$ (15,215)	\$ 14,785	\$ 0
Pittsfield - 604B Assess.-Windsor / Cady Brook	\$ 64,131	\$ 49,255	\$ 4,181	\$ 68,312	\$ 0
WMass Connect - Mass Broadband Institute	\$ 44,262	\$ 3,195	\$ (39,865)	\$ 4,397	\$ 0
Lee / MA Dev. Fin. Ag. - Lee 43D	\$ 3,768	\$ 2,708	\$ (1,060)	\$ 2,708	\$ 0
Lee - CDBG-R Administration	\$ 4,428	\$ 7,120	\$ 2,692	\$ 7,120	\$ 0
Transit Planning MA-80-0004	\$ 29,114	\$ 28,432	\$ 186	\$ 29,300	\$ 0
Outsource Community Planner	\$ 8,000	\$ 8,904	\$ 904	\$ 8,904	\$ 0
Municipal Wellness Leadership-FY11	\$ 30,000	\$ 13,258	\$ (3,412)	\$ 26,588	\$ 0
Great Barrington - GIS Support	\$ 0	\$ 1,281	\$ 1,281	\$ 1,281	\$ 1,500
Regional Strategic Planning Project	\$ 0	\$ 26,357	\$ 40,000	\$ 40,000	\$ 0
Preparedness Planning-IRAA	\$ 0	\$ 11,983	\$ 11,983	\$ 11,983	\$ 0
Energy Eff. & Cons. Block Grant	\$ 0	\$ 46,032	\$ 64,178	\$ 64,178	\$ 2,000
Regional Traveler Information Center	\$ 0	\$ 11,500	\$ 11,500	\$ 11,500	\$ 0
Berkshire Benchmarks - Berk. United Way FY 11	\$ 0	\$ 13,652	\$ 18,332	\$ 18,332	\$ 25,000
Berkshire Benchmarks - Berk. CAC - FY11	\$ 0	\$ 9,820	\$ 19,000	\$ 19,000	\$ 12,000
*Dalton Stormwater Management	\$ 5,000	\$ 2,307	\$ (1,757)	\$ 3,243	\$ 8,000
Medical Reserve Corps - GY11	\$ 0	\$ 18,842	\$ 30,000	\$ 30,000	\$ 3,000
District Local Technical Assistance - FY11	\$ 0	\$ 47,974	\$ 77,418	\$ 77,418	\$ 81,043
Medical Reserve Corps - WRHSAC	\$ 0	\$ 885	\$ 7,500	\$ 7,500	\$ 0
Comprehensive Economic Development Strategy	\$ 30,000	\$ 26,112	\$ 0	\$ 30,000	\$ 0
Homeland Security Planning - 08	\$ 0	\$ 5,062	\$ 13,258	\$ 13,258	\$ 70,375
Regional Sustainability Plan	\$ 0	\$ 5,240	\$ 45,183	\$ 45,183	\$ 200,000
North Adams Outsource Planner	\$ 0	\$ 1,817	\$ 6,241	\$ 6,241	\$ 0
Transit Planning X-005	\$ 0	\$ 0	\$ 11,548	\$ 11,548	\$ 24,961
Regional GIS Services	\$ 0	\$ 0	\$ 8,897	\$ 8,897	\$ 35,000
District Incentive Planning Grant	\$ 0	\$ 0	\$ 6,890	\$ 6,890	\$ 22,110
Becket-Green Community Tech. Asst.	\$ 0	\$ 0	\$ 15,485	\$ 15,485	\$ 6,515
Adams Sustainability Plan	\$ 8,584	\$ 0	\$ (8,584)	\$ 0	\$ 0
*Mohawk Trail Marketing Plan	\$ 19,388	\$ 0	\$ (19,388)	\$ 0	\$ 36,000
*Mohawk Trail Hist. Preservation	\$ 59,440	\$ 0	\$ (59,440)	\$ 0	\$ 42,000
*Rt 116 Scenic Byway	\$ 38,000	\$ 0	\$ (38,000)	\$ 0	\$ 38,000
*Transit Planning X-006	\$ 0	\$ 0	\$ 0	\$ 0	\$ 10,641
*Hazard Mitigation Local Plans	\$ 0	\$ 0	\$ 0	\$ 0	\$ 12,000
*Broadband Mapping	\$ 0	\$ 0	\$ 0	\$ 0	\$ 10,000
Unsecured New Projects	\$ 81,252	\$ 0	\$ (81,252)	\$ 0	\$ 205,603
General: Special Projects	\$ 30,000	\$ 13,214	\$ (3,750)	\$ 26,250	\$ 30,000
General: Assesment, Other	\$ 87,510	\$ 65,595	\$ (300)	\$ 87,210	\$ 87,510
<b>TOTAL REVENUES</b>	<b>\$ 2,377,319</b>	<b>\$ 1,763,195</b>	<b>\$ 15,586</b>	<b>\$ 2,392,603</b>	<b>\$ 2,484,692</b>

\* As of May 1, 2011 not yet under contract for FY 12

**FY 2012 BUDGET - May 13, 2011 Version**  
**Berkshire Regional Planning Commission**  
**PROJECTED EXPENDITURES**

	<b>FY 11 Approved</b>	<b>FY 11 YTD expense (as of 3/31/11)</b>	<b>FY 11 change from approved to revised</b>	<b>FY 2011 Revised</b>	<b>FY 2012 Recommended</b>
<b>SALARIES</b>					
Direct Billable	\$ 504,296	\$ 412,797	\$ 43,144	\$ 547,440	\$ 611,426
Indirect Admin.	\$ 225,249	\$ 177,056	\$ 12,368	\$ 237,617	\$ 266,362
Interns (Admin)	\$ 500	\$ 254	\$ (100)	\$ 400	\$ 400
Interns (Projects)	\$ 10,000	\$ 22,957	\$ 24,033	\$ 34,033	\$ 3,400
<b>Total Salaries</b>	<b>\$ 740,044</b>	<b>\$ 613,064</b>	<b>\$ 79,446</b>	<b>\$ 819,490</b>	<b>\$ 881,588</b>
<b>BENEFITS</b>					
Leave & Holidays	\$ 120,053	\$ 105,500	\$ 19,947	\$ 140,000	\$ 159,845
Retirement	\$ 6,000	\$ 4,500	\$ 0	\$ 6,000	\$ 6,000
Retiree Health Insurance Liability (GASB 45)	\$ 50,000	\$ 25,000	\$ 0	\$ 50,000	\$ 45,000
Group Insurance	\$ 149,300	\$ 121,036	\$ 12,081	\$ 161,381	\$ 181,310
Unemployment/FICA	\$ 13,000	\$ 12,919	\$ 4,000	\$ 17,000	\$ 18,778
<b>Total Benefits</b>	<b>\$ 338,353</b>	<b>\$ 268,955</b>	<b>\$ 36,028</b>	<b>\$ 374,381</b>	<b>\$ 410,933</b>
<b>NON-PERSONNEL OPERATING EXPENSES</b>					
Accounting Services	\$ 2,300	\$ 1,167	\$ (433)	\$ 1,867	\$ 2,300
Advertising	\$ 1,000	\$ 2,680	\$ 1,680	\$ 2,680	\$ 1,000
Audit	\$ 16,000	\$ 16,250	\$ 250	\$ 16,250	\$ 16,400
Computer & Equip Maint.	\$ 16,500	\$ 10,879	\$ (5,621)	\$ 10,879	\$ 19,135
Computer Software	\$ 4,500	\$ 2,555	\$ (1,945)	\$ 2,555	\$ 0
Copying Expense	\$ 5,000	\$ 2,690	\$ (1,410)	\$ 3,590	\$ 3,750
Depreciation	\$ 8,000	\$ 9,805	\$ 3,834	\$ 11,834	\$ 15,734
Dues & Subscriptions	\$ 5,500	\$ 5,087	\$ 237	\$ 5,737	\$ 6,725
Flex Plan Administration	\$ 665	\$ 225	\$ (350)	\$ 315	\$ 360
Insurance (Auto, Officers, Office)	\$ 4,000	\$ 3,387	\$ (613)	\$ 3,387	\$ 3,514
Interest Expense	\$ 1,000	\$ 81	\$ (919)	\$ 81	\$ 500
Janitor	\$ 2,000	\$ 1,463	\$ 63	\$ 2,063	\$ 2,525
Legal (Administrative)	\$ 125	\$ 203	\$ 78	\$ 203	\$ 250
Mapping Supplies	\$ 500	\$ 341	\$ (159)	\$ 341	\$ 500
Meetings (Administrative)	\$ 1,300	\$ 3,911	\$ 2,611	\$ 3,911	\$ 4,000
Meetings (Projects)	\$ 3,250	\$ 2,641	\$ (250)	\$ 3,000	\$ 3,200
Parking	\$ 50	\$ (35)	\$ (85)	\$ (35)	\$ 0
Payroll Services	\$ 2,000	\$ 1,597	\$ 137	\$ 2,137	\$ 2,260
Postage	\$ 5,600	\$ 2,985	\$ (2,115)	\$ 3,485	\$ 3,500
Printing (Administrative)	\$ 350	\$ 680	\$ 405	\$ 755	\$ 800
Printing (Projects)	\$ 5,000	\$ 5,828	\$ 1,000	\$ 6,000	\$ 4,500
Publications	\$ 200	\$ 25	\$ (175)	\$ 25	\$ 50
Rent	\$ 44,427	\$ 33,549	\$ 414	\$ 44,841	\$ 56,500
Staff Development	\$ 8,000	\$ 3,681	\$ (4,319)	\$ 3,681	\$ 5,000
Supplies	\$ 6,000	\$ 4,934	\$ (66)	\$ 5,934	\$ 6,500
Telephone	\$ 3,000	\$ 2,583	\$ 458	\$ 3,458	\$ 4,000
Temporary Help	\$ 1,850	\$ 0	\$ (1,850)	\$ 0	\$ 2,500
Travel & Meals (Administrative)	\$ 2,400	\$ 1,863	\$ (37)	\$ 2,363	\$ 2,400
Travel & Meals (Projects)	\$ 16,000	\$ 6,934	\$ (7,500)	\$ 8,500	\$ 9,000
Water & Recycling	\$ 1,100	\$ 786	\$ (14)	\$ 1,086	\$ 2,265
Web Site	\$ 80	\$ 88	\$ 8	\$ 88	\$ 10,000
Other Direct Program Exp. (Projects)	\$ 30,000	\$ 19,982	\$ (3,724)	\$ 26,276	\$ 12,096
Unreimbursed Expenses	\$ 1,000	\$ 451	\$ (400)	\$ 600	\$ 750
Miscellaneous	\$ 450	\$ 301	\$ 751	\$ 1,201	\$ 8,000
<b>Total Operating</b>	<b>\$ 199,147</b>	<b>\$ 149,597</b>	<b>\$ (20,060)</b>	<b>\$ 179,087</b>	<b>\$ 210,014</b>

**SUBCONTRACTS**

None	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Berkshire Conservation Agent (T. Eucker)	\$ 12,000	\$ 6,638	\$ (3,200)	\$ 8,800	\$ 12,000	\$ 12,000
Revolving Loan Fund Administrator (PERC)	\$ 10,000	\$ 2,025	\$ (6,500)	\$ 3,500	\$ 8,000	\$ 8,000
Licensed Site Professional (TBD)	\$ 20,000	\$ 0	\$ (10,000)	\$ 10,000	\$ 31,600	\$ 31,600
Revolving Loan Fund Recipients (TBD)	\$ 300,000	\$ 0	\$ (300,000)	\$ 0	\$ 546,611	\$ 546,611
Brownfield Legal Consul (Brackett & Lucas)	\$ 15,000	\$ 522	\$ (14,250)	\$ 750	\$ 1,500	\$ 1,500
Stormwater Engineer (CEI)	\$ 5,000	\$ 0	\$ 74,900	\$ 79,900	\$ 0	\$ 0
Berkshire Conservation Agent (T. Eucker)	\$ 50,000	\$ 41,629	\$ 5,000	\$ 55,000	\$ 23,000	\$ 23,000
Stormwater BMP Engineer (CEI)	\$ 2,000	\$ 3,637	\$ 1,637	\$ 3,637	\$ 0	\$ 0
Emergency Prep. Plnr. (S.Martin)	\$ 65,000	\$ 46,375	\$ (5,100)	\$ 59,900	\$ 60,000	\$ 60,000
Emergency Prep. Plnr. (V.Orlowski)	\$ 0	\$ 12,160	\$ 12,735	\$ 12,735	\$ 0	\$ 0
Emergency Prep. Cons. (BCBOHA))	\$ 4,000	\$ 6,067	\$ 3,100	\$ 7,100	\$ 2,000	\$ 2,000
Emergency Prep. Plnr. (L. Kittross)	\$ 65,000	\$ 38,006	\$ (13,500)	\$ 51,500	\$ 60,000	\$ 60,000
Emergency Prep. Plnr. (D. Persson)	\$ 12,275	\$ 13,356	\$ 7,250	\$ 19,525	\$ 25,000	\$ 25,000
Emergency Prep. Plnr. (Val Carlson)	\$ 0	\$ 401	\$ 401	\$ 401	\$ 0	\$ 0
Traffic Count Consultant (Trans. Sys. Plng.)	\$ 5,000	\$ 1,140	\$ 6,140	\$ 11,140	\$ 12,000	\$ 12,000
Parking Consultant (Clough Harbour)	\$ 0	\$ 6,000	\$ 6,000	\$ 6,000	\$ 0	\$ 0
Site Assessment Consultant (TRC)	\$ 350,000	\$ 352,641	\$ 57,000	\$ 407,000	\$ 80,542	\$ 80,542
Website Consultant (Q Digital Studio)	\$ 0	\$ 3,469	\$ 3,469	\$ 3,469	\$ 0	\$ 0
Access Management Consultant (VHB)	\$ 63,500	\$ 76,102	\$ 12,602	\$ 76,102	\$ 0	\$ 0
Access Man. Legal Cons.( B, B &M)	\$ 0	\$ 800	\$ 800	\$ 800	\$ 0	\$ 0
Clinic Subcontractors	\$ 0	\$ 53,774	\$ 60,322	\$ 60,322	\$ 8,000	\$ 8,000
Energy Consultant (CET)	\$ 0	\$ 6,970	\$ 6,970	\$ 6,970	\$ 0	\$ 0
Burn Permitting Software - D. Burnham	\$ 0	\$ 1,000	\$ 1,000	\$ 1,000	\$ 0	\$ 0
Energy Consultant - Beacon Integrated	\$ 0	\$ 6,000	\$ 6,000	\$ 6,000	\$ 0	\$ 0
Stormwater Engineer (CEI)	\$ 46,000	\$ 43,760	\$ 4,935	\$ 50,935	\$ 0	\$ 0
Special Pop. Preparedness Plnr. (V. Orlowski)	\$ 0	\$ 4,699	\$ 4,699	\$ 4,699	\$ 0	\$ 0
Special Pop. Preparedness Plnr. (D. Persson)	\$ 0	\$ 1,568	\$ 1,568	\$ 1,568	\$ 0	\$ 0
Special Pop. Preparedness Plnr. (Culturegraphic)	\$ 0	\$ 4,800	\$ 4,800	\$ 4,800	\$ 0	\$ 0
Energy Consultant(P. Fehr)	\$ 0	\$ 5,905	\$ 10,000	\$ 10,000	\$ 0	\$ 0
Energy Consultant (ECS inc.)	\$ 0	\$ 0	\$ 23,500	\$ 23,500	\$ 0	\$ 0
Medical Reserve Corps Coord. (Fairview Hos.)	\$ 20,000	\$ 18,842	\$ 5,000	\$ 25,000	\$ 3,000	\$ 3,000
Regional Best Practice Web Cons.(MARPA)	\$ 0	\$ 0	\$ 6,338	\$ 6,338	\$ 0	\$ 0
Logo Consultant (Q Digital)	\$ 0	\$ 500	\$ 1,200	\$ 1,200	\$ 0	\$ 0
Website Consultant	\$ 0	\$ 0	\$ 4,900	\$ 4,900	\$ 0	\$ 0
Agricultural Consultant (Glynwood)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 5,000	\$ 5,000
Energy Consultant (CET)	\$ 0	\$ 0	\$ 5,000	\$ 5,000	\$ 25,000	\$ 25,000
Open Space Economic Market Consultant	\$ 0	\$ 0	\$ 0	\$ 0	\$ 35,000	\$ 35,000
Public Health Planning Consultants	\$ 0	\$ 0	\$ 3,580	\$ 3,580	\$ 3,000	\$ 3,000
Energy Consultant	\$ 0	\$ 0	\$ 10,000	\$ 10,000	\$ 0	\$ 0
Tourism Consultant	\$ 9,000	\$ 0	\$ (9,000)	\$ 0	\$ 0	\$ 0
Historic Preservation Planning Services (FRCOG)	\$ 30,000	\$ 0	\$ (30,000)	\$ 0	\$ 20,000	\$ 20,000
Attorney (Brackett & Lucas)	\$ 1,000	\$ 0	\$ (1,000)	\$ 0	\$ 0	\$ 0
Engineering Services (Foresight Land Services0	\$ 0	\$ 779	\$ 0	\$ 0	\$ 0	\$ 0
Land Use Attorney (P.Bobrowski)	\$ 0	\$ 200	\$ 0	\$ 0	\$ 0	\$ 0
CDBG Cons.(Breezeway Farm)	\$ 0	\$ 480	\$ 0	\$ 0	\$ 0	\$ 0
<b>Total Subcontracts</b>	<b>\$ 1,084,775</b>	<b>\$ 760,247</b>	<b>\$ (41,702)</b>	<b>\$ 1,043,073</b>	<b>\$ 961,253</b>	<b>\$ 961,253</b>
<b>RESERVE</b>	<b>\$ 15,000</b>	<b>\$ 0</b>	<b>\$ (38,429)</b>	<b>\$ (23,429)</b>	<b>\$ 15,000</b>	<b>\$ 15,000</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,377,319</b>	<b>\$ 1,791,861</b>	<b>\$ 15,283</b>	<b>\$ 2,392,602</b>	<b>\$ 2,478,788</b>	<b>\$ 2,478,788</b>

## THE REGIONAL PLAN FOR THE BERKSHIRES

On May 18, 2000, the Berkshire Regional Planning Commission adopted *The Regional Plan for the Berkshires*. This plan articulates a broad collective vision designed to maintain and enhance the outstanding quality of life that makes this region an attractive and desirable place. The various Guiding Principles, Goals, Policies and Approaches contained in the Plan define the essence of the Berkshires. More importantly, they are intended to enable a future for the region whereby the people of the Berkshires have opportunities for meaningful, productive work and effective community involvement amidst a high quality natural environment. Furthermore, these items are intended to enable current residents to leave an equally strong legacy for future generations.

*Adopted May 2000*

### Guiding Principles of the Regional Plan for the Berkshires

The four Guiding Principles and accompanying goals form the heart of the Plan. They were initially developed from available municipal comprehensive plans, such as Master Plans, and were refined over two years of discussion. Communities in the Berkshires are unique, with their own histories, characteristics and assets. There are, however, a number of common items shared by many, if not most, of the communities. These broad commonalities form the basis for the Guiding Principles. The four Guiding Principles also were designed to reflect the four dominant factors that shape interaction with the land and with others. The four Guiding Principles of *The Regional Plan for the Berkshires* are:

- **Preservation of Sensitive Environments and Open Space**
- **Community and Quality of Life**
- **Economic Development and Fiscal Responsibility**
- **Efficient Land Use Development and Management**

At the 2001 Annual Meeting, BRPC unveiled *Berkshire Planning Tools*, a reference binder designed to provide the citizen planners of the Berkshires with the tools and techniques they will need to successfully accomplish their duties and help them plan for, rather than react to, the growth and development pressures that continue to shape the Berkshire region.

Provided as the "next step" in the Regional Plan project, the *Berkshire Planning Tools* reference binder contains comprehensive fact-sheets on numerous planning tools and techniques, on such topics as telecommunication towers, building reuse, and stormwater management among others, and includes local case studies and model bylaws where appropriate. Also included are BRPC's *Land Use Memorandums* and updates of data originally contained in the *Regional Plan*.

Like the Regional Plan itself, the "toolbox" will be modified and expanded over time. BRPC will periodically distribute new Berkshire Planning Tools, Land Use Memorandums, and new data sets.

## **BYLAWS**

### **BERKSHIRE REGIONAL PLANNING COMMISSION**

**Revised January 20, 1972**  
**Second Revision February 21, 1974**  
**Third Revision May 21, 1981**  
**Fourth Revision February 20, 1997**  
**Fifth Revision September 18, 1997**  
**Sixth Revision September 20, 2007**  
**Seventh Revision – May 21, 2009**

- A. Purpose, Powers and Duties of the Berkshire Regional Planning Commission
- A.1. The Berkshire Regional Planning Commission, hereafter referred to as the Commission, serves the cities and towns of Berkshire County and their common good through the provision of technical assistance, planning education, maintenance of a forum for the discussion of regional issues and the delivery of regional planning services. The Commission enables member cities and towns to jointly plan and promote, with the greatest efficiency and economy, the coordinated and orderly development of the area within its jurisdiction and the general welfare and prosperity of the citizens in accordance with Massachusetts General Laws (MGL) Chapter (c.) 40B, Section § 2. In addition, the Commission shall carry out such other functions and responsibilities specified in federal, state, and local laws, ordinances and regulations which do not conflict with the provisions of MGL c. 40B.
- A.2. All plans, resolutions and recommendations of the Commission that shall be adopted or shall be added to or changed, unless noted elsewhere in these by-laws, must be adopted or amended, as the case may be, by a majority vote at an official Commission meeting.
- A.3. The Commission shall make appointments to specified regional committees or authorities as required or requested by state, federal, regional or local entities.
- A.4. The Commission shall establish rules of procedure for its activities.
- A.5. The Commission may enter into contracts, purchase or lease office space, equipment or supplies and accept gifts and contributions.
- A.6. The Commission may employ staff, including an Executive Director, and experts to provide regional planning services.
- A.7. The Commission must adopt an annual budget showing all anticipated revenues and expenses for the coming fiscal year. Upon approval of the Executive Committee, the Treasurer may borrow in anticipation of revenues.
- A.8. The Commission shall submit an annual report to the cities and towns within the region showing the status of its plans and programs.
- B. Jurisdiction and Membership
- B.1. Pursuant to MGL c. 40B, § 3, a planning district has been designated consisting of all of the cities and towns within Berkshire County. The planning district's jurisdiction is all of Berkshire County. Its cities and towns have all been admitted to membership in the planning district, whose governing body is the Berkshire Regional Planning Commission. The Commission consists of one member of the

planning board of each member city and town, known as the delegate, elected annually by said planning board and certified in writing. Each city and town, acting through its Chief Executive official, may also appoint, pursuant to MGL c. 40B § 4, an alternate designee, known as the alternate, to act in the delegate's absence.

B.2. The cities and towns admitted to membership in the planning district are:

Adams	Great Barrington	New Ashford	Savoy
Alford	Hancock	New Marlborough	Sheffield
Becket	Hinsdale	North Adams	Stockbridge
Cheshire	Lanesborough	Otis	Tyringham
Clarksburg	Lee	Peru	Washington
Dalton	Lenox	Pittsfield	West Stockbridge
Egremont	Monterey	Richmond	Williamstown
Florida	Mount Washington	Sandisfield	Windsor

C. Election or Appointment of the Commission

- C.1. The delegate from each member town or city shall be elected by its planning board or community development board annually, subsequent to town or city elections. The election of the delegate shall be certified to the Commission in writing by each local planning or community development board. If a planning or community development board fails to elect a delegate in any year, the previously named delegate shall continue to serve until a successor is elected as long as the delegate remains a member of the local planning or community development board.
- C.2. Each town or city may also have an alternate, who may or may not be a planning board member, who shall be a resident of the city or town the designee represents and shall be appointed annually subsequent to city or town elections. The alternate shall be certified to the Commission by the Mayor in a city, confirmed by the council, or in a town by the Selectmen or in towns with a manager form of government by the Town Manager. The alternate may attend meetings of the Commission and shall assume the rights and duties of the delegate when the delegate is absent. If a town or city fails to appoint an alternate in any year, the previously named alternate shall continue to serve until a successor is appointed, provided they remain a resident of the city or town.
- C.3. If a vacancy occurs during the year the appointing board or official shall be notified and requested to fill the vacancy.

D. Commission Organization

- D.1. Each year at the first meeting after July 1, but no later than August 31<sup>st</sup>, the Commission shall elect from among its membership a Chair, Vice Chair, Clerk, and Treasurer. If any of these positions becomes vacant, the Commission shall elect at its next meeting a delegate or alternate to fill the position until the next annual election. To insure continuity of operation, the Chair, Vice-Chair, Clerk, and Treasurer shall be eligible to continue to serve in that capacity, until the first meeting after July 1, even though they may no longer be an elected member of a planning or community development board or have been appointed as an alternate by the city or town.

- D.2. All meetings of the Commission and its committees are subject to the Open Meeting Law: MGL c. 39 § 23A. Regular meetings of the Commission shall be held at least six times annually. Special meetings may also be held at the call of the Chair or at the call of a majority of the membership. Notices of all meetings shall be distributed to all delegates and alternates at least five calendar days prior to all meetings.
- D.3. A quorum of the Commission shall consist of the duly named delegates or alternates from at least eight member cities and towns. Lack of a quorum shall not prevent the delegates or alternates at an officially called meeting from coming to order and discussing or passing a motion to continue said meeting to a later time.
- D.4. The Conflict of Interest Law, MGL c. 268A, prohibits delegates or alternates from participating in any official action affecting their own financial interests, from using their position to obtain unwarranted privilege, or from acting in a manner that would cause a reasonable person to conclude that they can be improperly influenced or that a person could unduly enjoy their favor in the performance of their duties. During any Commission discussion, if any delegate or alternate believes the Conflict of Interest Law applies to them they are required to disqualify themselves from participation in the discussion and are required to leave the meeting room when the issue is under consideration.
- D.5. Each member city and town shall be accorded one vote to be cast by the delegate or, in the absence of the delegate, by the alternate. Decisions of the Commission shall be made by majority vote of those member cities and towns present and voting, with the exception of the adoption of a comprehensive plan of development. Adoption of a comprehensive plan of development shall be in accordance with MGL c. 40B § 5, and shall be by a majority vote of the delegates or alternates of the cities and towns which have been admitted to membership in the planning district.
- D.6. By a two-thirds vote of all of its member municipalities, the Commission shall vote annually to reconfirm the authorization of the Executive Committee to act in the name of and on behalf of the Commission. This authorization may be modified or terminated pursuant to MGL c. 40B § 4a.
- D.7. The Commission shall keep complete and accurate records of all official meetings in accordance with the Public Records Laws, including meeting minutes. Copies of any adopted resolutions shall become part of the minutes. Minutes shall be prepared for review and adoption, or amendment and adoption, by the Commission at its next regular meeting. The approved minutes shall be kept at the Commission office and shall be a public record.
- D.8. The Commission may establish at any time special and standing committees, which are empowered to make recommendations to the Executive Committee and the Commission. The members of such committees and their duties shall be clearly defined and recorded in the minutes of the meeting at which the committee is authorized. Each committee shall establish operating practices, keep minutes, and report their recommendations to the Commission or Executive Committee, as appropriate. Each committee shall have a chair, who shall be a delegate or alternate, appointed by the Commission Chair, subject to approval by the Commission, except that the Commission Chair shall serve as Executive

Committee chair. The Commission Chair, in consultation with the committee chair, shall appoint members of committees, except that elected Commission officers are automatically members of the Executive Committee. Non-Commission members may be appointed to any committee, except the Executive Committee, when their participation would enhance the activities of a particular committee. Such non-Commission members shall be full voting members of the committee to which they are named, but they shall not make up a majority of the membership of any committee. To insure continuity of operation, committee members shall be eligible to continue to serve in that capacity until the first meeting after July 1, even though they may no longer be an elected member of a planning or community development board or have been appointed as an alternate by the city or town.

#### D.9. Standing Committees of the Commission

D.9.1. The Executive Committee shall consist of all elected officers of the Commission, the chairs of all standing committees, and, in order to have an odd number of members, up to two (2) member(s) at large. Member(s) at large are appointed by the Commission Chair, subject to the approval of the Commission. A quorum of the Executive Committee shall consist of a majority of its members. The Commission Chair shall serve as Executive Committee Chair. The Executive Director of the Commission shall be an ex-officio non-voting member of the Executive Committee.

The Executive Committee shall formulate general programs for the Commission, in accordance with specific needs, plans and goals of the Commission. The Executive Committee shall report its actions at the next Commission meeting for Commission ratification. The Commission may endorse, modify or change any such action.

The Executive Committee shall meet monthly, or more or less frequently as necessary, and shall have the authority to act on behalf of the Commission between scheduled Commission meetings, subject to annual authorization by a two thirds ballot vote of the Commission. All delegates and alternates shall be provided a meeting notice and agenda of Executive Committee meetings at least five calendar days in advance of the meeting.

The Executive Committee shall have 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.

D.9.2. The Commission Development Committee shall consist of at least four (4)

members. It shall consider Commission education, membership, structure, and process, including periodic evaluation of the performance of the Commission. Periodically, the Committee shall also review the Commission's bylaws to determine whether amendments are needed to enhance the operations of the Commission.

A nominating subcommittee of the Committee, comprised only of delegates and alternates and consisting of at least three members, shall recommend a slate of officer candidates for the next fiscal year. Such slate of candidates shall reflect the Commission's desire to rotate officers and be representative of all areas of the region. Such slate shall be provided to delegates and alternates at least 14 days prior to the first meeting after July 1 of each year.

- D.9.3. The Clearinghouse Review Committee shall consist of at least five (5) members. It shall review 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 shall advise 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.
- D.9.4. The Finance Committee shall consist of at least four (4) members including the Commission Treasurer who shall serve as Chair. It shall have oversight over the Commission's financial operations and shall review the annual audit. It shall recommend the per capita assessments of the member cities and towns for the next fiscal year and present such recommendation to the Commission for approval no later than in February and shall recommend a full budget for the next fiscal year for Commission action prior to the beginning of the next fiscal year.
- D.9.5. The Regional Issues Committee shall consist of at least five (5) members. It 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.
- D.9.6. The Transportation Committee shall consist of at least five (5) members. It shall review and develop comments on Commission studies and plans which shall include consideration of regional interests. It shall provide recommendations to the Commission regarding transportation needs, plans, programs, and projects in the region. It shall provide recommendations on proposed transportation related state or federal legislation or regulations. The Transportation's Committee's activities shall complement the Berkshire Metropolitan Planning Organization's Transportation Advisory Committee.

E. Duties of the Elected Officers of the Commission

- E.1. The duties of the elected officers of the Commission are as follows:

- E.1.1. The Chair shall preside at all meetings of the Commission and shall serve as Executive Committee Chair. The Chair shall serve as the Commission's representative to the Berkshire Metropolitan Planning Organization. The Chair shall appoint members at large to the Executive Committee and committee chairs. In consultation with the committee chairs, the Chair shall appoint the members of any special and standing committees, and shall be an ex-officio voting member of all committees. The Chair may execute contracts and other legal documents as authorized by and on behalf of the Commission, unless the Commission authorizes its Executive Director to execute said documents on its behalf.
- E.1.2. The Vice Chair shall assume the responsibilities of the Chair in the Chair's absence, with the exception of acting as the representative to the Berkshire Metropolitan Planning Organization, unless otherwise designated. If the position of Chair becomes vacant, the Vice Chair shall act as the Chair in all matters until the position is again filled as set forth in Section D.1 of these Bylaws.
- E.1.3. The Clerk shall call the roll and record the attendance of delegates and alternates at Commission meetings. The Clerk shall authenticate when necessary, acts, orders and proceedings of the Commission.
- E.1.4. The Treasurer shall be the Chair of the Finance Committee. The Treasurer's duties shall include keeping the Commission's financial records with appropriate assistance from the staff and being responsible for all financial affairs of the Commission in accordance with the requirements of MGL c. 40B. The Treasurer shall make an annual report to the Commission as soon as possible after the close of the fiscal year and at such other times as the Commission may request. The Treasurer shall give a bond for the faithful performance of his/her duties as surety in such sums and upon such conditions as the Commission may require with a surety company authorized to transact business in the Commonwealth. The Commission shall pay for the cost of the bond.

F. Employment and Duties of Executive Director

- F.1. The Commission shall employ an Executive Director. The Executive Director shall serve as the Chief Administrative Officer of the Commission and is responsible for the administration and direction of the Commission staff, its activities and work programs. The Executive Director is accountable to the Executive Committee and Commission and shall perform his/her duties under policies established by the Commission in conformance with applicable laws and statutes.
- F.2. The Executive Director is responsible for hiring technical and clerical staff, as authorized by the Commission, and for related personnel management and administrative actions. The Executive Director may execute contracts and other legal documents as authorized by and on behalf of the Commission. A written description of the responsibilities of the position of the Executive Director shall be prepared by the Executive Committee. At least every five years the position description shall be reviewed and as necessary updated jointly by the Executive Committee and the Executive Director. In consultation with the Executive Director, the duties of the Executive Director may be modified by the Commission

upon a majority vote of those voting at a regularly scheduled Commission meeting. On an annual basis, the Executive Director shall prepare a review of his/her accomplishments for the proceeding year and goals for the upcoming years as part of his/her performance evaluation by the Executive Committee.

G. Amendments of the Bylaws

- G.1. These bylaws may be amended at any meeting of the Commission by a two-thirds vote of those voting provided that a copy of the proposed amendment, and notice of its pendency, has been sent to all Commission delegates, alternates, and chief executive officials of member municipalities at least one week prior to such meeting.
- G.2. In addition to an amendment (s) proposed by the Commission Development Committee, any delegate or, in their absence, alternate may propose an amendment at a full Commission meeting. Such proposed amendment, provided it receives endorsement by at least one quarter of those voting at the meeting at which it is proposed, shall be provided to each delegate, alternate and chief elected officials of member municipalities at least one week prior to the next full Commission meeting at which time members may vote on its adoption.

## **CONFLICT OF INTEREST STATEMENT**

### **CONFLICT OF INTEREST STATEMENT**

Endorsed by the Executive Committee of the  
Berkshire County Regional Planning Commission  
For use at all Regional Planning Commission and Committee meetings

*August 16, 1995*

The Conflict of Interest law, c. 268A of the Massachusetts General Laws, prohibits a delegate, who is a public official, from participating in any official action affecting that delegate's own financial interests, from using the delegate's position to obtain an unwarranted privilege, or from acting in a manner that would cause a reasonable person to conclude that the delegate can be improperly influenced or that a person could unduly enjoy the delegate's favor in the performance of his or her official duties. If you believe that you should not participate in the discussion and vote on any issue, please disqualify yourself and leave the meeting room when the issue is under consideration.

## **APPENDICES:**

Summary of Community Planning Activity

Chapter 40B – Regional Planning Law

Compliance: Ethics Reform Law & Open Meeting Law

## SUMMARY OF COMMUNITY PLANNING ACTIVITY

SUMMARY OF COMMUNITY PLANNING ACTIVITY								
COMMUNITY	Master Plans		Land Use/Growth Plans		Open Space Plans		Community Development Plans Status	Planned/Ongoing Progress - 11/2010
	Historic	Most Recent	Historic	Most Recent	Historic	Most Recent		
ADAMS	1959	1970		1985		2002	2004	Master and Open Space Plan Updates
ALFORD	NONE			1985	NONE	2005	2004	
BECKET	NONE			1979	1998	2007	2004	
CHESHIRE	NONE		NONE		1990	2002		
CLARKSBURG		1965		1993	1988	2002	2003	
DALTON	1961, 1974	2001	NONE	2000 <sup>b</sup>	NONE	draft*(2007)	2004	
EGREMONT	NONE	2002	1976	1987		2002	2004	
FLORIDA	NONE			1975	NONE	2002	2003	
GREAT BARRINGTON	1958, 1973	1997	NONE		1989, 1998	2006		Master Plan Update
HANCOCK	NONE			1976	NONE		2004	
HINSDALE	NONE			1999	1999	draft*(2007)	2004	
LANESBOROUGH	NONE			1971	NONE	draft*(2007)		
LEE	1958, 1978	2001		1987	1989	2001	2004	
LENOX	1968	1999	NONE		1999	draft*(2010)	2004	Open Space Plan Update
MONTEREY	1975		NONE			2002	2004	
MOUNT WASHINGTON	NONE		NONE		NONE	2002		
NEW ASHFORD	NONE		NONE		NONE		2004	
NEW MARLBORO	NONE	2010	NONE		1990	2006		
NORTH ADAMS	1957, 1965	1972	NONE	1996	2001	2008	2004	Master Plan Update
OTIS	NONE			1986		2005	2004	
PERU	NONE		NONE		NONE		2004	
PITTSFIELD	1962, 1997	2009	NONE		1981, 1988, 1995	2009	2004	
RICHMOND		1998	NONE		NONE		2004	
SANDSFIELD	NONE			1987	NONE			
SAVOY	NONE		NONE			2003	2003	
SHEFFIELD		2004			1986	draft*(2006)	2004	
STOCKBRIDGE		1996		1978	1970	draft*(2002)	2004	
TYRINGHAM	NONE		NONE			2002	2004	
WASHINGTON	NONE		NONE			1986		
WEST STOCKBRIDGE		1959	NONE		NONE		2004	
WILLIAMSTOWN	1963, 1984	2002	NONE		1977, 1986	1995	2003	
WINDSOR	NONE			1991		1990		

\*Denotes Plan being updated or new Plan in development

<sup>b</sup> Denotes Business Development Plan

Revised 11/8/2010

Source: BRPC and Community Planning Boards

## **CHAPTER 40B – REGIONAL PLANNING LAW**

### C. 40B Sec. 1. Title.

This chapter shall be designated and may be known as "The regional planning law."

### C. 40B Sec. 2. Purpose.

The purpose of this chapter is to permit a city or town to plan jointly with cities or towns to promote with the greatest efficiency and economy the coordinated and orderly development of the areas within their jurisdictions and the general welfare and prosperity of their citizens.

### C. 40B Sec. 2A. Consent to Inclusion in Region or District.

No state agency shall place a city or town individually or severally, within a regional or district grouping without the consent of the governing body of such city or town. The governing body in a town shall be the town meeting and in a city, the city council.

### C. 40B Sec. 3. Planning Districts.

Any group of cities, towns, or cities and towns may, by vote of their respective city councils or town meetings, vote to become members of and thus establish a planning district, which shall constitute a public body corporate. After a planning district has been thus established, any other city or town within the district area as hereinafter defined may by vote of its city council or town meeting apply for admission. Upon the affirmative vote of two thirds of the representatives of the cities and towns comprising the district, said city or town shall become a member thereof. The area of jurisdiction of said district shall be an area defined or redefined as an effective regional planning region by the Massachusetts office of business development. All rights, privileges and obligations applicable to the original members of the district shall be applicable to the new members.

### C. 40B Sec. 4. District Planning Commissions.

In each planning district so established there shall be a district planning commission consisting of one member of the planning board of each city and town voting to join such district, elected annually by said planning board and certified in writing to the district planning commission. Said member may be replaced by a two thirds vote of his planning board before the termination of his annual appointment. In the case of the planning board's failure to elect a delegate in any year the previously named delegate shall continue to serve until his successor is qualified, as long as he shall remain a member of his local planning board. There may be an alternate designee, who may or may not be a planning board member, who shall be a resident of the city or town he represents, appointed annually and certified in writing to the district planning commission by the mayor in a city, confirmed by the council, or in the case of a city with a plan E form of government, appointed annually by the city manager, or in a town by the selectmen or in towns with a manager form of government, by the town manager, who may attend meetings of the district planning commission and who shall assume the rights and duties of the planning board member in his absence. The alternate designee shall be named in writing to the district planning commission annually in order that he may perform the duties and exercise the powers authorized in this section. In a member town which has not established a planning board, the selectmen shall annually appoint a member of the district planning commission. Such district planning commission shall annually elect a chairman, a vice chairman, a treasurer, and a clerk from among its members and alternate designees, and may elect an assistant clerk, from among such members and alternate designees. The treasurer and assistant treasurer shall give the commission a bond, with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of their duties in such sums and upon such conditions as the commission may require. The said commission may employ experts and clerical and other assistants. All meetings of the commission shall be held at the call of the chairman and at such other times as the commission may determine. A quorum of the

commission shall consist of at least one fourth of the duly named members or alternate designees. Lack of a quorum shall not prevent the members at an officially called meeting from coming to order, making motions, discussing or passing a motion to continue said meeting to a later time. The commission shall establish rules of procedure for its activities and shall keep a record of its meetings, transactions, resolutions, findings and determinations, all of which shall be public records.

C. 40B Sec. 4A. Executive Committee of District Planning Commissions; Membership; Powers and Duties.

Upon a two-thirds vote of all of the members of the district planning commission there may be established an executive committee, elected annually from the membership of the commission, and consisting of the chairman, vice chairman, if one is elected annually by the commission, the clerk, the assistant clerk, if one is elected annually, the treasurer and at least one but no more than seven members elected at large from the commission membership annually, so that there shall be an uneven number of members of said committee. Actions taken by said executive committee shall be in the name of and on behalf of the commission. Such actions may include one or more of the following listed functions, but only if authorized by a two-thirds vote of the commission's total membership:-- employment of technical staff members, and other professional and clerical assistants; retention of consultants; the disbursement of commission funds based upon a warrant approved by a majority of the executive committee; the borrowing of funds in anticipation of receipt of revenue; applications for federal, state and local aid; the preparation of reviews and comments on proposals of a regional or intercommunity nature, including those referred to the district planning commission under the provisions of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Inter-Governmental Cooperation Act of 1968, and Section 102 of the National Environmental Policy Act of 1969; proposed zoning changes near municipal boundaries of member cities and towns; requests for planning related advice; and the establishment of various technical advisory committees. Said executive committee shall report its actions to the full commission at least quarterly, and its authority to exercise such functions heretofore authorized shall be reconfirmed by a two-thirds vote of all of the members annually. Additional functions may be authorized for the executive committee from time to time. Such additions shall also be by a two-thirds vote of the district planning commission membership. The authority given to the executive committee to act on behalf of the commission may be terminated for any function by a majority vote of the commission members and thirty days' notice to said executive committee.

C. 40B Sec. 4B. Seal.

Each planning district may have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts, --- Regional Planning District, 19-", which seal may be used whenever deemed advisable by the district planning commission on papers and documents issued or executed by the commission or by any officer or employee designated by the commission.

C. 40B Sec. 4C. District Planning Commissions; Membership of Commanding Officers of Certain Military Installations.

Whenever there is located, wholly or partially, within a planning district established hereunder, a federal military installation having a resident population of at least five hundred persons according to the most recent available federal decennial census, the district planning commission may vote to offer to the commanding officer of said federal military installation the privilege of membership for himself or his designee. Upon acceptance by the commanding officer of this offer, he shall be deemed a member ex officio of the district planning commission, and shall assume the same rights and duties as other commission members, except that this ex

officio membership shall not continue except by an annual affirmative vote of the majority of the commission.

C. 40B Sec. 5. District Planning Commissions; Powers and Duties; Regional and District Plans.

A planning commission established hereunder shall make careful studies of the resources, problems, possibilities and needs of its district and, on the basis of such studies, shall prepare a comprehensive plan of development or a schematic study plan of such district or of such part or parts thereof as the commission may deem necessary and in such plans shall make such recommendations for the physical, social, governmental or economic improvement of the district as in their opinion will be in the best interest of the inhabitants of the district. Such plans and recommendations shall concern, among other things, the general use of the district, including land use, principal highways and expressways, bridges, airports, public utilities, public facilities, parks, recreational areas, public institutions and such other matters as in the opinion of said commission will be beneficial to the district and will promote with the greatest efficiency and economy the coordinated development of the district and the general welfare and prosperity of its people. Before the adoption of any such regional plan or a portion thereof, the district planning commission shall hold at least one public hearing thereon, notice of the time, place and subject of which shall be given. Written notice of such hearing shall be given to each planning board, board of selectmen, and city council. Notice of the time, place and subject of the hearing shall be published at least once in a newspaper having substantial circulation in the region at least ten days before such hearing. Adoption of such plan or portion thereof shall be by a majority vote of the representatives of the district planning commission. Such plan may be amended from time to time in the same manner as hereinbefore provided. A copy of the plan adopted by the commission or any amendments thereto signed by the chairman shall be filed with the town clerk of each member municipality not more than thirty days after commission action. Such plan or portion of a plan shall be a public record. Such district planning commission shall also assist the planning boards of the several cities and towns within the area of its jurisdiction in applying any district plans and recommendations so adopted to the local board's area of jurisdiction.

Such planning commission shall report annually to the city councils and town meetings of the cities and towns within its district, showing the status of its plans and recommendations. Such plans and recommendations shall be advisory only.

C. 40B Sec. 5A. Agreements for Conducting Water Favorability Studies.

Such commission may enter into an agreement with the water resources commission for the purpose of conducting water favorability studies under the direction of the water resources commission, as authorized by section nine of chapter twenty-one. The district's share of the cost of such studies shall be assessed against the constituent cities and towns in accordance with the provisions of section seven of this chapter.

C. 40B Sec. 5B. Economic Development Regional Commissions.

A district planning commission may, by an affirmative vote of two thirds of the representatives of the cities and towns comprising the district, agree to act as, and to assume the duties, obligations, and responsibilities of, an economic development regional commission for as many of the cities and towns within its area of jurisdiction as it may deem proper and logical, subject to the availability of funds for such purpose; provided, however, that said cities and towns shall be eligible for designation as an economic development region, hereinafter called the region, in accordance with the provisions of the Public Works and Economic Development Act of 1965. Additional eligible cities and towns may be added to or deleted from the region by an affirmative vote of two thirds of the representatives of the cities and towns comprising the district.

The district planning commission members and alternate designees of the cities and towns comprising the region shall constitute the economic development regional commission. In addition, such technical and advisory committees as are necessary and required by the Public Works and Economic Development Act of 1965 may be appointed in accordance with the provisions of said Act for the purpose of providing advice and guidance to the region.

The economic development regional commission may prepare economic development programs which shall be public records and may be changed or supplemented from time to time by a majority vote of the representatives of the cities and towns comprising the region. Said regional commission may conduct feasibility and implementation studies for public facilities and programs and develop public and private development projects which are consistent with and which aid in implementing the objectives of said commission. Said regional commission may advertise and otherwise promote the implementation of its plans and recommendations for the economic and industrial development of the region and may sponsor conferences, institutes, seminars and training programs on behalf of the region.

C. 40B Sec. 6. Consultations with, and Assistance to, Commissions by Commonwealth Agencies.

The several officers, boards, commissions, departments and divisions of the commonwealth and city and town officials may consult with any such district planning commission and shall furnish or make available to it on request all data and information within their knowledge and control pertaining to the area of jurisdiction of such commission.

C. 40B Sec. 7. Annual Estimate of Costs and Expenses of Districts; Payments to District Treasurer; Grants and Gifts; Contracts for Planning Studies and Services.

Said commission shall, annually in the month of February, estimate the amount of money required to pay the costs and expenses of the district for the following fiscal year, shall fix and determine the proportion of such costs and expenses to be paid by the constituent cities and towns thereof during such fiscal year which, however, shall not exceed any per capita limit established by the vote of two-thirds of the city councils and town meetings of member cities and towns, and shall certify the amount so determined for each city and town to the assessors thereof who shall include the sum in the tax levy of such fiscal year, provided that the per capita limit of any new member municipality shall not be less than the per capita cost to the member municipalities in the district at the time the new member joined the district. Such apportioned cost shall be on a per capita basis in direct proportion to the population of the city or town and the planning district as they appear in the most recent national census, exclusive of the inmates of county, state or federal institutions, and exclusive of the resident population of federal military installations to which the privilege of ex officio membership has been extended as provided in section four C; provided, however, that the national census or the annual national census estimate, whichever is the most recent, shall be used in any planning district in which the governing body of each city and town comprising such planning district accepts the provisions of this proviso. Upon order of the commission, the treasurer of each constituent municipality thereof shall, from time to time, subject to the provisions of section fifty-two and section fifty-six of chapter forty-one, pay to the district treasurer sums not exceeding the amount certified by the commission as the city's or town's share of the costs and expenses of the district. The commission is authorized to determine the amount of payment to be made to the district during the first year of membership of a new city or town in its respective district, but such payment shall not exceed any aforementioned per capita limits. Any such district planning commission established under the authority of this chapter is authorized to receive for its own uses and purposes any funds or moneys from any source, including grants, bequests, gifts or contributions made by the federal, state or municipal governments or by any individual, corporation or association. Any such district planning commission may contract with the federal

or state government, or a city or town within such district, or with another district planning commission or planning council for the performance of planning studies and services within the limits of funds available to the district planning commission for such purposes. The treasurer of the district planning commission or, in his absence, the assistant treasurer shall disburse the moneys so received upon an order approved by the chairman of the commission when so authorized by a majority vote of said commission.

C. 40B Sec. 8. Borrowing in Anticipation of Revenues; Execution, Effect, and Maturity of Revenue Anticipation Notes.

The district may authorize debt by a majority vote of the commission in anticipation of revenue to an amount not in excess of that to be received during the current fiscal year from member cities and towns. Notes issued under authority of this section shall be in the name of and upon the full faith and credit of the district, and said notes shall be signed by the treasurer of the district, and the chairman of the district planning commission shall countersign and approve them in the presence of the clerk of the district who shall certify to the fact on the face thereof. Such notes shall be payable, and shall be paid not later than one year from their dates, and shall not be renewed or paid by the issue of new notes, except as provided in section seventeen of chapter forty-four.

## BRPC COMPLIANCE

Go to the link to our website page.

<http://www.berkshireplanning.org/about/compliance.html>

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### **Compliance with Ethics Reform Law and Open Meeting Law**

Appointed members of state boards, commissions and municipal committees you are considered a “special state employee” and must comply with the Ethics Reform law and the Open Meeting law. Below are the links and requirements for the Ethics Summary (yearly), Ethics online training/test (every 2 years) and the certificate of receipt of the Open meeting law (once).

#### **1. Ethics Reform Law - Yearly Acknowledgement of receipt of the Summary**

On an annual basis thereafter, all current municipal employees, Commission delegates and alternates, and Committee members must be provided with this summary of the conflict of interest law. Municipal employees hired after December 28, 2009, should be provided with the summary within 30 days of the date on which they commence employment, and on an **annual** basis thereafter. Every municipal employee or special state employee is required to sign a written acknowledgment that he has been provided with the summary.

Link to: Home > Education and Training Resources > Educational Materials > Explanations of the Law >

[http://www.mass.gov/?pageID=ethterminal&L=4&L0=Home&L1=Education+and+Training+Resources&L2=Educational+Materials&L3=Explanations+of+the+Law&sid=leth&b=terminalcontent&f=p\\_ubed\\_sum\\_specialstateemployee&csid=leth](http://www.mass.gov/?pageID=ethterminal&L=4&L0=Home&L1=Education+and+Training+Resources&L2=Educational+Materials&L3=Explanations+of+the+Law&sid=leth&b=terminalcontent&f=p_ubed_sum_specialstateemployee&csid=leth)

#### **Education and Training Resources**

Link to on-line training:

[Mandatory Training Requirements - Summaries, Online Training, and Revised Implementation Procedures](#)

Go to Summary of the Conflict of Interest Law for Municipal Employees. At the bottom of the page is the Acknowledgement form to be signed and returned to BRPC.

**Signed acknowledgement MUST be sent to:**

**COMPLIANCE at BRPC**

**1 Fenn St. Suite 201**

**Pittsfield, MA 01201**

**Or**

**Faxed to 413-442-1523**

#### **2. Ethics Test - Every 2 years complete online training and print the certificate**

Every 2 years, all current state, county and municipal employees must complete online training. New public employees must complete this training within 30 days of beginning public service, and every 2 years thereafter. This training is designed primarily for state employees. County and municipal employees should also use this training until it is revised with one tailored to them. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the Town or City Clerk (municipal employees), their employing agency (appointed state and county employees),

or to the Ethics Commission (elected state and county employees). Completing the single program will be considered by the Commission as meeting the Bill's training requirements until a second program is added. PLEASE NOTE: When multiple users attempt to complete the current training program using the same computer they may experience a problem accessing the beginning of the program. The user will need to open their internet browser, click on "Tools", then "Internet Options", select "Delete Cookies", then click "OK". The user will be able to click back on the Online Training module on the Commission's website and start at the beginning.

Link to the **online training/test**: [http://db.state.ma.us/ethics/quiz\\_MEthics/index.asp](http://db.state.ma.us/ethics/quiz_MEthics/index.asp)

**Printed CERTIFICATE of online training MUST be sent to:**

**COMPLIANCE at BRPC  
1 Fenn St. Suite 201  
Pittsfield, MA 01201  
Or  
Faxed to 413-442-1523**

**3. Open Meeting Law - Complete Certificate of receipt**

Effective July 1, 2010, responsibility for the state-wide enforcement of the Open Meeting Laws, relative to local, county, regional, and state public bodies has been centralized in the office of the Attorney General. The Open Meeting Law supports the principle that the democratic process depends on the public having knowledge about the considerations underlying governmental action. The Open Meeting Law requires that most meetings of governmental bodies to be held in public. There are some exceptions, which are designed to ensure that, public officials are not "unduly hampered" by having every discussion among public officials open to the public. As a result, the Open Meeting Law provides for particular circumstances under which a meeting may be held in executive, or closed, session. You may also contact the Division of Open Government, within the Office of Attorney General Martha Coakley, at (617) 963-2540 or [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

Link to Open Meeting Law Material:

<http://www.mass.gov/?pageID=cagosubtopic&L=3&L0=Home&L1=Government&L2=The+Open+Meeting+Law&sid=Cago>

Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

**COMPLETED Certificate of Receipt of Open Meeting Law Materials MUST be sent to:**

**COMPLIANCE at BRPC  
1 Fenn St. Suite 201  
Pittsfield, MA 01201  
Or  
Faxed to 413-442-1523**

Link to Certificate of Receipt of Open Meeting Law:  
[http://www.mass.gov/Cago/docs/Government/Certificate\\_of\\_Receipt\\_of\\_OML\\_Materials.pdf](http://www.mass.gov/Cago/docs/Government/Certificate_of_Receipt_of_OML_Materials.pdf)

Please contact [compliance@berkshireplanning.org](mailto:compliance@berkshireplanning.org) or Marianne Sniezek if you have questions about compliance with these laws.

**4. Delegates and Alternates Yearly Authorization for Executive Committee to Act on Behalf of the Commission**

The bylaws for BRPC 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).

Link to: [Executive Committee Authorization memo/ballot](#)

**COMPLETED Signed ballot MUST be sent to:**

**COMPLIANCE at BRPC  
1 Fenn St. Suite 201  
Pittsfield, MA 01201  
Or  
Faxed to 413-442-1523**