

West Springfield, Massachusetts Emergency Management Local Emergency Planning Committee

**26 Central Street
West Springfield, MA 01089**

December 20, 2013

Mission Statement

West Springfield Massachusetts Emergency Management and the West Springfield Local Emergency Planning Committee (LEPC) exists to promote and maintain public health and safety by preparing citizens, industries, and local emergency response agencies for all-hazards emergency situations through the development of a comprehensive community program which includes an all-hazards emergency response plan, conducting training exercises on the plan, and providing public education programs.

Furthermore, the LEPC is focused on data collection, record maintenance, and preparedness and pre-planning for hazardous materials that are stored with, travel through or otherwise threaten the Town of West Springfield.

**The Bylaws of the Local Emergency Planning Committee
In
West Springfield, MA**

Article I - Name

This organization shall be known as the “West Springfield Local Emergency Planning Committee” (LEPC), a sub-committee under the West Springfield Emergency Management Department.

Article II - Purposes

The purpose(s) of the LEPC are those set out in the provisions of SARA Title III of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and any other lawful purposes which are assigned to it or permitted by the Mayor of West Springfield and/or Commonwealth of Massachusetts.

In keeping with the intent of the EPCRA regulations, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community.

The LEPC will develop an “All Hazards Emergency Response and Preparedness Plan” (The Plan) for West Springfield and establish procedures for conducting its public information and education responsibilities.

The Plan shall cover chemical emergencies as well as other disasters, including but not limited to weather related disasters, transportation-related emergencies and homeland security emergencies. The Plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of EPCRA.

The LEPC shall, in addition, but not limited to:

- 1) Establish procedures for reviewing and processing requests from the public for information under Section 324 of the Act.
- 2) With the information and reports from facilities operating within West Springfield, and analysis of West Springfield’s transportation risks, the LEPC will develop hazard/risk analyses.
- 3) Identify private and public sector resources available to deal with hazardous materials emergencies as well as other catastrophic emergencies within West Springfield (i.e. weather-related disasters, homeland security issues, etc.)
- 4) Review facility and other local emergency plans submitted and make recommendations on revisions of the plans that may be necessary to ensure coordination of such plans with The Plan.
- 5) Assist with coordination of Plan exercises.
- 6) Establish systems for collecting and maintaining all reports and records required by the EPCRA law.

The LEPC will make assessments of resources necessary to implement the All Hazards Emergency Response and Preparedness Plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement The Plan.

The LEPC shall be instrumental in fulfilling the purpose of the Community-Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored and/or transported within West Springfield. Transportation hazard analysis will include those risks to the town from commercial transportation by rail, highway, and aircraft.

In keeping with the intent of the EPCRA regulations, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community.

Article III – Membership

Section 1 - Members

The LEPC shall consist of members from the following 13 disciplines and in accordance with Title III of the Emergency Planning and Community Right-to-Know Act of 1986.

- Elected Officials (Mayor / Council)
- Law Enforcement
- Emergency Management (Local / State)
- Fire / Emergency Medical Services
- Health
- Environmental
- Hospital
- Schools / Transportation
- Broadcast / Print Media
- Community Groups
- Owners , Operators from Facilities Using Hazardous Substances
- Department of Public Works
- Utility Companies

Other companies, organizations or specialties that should be considered for membership include:

- Businesses
- Senior Center and Commission on Disabilities
- Geographic Information Systems (GIS)
- Railroad (CSX)

Any person or firm engaged in business and who subscribes to the principles and purposes of the LEPC is eligible for membership. If a corporation or other entity holds membership, the entity shall be considered one member.

Members of the LEPC shall be residents or conduct business in West Springfield, Massachusetts or support the mission of The Plan.

All appointments to the LEPC will be made in accordance with respective ordinances, and by agreement of the LEPC Executive Committee.

The membership structure of the LEPC shall consist of an Executive Committee and the Members at Large.

Section 2 - Inactive Members

Appointed members shall be considered inactive when they have missed more than three consecutive LEPC meetings without notification to the LEPC chairperson or secretary of significant reasons why they were unable to attend the meetings.

Section 3 - Removal of Members

All members of the LEPC shall serve at the pleasure of the Executive Committee of the LEPC.

The name submitted for the removal from the LEPC committee roster and the loss of voting member privileges, subject to the right of said member to appeal their potential removal in writing to the LEPC Chairperson with fifteen (15) days of certified mail notice of the member's removal.

Section 4 - Vacancies

Vacancies in membership of the committee shall be filled by the original appointing authority for the remainder of the unexpired term.

Section 5 - Membership Rights, Obligations and Immunity

All members of the LEPC have the same rights, privileges and obligations providing there is no negligence on part of the member.

Article IV – Officers

Section 1 - Named

The officers of the executive committee shall consist of a chairperson, vice-chairperson, treasurer and secretary.

Section 2 - Election and Term

The LEPC members at large and the executive committee shall elect the chairperson, vice-chairperson, treasurer and secretary of the executive committee. At the first meeting of each calendar year, the LEPC shall conduct the election of officers. The officers shall serve for one (1) year. In the case of death, resignation or any other reason that an officer cannot fulfill his/her duties, then a replacement can be appointed.

Section 3 - Removal

The vice-chairperson or secretary or treasurer may be removed by the executive committee whenever in its judgment the best interests of the committee will be served thereby. The removal of an officer shall follow the aforementioned process for removal as described in Article III, Section 3.

Article V – Duties of the Officers

Section 1 - Duties of the Chairperson

The chairperson shall preside at all meetings of the LEPC, preserve order during its meetings, appoint all subcommittees and sign all minutes and such records, vouchers or other documents connected with the work of the LEPC requiring such signature.

Section 2 – Duties of the Vice-Chairperson

In the absence of the chairperson or in the event of his inability or refusal to act, the vice-chairperson, unless otherwise determined by the executive committee, shall perform the duties of the chairperson, and when so acting shall have all the powers of the chairperson. He/she shall exercise such other duties as from time to time may be assigned to him/her by the chairperson of the LEPC.

Section 3 – Duties of the Treasurer

The treasurer shall have charge of all financial books, papers, records and other documents of the LEPC and shall conduct all correspondence pertaining to the office of the treasurer, shall compile financial statistics and any other data as may be required for the use of the members of the LEPC and the executive committee and shall perform such other duties as may be directed by the chairperson or by the executive committee. The Treasurer shall have charge of the Finance/Funding Committee in addition to the aforementioned duties.

Section 4 – Duties of the Secretary

The secretary shall keep the minutes of all meetings of the LEPC and the executive committee thereof; shall conduct all correspondence pertaining to the office of the secretary, shall compile statistics and other data as may be required for the use of the members of the LEPC and the executive committee; and shall perform such other duties as may be directed by the chairperson or by the executive committee.

Article VI – Committees

Section 1 – Executive Committee

The Executive Committee shall consist of the four (4) elected officers. The quorum of the Executive Committee shall consist of three (3) elected officers.

The Executive Committee shall act for the LEPC as a whole where it concerns organizational issues and matters. The Executive Committee shall act for the LEPC in the absence of a quorum of the LEPC when an issue requiring a vote of the members at large is called.

Section 2 – LEPC Quorum:

A quorum of the LEPC shall consist of seven (7) representatives of the 13 Disciplines outlined under Article III - Membership, Section 1 - Members, of these By Laws. A quorum is required to transact business.

Section 3 – Sub Committees:

Adhoc or sub-committees may be formed at any time for special purposes or assignments. They will cease to function when their specific task is completed.

Article VII - Meetings

Section 1 - Regular Meetings

The LEPC shall meet for regular meetings on a monthly basis.

Section 2 - Special Meetings

The chairperson may call special meetings as may be deemed necessary to carry out the duties of the LEPC. Upon the written request of at least four members, the chairperson shall call a meeting within ten (10) days.

Section 3 - Hearings

The LEPC shall hold hearings as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the LEPC in regular meetings. At least one such public hearing, or forum, shall be held each year for the purpose of discussing the LEPC's Emergency Plan with the public and to receive and respond to the public's comments of the presented plan.

Section 4 - Quorum

Refer to Article VI, Section 2 for the definition and requirements for a quorum.

Section 5 - Agenda

Any member may request the chairperson to place an item on the agenda. If the chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the chairperson with supporting signatures of three members.

Section 6 - Rules of order

The deliberations of all meetings of the LEPC and its various committees shall be governed by Robert's Rules of Order, Newly Revised.

Section 7 - Notice of Meetings

Notice of time, place and agenda items to be considered at each meeting shall be given in writing to all members prior to each meeting by the secretary or chairperson. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present.

Notice of special meetings and intended agenda items shall be given to all committee members by telephone or e-mail at least seven (7) days in advance of any special meetings.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in West Springfield and/or posted in an electronic format in accordance with Title III of EPCRA. This notice shall specify the meeting designated specifically for receipt of public comments of the Emergency Plan.

ARTICLE VIII – Voting

Section 1 - One Vote Each

Each LEPC member, including the chairperson, shall be entitled to one vote.

Section 2 - Proxy Votes

No member shall vote by proxy.

Section 3 – Abstentions

Members may register their abstention on any vote which shall be reflected in the minutes and members should abstain on matters which pose for them a conflict of interest.

Section 4 - Determination of Actions

All final actions, committee positions or policy recommendations shall require the favorable vote of a majority of those committee members present at a duly called meeting.

ARTICLE IX - REPORTS AND RECOMMENDATIONS

Section 1 - Annual Report

By March of each year, the LEPC shall make a report describing its activities for the preceding calendar year to West Springfield's Mayor and City Council.

Section 2 - Review of Draft Reports

A draft of any proposed annual report shall be circulated to all members of the LEPC at least thirty (30) days prior to consideration by the full LEPC at a regularly scheduled meeting.

Section 3 - Issuance of Reports

No reports of any kind shall be released in the name of the LEPC unless and until it has been duly adopted by a favorable vote of a majority of the members of the LEPC.

Article X - FINANCIAL PROCEDURES

Section 1 - Monies and Appropriations

The LEPC may receive and disburse public and private funds for implementing the Emergency Planning and Community Right-To-Know Act of 1986, and any other local, state or federal legislation pertaining to emergency planning in the plan service area of West Springfield, Massachusetts. Such monies shall be deposited and managed in accordance with generally accepted accounting practices. All funds received, both state funds and any private funds, shall be deposited into a distinct, independent account that shall be designated for LEPC use only. The account and received checks shall be in the name of "LEPC". The chairperson, upon taking into consideration the total funds available, may expend up to \$500.00. All expenditures in excess of the \$500.00 limit will require a majority vote of the LEPC.

Section 2 - Financial Reporting

At each monthly LEPC meeting, including the annual hearing, the Treasurer shall present to the LEPC membership a presentation of expenditures, credits and account balance. This financial presentation shall be recorded in the meeting minutes. A section in the Annual Report shall be devoted to disclosing the total expenditures, credits and current account balance for the previous fiscal year.

Section 3 - Fiscal Year

The fiscal year for the LEPC shall be considered to run from July 1st of any given year to June 30th of the following year.

ARTICLE XI – AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the LEPC at any regular meeting of the LEPC provided that any proposed changes have been circulated to all members thirty (30) days prior to any action thereon.

ARTICLE XII - PUBLIC ACCESS TO INFORMATION

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II forms or the Safety Data Sheets (SDS) otherwise in possession of the LEPC shall be made available to any person submitting a request under this section, subject to any withholding provisions of EPCRA. If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information. All photocopied information requested by a member for the public shall be provided at the sole expense of the requestor(s).

The Secretary/Treasurer shall set the cost of such reproductions, with the approval of the Chairperson, at a level, which will enable the recovery of all reasonable expenses associated with the processing of the request. This cost assessment may be waived under certain circumstances as enumerated by the LEPC in writing. All written requests for information shall be complied in accordance with the Freedom of Information Act, Request for SDS'S, and other Non-Confidential Information. Any person may obtain an SDS with respect to a specific facility by submitting a written request to Chairperson of the LEPC. Any person may request any other non-confidential information concerning a facility by submitting a written request to Chairperson of the LEPC.

Request for Tier II Information:

Any person may request Tier II information with respect to a specific facility by submitting a written request to Chairperson of the LEPC. If the LEPC does not have in its possession the Tier II information as requested, it shall request a submission of the particular Tier II form from the owner or operator of the facility subject to the request.

Information Request Requirements:

Requests for information shall be presented by appointment only, Monday through Friday during business hours and require the presentation of two acceptable forms of identification.

ARTICLE XIII - Ratification Provision

These bylaws are duly adopted by a majority of the members of the West Springfield LEPC, on this the 17th day of January, 2014, in West Springfield, Massachusetts.