

**Berkshire Environmental Action Team  
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November 10, 2014

State Ethics Commission  
Enforcement Division  
One Ashburton Place, Room 619  
Boston, MA 02108-1501

To Whom It May Concern:

We are writing to you in order to file a formal complaint against Daniel L. Bianchi, the Mayor of Pittsfield, Massachusetts.

We assert that Mr. Bianchi has violated the following sections of the ethics laws of the Commonwealth of Massachusetts.

MGL Ch 268A

Section 6A. Any public official, as defined by section one of chapter two hundred and sixty-eight B, who in the discharge of his official duties would be required knowingly to take an action which would substantially affect such official's financial interests, unless the effect on such an official is no greater than the effect on the general public, shall file a written description of the required action and the potential conflict of interest with the state ethics commission established by said chapter two hundred and sixty-eight B.

Section 17. (a) No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

Section 17. (c) No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

Section 19. (a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion;

Mr. Bianchi was first elected to the municipal office of Mayor of Pittsfield in 2011 and he was re-elected in 2013. He is paid \$87,700 per year as Mayor of Pittsfield.

Mr. Bianchi may be reached at City Hall, 70 Allen Street, Pittsfield,

Massachusetts. His phone number is (413) 499-9321.

Mr. Bianchi's official website notes that "he spent 30 years in the energy industry."

[http://www.cityofpittsfield.org/government/mayors\\_office/mayor\\_s\\_biography.php](http://www.cityofpittsfield.org/government/mayors_office/mayor_s_biography.php)

The Berkshire Eagle stated on January 1, 2012 that Mr. Bianchi was "Leaving his job as a manager for Global Montello Group -- a Waltham-based energy services company -- to take over as mayor of Pittsfield."

The Berkshire Eagle reported on October 30, 2014 that "Mayor Daniel L. Bianchi's work for a private-sector firm while in office could lead to a proposed ordinance designed to ban the practice."

The article noted that "The mayor has declined requests from The Eagle to describe his work outside the office, expect to say it hasn't interfered with his duties as mayor. He said Wednesday, "I'm not going to describe it. All I can tell you is, I work at this [the mayor's job] seven days a week, 24 hours a day. You have to look at the job that the person is doing."

Pittsfield City Councilor Barry Clairmont stated in the same article that "he would like to hear more about what the mayor has done for the energy supply firm or as an independent consultant working with the company — and whether Bianchi is still working in that capacity."

The newspaper article stated that "Clairmont, who is an accountant with Lombardi, Clairmont & Keegan, said he has a number business clients in the Berkshires for whom the mayor has acted as a consultant on the purchase of energy supplies, such as natural gas or electricity, at a savings over purchasing directly from utilities."

The article concluded: "Concerning Bianchi's business office at 110 North St., Clairmont said he now is satisfied it has been closed, based on the mayor's answers to that effect at a council meeting to his questions about moving city inspection services to the same building."

[http://www.berkshireeagle.com/local/ci\\_26833103/pittsfield-councilor-considers-petition-outside-work-by-mayors](http://www.berkshireeagle.com/local/ci_26833103/pittsfield-councilor-considers-petition-outside-work-by-mayors)

Mr. Barry J. Clairmont is a Pittsfield City Councilor-At-Large. He can be reached at 67 Federal Street, Apt. 3D, Pittsfield, Massachusetts. His telephone number is (413) 822-8866 – cell. His e-mail address is [bclairmont@pittsfieldch.com](mailto:bclairmont@pittsfieldch.com).

Please note that Mr. Bianchi maintained a separate office for his continuing business relationship with Global Montello Corporation. This office was located at 110 North Street in Pittsfield, Massachusetts, and was only one minute's walk from his Mayoral office at City Hall. He continued to maintain both the office and his outside business relationship throughout the time he has served as Mayor of Pittsfield.

As of this writing . . . 11/07/14 . . . Dan Bianchi is still listed on the Global Partners LP website as a contact . . . <http://www.globalp.com/contacts/>

Dan Bianchi  
[dbianchi@globalp.com](mailto:dbianchi@globalp.com)  
Account Manager

He is also listed as the contact for his employer, the Global Montello Group, on the Berkshire Gas website.

<http://www.berkshiregas.com/wps/wcm/connect/bgc+-+yourbusiness/bgc/yourbusiness/get+connected/cost+of+natural+gas>

<b>Global Montello Group</b> 100 North Main Street Suite 301 Pittsfield, MA 01201	Dan Bianchi <a href="mailto:dbianchi@globalp.com">dbianchi@globalp.com</a> (413) 442-1967
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Mr. Bianchi has used his position as Mayor to advocate for the Tennessee Natural Gas Pipeline Extension, also known as the Northeast Energy Direct project.

Mr. Bianchi spoke in favor of the project at the September 30, 2014 meeting of the Pittsfield City Council Health And Public Safety Committee and at the Tuesday, October 14, 2014 meeting of the Pittsfield City Council.

Mr. Bianchi has done this while he is an employee of Global Montello Corporation.

Global Montello Corporation is a company which does business with Kinder Morgan, the builder of the proposed pipeline extension, which uses the Tennessee Gas Pipeline to move supply, and which stands to profit greatly from the completed extension.

According to it's website, <http://www.globalp.com/>, the parent company of Global Montello Group, Global Partners LP, is “a publicly traded master limited partnership” and “a midstream logistics and marketing company.” “Global is a leader in the logistics of transporting Bakken and Canadian crude oil and other energy products via rail, establishing a ‘virtual pipeline’ from the mid-continent region of the U.S. and Canada to refiners and other customers on the East and West coasts. Global owns, controls or has access to one of the largest terminal networks of petroleum products and renewable fuels in the Northeast, and is one of the largest wholesale distributors of gasoline, distillates, residual oil and renewable fuels to wholesalers, retailers and commercial customers in New England and New York. With a portfolio of approximately 1,000 locations in nine states, the Partnership is also one of the largest independent owners, suppliers and operators of gasoline stations and convenience stores in the Northeast. In addition, the Partnership is a distributor of natural gas. Global is No. 146 in the Fortune 500 list of America’s largest corporations. Global Partners trades on the New York Stock Exchange under the ticker symbol “GLP.”

<http://www.globalp.com/products/product.cfm?productID=131>

According to it's website, the developer of the Tennessee Gas Pipeline Extension / Northeast Energy Direct project, Kinder Morgan, “is the largest midstream and the third largest energy company (based on combined enterprise value) in North America. We own an interest in or operate approximately 80,000 miles of pipelines and 180 terminals. Our pipelines transport natural gas, refined petroleum products, crude oil, carbon dioxide (CO<sub>2</sub>) and more. We also store or handle a variety of products and materials at our terminals such as gasoline, jet fuel, ethanol, coal, petroleum coke and steel.

In most of our businesses we operate like a giant toll road and receive a fee for our services, generally avoiding commodity price risk. Our customers include major oil companies, energy producers and shippers, local distribution companies and businesses across many industries.”

“The Kinder Morgan family of companies has four publicly traded entities: Kinder Morgan, Inc. (NYSE: KMI), Kinder Morgan Energy Partners, L.P. (NYSE: KMP) (one of the largest publicly traded pipeline master limited partnerships in America), Kinder Morgan Management, LLC (NYSE: KMR) and El Paso Pipeline Partners (NYSE: EPB). Combined, the Kinder Morgan companies have an enterprise value of approximately \$125 billion.”.

<http://www.kindermorgan.com/>

Please find, submitted as evidence in support of this complaint, the following documents substantiating the longstanding business relationship between Global Montello Corporation and Kinder Morgan / Tennessee Gas Pipeline:

1. A System License Agreement between Tennessee Gas Pipeline Company (“Pipeline”) and Global Montello Group Corp. (“Subscriber”) entered into on February 16, 2007.
2. DM 10-337 Global Montello Group Corp.'s Competitive Natural Gas Supplier Renewal Application dated March 1, 2011.

Please consider the following as additional evidence relevant to establishing the the business relationship between these two companies:

1. Global Montello / Global Partners LP utilizes Kinder Morgan Terminals.

<http://www.globalp.com/terminals/terminal.cfm?terminalID=8635>

## **Terminal Location**

### **Roanoke, Virginia**

Roanoke Kinder Morgan  
5280 Terminal Road  
Roanoke, VA 24014  
(804) 743-0379

**Products:**

Gasoline - Regular, Mid-Grade and Premium  
ULSD Clear/Dyed

**Hours of Operation:**

Terminal never closes - Always open

2. El Paso Pipeline is a subsidiary of Kinder Morgan

The El Paso Pipeline / Kinder Morgan contacts handling the Global Montello Group Corp account may be found here:

[http://tebb.elpaso.com/TgpLookup/Contact.asp?party\\_number=%20803902](http://tebb.elpaso.com/TgpLookup/Contact.asp?party_number=%20803902)

**Contact Information**

Entity Name	Functional Responsibility Desc	First Name	Last Name	Phone Number	E
GLOBAL MONTELLO GROUP CORP	ACCOUNT MANAGER *	DODSON	SKIPWORTH	7134202727	dodson_skip
GLOBAL MONTELLO GROUP CORP	ACCOUNT REPRESENTATIVE	RITA	KANE	7134205854	rita_kane@k
GLOBAL MONTELLO GROUP CORP	ACCOUNTANT	ROBERT	NUNNELLY	7134203776	robert_nunne
GLOBAL MONTELLO GROUP CORP	VOLUME ANALYST	KENNETH	DURIO	7134205307	kenneth_duri

Please note that the e-mail addresses for the individuals handling the Global Montello Group Corp account are all at kindermorgan.com.

dodson\_skipworth@kindermorgan.com

rita\_kane@kindermorgan.com

robert\_nunnely@kindermorgan.com

kenneth\_durio@kindermorgan.com

The contact information for Global Montello is:

*Global Montello Group Corp, Global Partner*

800 South St # 200

Waltham, MA 02453

Phone: (781) 891-4000

As Mr. Bianchi refuses to discuss his current position within the company and has not disclosed what financial compensation he may have received, and may be receiving, in salary, commission, stocks and stock options, it is left to the Enforcement Division of the State Ethics Commission to determine the full scope of any conflict of interest and violation of the law.

It is our sincere hope that the Enforcement Division of the State Ethics Commission will thoroughly investigate this matter, including any and all communications between Daniel L. Bianchi and the Global Montello Corporation regarding the pipeline extension, as well as any and all communications between Daniel L. Bianchi and Kinder Morgan regarding the pipeline extension, and that your office will, where warranted, bring criminal prosecution by referring the evidence to an appropriate law enforcement agency, pursuant to G.L. c. 268B, section 4(a).

Sincerely yours,

Berkshire Environmental Action Team

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Jane Winn  
Executive Director

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Michael Muadin  
Advocate

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