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**FIRST AMENDMENT**  
**Agreement By and Between**  
**Berkshire Regional Planning Commission**  
**and**  
**the Town of Monterey**

**Re: DEP Project 22-07 319 for Hupi Road Drainage Improvements**

This Agreement (the "Amendment") is the first Amendment to the AGREEMENT made as of January 24, 2023 by and between the Berkshire Regional Planning Commission (the "COMMISSION"), and the Town of Monterey. The COMMISSION and the Town desire to amend the Agreement as hereinafter set forth.

Now, therefore, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as set forth herein.

1. Paragraph 5. TIME OF PERFORMANCE is hereby deleted and replaced with the following:

The completion date shall be changed from December 30, 2025 to **September 30, 2024**.

2. Paragraph 5. COMPENSATION is hereby amended as follows:

The TOWN will pay the COMMISSION a total fee in amount not to exceed **\$71,100**, based on a mutually agreed upon invoice procedure.

Except as specifically amended hereby, the Agreement is hereby ratified and confirmed and shall remain in full force and effect. From and after the date hereof, all references to the Agreement shall be construed as references to the Agreement, as affected and amended by this Amendment.

IN WITNESS thereof, the COMMISSION and the Town of Monterey have executed this Amendment to the Agreement dated January 24, 2023.

**BERKSHIRE REGIONAL PLANNING COMMISSION:**

By:   
 Thomas Matuszko  
 Executive Director

Date: 5/11/23

**TOWN of Monterey:**

By:   
 Justin Makic  
 Select Board, Chair

Date: 4/26/23

For BRPC Use Only

Agreement Reviewed by Office Manager \_\_\_\_\_ Finance \_\_\_\_\_ Dpt# \_\_\_\_\_