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**PITTSFIELD CITY COUNCIL  
COMMITTEE ON ORDINANCES & RULES  
PITTSFIELD CITY HALL, COUNCIL CHAMBERS**

*Open Microphone will be taken at the start of each agenda item.*

**Monday March 24, 2025, AT 6:00 P.M.**

**AGENDA**

1. Roll Call Councilors: Amuso, Kavey, Lampiasi, Serre, White

**MINUTES**

2. Minutes of November 4, 2024 Ordinance and Rules Committee meeting
3. Minutes of the January 27, 2025 Ordinance and Rules Committee meeting

**NEW BUSINESS**

4. A report from the Charter Review Committee with recommendations to update the City of Pittsfield Charter
5. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 2, Article XXIX, Animal Control Commission
6. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 11, Licenses, Registrations and Permits to create Chapter 11, Article VIII, Sections 11.53-11.58.
7. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 14, Section 14-12, Median Safety and Pedestrian Regulation in Public Roadways

**OLD BUSINESS**

8. A petition from Councilor Warren requesting to draft an ordinance to inform elected officials of and presentment notices tendered (tabled 01/27/2025)



**PITTSFIELD CITY COUNCIL  
COMMITTEE ON ORDINANCES & RULES  
PITTSFIELD CITY HALL, COUNCIL CHAMBERS**

9. A petition from Councilor Warren requesting to draft an ordinance to require a background check with Department of Children for all new hires who have contact with minors (tabled 01/27/2025)
10. A petition from LeMarr Talley requesting to establish a case study to amend the adoption of City Code, Chapter 18 ½ (a), (d) and 18 ½ 9 (a), (i) Surveillance Technology Oversight (tabled 01/27/2025)
11. Request from City Engineer Shedd requesting the Traffic Commission to issue parking enforcement during snow emergencies (tabled 06/10/2024 to 07/22/2024)
12. A petition from Councilor Lampiasi requesting Ordinance and Rules Committee work with the Commissioner to review the existing Snow Emergency regulations for improved efficiency (tabled 04/22/2024)
13. A communication from the City Solicitor on a petition from Councilor Kalinowsky concerning 75 Shaker Lane (tabled 01/22/2024, 07/22/2024)
14. A petition submitted by Councilor Amuso requesting that when a dwelling is removed, the property owner is responsible for maintaining the property, i.e. mowing, snow (tabled 09/23/2024)
15. Adjourn via motion

CC:  
Agendas  
Mayor Marchetti  
Mayor's Office  
City Council  
City Solicitor Grierson  
Chief Dawley (Police)  
Chief Sammons (Fire)  
Commissioner Morales (Public Services + Utilities)  
Commissioner Clemons (Building Inspectors)  
Director Cambi (Health)  
Director Dodds (Community Development)  
Director Taylor (Human Resources)  
William Cameron (School Committee Chair)

Daniel Elias (School Committee Vice-Chair)  
Yamila Badui (Charter Review Committee)  
Michael J. McCarthy (Charter Review Committee)  
Leah W. Reed (Charter Review Committee)  
Brendon D. Sheran (Charter Review Committee)  
William Travis (Charter Review Committee)  
Catherine VanBramer (Charter Review Committee)  
Heather Grunin ((Charter Review Committee )Clerk  
LeMarr Talley



**PITTSFIELD CITY COUNCIL  
COMMITTEE ON ORDINANCES & RULES  
MONDAY NOVEMBER 4, 2024, AT 6:00 P.M.  
PITTSFIELD CITY HALL, COUNCIL CHAMBERS**

*Open Microphone will be taken at the start of each agenda item.*

Meeting convened: 18:00 (6:00 p.m.)

Meeting adjourned: 18:42 (6:42 p.m.)

**AGENDA**

1. Roll Call Councilors: Amuso, Kavey, Lampiasi, Serre, White

**MINUTES**

2. Minutes of July 22, 2024 Ordinance and Rules Committee meetings.

Motion to approve, Kavey

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

**NEW BUSINESS**

3. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 2, Administration, Article XLII, Commission on Tourism

[This item was taken after item 4; Mayor Marchetti was unable to attend this meeting due to a conflict and asked Director Kerwood to speak on this item.]

Motion to approve, Kavey.

Director Kerwood noted two technical changes in this ordinance: 1) committee shall meet bi-monthly and 2) eliminates reference to the visitors' center and inserts 1Berkshire.

Councilor White asked for clarification on the meeting cadence: quarterly or bi-monthly. The paperwork suggests quarterly rather than bi-monthly. Director Kerwood recognized that he may have misrepresented Mayor Marchetti's briefing.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

4. A petition from the Community Development Board to amend City Code, Chapter 23, Article 23-6 "Floodplain District"

Motion to approve, Kavey

Director Dodds provided an update report which includes required state language and reduces financial burden to residents.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

5. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 6, Article XIII Tax Title Agreement

Motion to approve, Kavey.

Director Kerwood introduced this item. A US supreme court 2023 ruling had a dramatic impact on tax laws in 12 states, including Massachusetts. This ruling declared tax laws unconstitutional. The state legislature adjusted state laws to be in compliance. Changes pertain to how much money is required and the duration for the agreement is required to enter into a tax title agreement, e.g. from 50% to 10% and from 5 years to 10 years.

Changes were scheduled to go into effect on November 1, 2024. However, it is still in committee discussion and changes are scheduled to potentially go into effect July 1, 2025. Thus, Kerwood recommends tabling this item until state-level issues are resolved.

Kavey asked if current agreements would be impacted. Kerwood confirmed that no, this would be for future dated agreements.

Motion to table, Kavey.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

6. A communication from Mayor Marchetti on three (3) Ordinances to update City Code based on the new trash/recycling collection system: Ordinance 1; to amend Chapter 8, Ordinance 2; to amend Chapter 4 ½, and Ordinance 3; to amend chapter 10

Sub Item 1: Ordinance 1; to amend Chapter 8,  
Motion to approve, Kavey.

Commissioner Morales detailed proposed changes, including: under definitions added bulky waste, transfer station, modified the definition of garbage to differentiate it from solid waste, modified the definition of recycled materials, and removed the definition of incinerators, expanded section 8-2 jurisdiction expansions. The bulk of the changes occur in section 8-3 and refer to bulky totes (waste bins); added 8-10 disposal facility, and added Board of Health's role in enforcement; vehicle stickers and disposal fees were removed from the code and moved to the contract with Casela.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

Sub Item 2: Ordinance 2; to amend Chapter 4 ½  
Motion to approve, Kavey.

Commissioner Morales detailed the following changes to enforcement officer and adjusts some of the monetary structure to align with Section 8.

Councilor White requested a side-by-side comparison to make it easier to follow changes. Morales noted this is the format for other ordinances, but this particular one was written in such a way as to not make this feasible.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

Sub Item 3: Ordinance 3; to amend chapter 10  
Motion to approve, Kavey.

Commissioner Morales noted this ordinance has similar minor edits to clean up the ordinance, e.g. replacing City Council with Health Commissioner for enforcement.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

### **OLD BUSINESS**

7. A petition from Councilor Warren on the ACLU Model for Community Control Surveillance Technology (tabled 6/6/2022; tabled 3/20/2023 for discussion 4/24/2023; tabled 04/24/2023; tabled 06/26/2023 for discussion 07/24/2023; tabled 01/22/2024 to 02/26/2024)

Motion to approve, Kavey.

Councilor Lampiasi noted that at the last O+R meeting, it was agreed that Attorney Pagnotta would send this directly to Council. Having not met that deadline, Lampiasi opted to bring this before O+R again.

Attorney Pagnotta made the previously agreed upon changes and presented a red-lined version. His only question pertains to section 9 as he did not find this in the current version of the Town of Amherst's ACLU guidelines. Pagnotta noted that he was comfortable either leaving in or omitting this section. Lampiasi asked Councilor Warren if he was in agreement to have this section omitted. Warren deferred to the O+R committee. Pagnotta then suggested to retain the section and move to strike it at a later date if that proved prudent.

Councilor Serre noted the phrase in Section 18 1/2 compliance section "the mayor is required to go before city council with all current technologies and future purchases." Pagnotta confirmed that yes the technology must be presented/approved by city council however the specific locations of need not be disclosed.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

8. A petition from Councilors Persip and Warren requesting to review the feasibility of amending the City Ordinances dealing with the removal of snow from sidewalks (tabled 01/06/2023 pending response from Community Development; tabled 04/24/2023; for discussion 07/24/2023; tabled 01/22/2024 to 04/22/2024)

Motion to approve, Kavey

Councilor Lampiasi noted discussions held pertained to how to determine costs and at what point would the city become involved, specifically how to the city would fairly impose fines and create a structure that does not overly burden city staff. Commissioner Morales noted currently the cost to remove snow is \$80/hour and that the fine structure be 1 warning per year and each subsequent infraction would incur fines.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

9. A report from the Public Works Committee, on a communication from Commissioner Morales concerning snow and ice removal with Private Ways, recommending to refer to the Ordinances and Rules Committee for codification (tabled 04/24/2023 to return 06/26/2023; for discussion 07/24/2023)

Motion to file, Kavey

This item was addressed in the previous agenda item.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

10. Request from City Engineer Shedd requesting the Traffic Commission to issue parking enforcement during snow emergencies (tabled 06/10/2024 to 07/22/2024)

11. A petition from Councilor Lampiasi requesting Ordinance and Rules Committee work with the Commissioner to review the existing Snow Emergency regulations for improved efficiency

12. A communication from the City Solicitor on a petition from Councilor Kalinowsky concerning 75 Shaker Lane (tabled 01/22/2024, 07/22/2024)

Motion to approve, Kavey

Councilor Kavey provided an update on this item after discussions with the police chief. Kavey requested a mailed written notice and 14 day warning period (up from 10 days). If the vehicle owner responds within the notice period and either resolves the issue, i.e. proves the car is registered, or proposes a solution, no fines would be issued. If not, fines would be levied daily similarly to how building inspector imposes fines for other infractions. When the fines got to a certain point, the building inspector could initiate court proceedings and the police department would be looped in to obtain a warrant to remove the vehicle from the property.

By the December O+R meeting, Kavey is looking to have the city solicitor update the language and to meet with the fire chief and other involved department heads to concur on what a reasonable process and fee structure would be.

Motion to table.

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

13.A petition submitted by Councilor Amuso requesting that when a dwelling is removed, the property owner is responsible for maintaining the property, i.e. mowing, snow removal, etc.)

14.Adjourn via motion

Motion to adjourn, Kavey

Approved 5/0 (Amuso, Kavey, Lampiasi, Serre, White)

The next O+R meeting will be December 16; there will be no meeting on December 23.



**PITTSFIELD CITY COUNCIL  
COMMITTEE ON ORDINANCES & RULES  
MONDAY JANUARY 27, 2025, AT 6:00 P.M.  
PITTSFIELD CITY HALL, COUNCIL CHAMBERS**

*Open Microphone will be taken at the start of each agenda item.*

**AGENDA**

Meeting called to order 18:00 (6:00 p.m.)

Meeting adjourned 20:13 (8:13 p.m.)

1. Roll Call Councilors:

Present: Amuso, Kavey, Lampiasi, Serre, White

**MINUTES**

2. Minutes of November 4, 2024 Ordinance and Rules Committee meetings.

Motion to table, Kavey.

Vote: tabled, approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

**NEW BUSINESS**

3. A communication from Clerk Benjamin on an Order requesting to adopt MGL Chapter 41, Section 110A, Office Hours on Saturday

Speakers: City Clerk Benjamin

Vote: approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Discussion:

Benjamin noted that due changes in the MA general laws and multiple avenues citizens have to register to vote that do not require in person registration at the city clerk's office. From a budget perspective, this would save 30 hours of overtime wages.

15. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 6, Article XIII Tax Title Agreement

Speakers: Director Kerwood

Vote: approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Discussion:

Following up on his November 2024 report, Director Kerwood noted that this would allow Pittsfield's ordinances to be in agreement with changes in MA general laws.

4. A communication from Mayor Marchetti on twelve (12) Orders classifying members of twelve (12) Boards or Commissions as Special Municipal Employees

Speakers: Mayor Marchetti

Vote: approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Discussion: Councilor Lampiasi read the names of the boards.

1. Berkshire Athenaeum Board of Trustees
2. Berkshire County Regional Housing Authority Board
3. Cultural Council
4. Licensing Board
5. Park Commission
6. Pittsfield Housing Authority
7. Pittsfield Retirement Board
8. RSVP Advisory Board
9. School Building Needs Commission
10. Traffic Commission
11. Wahconah Park Restoration Committee
12. Zoning Board of Appeals

5. A communication from Mayor Marchetti twenty-one (21) Ordinances amending City Code, Chapter 2 for twenty-one (21) Boards or Commissions by adding a section to classify members as Special Municipal Employees

Speakers: Mayor Marchetti

Vote: approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Discussion:

Councilor Lampiasi read the names of the boards.

1. Department of Community Development
2. Board of Appeals
3. Municipal Airport Commission
4. Sister Cities Commission
5. Board of Health
6. Taxicab Commission
7. Council on Aging
8. Conservation Commission
9. Historical Commission
10. Personnel Review Board
11. Mobile Home Park Rent Control Board
12. Cultural Development Board
13. Homeless Advisory Committee
14. Commission on Disabilities
15. Commission on Tourism
16. Economic Development Board
17. Human Services Advisory Council
18. Ordinance Review Committee
19. Community Preservation Committee
20. Cable Advisory Committee
21. Charter Review Committee

Councilor Serre sought and received clarification that she did not need to step out of the meeting and was permitted to vote on this issue. Serre is on one of the boards but is not compensated for her services on the board.

Councilor Kavey noted that city councilors cannot be special municipal employees because Pittsfield's population is greater than 10,000; volunteers may be special municipal employees.

6. A petition from the Community Development Board to amend City Code Chapter 23, Sections 2.2, 9.101 & 4.324 that establishes and Ordinance to allow for the creation of Accessory Dwelling Units (ADU)

Speakers: Director Dodds, City Planner Kevin Rayner

Vote: approved unanimously as amended (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Discussion:



Director Dodds introduced Rayner, who made a presentation that he previously shared with Councilors but did not provide to the clerk in advance of or after the meeting.

Kavey asked Dodds how many ADU Pittsfield is tasked with creating; Dodds did not. Kavey asked if Dodds or their team have consulted other towns to see how they are dealing with the revised state regulations. Rayner replied that he has been speaking with representatives from other towns and that several are working to get an ADU agenda item on their spring town meeting agendas. Kavey noted that ADUs will help provide cost effective housing for multi-generational families.

Rayner described the amendments:

1) MA has narrowed the dimensional standard; now state regulations state the most permissive standard will be applied; 2) the principal dwelling is should be clarified to be principal structure and 3) gross floor area is defined by the state and will be added to Pittsfield's regulation.

Dodds committed to providing the amendments in a written memo to the committee.

Councilor Lampiasi asked for the definition of "mirror" and "mirroring" and asked that this be clarified in the amendment. Lampiasi asked how the ADU relates to short term rentals. Rayner noted that Pittsfield decided not to prohibit short term rentals. A short term rental ordinance will be forthcoming to the Ordinance and Rules Committee.

Attached are the presentation and proposed amendments.

7. A petition from Councilor Warren and Conant requesting to increase the compensation of the elected members of the Pittsfield School Committee

Warren/ Conant:

Speakers: William Cameron, Jim Conant, Kenneth Warren, and by letter William Garrity and Sara Hathaway

Vote: recommend to refer to Charter Review Committee, unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Motion to send back to Council for referral to the Charter Review Committee, White.

Discussion:

William Cameron, 1016 West Street, noted that the chair invited the entire school committee to attend this meeting; Cameron is the only one in attendance and his remarks are as one member of the school committee and as a citizen but not reflective of the committee as a whole. As a member of the school committee, Cameron recommends not increasing the compensation due to the impact the schools already have on Pittsfield's budget. As a citizen, Cameron is troubled by the statement that appears in the resolution, specifically that this will "ensure a competitive field of qualified candidates who would be interested in serving." The incentive to serve should be public service rather than for financial gain.

Councilor Conant, 78 Lucia Drive, there have been non-competitive races for the school committee and city council. School committee members are currently paid \$4000 per year; the proposed increase to the city's budget would be \$960 and sets in place a process to award annual increases.

Council Warren, 399 Cheshire Road, compensating citizens for public service enables more people to participate. Compensation covers costs incurred in serving on city bodies, i.e. under-reimbursed out of town meetings, day care, etc. In total, if the PSC members' compensation was doubled the entire cost to the city's budget would only be \$24,000.

Councilor Serre is not in favor of ad hoc increases rather than a systematic approach.

Councilor Amuso is opposed to increasing compensation at this time.

City Council President White suggests that all elected positions should be evaluated and not just the PSC. White noted that any increase would become effective at the next term; current officials cannot vote a raise for themselves.

Mayor Marchetti noted the last PSC raise was in 1994. The conversation needed is a wholistic and an equity conversation. Is there a way to create via an ordinance that the pay rate includes the cost of living increase?

Attached are communications from PSC members William Garrity and Sarah Hathaway presented to the committee by Councilors Serre and Lampiasi, respectively.

City Solicitor confirmed that this issue could be referred to the Charter Review Committee.

Councilor Kavey also noted that this is not an appropriate time to increase compensation.

8. A petition from Councilor Warren requesting to draft an ordinance to inform elected officials of and presentment notices tendered

Speakers: Warren

Vote: tabled unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey.

Motion to table to enable Councilor Warren and the City Solicitor to further develop this item.

Councilor Warren, 399 Cheshire Road, presents this as the Mayor and City Council represent the City of Pittsfield and must be notified of contemplated and filed lawsuits against the city.

Kavy asked the City Solicitor what would be in place to ensure the confidentiality of privileged information is maintained.

City Solicitor endorsed transparency but noted that the timing of disclosure as the period to respond to presentment letters is six months. Regarding City Councilors' maintaining confidentiality, each councilor handles their documents as they deem appropriate.

Serre noted that lawsuits are allegations until the court process has been completed. Serre notes that councilors should know of impending lawsuits so that council could be informed and supportive but the council does not need to know specifics.

Amuso noted that notices would need to be included on the city council agenda and then the council would need to go into executive session. Amuso cannot support this as written.

White cannot support this as it is currently written. Many things are addressed and not everything needs to come before the city council. This is why we have city administration and different roles within the city government. White suggests tabling with direction that Councilor Warren and the City Solicitor bring a more substantive proposal to the committee

Marchetti noted that the a ten day rule does not make sense and how and when the council is informed of pending lawsuits needs to be clarified.

Lampiasi asked if Warren has a concept of a tiered notification or notification with redaction. Lampiasi noted this is an important issue that needs to be thoughtfully addressed and this process may take some time.

Kavy asked Warren if the item was tabled, would Warren be able to work on the wording for the next meeting.

9. A petition from Councilor Warren requesting to draft an ordinance to require a background check with Department of Children for all new hires who have contact with minors

Speakers: Warren, William Cameron

Vote: tabled unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to approve, Kavey

Motion to table, Kavey.

Councilor Warren, 399 Cheshire Road, noted that this proposal was put before the state legislature; it has not yet passed. Warren confirmed there is a DCF background check process. More information is never bad information; it helps one make better decisions. This was item was also referred to the PSC and would be discussed at their next meeting.

William Cameron, 1016 West Street, speaking only as one member of the school committee and as a citizen but not reflective of the committee as a whole, noted that this process would need clarification to ensure employees rights and union collective bargaining agreement. Cameron agrees background checks are valuable. Cameron affirmed that by statute CORI (Criminal Offenders Records Information) and finger printing is required as part of the hiring process.

White noted that input from Human Resources was required to effectively implement this proposed ordinance.

Kavy noted that other school have not yet adopted this policy and would like to see Warren and Grierson to further develop this proposal.

Attorney Grierson noted that they would need at least a month to look into this issue, meet with Human Resources, and further develop.

Serre pondered what will we do with this information and what impacts will the information have. These things need to be clarified as part of the implementation process.

Lampiasi noted that next month it would be useful to have Human Resources and PSC representatives to participate in this discussion.

10. A petition from LeMarr Talley requesting to establish a case study to amend the adoption of City Code, Chapter 18 ½ (a), (d) and 18 ½ 9 (a), (i) Surveillance Technology Oversight.

Vote: tabled unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Motion to table, Kavy

**OLD BUSINESS**

11. Request from City Engineer Shedd requesting the Traffic Commission to issue parking enforcement during snow emergencies (tabled 06/10/2024 to 07/22/2024)

12. A petition from Councilor Lampiasi requesting Ordinance and Rules Committee work with the Commissioner to review the existing Snow Emergency regulations for improved efficiency

13.A communication from the City Solicitor on a petition from Councilor Kalinowsky concerning 75 Shaker Lane (tabled 01/22/2024, 07/22/2024)

14.A petition submitted by Councilor Amuso requesting that when a dwelling is removed, the property owner is responsible for maintaining the property, i.e. mowing, snow removal, etc.)

15. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 6, Article XIII Tax Title Agreement - see new business

16. Adjourn via motion

Motion to adjourn, Kavey

Vote: approved unanimously (Amuso, Kavey, Lampiasi, Serre, White)

Meeting adjourned 20:13 (8:13 p.m.)



**CITY OF PITTSFIELD**

DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201

**TO:** Pittsfield City Council  
**FROM:** Department of Community Development Staff  
**DATE:** January 28th, 2025  
**SUBJECT:** Amendments to Proposed Accessory Dwelling Unit Zoning Ordinance

Amidst the ongoing ADU Zoning Amendment process, the Commonwealth released final regulations detailing what regulations were deemed “unreasonable” or “prohibited” for municipalities to impose on Accessory Dwelling Units in their local Zoning Ordinance. Several items in the final regulations have now made aspects of the proposed ADU Zoning Amendment to not be in compliance with state standards. In order to ensure compliance with state regulations, it is recommended that City Council make the following amendments to the Ordinance if it is approved:

1. Amend Section 23-9 Section 9.101(H)(1) to read “One (1) ADU is permitted by-right subject to the dimensional requirements of this Section, in any property containing a one or two family residential use. Each additional ADU will require a Special Permit under Section 9.101(H).
2. Replace the word “structure” with “dwelling” in Article 23-2 Section 2.2 and in Article 23-9 Section 9.101(H)(3) regarding the size requirements for ADUS.
3. Adopt the definition for Gross Floor Area that is included in State Regulations and add it to Subsection H of Article 23-9 Section 9.101. This definition will now be contained under Subsection H in a newly added Definitions (1) section. The requirements for ADUs will now be contained in a newly added “Requirements” section.
4. Amend the current Dimensional Standards in Article 23-9 Section 9.101(H)(2) to read “Dimensional Requirements for ADUs shall follow the most permissive dimensional requirements that apply to either the principal dwelling, a Single-Family Residential Dwelling, or Accessory Uses in general.

Included with this memo is an amended copy of the proposed Zoning Ordinance as well as a red-lined version of the previous proposed Ordinance. With these changes the ordinance will be compliant with the current state regulations and legislation pertaining to ADUs.

# Accessory Dwelling Units (ADUS) Proposed Zoning Amendment

By: Kevin Rayner – City Planner

## Reason for Proposed Zoning Amendment

New State legislation has provided that one (1) Accessory Dwelling Unit will be allowed accessory to any principal dwelling unit within a Single-Family Zoning District.

To conform with the new legislation, the City is proposing new regulations to allow for the construction of ADUs.

The City was already in the process of creating regulations pertaining to ADUs as part of its development of Form-Based Code.

# Regulations: Key Points

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Changes and additions to the ordinance will be contained in Article 23-2 Section 2.2 and Article 23-9 Section 9.101.

Changes to Article 23-2 are to add a definition for ADUs.

Changes to Article 23-9 Section 9.101 will adjust the City's Accessory Use Ordinance to accommodate for ADUs.

Allows 1 ADU by-right in any 1-2 Family Residential Use within the City

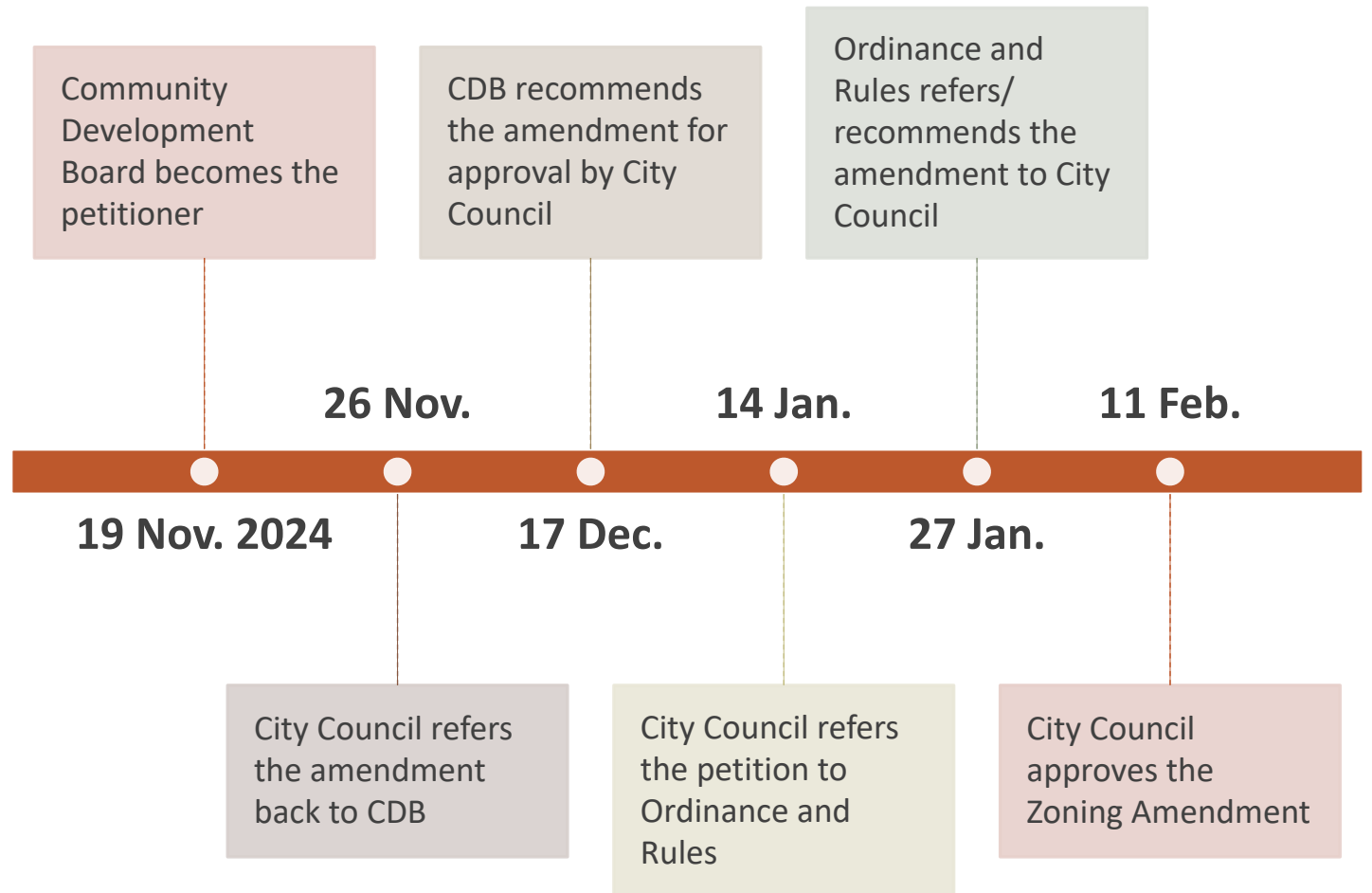
Provides a Special Permit process and criteria for additional ADUs beyond the first “by-right” ADU

Provides a size requirement for ADUs that matches State Legislation.

## Highlights



# Timeline



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# Questions





**From:** Garrity, William wgarrity@pittsfield.net  
**Subject:** City Council O&R School Department Related Petitions  
**Date:** January 23, 2025 at 10:58

**To:** dlampiasi@cityofpittsfield.org, pkavey@cityofpittsfield.org, White, Peter pwhite@cityofpittsfield.org, Kathy Amuso City Council kamuso@cityofpittsfield.org, Rhonda Serre City Council rserre@cityofpittsfield.org, Warren, Kenneth kwarren@cityofpittsfield.org, James Conant jconant@cityofpittsfield.org, Persip III, Earl G. epersip@cityofpittsfield.org, Brittany Bandani City Council bbandani@cityofpittsfield.org, Alisa Costa City Council acosta@cityofpittsfield.org, Matthew Wrinn mwrinn@cityofpittsfield.org  
**Cc:** William Cameron, Jr. wcameron@pittsfield.net, Joseph Curtis jcurtis@pittsfield.net, Marchetti, Peter pmarchetti@cityofpittsfield.org

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Councilors,

I hope you all are doing well. Unfortunately I cannot attend the Ordinance and Rules Committee meeting due to my work schedule to publicly comment on two petitions before the Committee. In lieu of attending the meeting, I have decided to email all of you in advance of the meeting.

I will also be sharing my email on social media and will forward my comments to the Berkshire Eagle and iBerkshires so there is an open public record of my comments.

**Item #7: A petition from Councilor Warren and Conant requesting to increase the compensation of the elected members of the Pittsfield School Committee.**

I am opposed to this petition. The FY26 budget cycle is going to be tougher than FY25. Though the Governor's budget looks promising on the School side, I understand there will be struggles on the City side and we do not know what the School Department's city appropriation is going to look like. Additionally I am concerned about how the change in the federal administration will mean for federal funding for our schools. Because of this, it will send the wrong message to the City to increase compensation for elected officials in a time where taxpayers are struggling and layoffs for valued school and city employees are potentially on the table.

I believe more work should be done to encourage more people to run for public elected office, not just School Committee (I would note that in addition to the School Committee being uncontested in the last election cycle, last election cycle, the ward races in Ward 1, Ward 4, and Ward 5 were also uncontested). However, I feel now is not the right time to be discussing pay raises for public officials.

**Item #9: A petition from Councilor Warren requesting to draft an ordinance to require a background check with the Department of Children for all new hires who have contact with minors.**

I support this petition, and I thank Councilor Warren for bringing this idea forward to both the City Council and the School Committee. I know that the School Committee will be considering making changes to our policy to require background checks with DCF. I believe it will be a benefit to the City for both School and City Employees to go through these background checks to provide the safest possible environment for our students. Though I am looking for more clarity on what city employees will be required to have these background checks conducted, and how this will impact resources in the Human Resources department.

Thank you for taking the time to read this email and I look forward to hearing the discussion that takes place at the meeting on Monday.

William Garrity  
Pittsfield School Committee  
[wgarrity@pittsfield.net](mailto:wgarrity@pittsfield.net)  
(413) 329-9556 (cell)

**From:** Hathaway, Sara shathaway@pittsfield.net  
**Subject:** Re: [EXTERNAL] Ordinances and Rules 1/27  
**Date:** January 26, 2025 at 20:57  
**To:** Guiel Lampiasi, Dina dlampiasi@cityofpittsfield.org  
**Cc:** William Cameron, Jr. wcameron@pittsfield.net



CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Dina -  
I have a 5:30 meeting already scheduled on Monday 1/27 (Middle Grades Reorganization) so I will be unable to attend the O&R subcommittee meeting.

My opinion is that this is not a good time to increase compensation for School Committee members.

Councilor Warren and Councilor Conant's petition was very thoughtful and it was kind of them to include us in the larger discussion of increasing compensation for time-consuming work, even if that work arises from voluntary civic engagement.

Thank you for inviting our input on the council petition.

Sincerely,  
Sara Hathaway

On Wed, Jan 22, 2025 at 12:50 PM Guiel Lampiasi, Dina <dlampiasi@cityofpittsfield.org> wrote:

Hi Folks,

Dr. Cameron's summary is accurate. During the city council meeting held last Tuesday, a petition from Councilors Warren and Conant involving the school committee was referred to O&R. While attendance and participation are not required, it is relevant that you be aware of the discussion.

Thank you,  
Dina

**Dina G. Lampiasi**  
Pittsfield City Council, Ward 6  
413-433-8654  
[DLampiasi@cityofpittsfield.org](mailto:DLampiasi@cityofpittsfield.org)  
[cityofpittsfield.org](http://cityofpittsfield.org)

On Jan 21, 2025, at 7:39 PM, Cameron, Jr., William <wcameron@pittsfield.net> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Colleagues,

Late this afternoon SC member Dan Elias and I received the message below from City Councilor Dina Guiel Lampiasi. Her message is in effect an invitation for the members of the School Committee to attend the Council's Ordinance & Rules Subcommittee meeting scheduled for Monday, January 27, 2025. That meeting convenes at 6:00 PM at City Hall.

I presume that Councilor Lampiasi's invitation is intended to enable SC members to speak to Item # 7 under the New Business portion of the O & R Subcommittee's agenda for Monday's meeting.

I am grateful to Councilor Lampiasi for notifying us of the meeting and inviting us to attend. If at all possible please be present for this coming Monday's meeting.

-- Bill Cameron

----- Forwarded message -----

From: **Guiel Lampiasi, Dina** <dlampiasi@cityofpittsfield.org>  
Date: Tue, Jan 21, 2025 at 3:36 PM  
Subject: [EXTERNAL] Ordinances and Rules 1/27  
To: Cameron, William <wcameron@pittsfield.net>, Elias, Daniel <delias@pittsfield.net>

Dear Mr. Cameron and Mr. Elias,

Please refer to the attached agenda for the upcoming O&R meeting on Monday, January 27, 2025. Kindly share this agenda with fellow school committee members and confirm your attendance.

Thank you,  
Dina

---

**Dina G. Lampiasi**

Ward 6 Councilor  
City of Pittsfield  
(413) 433-8654

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

[dlampiasi@cityofpittsfield.org](mailto:dlampiasi@cityofpittsfield.org)

<2025 01 27 O+R Agenda .pdf>

# CITY OF PITTSFIELD CHARTER REVIEW COMMITTEE

## REPORT OF THE COMMITTEE

### INTRODUCTION

The Charter Review Committee was established by city ordinance in May 2023. Its first meeting took place on August 7, 2023, under the direction of City Solicitor Stephen Pagnotta. Solicitor Pagnotta informed the committee that its mission is to offer recommendations to city government concerning the Charter. Solicitor Pagnotta served as the legal advisor to the Committee. This is required by the City Charter (ten-year review). The Committee's authority is limited by statute, MGL c.43B section 10, which indicates that only a Charter Commission may make recommendations concerning the form of government.

On August 7, 2023, at its first meeting the Charter Review Committee ("Committee") elected Michael J. McCarthy, Esq. as Chairman, and Brendan Sheran as Vice-Chairman.

The Committee resolved to hold public meetings and strive to receive information from members of the public as well as government officials.

Witnesses included:

City Councilor Cronick  
City Councilor White  
City Councilor Conant  
City Councilor Warren  
Treasurer Matt Kerwood  
Superintendent Joseph Curtis  
School Committee Chairman William Cameron  
Assistant Superintendent Kristen Behnke  
Mayor Peter Marchetti  
Mayor Linda Tyer (by interview)

An Executive Summary was approved 1/13/25. It was shared with the School Committee Chairman, Superintendent, Mayor, and City Council President.

## ISSUES DISCUSSED

### A. Charter Objection

This issue was the most discussed issue in the review process. Witnesses differed as to the proper role of a Charter Objection. The current Charter allows a single City Councilor to lodge an objection to a measure being considered by the City Council. It stops all testimony and debate and requires the measure to be considered at a future meeting. The policy underlying the single person Charter Objection is to prevent ill-informed policies to be adopted in a hurried fashion; it can serve to arrest the momentum of a passionate or populist measure and forces a deliberate consideration. The Charter Objection was thought to be a sensible replacement for the prior Charter provision (prior to 2013) which required two readings of an ordinance.

The Charter Objection, brought by a single Councilor, is susceptible to be abused by an objector. Whether made in good faith or bad faith, the objection stops all debate. It can be used as leverage regarding a separate issue.

The Committee determined that the City's interest in a functioning government is not served well by a Charter Objection being made by a sole Councilor. The Committee has suggested an amendment set out in the attachment to the Executive Summary.

The Committee believes that three votes for a Charter Objection are reasonable. It allows a small minority to stop a measure from being approved. The Committee noted that proposed measures go to sub-committees where detailed debate can take place and councilors and the public can persuade Councilors that a measure is ill-advised.

The Committee felt strongly that the budgetary process should not be held hostage to a Charter Objection. The process of approving a budget under the Charter involves months of hearings with firm calendar restrictions, leading to a budget that must be in place before each fiscal year begins. A Charter Objection during this process would have the potential to disrupt and delay the budget being in place on July 1 of each fiscal year.

The Committee also felt strongly that a Charter Objection should not prevent a measure from being presented and commented upon by witnesses who would be rudely inconvenienced by an unexpected Charter Objection.

## B. Terms of Office

The Committee considered the terms of office of the City Clerk, City Council, and School Committee.

The Committee found unanimously that the City Clerk should have a four-year term. The City Clerk performs mostly ministerial tasks which should require an apolitical approach. Neutrality is an asset to the City Clerk and the City. The four-year term provides stability and protection from political forces. The City Clerk's job requires extensive knowledge of municipal law in all respects. This requires training, expertise and experience. It would be very difficult for a City Clerk to function expertly under a two-year term.

The Committee declines to recommend a change to the two-year terms of the City Council and School Committee. The Committee recognized that the Mayor, City Council and School Committee may refer to a Charter Commission (not the same as this Committee) an amendment to the Charter, if they deem a change to be prudent. The Committee takes a neutral position because there is no combination of positive or negative factors which demand a change to the Charter.

Witnesses and Committee members shared cogent and respectful thoughts on the topic of terms of office for City Councilors and School Committee members. Some thoughts included:

- Four-year terms
- Three-year terms
- Staggered terms

Each idea has merit, taking into account the depth of knowledge required for each elected official to function wisely and efficiently. A large turnover within either the School Committee or Council would lead to the loss of valuable institutional knowledge, wisdom, and experience. Longer terms of office would create a greater likelihood of experience and knowledge. But it might also result in less constituent engagement and less public responsiveness to major issues by the



elected officials as well as the Mayor, who ordinarily would be tuned-in to the races of Councilors and School Committee Members.

Staggered terms were not favored due to confusion on election days. If three-year staggered terms, there would be an expensive election every year. There might be voter fatigue, including low voter turnout in off-year elections.

The Committee perceived that four-year terms might discourage as much as encourage candidates to run for office. A four-year commitment is substantial. And society is very mobile. Others might like the idea of a secure seat for four years, which might allow each elected official to resist unwise temporary populism. The four-year term might allow for greater knowledge and experience to develop. But a four-year term might solidify the advantages of incumbency. A two-year term requires the elected official to remain in contact with constituents. But a two-year term requires campaigning for a significant portion of the term.

Based upon the competing thoughts, the Committee felt it best to remain neutral. A Charter amendment should require greater consensus and certainty.

### C. Finance and Fiscal Procedures

The Committee received substantial input concerning Article 7. This is essentially the budget process. The Committee was initially concerned that the complicated interactions of Mayor, School Committee and City Council might need some fine-tuning. But after hearing from Assistant Superintendent Behnke, Superintendent Cameron, Mayor Marchetti, and Treasurer Kerwood, the Committee believed that no amendment to the Charter would be necessary. As a matter of custom and practice, these branches of government work diligently to honor the Charter's fixed planning calendar. Generally, the School Committee provides its budget by May 1; the Mayor provides to the City Council the Mayor's budget no later than May 14. This works effectively.

The Committee was concerned initially about the division of labor and financial responsibility between the City Maintenance Department and the School Department. The Committee learned two facts about this topic:

1. The School Department and the City Maintenance Department work cooperatively together.

2. There exists an agreement between the two departments titled: “NET SCHOOL SPENDING AGREEMENT”, which outlines the responsibilities of each department. This dates to June 3, 2003.

The Committee determined that any additional delineation of responsibilities could be established by ordinance.

#### **D. Miscellaneous Discussions**

The Committee recommends that the City undertake a process by ordinance or policy to provide **educational training for newly elected officials**. This could be required of all elected officials. There are trainings and orientations offered by contractors and consultants which have been used by state and local governments. Veteran members can contribute in the same manner. This will minimize the learning curve for new officials so that they may maximize their input.

The Committee recommends keeping in place Article 8-5, preventing **party affiliations** from appearing next to the names of candidates on the ballot.

Regarding Article 9, **citizens initiatives**, the Committee suggests that no vote should be taken by the City Council unless and until the form of the question as approved by the City Solicitor is presented to the Council. This will eliminate much confusion about the meaning and permanence of the language to be considered. The Article includes section 9-3(i), which is vague. It indicates that “**routine matters**” may not be subjects of initiative petitions. The Committee has included a proposed amendment requiring the City Council by majority vote determine if such a petition is a routine matter. This amendment is included in the red-line version of the charter.

If the Mayor and City Council determine that amendments to the Charter should be made, then the several suggestions concerning syntax, grammar, and punctuation provided by the **City Code Review Committee** should be adopted.

Article 7-6 requires a **City Audit**. This provision is somewhat vague. But it is clear enough to require a minimal amendment. The Committee has crafted an amendment which has been included in the red-line version of the charter, requiring a committee of the Mayor, Purchasing Agent, and City Council

President to make a recommendation to the Council for appointment of an auditor.

**E. Process.**

The Committee met several times and kept minutes of its discussions. Every meeting was held in Room 203 in City Hall, and was an open meeting, properly posted and broadcast by local television. Every member provided helpful and thoughtful comments. The Committee considered every sentence of every Article of the Charter. The Committee assigned two-member subcommittees to present each Article to the whole Committee. There were many discussions not recounted here but mentioned in the Committee's Minutes.

This REPORT is submitted respectfully to the Mayor and City Council by the Committee upon unanimous vote of the Committee on February 3, 2025.

A handwritten signature in blue ink that reads "Michael J. McCarthy Esq." with a stylized flourish at the end.

Michael J. McCarthy Esq.  
Chairman.

## Chapter C. The Charter, Special Acts and Acceptances

### DIVISION 1. THE CHARTER

#### Article 1. INCORPORATION; SHORT TITLE; DEFINITIONS

##### SECTION 1-1. INCORPORATION.

The inhabitants of the city of Pittsfield, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Pittsfield."

##### SECTION 1-2. SHORT TITLE.

This instrument shall be known and may be cited as the City of Pittsfield charter.

##### SECTION 1-3. DIVISION OF POWERS.

The administration of the fiscal, prudential and municipal affairs of the city of Pittsfield shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.

##### SECTION 1-4. POWERS OF CITY.

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws, it is the intention and the purpose of the voters of Pittsfield, through the adoption of this charter, to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each power were specifically and individually enumerated in this charter.

##### SECTION 1-5. CONSTRUCTION.

The powers of the city of Pittsfield under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section [1-4](#).

#### [SECTION 1-6. INTER-GOVERNMENTAL RELATIONS.](#)

Subject only to express limitations in the constitution or General Laws, the city of Pittsfield may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

#### [SECTION 1-7. DEFINITIONS.](#)

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

##### **[CHARTER](#)**

This charter and any adopted amendments to it.

##### **[CITY](#)**

The city of Pittsfield.

##### **[CITY AGENCY](#)**

Any multiple member body, any department, division or office of the city of Pittsfield.

##### **[CITY OFFICE OR DEPARTMENT HEAD](#)**

A person having charge of a city office or department.

##### **[CITY WEBSITE](#)**

A site established and maintained by the city as its online repository of municipal information, whether on the Internet or accessed through another comparable technology.

### **EMERGENCY**

A sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

### **FULL CITY COUNCIL**

The entire authorized membership of the city council, notwithstanding any vacancy which might exist.

### **FULL MULTIPLE MEMBER BODY**

The entire authorized membership of a multiple member body, notwithstanding any vacancy that exists.

### **FULL SCHOOL COMMITTEE**

The entire authorized membership of the school committee, notwithstanding any vacancy that exists.

### **INITIATIVE MEASURE**

A measure proposed by the voters through the initiative process provided under this charter.

### **LOCAL NEWSPAPER**

A newspaper of general circulation within Pittsfield, with either a weekly or daily circulation.

### **MAJORITY VOTE**

When used in connection with a meeting of a multiple member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules;

provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple member body.

### **MEASURE**

Any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.

### **MULTIPLE MEMBER BODY**

Any council, commission, committee, subcommittee or other body consisting of two or more persons, whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.

### **ORGANIZATION OR REORGANIZATION PLAN**

A plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.

### **QUORUM**

A majority of all voting members of a multiple member body unless some other number is required by law or by ordinance.

### **RECALL**

An election to remove an elected official from office before the expiration of the term for which elected.

### **REFERENDUM MEASURE**

A measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.

## **REMOVE FROM THE CITY or REMOVE FROM A WARD**

When a person ceases to be domiciled within the territorial limits of the city or a ward.

## **VOTERS**

Registered voters of the city of Pittsfield.

## **YEAR**

A calendar year, unless otherwise specified.

### **Article 2. LEGISLATIVE BRANCH**

#### **SECTION 2-1. COMPOSITION; TERM OF OFFICE; ELIGIBILITY.**

**(a)** Composition - There shall be a city council consisting of 11 members which shall exercise the legislative powers of the city. Four of these members, to be known as councilors-at-large, shall be nominated from and elected by the voters at large. Seven of these members, to be known as ward councilors, shall be nominated from and elected by the voters in each ward; one such ward councilor to be elected from each of the seven wards into which the city is divided under section **8-6**.

**(b)** Term of Office - The term of office for councilors shall be two years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and until successors have been qualified.

**(c)** Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall be a voter in the ward from which election is sought. If a ward councilor or a councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in



section [2-11](#). A ward councilor who removes from the ward in which the councilor was elected and who remains a resident of the city may continue to serve during the term for which the councilor was elected. The city council shall determine whether a city councilor has removed from the city.

## [SECTION 2-2. PRESIDENT AND VICE PRESIDENT ELECTION; TERM; POWERS.](#)

[\(a\)](#) Election and Term - As soon as practicable after the councilors-elect have been qualified following each regular city election, as provided in section [10-11](#), the members of the city council shall elect from among its members a president and vice president who shall serve for two-year terms. The method of election of the president and vice president shall be prescribed within the rules of the city council. The rules of the then outgoing city council shall govern the election of the president and vice president.

[\(b\)](#) Powers and Duties - The president shall prepare the agenda for city council meetings. The president shall preside at all meetings of the city council, regulate its proceedings and decide all questions of order. The president shall appoint all members of committees of the city council, whether special or standing. The president shall have the same powers to vote upon measures coming before the city council as any other member of the city council. The president shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the city council. The vice president shall preside in the absence of the president.

## [SECTION 2-3. PROHIBITIONS.](#)

(a) Holding Other City Position - Except as otherwise provided by the charter, no member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until one year following the date on which the former member's service on the city council has terminated unless such appointment is affirmed by eight members of the city council. This section shall not prevent a city employee who vacated a position in order to serve as a member of the city council from returning to the same position upon the expiration of the term for which that person was elected.

(b) Interference with Administration - No city council or any member of the city council shall give orders or directions to any employee of the city appointed by the mayor, either publicly or privately.

#### SECTION 2-4. COMPENSATION.

The members of the city council shall receive compensation for their services as set by ordinance. No ordinance increasing or reducing the compensation of the members of the city council shall be effective unless it is adopted by a two-thirds vote of the full city council. No ordinance increasing or reducing the compensation of councilors shall be effective unless it is adopted during the first 18 months of the term for which the city council is elected and it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

#### SECTION 2-5. GENERAL POWERS.

Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested in the city council which shall

provide for the performance of all duties and obligations imposed upon the city by law.

## SECTION 2-6. EXERCISE OF POWERS; QUORUM; RULES.

(a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative powers of the city council may be exercised in a manner determined by the city council.

(b) Quorum - The presence of six members shall constitute a quorum for the transaction of business. Except as otherwise provided by General Laws or by this charter, the affirmative vote, taken by a roll call vote, of six members of the city council shall be required to adopt any ordinance.

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

i. Regular meetings of the city council shall be held at a time and place fixed by ordinance and all regular meetings of the city council shall provide for a period of public comment; provided, however, the city council may promulgate rules that regulate the period of public comment as deemed appropriate;

ii. Special meetings of the city council shall be held at the call of the president or at the call of any three or more members, for any purpose; provided, however, that notice of the meeting shall, except in an emergency, which shall be designated by the president, be delivered to each member at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purposes for which the meeting is to be held; provided further, that a copy of each notice shall immediately be posted as the General Laws relative to such postings require;

[iii.](#) All sessions of the city council and of every committee or subcommittee of the council shall, at all times, be open to the public, unless otherwise specified by law; and

[iv.](#) A full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting; provided, however, that unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

#### [SECTION 2-7. ACCESS TO INFORMATION.](#)

[\(a\)](#) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

[\(b\)](#) Information Requests - The city council may require a member of a multiple-member body or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

[\(c\)](#) Mayor - The city council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting to be held not earlier than seven days from the date the mayor receives the questions. The mayor shall personally, or through a designee, attend such meeting and respond to the

questions. The mayor, or the person designated to attend, shall not be required to answer questions relating to any other matter.

[\(d\)](#) Notice - The city council shall give a minimum of seven days' notice to a person it may require to appear before it under this section. The notice shall include specific questions on which the city council seeks information and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing.

#### [SECTION 2-8. APPOINTMENTS OF CITY COUNCIL.](#)

Subject to appropriation, the city council may employ staff as it deems necessary.

#### [SECTION 2-9. ORDINANCES AND OTHER MEASURES.](#)

[\(a\)](#) Measures - Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 10 days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

[\(b\)](#) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of 2/3 of the full city council. An emergency measure may be passed with an

amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure. Except as provided by the General Laws, such grant, renewal or extension shall be made by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the city council by motion and second, a charter objection may be made. Said charter objection shall stop any vote at that meeting but shall not be deemed to stop further discussion or testimony. A charter objection shall require the objection by at least three members present. if a single member present objects to the taking of the vote, the The vote shall be postponed until the next meeting of the city council, whether regular or special. ~~if two members present object, such postponement shall be until the next regular meeting.~~ If it is an emergency measure at least four members must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have privilege over all motions after the presiding officer recognizes the measure for discussion. A charter objection pertaining to the proposed budget for the upcoming fiscal year shall not be entertained. but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

#### SECTION 2-10. CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS.

The mayor shall refer to the city council, and simultaneously file with the city clerk, the name of each person the mayor desires to

appoint as a department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the 45th day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days.

#### SECTION 2-11. FILLING OF VACANCIES.

Whenever a vacancy occurs on city council, the president of the city council shall, within 30 days following the date of the vacancy, call a special meeting of the city council to fill the vacancy. The city council shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons elected to fill a vacancy by the city council shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons serving as city councilors under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

### Article 3. EXECUTIVE BRANCH

#### SECTION 3-1. MAYOR QUALIFICATIONS; TERM OF OFFICE; COMPENSATION; PROHIBITIONS.

(a) Mayor Qualifications - The chief executive officer of the city shall be a mayor, elected by the voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full-time to the office and shall not hold any other elective public office.

(b) Term of Office - The term of office of the mayor shall be four years, beginning on the first Monday in the January succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until a successor has been qualified.

(c) Compensation - The city council shall, by ordinance, establish the compensation for the mayor. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected and unless it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

(d) Prohibitions - The mayor shall hold no other compensated city position. No former mayor shall hold a compensated appointed city office or city employment until one year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

## SECTION 3-2. EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.



The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor either personally or through the several city agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, laws, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, upon request, any information or materials the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The mayor shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The mayor may, as such ex officio member, attend a meeting of an appointed multiple-member body of the city, at any time, including, so called executive sessions, to participate in the discussions of that body, but shall not have the right to vote.

### [SECTION 3-3. APPOINTMENTS BY MAYOR.](#)

The mayor shall appoint, subject to review by the city council under section [2-10](#), all department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter; provided, however, that this

shall not include persons serving under the school committee and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under article 6. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under article 6. The mayor shall fill a vacancy for the remainder of the unexpired term of any member of a multiple-member body. The method of appointment for all other city employees shall be prescribed by administrative order under article 6. Department heads may be removed at the sole discretion of the mayor.

#### SECTION 3-4. TEMPORARY APPOINTMENTS TO CITY OFFICES.

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the mayor may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law or by this charter. When the mayor designates a person under this section, the mayor shall file a certificate with the city clerk in substantially the following form:

"I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Pittsfield."

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general

or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, that not more than two extensions of a temporary appointment, which shall not exceed a total of 60 days, may be made when a permanent vacancy exists in the office.

### SECTION 3-5. COMMUNICATIONS; SPECIAL MEETINGS.

(a) Communications to the City Council - The mayor shall, by written communications, recommend to the city council for its consideration measures as, in the judgment of the mayor, the needs of the city require. The mayor shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The mayor may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency, which shall be designated by the mayor, be delivered at least 48 weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

### SECTION 3-6. APPROVAL OF MAYOR; VETO.

Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except memorial resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within three business days of such adoption or passage. If the mayor approves of the measure,

the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure, in writing, to the city council. The city council shall enter the objections of the mayor on its records and not less than 10 business days nor more than 30 days from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

### SECTION 3-7. TEMPORARY ABSENCE OF MAYOR; ACTING MAYOR.

(a) Acting Mayor - Whenever, by reason of sickness or other cause, the mayor is unable to perform the duties of the office, the president of the city council shall be the acting mayor. The city council, by the affirmative vote of eight members, shall determine whether the mayor is unable to perform the duties of the office. Notwithstanding any general or special law to the contrary, the vote shall be taken in public session by a roll call vote.

(b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make a permanent appointment or removal from city service unless the disability or absence of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of

any measure adopted by the city council unless the time within which the mayor must act would expire before the return of the mayor. The city council president serving as acting mayor shall not vote as a member of the city council.

[\(c\)](#) In the event that the city council president is unable to serve as acting mayor under this section, the city council shall elect, from among its membership, a person to serve as acting mayor.

### [SECTION 3-8. DELEGATION OF AUTHORITY BY MAYOR.](#)

The mayor may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the powers and duties of a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the city council.

### [SECTION 3-9. VACANCY IN OFFICE OF MAYOR.](#)

Whenever a vacancy occurs in the office of mayor by death, removal, resignation or any other reason during the first through 41st months of the term for which the mayor was elected, the city council shall call a special election to be held within 90 days following the date the vacancy is created to fill the vacancy for the remainder of the unexpired term. The city council president shall serve as acting mayor until the vacancy is filled. If a regular city election is to be held within 150 days after the date the vacancy is

created, a special election need not be held and the position shall be filled by vote at the regular city election and the person elected shall serve for the remained of the unexpired term.

If a vacancy occurs during the 42nd month through the end of the term for which the mayor was elected, the president of the city council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. In the event that the city council president is unable or unwilling to serve, a special meeting of the city council shall be called by the president and the council shall elect, by majority vote, one of its members to serve as acting mayor for the remainder of the unexpired term. The individual serving as acting mayor under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot. Any person serving as mayor under this section shall receive the compensation then in effect for the position of mayor.

#### Article 4. SCHOOL COMMITTEE

##### SECTION 4-1. COMPOSITION; TERM OF OFFICE; ELIGIBILITY.

(a) Composition - There shall be a school committee which shall consist of seven members. Six of these members shall be nominated and elected by the voters of the city at large. The mayor shall serve, by virtue of the office, as a member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) Term of Office - The term of office for elected school committee members shall be two years each, beginning on the first Monday in the January succeeding the elected school committee member's election, except when that first Monday falls on a legal holiday, in

which event the term shall begin on the following day and until a successor has been qualified.

(c) Eligibility - A school committee member shall, at the time of election, be a voter. If a school committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed vacant and filled in the manner provided in section [4-6](#).

#### [SECTION 4-2. SCHOOL COMMITTEE CHAIR, VICE CHAIR, CLERK.](#)

(a) Election and Term - As soon as practicable after school committee members-elect have been qualified following each regular city election, as provided in section [10-11](#), the members of the school committee shall elect from among its members a chair, a vice chair and a clerk who shall serve for two-year terms. The method of election of the chair, vice chair and clerk shall be prescribed within the rules of the school committee.

(b) Powers and Duties - The chair shall prepare the agenda for school committee meetings. The chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. The chair shall appoint all members of committees of the school committee, whether special or standing. The chair shall have the same powers to vote upon measures coming before the school committee as any other member of the school committee. The chair shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the school committee. The vice-chair shall preside in the absence of the chair.

#### [SECTION 4-3. PROHIBITIONS.](#)

No member of the school committee shall hold any other compensated city position. No former member of the school committee shall hold any compensated appointed city office or city employment until one year following the date on which that member's service on the school committee terminated. This section shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the school committee.

#### [SECTION 4-4. COMPENSATION.](#)

The city council may, by ordinance, establish the compensation for the elected members of the school committee. No ordinance increasing or reducing the compensation of elected members of the school committee shall be effective unless it has been adopted by a two-thirds vote of the full city council. No ordinance increasing or reducing the compensation of the elected members of the school committee shall be effective unless it has been adopted during the first 18 months of the term for which elected school committee members are elected and unless it provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election.

#### [SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES.](#)

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not



inconsistent with the General Laws. The powers and duties of the school committee shall include:

(a) Selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws;

(b) Making all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; and

(c) Adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

#### [SECTION 4-6. FILLING OF VACANCIES.](#)

Whenever a vacancy occurs on the school committee, the president of the city council shall, within 30 days following the date of the vacancy, call a joint meeting of the city council and the school committee to fill the vacancy. The city council and school committee shall choose a person to fill the vacancy from among the voters entitled to vote for the office. Persons elected to fill a vacancy by the city council and school committee shall serve only until the next regular city election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

## Article 5. CITY CLERK

### SECTION 5-1. ELECTION; TERM.

(a) Election, Eligibility - The city clerk shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of city clerk. The city clerk shall devote full-time to the office and shall not hold any other elective public office. The city clerk shall perform all the duties and exercise the powers incumbent by law upon the office.

(b) Term of Office - The term of office of the city clerk shall be two years, beginning on the first Monday in the January succeeding the city clerk's election, except when that first Monday falls on a legal

holiday, in which event the term shall begin on the following day and until a successor has been qualified.

[\(c\)](#) Compensation - The city council shall, by ordinance, establish the compensation for the office of the city clerk.

[\(d\)](#) Temporary Absence or Vacancy - In case of the temporary absence of the city clerk, or a vacancy in the office, the mayor shall appoint an acting city clerk. The mayor shall be the sole judge of whether a temporary absence exists in the office of city clerk. In the case of a vacancy, the mayor shall appoint an acting city clerk until the charter provisions regarding the filling of the vacancy take effect.

[\(e\)](#) Filling of Vacancy - Should a vacancy occur in the office of the city clerk during the first year of the term, the city council shall, under article [8](#), order a special election to be held within 90 days following the date the vacancy is created to fill such vacancy until the next regular city election. The candidate elected at that special city election shall take office immediately and shall serve for the remainder of the unexpired term. A person serving as city clerk under this section shall not be entitled to have the words "candidate for reelection" printed next to that person's name on the subsequent municipal election ballot. Should a vacancy occur in the office of the city clerk after the first year of the term, the mayor shall appoint, subject to review by the city council under section [2-10](#), a temporary city clerk to serve until the next municipal election. The city clerk elected at said election shall take office immediately following said election.

## [Article 6. ADMINISTRATIVE ORGANIZATION](#)

### [SECTION 6-1. ORGANIZATION OF CITY AGENCIES.](#)

The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor. No administrative order may originate with the city council. The mayor may, subject only to express prohibitions of a general law or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency as is deemed necessary, establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The mayor may prepare and submit to the city council, administrative orders that establish agencies for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the mayor which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven nor more than 14 days following the publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that 60 day period, vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

## [SECTION 6-2. MERIT PRINCIPLES.](#)

All appointments and promotions of city officers and employees shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position.

## Article 7. FINANCE AND FISCAL PROCEDURES

### SECTION 7-1. FISCAL YEAR.

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

### SECTION 7-2. ANNUAL BUDGET MEETING.

At least 60 days before the beginning of the fiscal year but no later than May 1, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the financial condition of the city, revenue and expenditure forecasts and other relevant information prepared by the mayor in order to develop a coordinated budget.

### SECTION 7-3. SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE.

At least 30 days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe

important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable; provided, however, that the budget for elected officials shall identify the cost of compensation and the cost of benefits for those officials. The school budget, as adopted by the school committee, shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

#### [SECTION 7-4. ACTION ON OPERATING BUDGET.](#)

(a) Public Hearing - The city council shall publish in at least one local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place when a public hearing on the proposed operating budget will be held by the city council, not less than 14 days after publication of the notice.

(b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease amounts except expenditures required by

law; provided, however, that except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the General Laws. If the city council fails to take action on an item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

(c) Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor shall cause the entire budget document to be posted on the city's website. Said proposed budget document shall remain posted during the city council review process contained in this article. After the enactment of the budget, it shall be posted on the city's website and shall remain there throughout the fiscal year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor and shall indicate that it is the final budget of the city.

#### SECTION 7-5. CAPITAL IMPROVEMENT PROGRAM.

(a) Submission - The mayor shall submit a capital improvement program to the city council at least 60 days before the start of each fiscal year. The capital improvement program shall include:

(1) A general summary of its contents;

(2) A list of all capital improvements proposed to be undertaken during the next five years, with supporting information as to the need for each capital improvement;

(3) Cost estimates, methods of financing and recommended time schedules for each improvement; and

(4) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public Hearing - The city council shall publish in at least one newspaper of general circulation in the city a notice stating: (i) the times and places where entire copies of the capital improvements program are available for inspection by the public; and (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than 14 days after publication of the notice.

(c) Adoption - At any time after the public hearing but before the last day of the last month of the current fiscal year, the city council shall by resolution adopt the capital improvements program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvements program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

#### SECTION 7-6. INDEPENDENT AUDIT.

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The mayor shall annually provide to the city council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the



city council. The award of a contract to audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award. At least every five years, the city ~~council~~ shall conduct a competitive procurement process to retain these auditing services. The Mayor, City Council President and Purchasing Agent shall meet as a committee to review proposals from auditors and make a recommendation subject to the approval of the City Council.

#### SECTION 7-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS.

Except as otherwise provided by law, no official of the city of Pittsfield shall knowingly or intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

### Article 8. ELECTIONS

#### SECTION 8-1. PRELIMINARY ELECTIONS.

A preliminary election to nominate candidates for mayor, councilor-at-large, ward city councilor, school committee members and city clerk shall be held on the third Tuesday in September in each odd-numbered year in which the candidates are to be elected, but the city clerk may, with the approval of the city council, reschedule the

preliminary election to the fourth Tuesday in September to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election; provided, however, that a preliminary election to fill a vacancy for ward councilor shall be held only in the affected ward.

## SECTION 8-2. PRELIMINARY ELECTION PROCEDURES.

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor, not less than 300 certified signatures; for any other office elected at large, not less than 150 certified signatures; for the office of ward city councilor, not less than 50 certified signatures; provided, however, that the signatures for the office of ward city councilor shall be from certified voters in the ward for which the councilor shall be elected. Signatures of voters shall be made on a form prescribed by the registrars of voters and shall be made available not earlier than April 2 in each preliminary election year and those forms shall be submitted to the registrars of voters for certification of the names on or before the 14th day preceding the date fixed for submission to the city clerk. The forms shall be submitted to the city clerk on or before 5:00 in the afternoon on the 45th day prior to the declared date of the preliminary election. An individual may appear on the ballot for only one office at any preliminary, regular or special city election.

(b) Ballot Position - The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least 40 days before the preliminary election. The drawing shall be open to the public.

(c) Determination of Candidates - The two people who receive the highest number of votes for nomination for an office at the preliminary election shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election at which the office is to be voted upon and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at the regular or special city election, the several persons equal in number to twice the number to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a person receiving the same to have that person's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have been filed with the city clerk for an office as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no

other nomination to the office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held.

### SECTION 8-3. REGULAR CITY ELECTION.

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

### SECTION 8-4. BALLOT POSITION, REGULAR CITY ELECTION.

The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk not later than seven days after the certification of the preliminary election results. In the event that there is no preliminary election in advance of the regular city election, the drawing shall be conducted on the fourth Tuesday in September prior to the regular city election. In the event that there is no preliminary election in advance of a special city election, the drawing shall be conducted on the sixth Tuesday prior to the special city election. The drawing shall be open to the public.

### SECTION 8-5. NONPARTISAN ELECTIONS.

All elections for city offices shall be nonpartisan and election ballots shall be printed without any party mark, emblem or other political designation.

### SECTION 8-6. WARDS.

The territory of the city shall be divided into seven wards by the city clerk to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or

ways or by other well-defined limits. Each ward shall be composed of voting precincts established under the General Laws. The city council shall review these wards to ensure uniformity in the number of inhabitants at least once every 10 years.

#### SECTION 8-7. APPLICATION OF STATE GENERAL LAWS.

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the General Laws relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

### Article 9. CITIZEN PARTICIPATION MECHANISMS

#### SECTION 9-1. CITIZEN INITIATIVE MEASURES.

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the secretary of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 250 voters. At least 25 signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor - The city clerk or the secretary of the school committee shall, immediately following receipt of a

proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, in writing, advise the city council or the school committee and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the city council or the school committee. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 voters who signed the originating petition. The city clerk shall notify the first 10 voters that the blank forms are issued. Within 30 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10% of the total number of registered voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on one paper, but all papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the registrars of voters shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city

election. The registrars of voters shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the secretary of the school committee, depending on how the petition is addressed. A copy of the registrars of voters' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the city clerk or the secretary of the school committee and after publication under subsection (f), the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the 30th day. If an initiative measure is rejected, the city clerk or the secretary of the school committee shall promptly give notice of that fact to the petitioners committee by certified mail.

(e) Supplementary Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least 5% of the total number of registered voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures

of at least 15% of the total number of registered voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date not less than 35 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of registered voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if a city election is to be held within 120 days following the date of the certificate, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(f) Publication - The full text of an initiative measure which is submitted to the voters shall be published in at least one local newspaper not less than seven nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

[Here insert the fair, concise summary of the proposed measure, as determined by the city solicitor as referenced in subsection (c)].

YES  NO



[\(h\)](#) Time of Taking Effect - Subject to section [9-4](#), if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

## [SECTION 9-2. CITIZEN REFERENDUM PROCEDURES.](#)

[\(a\)](#) Petition, Effect on Final Vote - If, within 21 days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least 15% of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the secretary of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the school committee or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

[\(b\)](#) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition, and section [9-1](#), as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative." Subject to section [9-5](#), the

measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

### SECTION 9-3. INELIGIBLE MEASURES.

None of the following shall be subject to the initiative or the referendum procedures:

(a) Proceedings relating to the internal organization or operation of the city council or of the school committee;

(b) An emergency measure adopted under the charter;

(c) The city budget or the school committee budget as a whole;

(d) Any appropriation for the payment of the city's debt or debt service;

(e) An appropriation of funds to implement a collective bargaining agreement;

(f) Proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;

(g) Any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;

(h) Any proceedings providing for the submission or referral to the voters at an election; and

(i) Resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition as determined by a majority of the City Council subject to Mayoral veto.

### SECTION 9-4. RECALL.

(a) Application - Any holder of an elected office in the city, with more than six months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the city in the manner provided in this section. No recall petition shall be filed against an officer within six months after taking office.

(b) Recall Petition - A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least 500 voters for the office of mayor or councilor-at-large and at least 300 voters for any other elected officials; provided, however, that the signatures for a recall petition for the office of ward city councilor shall be from certified voters in the ward for which the councilor was elected. The city clerk shall thereupon deliver to those voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. The blanks shall be issued by the city clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the city council and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with the city clerk within 28 days after the filing of the affidavit, and shall have been signed by at least 20% of the voters of the city for any officer elected at large and signed by at least 20% of the voters of the ward for an officer elected by ward. The city clerk shall submit the petition to the registrars of voters and the registrars shall, within five days, certify thereon the number of signatures which are names of voters.

(c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five days, and the city council shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by the city council not less than 64 days and not more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 120 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under articles 2, 3, 4 and 5 of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular city election. Should the person be a candidate in the subsequent election, that person will not be allowed to have "candidate for reelection" appear on the ballot at such election.

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

Yes No

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

(f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the city.

(g) Office Holder Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person shall be appointed to any city office within two years after such recall or such resignation.

#### SECTION 9-5. REQUIRED VOTER PARTICIPATION.

For any measure to be effective under initiative procedure and for any measure to be declared null and void under a referendum procedure and for any recall election, at least 20% of the voters as of the most recent regular city election must vote at an election that includes on the ballot submission to the voters of one or more initiative or referendum or recall questions.

#### SECTION 9-6. SUBMISSION OF OTHER MATTERS TO VOTERS.

The city council may on its own motion and shall at the request of the school committee, if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular city election for adoption or rejection a measure in the same manner and with the same force and effect as are provided for submission by initiative or referendum petitions.

#### SECTION 9-7. CONFLICTING PROVISIONS.

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

## Article 10. GENERAL PROVISIONS

### SECTION 10-1. CHARTER CHANGES.

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by the General Laws.

### SECTION 10-2. SPECIFIC PROVISION TO PREVAIL.

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

### SECTION 10-3. RULES AND REGULATIONS.

A copy of all rules and regulations adopted by a city agency shall be placed on file in the office of the city clerk not later than the effective date of the rule or regulation and shall be available for review by any person who requests such information at any reasonable time. Unless an emergency exists, as determined by the mayor, no rule or regulation adopted by a city agency shall become effective until at least five days following the date it is filed.

### SECTION 10-4. PERIODIC REVIEW OF ORDINANCES.

Not later than July 1, at five-year intervals, in each year ending in a five or in a zero, the mayor and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. This review shall be made by a special committee to be established by ordinance. All members of the committee shall be voters of the city. The special

committee shall file its report with the city clerk at a date specified by ordinance. The review of city ordinances shall be under the supervision of the city solicitor. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

#### SECTION 10-5. PERIODIC REVIEW OF CHARTER.

Not later than July 1, at ten-year intervals, in each year ending in a three, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to be determined by ordinance. All members of the committee shall be voters of the city. The special committee shall file its report with the city clerk at a date specified by ordinance. Copies of any recommendations shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

#### SECTION 10-6. UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES.

(a) Officers - All appointed multiple-member bodies shall elect a chair, a vice chair and a secretary and any other officer it deems necessary.

(b) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, prescribe. Special meetings of any multiple-member body shall be held at the call of the chair or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.

[\(c\)](#) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business. Each multiple-member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record, and certified copies shall be placed on file in the office of the city clerk within a reasonable period from the date of approval.

[\(d\)](#) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.

[\(e\)](#) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the powers of the multiple-member body. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.

#### [SECTION 10-7. REFERENCES TO GENERAL LAWS.](#)

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

#### [SECTION 10-8. COMPUTATION OF TIME.](#)



In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than seven days, intermediate Saturdays, Sundays and legal holidays shall not be included; when the period is seven days or more, Saturdays, Sundays and legal holidays shall be included.

[SECTION 10-9. OATHS OR AFFIRMATIONS FOR OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE, CITY CLERK.](#)

A mayor-elect, the city council members-elect, the school committee members-elect and a city clerk-elect shall, on the first Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first Monday in January of such even-numbered years falls on a legal holiday, the oaths or affirmations shall be taken on the following day. The city clerk shall first take the oath or affirmation to the discharge of the duties of the office by a judge of a court of record or by a justice of the peace. Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of the mayor-elect or any member-elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace. Modifications to this section may be prescribed by ordinance.

#### SECTION 10-10. CERTIFICATE OF ELECTION OR APPOINTMENT.

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

#### SECTION 10-11. LIMITATION ON OFFICE HOLDING.

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than one city office or position of employment. This section may be waived by the mayor upon the appointment of a person to an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the city clerk.

#### SECTION 10-12. FELONY CONVICTION.

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

#### SECTION 10-13. ENFORCEMENT OF CHARTER PROVISIONS.

It shall be the duty of the mayor to see that the charter is faithfully followed and complied with by all city agencies and city employees. Whenever it appears to the mayor that a city agency or city employee is failing to follow this charter the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the city council that the mayor personally is not following the charter the city council

shall, by resolution, direct the attention of the mayor to those areas in which it believes there is a failure to comply with the charter. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

## Article 11. TRANSITIONAL PROVISIONS

### SECTION 11-1. CONTINUATION OF EXISTING LAWS.

All general or special laws, city ordinances and rules and regulations of or pertaining to the city of Pittsfield, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, rescinded by law or until they expire by their own limitation. In any case in which this charter is found to be inconsistent with any general or special law that would otherwise be applicable, this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

### SECTION 11-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

Except as specifically provided for in this charter, all city agencies shall continue to perform the duties of the agency until reelected, reappointed or until successors to the respective positions are duly appointed or elected or until the duties have been transferred and assumed by another city agency.

### SECTION 11-3. TRANSFER OF RECORDS AND PROPERTY.

All records, property and equipment of a city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency, shall be transferred immediately to that agency.

[SECTION 11-4. EFFECT ON OBLIGATIONS, TAXES, ETC.](#)

All official bonds, recognizance, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this charter and all taxes, assessments, fines, penalties and forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter. No legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.



**THE CITY OF PITTSFIELD**  
OFFICE OF THE MAYOR  
70 Allen Street, Pittsfield, MA 01201  
(413) 499-9321 • pmarchetti@cityofpittsfield.org

**Peter M. Marchetti**  
Mayor

March 4, 2025

To the Honorable Members of the City Council  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Dear Councilors,

Submitted herewith for your consideration is an Ordinance amending the Code of the City of Pittsfield Chapter 2, Article XXIX, Animal Control Commission.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw  
Enclosure



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 2, ARTICLE XXIX, ANIMAL CONTROL COMMISSION

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

The Code of the City of Pittsfield, Chapter 2, Article XXIX, Animal Control Commission be amended by:

- (1) deleting Sec. 2-153 in its entirety and replacing it as set forth below;
- (2) deleting Sec. 2-154 in its entirety and replacing it as set forth below;
- (3) adding thereto Section 2-155 – Animal Hearing Authority and Section; and
- (4) adding thereto Section 2-156 – Chief Animal Control Officer.

#### **SECTION I**

##### **Sec. 2-153. Membership; appointment; term; officers**

The Animal Control Commission shall consist of five members. In accordance with Article 2, Section 2-10, Article 3, Section 3-3 and Article 6 of Chapter 72 of the Acts of 2013, the Mayor shall appoint all of the members to the Animal Control Commission subject to City Council approval. Any members who are city officials shall serve as long as they serve in their official capacities, and the remaining members shall serve a term of two years. In the event of a vacancy, the Mayor shall appoint a successor as soon as practicable, subject to city council approval, and said successor shall fulfill the unexpired term of the member whose seat was vacated. The members of the Animal Control Commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Members of the Commission are hereby classified as special municipal employees for the purposes of Chapter 268A of the Massachusetts General Laws. Such classification shall apply to committee members only in the performance of their powers and duties as outlined in this Chapter 2, Article XXIX of the Code of the City of Pittsfield. In accordance with Article 10, Section 10-6(a), the members of the Animal Control Commission shall elect their own Chairperson, Vice Chair and Secretary.

##### **Sec. 2-154. Function, powers and duties.**

The Commission shall meet at least once every three months. The Commission shall study review and issue written reports on issues dealing with dogs or other animals in the City and shall coordinate to the fullest extent possible the work of all public and private agencies concerned with animal care, protection and control. The Commission shall make recommendations to the Mayor and the City Council for the improvement of ordinances of the City as they relate to dogs and other animals in the City.

##### **Sec. 2-155. Animal Hearing Authority.**

- A. A committee to be known as the "Animal Hearing Authority," shall be the hearing authority for the City of Pittsfield as defined in G.L. c. 140, § 136A, and shall be composed of three members: the Chair of the Animal Control Commission, or his or her designee, and two persons appointed by the Mayor. Committee members shall elect a Chairperson and such other officers as they deem necessary and shall meet monthly or as needed. The Animal Hearing Authority shall follow all procedures set out in G.L. c. 140, § 157.



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

**B. The Animal Hearing Authority shall have the power to:**

1. Meet monthly or at such times as the Chairperson or a majority of the Animal Hearing Authority deems necessary;
2. Impose fines pursuant to G.L. c. 140, § 157A for violations of the Code of the City of Pittsfield, Chapter 2 1/2 Animals and Fowl; and
3. Hold hearings to determine whether a dog is a dangerous dog or a nuisance dog pursuant to G.L. c. 140, § 157 and to review orders to destroy.

**Sec. 2-156. Chief Animal Control Officer.**

The Chief of Police shall designate a Chief Animal Control Officer, who shall be the Animal control officer for the City of Pittsfield as defined in G.L. c. 140, § 136A, and whose primary responsibilities shall include the enforcement and implementation of G.L. c. 140, §§ 136A to 174F as well as the Code of the City of Pittsfield, Chapter 2 1/2 or any rules and regulations promulgated thereunder. The Chief Animal Control Officer shall be responsible for coordinating and administering the City's animal control activities in accordance with any goals, policies, and procedures established by the Pittsfield City Council, the Animal Control Commission or the Board of Health, and shall be under the direction and supervision of the Chief of Police.

**SECTION II**

This ordinance shall take effect upon enactment.



**THE CITY OF PITTSFIELD**  
OFFICE OF THE MAYOR  
70 Allen Street, Pittsfield, MA 01201  
(413) 499-9321 • pmarchetti@cityofpittsfield.org

**Peter M. Marchetti**  
Mayor

February 18, 2025

To the Honorable Members of the City Council  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Dear Councilors,

Submitted herewith for your consideration is an Ordinance amending City Code, Chapter 11, Licenses, Registrations and Permits to create Chapter 11, Article VIII, Sections 11.53-11.58. This amendment will create a licensing and registration process for the operation of short-term rentals within the City of Pittsfield. The amendment will also create a complaint and enforcement procedure to provide a proper path of recourse for those aggrieved by short-term Rentals. Additionally, this amendment will empower the Licensing Board as the License Granting Authority for short-term rental licenses, and empower the Pittsfield Building, Fire, Police and Health Departments to serve as enforcement agents for this Section.

This amendment seeks to allow for the operation and existence of short-term rentals within the City of Pittsfield while also providing requirements and a channel of recourse to prevent their misuse. A memorandum summarizing the amendment process is enclosed.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw  
Enclosure





## CITY OF PITTSFIELD

DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201

**TO:** Pittsfield City Council  
**FROM:** Department of Community Development Staff  
**DATE:** February 13, 2025  
**SUBJECT:** Proposed Short-Term Rental Amendment to City Code

The proposed amendment of City Code seeks to establish standards and regulations for the allowance of Short-Term Rentals in Pittsfield. In 2024, the City of Pittsfield received several complaints regarding the operation of Short-Term Rentals. Short-Term Rentals are not defined by the City's Zoning Ordinance or by City Code and are thus not allowed. The lack of a definition has led to both the indirect prohibition of Short-Term Rentals and difficulty in enforcement against them. Due to this, the City has decided that it must define and create regulations to allow for the operation of Short-Term Rentals as well an effective channel of recourse for neighbors to petition against misuse of rental properties.

The proposed City Code Amendment will provide a licensing and registration process for Short-Term Rentals, as well as empower enforcement agents, create a complaint procedure and define what types of evidence can be used to determine if a property is operating as a Short-Term Rental. The Pittsfield Licensing Board shall be the license granting authority for this section and shall issue licenses as well as revoke or suspend them. In order to receive a license, applicants must first receive Site Plan Approval from the Community Developments Board. Following this, the applicant will receive an application for a Short-Term Rental License from the City Clerk. In order to complete the application, the applicant will need signoff from the Fire, Building and Health Departments. Once approvals are given, the applicant will schedule a public hearing where the Licensing Board will formally decide whether to grant a license to the applicant. Enforcement will begin with a complaint directed to the Fire, Health, Police, or Building Departments. These enforcement agents will enforce according to the normal enforcement procedure of the organization, but will also have the option to refer the complaint to the Licensing Board, or another enforcement agent. The intent of the license and enforcement process is to provide for safe operation of Short-Term Rentals within the City.

The intent of the proposed amendment is to protect the character and inherent value of residentially zoned districts while allowing for the operation of Short-Term Rental properties accompanied by a proper channel for recourse within the City of Pittsfield.



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 11, Licenses, Registrations and Permits

#### SECTION I

#### **Chapter 11 Article VIII Short-Term Rental Licenses**

#### **Sec.11-53 License required.**

It shall be unlawful for a Short-Term Rental as defined in Article 23-2 Section 2.2 to engage in business within the City without first obtaining a license therefor in compliance with the provisions of this article. Short-Term Rental of a property is prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law. The Licensing Authority for this Section shall be the Pittsfield Licensing Board.

#### **Sec.11.54: License application; requirements.**

All operators of short-term rental properties shall apply for an annual license from the Pittsfield Licensing Board.

An owner may register to operate only one dwelling unit as a short-term rental within the City of Pittsfield. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a short-term rental. An owner may hire a property management company to list and manage short-term rentals, but the registration must be in the owner's name.

As an initial requirement, in order to apply for a Short-Term Rental License, Site Plan Approval must be obtained from the Community Development Board as is stated in Article 23-7 Section 7.738 of the Pittsfield Zoning Ordinance and be submitted to the Licensing Board with the applicant's initial Short-Term Rental License application. The applicant must then receive approval from the Health Department, the Fire Department, and the Building Commissioner to confirm that the subject property complies with all applicable Board of Health regulations, Fire Department safety standards and the current state Building Code. Upon submission of a completed application and receipt of a hearing date, the applicant shall submit to the Licensing Board proof of notification of abutters within 300 feet of the subject property of the public hearing on the application before the Licensing Board.

Thereafter and on an annual basis, the applicant shall submit the following:

Approved as to Form and Legality,

\_\_\_\_\_  
\_\_\_\_\_

*City Solicitor*



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

1. An attestation that the property complies with applicable Board of Health regulations, Fire Department safety standards, and the current state Building Code.
2. An attestation that the property conforms with all applicable standards for Short-Term Rentals as outlined in the Pittsfield Zoning Ordinance.
3. Proof that a certificate of inspection is on file for the property.
4. The name and contact information of the operator of the short-term rental property as well the name and contact information of a local agent who lives in Pittsfield and can make decisions on the behalf of the property if the operator is not present.
5. Proof of Registration with the Pittsfield City Clerk and the Massachusetts Department of Revenue (DOR).
6. Proof that a \$150 filing fee has been paid to the Licensing Board. The cost of annual renewal shall be \$10.

**Sec.11.55 License Issuance; fee and expiration.**

- a) If the requirements of 11.54 are met, the Licensing Board shall issue a Short-Term Rental license unless the Licensing Board finds by clear and convincing evidence that a Short-Term Rental License should not be issued to the applicant.
- b) Said license is non-transferable, any change in ownership of a property shall require a new license.
- c) The Licensing Board shall promulgate as necessary, any reasonable rules and regulations as they see fit to enforce the provisions of this section.
- d) The Licensing Board shall create an application procedure and application materials as necessary in order to issue and review Short-Term Rental Licenses.

**Sec. 11.56 Violations and penalties; enforcement; revocation and suspension of license.**

- (a) Any person who violates any provision of this chapter may be penalized by criminal complaint or by noncriminal disposition as provided in Chapter 4 1/2 of this Code. Any such violation shall be deemed punishable by a fine in the amount of \$300 for each offense. Each day in which a violation exists may be deemed to constitute a separate offense. The provisions of this article shall be enforced by the Building Commissioner, the Director of Public Health, the Fire Department and the Police Department or any designees of these entities.
- (b) Any license issued pursuant to this article or any application therefore, may be denied, revoked, or suspended by the licensing board after notice for any of the following reasons:

Approved as to Form and Legality,

\_\_\_\_\_  
\_\_\_\_\_

City Solicitor



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

1. Any fraud, misrepresentation, or false statement contained in the application for said license;
  2. Any fraud, misrepresentation, or false statement made in connection with the operation of the Short-Term Rental property;
  3. Any violation of this article;
  4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;
  5. Conducting the business licensed under this article in an unlawful manner or in such manner as to constitute a breach of the peace or menace to the health, safety, or general welfare of the public.
- (c) Following the revocation of a license, a Short-Term Rental Operator may not own or have an interest in a Short-Term Rental Property for a period of two (2) years. This period may be reduced if the Operator can demonstrate to the Licensing Board evidence that the issue or issues that resulted in the revocation of the license have been remedied or effectively mitigated.

### **Sec. 11.57 Complaint Procedure.**

1. **Private Complaint:** Upon receipt of a written complaint from a private party that a property is operating as an unlicensed Short-Term Rental, the Zoning Enforcement Officer or his designee, at their discretion, may send a cease-and-desist letter to the owner of record of the subject property if the subject property is not licensed pursuant to this section. Any subsequent complaints shall be subject to the penalties set forth in Sec. 11.57(a) upon sufficient evidence that the subject property is being used as an unlicensed Short-Term Rental.
  2. **Initial Complaint:** Complaints to revoke or suspend a license will originate within the organizations of the enforcement entities detailed in this Section. Enforcement shall be at the discretion of the enforcement agent or will be referred by the enforcement agent to the Licensing Board, for a public hearing to determine if a violation has occurred.
  3. **Public Hearing:** Upon receipt of a referral of a complaint, the Licensing Board shall act as the municipal hearing officer pursuant to G.L. c. 40U and schedule a public hearing no less than thirty (30) days from the date of receiving the referral. After hearing, the Licensing Board shall decide if the licensee is in violation of any requirements included in this Section and impose appropriate penalties, including but not limited to fines, suspension or revocation of the Short-Term Rental License. The Licensing Board shall have ninety (90) days from the date of the hearing to issue a decision unless written consent of the applicant is given to extend time for the Licensing Board to render its decision.
- Approved as to Form and Legality,

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City Solicitor



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

- 4. **Notice of Decision:** Following the issuance of a decision, the Licensing Board will draft a Decision Notice summarizing their decision and the result of the public hearing. The Licensing Board will have fourteen (14) days to draft this notice which shall take effect upon filing with the City Clerk.
- 5. **Judicial Appeals:** Any person aggrieved by a final decision of the Licensing Board with respect to a notice of violation or any other order issued under this section may seek relief pursuant to G.L. c. 40U, § 15.

### **Sec. 11.58 Evidence, Enforcement**

- 1. **Inspection:** Short-Term Rentals may be subject to inspection by the Board of Health, Fire Department and the Building Commissioner. Short-Term Rental Owners are required to provide access for the purpose of conducting safety inspections when required. Failure to provide access to an inspector upon request and after proper notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department and Licensing Board. Failure to comply with orders to correct deficiencies may result in penalties as set out in Sec. 11.56.
- 2. **Evidence:** In enforcing the provisions of this Section, Enforcement entities may use a combination of several types of evidence of the Operation of a Short-Term Rental including, but not limited to: advertisement of the property on a website listing Short-Term Rentals, noise complaints, video and photographic evidence showing operation of a Short-Term Rental, police reports and multiple written complaints from legal abutters.
- 3. **Enforcement:** Enforcement shall be conducted via the normal enforcement mechanism of the enforcement agent, with the additional option of referral to the Licensing Board for a Public Hearing to determine if action should be taken against the Short-Term Rental License.

Approved as to Form and Legality,

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*City Solicitor*



**THE CITY OF PITTSFIELD**  
OFFICE OF THE MAYOR  
70 Allen Street, Pittsfield, MA 01201  
(413) 499-9321 • pmarchetti@cityofpittsfield.org

**Peter M. Marchetti**  
Mayor

January 21, 2025

To the Honorable Members of the City Council  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Dear Councilors,

Submitted herewith for your consideration is an Ordinance amending the Code of the City of Pittsfield Chapter 14, Section 14-12.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw  
Enclosure



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 14, SECTION 14-12

*Be it ordained by the City Council of the City of Pittsfield, as follows:*  
The Code of the City of Pittsfield, Chapter 2, Chapter 14-12 be amended by adding thereto Section 14-12.1 – Median Safety and Pedestrian Regulation in Public Roadways.

**Sec. 14-12.1 Median Safety and Pedestrian Regulation in Public Roadways.**

**(a) Purpose.**

- (1) Every pedestrian shall have the right to use the public ways in the City of Pittsfield except where pedestrian travel is expressly or prohibited by law, regulation, signage, road closure, or other safety or emergency factors.
- (2) Notwithstanding the right of pedestrians to use public ways within the City of Pittsfield, the City of Pittsfield has experienced an increase in public safety issues relating to pedestrian use of and entry into the public roadways identified herein, for which a significant public safety need has arisen requiring implementation of this median safety and pedestrian regulation ordinance.

**(b) Definitions.** As used in this section, the following terms shall have the following respective meanings:

**CROSSWALK**

The specially paved and marked path for pedestrian crossing on a roadway

**CENTER TRAFFIC ISLAND / SAFETY ISLAND**

An area provided for safety of pedestrians from vehicular traffic between lanes on a roadway.

**MEDIAN**

That portion of a divided roadway separating the traveled ways for traffic in opposite directions.

**ROADWAY**

Shall refer to the roadways identified in Section 14.12.1(d).

**SHOULDER**

The area or strip of land immediately adjacent to a traffic lane of a roadway which does not contain a sidewalk.

**SIDEWALK**

A paved walkway along the side of a roadway.

**(c) Pedestrian Use of Medians and Roadways.**

- (1) It shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever a sidewalk, median, crosswalk, center traffic island, or safety island is available for pedestrian use.
- (2) It shall be unlawful for any pedestrian to leave an available sidewalk, median, crosswalk, center traffic island or safety island and enter the path of any motor vehicle on a roadway.

Approved as to Form and Legality,

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City Solicitor



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 14, SECTION 14-12

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

- (3) It shall be unlawful for any pedestrian to utilize a sidewalk, median, crosswalk, center traffic island, or safety island to impede traffic flow or endanger themselves, other pedestrians, or motorists.
- (4) Where sidewalks, medians, crosswalks, center traffic islands, or safety islands are unavailable, a pedestrian shall use an unfinished shoulder of a roadway and avoid traveling or entering the roadway.
- (5) It shall be unlawful for any person to stand, sit, or lie down in any roadway, sidewalk, median, crosswalk, center traffic island, or safety island with the intent to obstruct or hinder the free and safe passage of pedestrians or motor vehicles.
- (6) A pedestrian shall not enter a public way into the pathway of motor vehicles traveling on and along the roadway or approach within five (5) feet of a motor vehicle or vehicles using a roadway.

**(d) Roads Subject to the Provisions of this Ordinance.**

This Ordinance shall apply to the following roadways within the City of Pittsfield:

- Within 100 yards of the West Street intersection of Center Street
- Within 100 yards of the East Street intersection of First Street
- Within 100 yards of the South Street intersection of East Housatonic Street
- Within 100 yards of all intersections at Allendale
- Within 100 yards of all intersections at Park Square

**(e) Exemptions.**

- (1) Nothing in this ordinance shall prohibit law enforcement officials and public safety officials from enforcement of statutory, regulatory and local regulations and requirements pertaining to use of public ways by pedestrians, travelers and motor vehicle operators within the City of Pittsfield.
- (2) Nothing in this ordinance shall apply to municipal, state, federal, or other public-service corporations, individuals or their agents, servants and employees while in the performance of their public duties, including duties involving public safety, construction, maintenance, repair or cleaning work.
- (3) Nothing in this ordinance shall apply to road closures for special events as deemed necessary by municipal, state, federal or other public-service corporation or their agents, servants and employees.
- (4) Nothing in this ordinance shall apply to pedestrians entering into a roadway for purposes of acting in emergency circumstances.

**(f) Penalties.** Any person found to be in violation of any provision of this section shall be subject to criminal and noncriminal penalties as indicated in Chapter 4 1/2, §§ 4 1/2-1 and 4 1/2-2.

**SECTION II**

This ordinance shall take effect upon enactment.

Approved as to Form and Legality,

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*City Solicitor*





RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

City of Pittsfield 025 JAN -7 PM 2:59

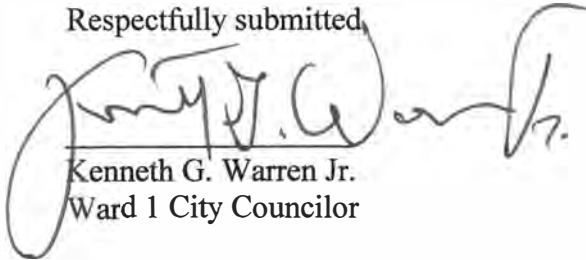
January 06 20 25

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request that the City Council refer this petition to the Ordinance & Rules Committee to review and draft an ordinance that requires city elected officials to be informed of any presentment notices tendered pursuant to state law and/or lawsuits filed and/or served on the city or any one of its departments within 10 days of such receipt or knowledge.

Respectfully submitted,



Kenneth G. Warren Jr.  
Ward 1 City Councilor



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2025 JAN -7 PM 1:41

January 06 20 25

To the City Council of the City of Pittsfield:-

The undersigned respectfully


Request that the City Council act as follows:

1. Refer this petition to the Ordinance & Rules Committee to draft an ordinance that would require a "background" check with the Department of Children of every new hire for an employee position that has substantial contact with minors and children. In addition this would be followed up every three years.

Child advocates have been requesting this be required for several years on a statewide basis. Ashburnham-Westminster Regional School District (AWRSD) became the first school system and possibly municipal entity to implement this requirement. Director of Human Resources Stacey Cristiano indicated that the policy was just amended to include the attached on November 14, 2024.

Also attached is an article dated TODAY regarding the new requirement,

Respectfully submitted,



Kenneth G. Warren Jr.  
Ward 1 City Councilor

AN ORDINANCE

**AMENDING THE CODE OF THE CITY OF PITTSFIELD  
CHAPTER 16, SECTION 16-28.1**

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

The Code of the City of Pittsfield, Chapter 16 amended by adding thereto Section 16-28.1:

The Department shall adopt a policy to conduct a background check through the Massachusetts Department of Children and Families database on all prospective employees of the City of Pittsfield who regularly interact with children as part of their job responsibilities. Said policy shall further provide that current employees of the City of Pittsfield who regularly interact with children as part of their job responsibilities shall be subject to said background checks not less than every three years from their date of hire. To the extent any collective bargaining provision conflicts with this provision, the Department will use its best efforts to advocate to amend the respective collective bargaining provisions. This provision does not alter or affect collective bargaining agreements or collective bargaining rights in effect as of the date of its passage.

**SECTION II**

This ordinance shall take effect upon enactment.

## ATTACHMENT

### Department of Children and Families (DCF)

All current and prospective employees of the Ashburnham Westminster Regional School District will be required to consent through an additional check of the current MA Department of Children and Families database of supported findings of abuse or neglect. To facilitate this process, all employees, current and prospective, must consent to this check through completion of the Department Central Registry Record Request for Child Placement, Employment or Licensure form. The DCF background checks are a critical part of maintaining a safe educational environment by ensuring that everyone who works with children has been thoroughly vetted. The district will re-run the Department Central Registry Record Request every three years.

Addressing sexual abuse of minors is a critical issue that requires clear policies to protect children. The district will review all allegations. The district considers an upheld, finding of sexual abuse to be conduct unbecoming and just cause for termination. The district may choose to delay employment action due to the appeals process.

Per this policy, AWRSD reserves the exclusive right to make adverse employment decisions as a result of a Supported Finding from DCF regarding abuse of a minor (physical or sexual). Unsupported findings or findings that have been overturned through standard DCF appeal processes included but not limited to Fair Hearings and/or subsequent appeals through the Court system will not result in adverse employment decisions. Supported findings of neglect will not be used to make adverse employment decisions. This does not limit the District's ability to make adverse employment decisions in cases where this fact pattern exists but where other evidence is sufficient to make an adverse employment decision.

Factors influencing whether an adverse employment decision may be made may include, but are not limited to:

- the type of finding;
- the nature of the finding;
- whether the finding was accompanied by criminal charges;
- the date of the offense;
- whether the individual has had subsequent other supported findings

The District will consider unique factors such as the school environment, the student population, health and safety needs, and other relevant district policies and procedures when making decisions based on the Department Central Registry Record Request.

If the district is inclined to make an adverse decision based on the results of the Central Registry Record Request, the applicant will be notified. The applicant shall be provided with a copy of the Supported Report(s), a copy of this policy, advised of the part(s) of the report(s) that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the report(s) with appropriate union representation.

**EDUCATION**

# Ash West School District tightens employee background checks: Here's what else is required

*Officials say additional step closes loophole in background check system*



**Stephen Landry**

The Gardner News

Published 11:00 a.m. ET Jan. 6, 2025 | Updated 11:00 a.m. ET Jan. 6, 2025

A local school district is leading a statewide effort to tighten criminal background checks on prospective employees.

Officials at the Ashburnham Westminster Regional School District have announced an addition to their current policy, which includes a check of the Massachusetts Criminal Offender Record Information (CORI) and the Statewide Applicant Fingerprint Identification Services (SAFIS), which is a check of the federal database.

CORI checks, which are repeated every three years, let school officials know if a prospective or current employee has a criminal record in the court system, while the SAFIS check shows potential crimes outside of the state.

In November, the AWRSD School Committee amended their policy to include check of the Department Central Registry Record Request for Child Placement, Employment or Licensure database as a required component of the district's staff background check policy. This measure will return supported findings or child abuse or neglect by the state's Department of Children and Families (DCF), according to Superintendent Dr. Todd Stewart.

## **Additional check closes loophole in background check system**

Stewart said the additional check of the DCF records would close a loophole in the background check system by letting the district know about possible abuse or neglect cases that didn't make it to criminal court.

**More:** Winchendon School Committee chooses its next superintendent: Why the search was cut short

"The data is pretty compelling that a disproportionate number of crimes of abuse involving children - particularly crimes of sexual abuse - never end up going to trial," he said. "And the reason for that is not for lack of evidence, but because parents - for varied and understandable reasons - make the decision that going through the criminal process would revictimize their child."

Stewart added that supported DCF cases of child abuse or neglect would be far more disqualifying for prospective employees than some of the crimes that might turn up in a routine CORI background check.

"If someone is 50 years old and they had a speeding ticket or some sort of issue in college when they were 19, that may or may not be disqualifying for the job here," he said. "But the idea that the abuse of children, once we learn that a disproportionate number of times there is no criminal charge, that's the loophole because it wouldn't show up in a CORI or fingerprint check."

A check of the DCF's registry for supported records of abuse or neglect was already a requirement for prospective employees looking to work in early education centers in the state, according to Stewart.

"So, for us, sitting here with a K through 12 system, it seemed like an obvious solution," he said.

## **Other school districts considering following Ash-West's lead**

Stewart said he had heard that other districts in the state were considering following Ash-West's lead by adding the check of DCF's records, which is offered free of charge, to their required background checks. He added that he believed the additional check should become a state requirement.

**More:** Former struggling Gardner High School students share keys to academic success: What they said

"We believe that a condition of licensure through DESE (the Massachusetts Department of Elementary and Secondary Education) should be at this level," he said, adding that the district had been receiving a lot of positive feedback from school officials across the state

after word got out that Ash-West was tightening their background checks. "They all without question backed this effort."

The additional background check would not include other reasons why an individual may have had interactions with DCF officials personally or professionally, according to Stewart, nor would it return any unsupported findings, including situations where the agency may have investigated a situation but did not determine that abuse or neglect occurred.

"When you look at what folks are already agreeing to through the CORI process and the fingerprint process, we believe (the DCF check) is actually far less intrusive in terms of their personal information," he said, adding that CORI checks provide information about any charges associated with a prospective employee, even those in which the individual was eventually found not guilty or a case was continued without a finding.



# City of Pittsfield

RECEIVED - CITY CLERK  
CITY OF PITTSFIELD, MA

2024 DEC -3 PM 12:46

December 3 20 24

To the City Council of the City of Pittsfield:-

The undersigned respectfully

An Act Establishing Proposed  
Evaluation, Case Study, as to City of Pittsfield,  
in Adoption to Amendment 18 1/2 (a) ; (d)  
"Disparate Impact"; Personal Communication Devices  
§ 18 1/2 - 9 (a)(1) as to Individuals.

- ① That systems and Technology software used by City of Pittsfield be produced for Public, to inspect origin and compliance use by City of Pittsfield.
- ② Investigative Team as to assess, liability as to surveillance Technology systems and software. Complaints to City (Private Investigator) M.G.L.A § 99
- ③ To amend and adopt any changes due to Com v. Tran Du (SJC) No. 22-870 (appeals) (SJC 13557).
- ④ In Relation to Appeal Court Justice Diversity vs. City of Pittsfield overall diversity,
  - No Black Clues
  - No Black Probation Officers
  - No Black Prosecutors





No. 4291.....

Open meetings laws  
§ 30A  
"Administrative Procedure  
act"

# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

#### CHAPTER 18 ½ SURVEILLANCE TECHNOLOGY OVERSIGHT

##### Section I

##### Sec. 18 ½ -1. PURPOSE.

The purpose of this Ordinance is to provide for the regulation of Surveillance Technology acquisition or use by the City of Pittsfield or the use of the Surveillance Data it provides, to safeguard the right of individuals to privacy balanced with the need to promote and provide safety and security.

##### Sec. 18 ½ -2 DEFINITIONS.

(a) "Disparate Impact" means an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the Commonwealth of Massachusetts, or the Pittsfield Home Rule Charter or any law of the City of Pittsfield than by similarly situated individual(s) not having such traits, characteristics, or status.

(b) "Exigent Circumstances" means the Police Chief's or the Police Chief's designee's good faith belief that an emergency involving danger of death or physical injury requires use of the Surveillance Technology or the Surveillance Data it provides. The use of Surveillance Technology in Exigent Circumstances shall not infringe upon an individual's right to peacefully protest and exercise other lawful and protected Constitutional Rights.

(c) "Marginalized Communities" means communities that are defined by a common race, ethnicity, religion, national origin, disability, income level, sexual orientation, or political perspective.

(d) "Personal Communication Device" means a cellular telephone that has not been modified beyond stock manufacturer capabilities, a personal digital assistant, a wireless capable tablet, or similar wireless two-way communications and/or portable Internet-



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

\* accessing devices, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

(e) "Surveillance Data" means any electronic data collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology acquired by the City or operated at the direction of the City.

\* (f) "Surveillance Technology" means any software, electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group.

(i). "Surveillance Technology" includes, but is not limited to:

- \* 1. International Mobile Subscriber Identity ("IMSI") catchers and other cell site simulators;
- 2. Automatic license plate readers;
- 3. Electronic toll readers;
- \* 4. Closed-circuit television cameras except as otherwise provided herein;
- 5. Biometric Surveillance Technology, including facial, voice, iris, and gait-recognition software and databases;
- \* 6. Mobile DNA capture technology;
- 7. Gunshot detection and location hardware and services;
- 8. X-ray vans;
- F 9. Video and audio monitoring and/or recording technology, such as surveillance cameras, vehicle cameras, and wearable body cameras;
- \* 10. Tools, including software and hardware, used to gain unauthorized



No. 1291.....

# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

\* [ access to a computer, computer service, or computer network; ]

11. Social media monitoring software;

12. Radio-frequency identification (RFID) scanner; and

\* [ 13. Software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software. ]

(ii) For the purposes of this Ordinance, "Surveillance Technology" does not include the following devices, hardware, or software:

1. Office hardware, such as televisions, computers, credit card machines, copy machines, telephones, and printers that are in widespread use by the City and are used for routine City business and transactions;

2. City databases and enterprise systems that contain information kept in the ordinary course of City business, including, but not limited to, human resources, permits, licenses, and business records;

3. City databases and enterprise systems that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology, including payroll, accounting, or other fiscal databases;

\* [ 4. Information technology security systems, including firewalls and other cybersecurity systems;

5. Physical access control systems, employee identification management systems, inventory control systems, and other physical control systems;

6. Infrastructure and mechanical control systems, including those that control or manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;



No. 1291.....

# City of Pittsfield

In the Year Two Thousand            Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

7. LiDAR technology and systems used for Geographic Information Systems imagery purposes;
8. Global Positioning System technology used to collect field data or track City-owned vehicles that are stored on City property when not in use;
9. Computers, software, hardware, or other devices used in monitoring the work and work-related activities involving City employees, contractors and volunteers or used in conducting internal investigations involving City employees, contractors and volunteers;
10. Cameras installed on the exterior or the interior of City property solely for security purposes, such as to monitor entryways and outdoor areas of City-owned or controlled buildings and property for the purpose maintaining the safety of City employees and visitors to City buildings, protecting City property, or to protect the physical integrity of City infrastructure;
11. Cameras, computers, software, hardware, or devices used for videoconferencing or to facilitate broadcast or recording of public meetings;
12. Police department interview room, holding cell, and police department internal security audio/video recording systems;
13. Police department computer-aided dispatch (CAD), records/case management, Live Scan, booking, Department of Motor Vehicles, 9-1-1, and related dispatch and operation or emergency services systems;
14. Police department early warning systems;
15. Parking Ticket Devices ("PTDs") and related databases;
16. Manually-operated, handheld cameras, audio recorders, and video recorders whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

- 17. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
- 18. Manually-operated technological devices that are used primarily for internal City communications, such as radios, personal communications devices, and email systems; and
- 19. Parking access and revenue control systems, including proximity card readers and transponder readers at City-owned or controlled parking garages.

*✱* (g) "Surveillance Use Policy" means a publicly-released written policy for governing the City's use of Surveillance Technology, approved by the City Attorney as to form, and submitted by the Mayor to and approved by the City Council. The Surveillance Use Policy shall at a minimum, include the following: = need body of Council ✱

- (i) Purpose: The specific purpose(s) that the Surveillance Technology item is intended to advance;
- (ii) Authorized Use: The uses that are authorized, the rules and processes required prior to such use, the location(s) it may be deployed, and uses of the Surveillance Technology that will be expressly prohibited;
- (iii) Data Collection: What types of Surveillance Data will be collected, captured, recorded, intercepted, or retained by the Surveillance Technology;
- (iv) Data Access: The category of individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information;
- (v) Data Protection: The general safeguards that protect information from unauthorized access, including encryption and access control mechanisms;
- (vi) Data Retention: The limited time period, if any, that information collected by the Surveillance Technology will be routinely retained, the reason such retention

*170*  
Data Access & Collection ✱



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

period is appropriate to further the purpose(s) enumerated in the Surveillance Use Policy, the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period;

(vii) **Public Access:** How collected information can be accessed or used by members of the public, consistent with the provisions of the Public Records Law and its implementing regulations;

(viii) **Third-Party Data-Sharing:** If and how other Pittsfield or non-Pittsfield entities, agencies, departments, bureaus, divisions, or units can access or use the data collected by the Surveillance Technology, including any required justification or legal standard necessary to share that data, and how City of Pittsfield will ensure that any entity sharing or receiving such data complies with the Surveillance Use Policy;

(ix) **Maintenance:** Whether use or maintenance of the Surveillance Technology will require data gathered by the Surveillance Technology to be handled or stored by a third-party vendor on an ongoing basis and, if so, the parameters of the third-party vendor's use, handling, or storage;

(x) **Training:** The training required for any individual authorized to use the Surveillance Technology or to access information collected by the Surveillance Technology;

(xi) **Complaints:** What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the municipal entity will ensure each question and complaint is responded to in a timely manner; and

(xii) **Auditing and Oversight:** The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal record keeping of the use of the technology or access to



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

*Checked had 2007 source in Primary Community*

information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy.

\* h. "City of Pittsfield" means any department, agency, bureau, and/or subordinate division of the City of Pittsfield, except those under the jurisdiction of the School Committee, Regional School Committee, or Library Trustees.

#### Sec. 18 ½ -3 CITY COUNCIL REVIEW AND APPROVAL MANDATORY FOR SURVEILLANCE DECISIONS.

\* (a) The Mayor shall obtain City Council approval of a Surveillance Use Policy for use of Surveillance Technology by the City of Pittsfield prior to engaging in any of the following:

(i) Acquiring or borrowing new Surveillance Technology whether or not that acquisition is made through the exchange of monies or for other or no consideration;

(ii) Using new or existing Surveillance Technology for a purpose, in a manner, or in a location not previously approved by the City Council in accordance with this Ordinance; or

(iii) Entering into an agreement, including a written or oral agreement, with a non-City of Pittsfield entity to acquire, share, or otherwise use Surveillance Technology or its Surveillance Data.

(b) Any Surveillance Use Policy submitted to the City Council for approval shall be published on the City Bulletin Board no fewer than fourteen (14) days prior to the date of the Council meeting where it shall be discussed.

(c) Prior to approval, the City Council may request revisions to the Surveillance Use Policy submitted by the Mayor.



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

**Sec. 18 ½ -4 Exceptions.**

(a) The following situations constitute the use, acquisition, or borrowing of Surveillance Technology or Surveillance Data; however, the provisions of this Ordinance shall not apply said situations:

(i) Use of Surveillance Technology or Surveillance Data by the Police Department with regard to Exigent Circumstances and compelling law enforcement needs that make it impractical to obtain a court order; provided that the Police Chief confirms that such use is appropriate, and, further that the receipt, access or use is logged in the Annual Surveillance Report addressed under Sec. 18 ½ -8, and signed off by the Police Chief.

(ii) The receipt of evidence derived from Surveillance Technology or Surveillance Data pursuant to a warrant issued in relation to the investigation of a crime.

(iii) A City department head may, with the approval of the Mayor, apply a technical patch or upgrade that is necessary to mitigate threats to the City's environment. The department shall not use the new surveillance capabilities of the technology until the requirements of Sec. 18 ½ -3 are met, unless the Mayor determines that the use is unavoidable; in that case, the Mayor shall request City Council approval as soon as possible. The request shall include a report to the City Council of how the altered surveillance capabilities were used since the time of the upgrade.

**Sec. 18 ½ -5 SURVEILLANCE TECHNOLOGY IMPACT REPORT AND SURVEILLANCE USE POLICY SUBMISSION.**

(a) When seeking approval under "Sec. 18 ½ -3 of this Ordinance, the Mayor shall submit to the City Council a Surveillance Technology Impact Report and a proposed Surveillance Use Policy pertaining to the specific Surveillance Technology for which approval is sought at least fourteen (14) days prior to the date of the Council meeting where it shall be discussed under Sec. 18 ½ -3. The proposed Surveillance Technology





# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

(b) Impact Report and proposed Surveillance Use Policy shall be posted on the City Bulletin Board at least fourteen (14) days prior to the date of the Council meeting where it shall be discussed.



(b) The Surveillance Technology Impact Report shall be written and include at a minimum the following:

(i). If applicable, the crime statistics for any location(s) the Technology will be deployed;

(i). An assessment identifying any potential impact on civil liberties and civil rights and a description of a plan to safeguard the rights of the public, including identifying with specificity (1) Any potential adverse impacts the Surveillance Technology, if deployed, might have on civil liberties and civil rights of any individuals, communities, or groups, including, but not limited to, Marginalized Communities in the City; and (2) what specific, affirmative measures will be implemented to safeguard the public from those potential adverse impacts;

(iii) The fiscal costs for the Surveillance Technology, including initial purchase and other ongoing costs and excluding personnel costs, and any current or potential sources of funding; and

(iv) A summary of the experience, if any, other governmental entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the Surveillance Technology such as unanticipated costs, failures, civil rights, or civil liberties abuses.

#### Sec. 18 ½ -6 STANDARD OF APPROVAL.

The City Council shall only approve a request Sec. 18 ½ -3 of this Ordinance if it determines the benefits to the community of the proposed Surveillance Technology outweigh its costs, that the Surveillance Use Policy will safeguard civil liberties and civil rights, that no alternative with lesser economic cost or impact on civil rights or liberties would be as effective, and that the uses and deployments of the Surveillance Technology



# City of Pittsfield

In the Year Two Thousand            Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

will not be based upon discriminatory or viewpoint-based factors or have a Disparate Impact on any community or group.

#### Sec. 18 ½ -7 COMPLIANCE FOR EXISTING SURVEILLANCE TECHNOLOGY.

(a) The Mayor shall submit to the City Council for its review and approval pursuant to Sec. 18 ½ -3 and 5a proposed Surveillance Use Policy applicable to each Surveillance Technology in use by the City of Pittsfield at the time this Ordinance becomes effective no later than 180 days following the effective date of this Ordinance.

(b) If the Mayor is unable to meet this 180-day timeline, the Mayor may notify the City Council in writing requesting to extend this period and the reasons for that request. The City Council may grant an extension to the Mayor to submit a proposed Surveillance Use Policy of up to ninety (90) days beyond the 180-day timeline.

(c) If the City Council has not approved the continuing use of Surveillance Technology through approval of a Surveillance Use Policy pursuant to Sec. 18 ½ -3 and 5, within one hundred eighty (180) days of its submission to the City Council, the Surveillance Use Policy shall be deemed approved.

#### Sec. 18 ½ -8 OVERSIGHT FOLLOWING COUNCIL APPROVAL.

(a) For each Surveillance Technology approved for use under this Ordinance, upon request by the City Council, the Mayor, or designee, shall submit to the City Council and publish on the City Bulletin Board a City Department Surveillance Report by the date stated in the City Council's request, and no more frequently than once every twelve (12) months. If the Mayor, or designee, is unable to meet the deadline, the Mayor shall request, in writing, the City Council extend this period, and shall provide the reasons for the request. The City Council may grant reasonable extensions for good cause.

(b) Within sixty (60) days of receiving the City Department Surveillance Report, the City Council shall discuss the Report at a regular Council Meeting.

(c) Based upon information in the City Department Surveillance Report and the Surveillance Technology Community Equity Impact Assessment and Policy Guidance, as detailed in Section I.1, the City Council shall reassess whether the



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

Surveillance Technology as used continues to meet the standard of approval set forth in Sec. 18 ½ -6 of this Ordinance. If it does not, the City Council shall consider (1) directing that the use of the Surveillance Technology cease; (2) requiring modifications to the Surveillance Use Policy that are designed to address the Council's concerns; and/or (3) directing a report-back from the Mayor regarding steps taken to address the Council's concerns.

(d) The City Department Surveillance Report shall be written, shall concern specific Surveillance Technology, and shall include the following:

- (i). A description of how the Surveillance Technology has been used;
- (ii) A description of whether and how often data acquired through the use of the Surveillance Technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure;
- (iii) A summary of community complaints or concerns about the Surveillance Technology, if any;
- (iv) The results of any internal audits required by the Surveillance Use Policy, any information about violations of the Surveillance Use Policy, and a general description of any actions taken in response;
- (v) Information that helps the City Council assess whether the Surveillance Technology has been effective at achieving its identified purposes;
- (vi) Statistics and information about any related public records requests;
- (vii) Total annual costs for the Surveillance Technology, including personnel and other ongoing costs, and what source of funding will fund the Technology in the coming year;
- (viii) Any requested modifications to the Surveillance Use Policy and a detailed basis for the request;



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 ½, SURVEILLANCE TECHNOLOGY OVERSIGHT

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

(ix) Where applicable, a breakdown of what physical objects the Surveillance Technology was installed upon, using general descriptive terms; for Surveillance Technology software, a breakdown of what data sources the Surveillance Technology was applied to; and

(e) If the Mayor believes that data or other information is insufficient to report on any of the other requirements for the Report, the Mayor shall indicate the same in the Report.

#### **Sec. 18 ½ -9 SURVEILLANCE TECHNOLOGY COMMUNITY EQUITY IMPACT ASSESSMENT AND POLICY GUIDANCE**

(a). Every year, but no later than November 15, the appropriate City Council Committee shall produce and submit to the Mayor and City Council a Surveillance Technology Community Equity Impact Assessment and Policy Guidance, which shall, at a minimum, address the following:

(i) What communities and groups in the City, if any, are Disparately Impacted by the use of Surveillance Technologies, what disparities were perceived and/or experienced, and what were the resulting adverse impacts on the community's or group's civil rights and/or civil liberties;

(ii) With respect to each perceived or experienced disparity identified in response to Sec. 18 ½ -9 (a)(i), what remedial adjustments to laws and policies, including but not limited to prior approvals granted pursuant to this Ordinance, should be made so as to achieve a more just and equitable outcome in the future;

(iii) With respect to each remedial adjustment identified in response to Sec. 18 ½ -9 (a)(ii), what additional funding, implementation strategies, and/or accountability mechanisms would be needed to effectuate the adjustment; and

(iv) In light of the collective responses to Sec. 18 ½ -9 (a)(i)-(iii), what new approaches and considerations should the City Council bring to future reviews of applications submitted pursuant to this Ordinance.

#### **Sec. 18 ½ -10 ENFORCEMENT.**



# City of Pittsfield

In the Year Two Thousand Twenty Four

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD BY ADDING A NEW CHAPTER 18 1/2, SURVEILLANCE TECHNOLOGY OVERSIGHT

Be it ordained by the City Council of the City of Pittsfield, as follows:

?

(a) Enforcement Officials. This Chapter shall be enforced by the Mayor or the Mayor's designee.

(b) Violation. Any violation of this Ordinance may be enforced through any means in law or in equity; provided, however, that the following conditions must first be met:

(i) Prior to the initiation of any legal proceeding under this Ordinance, the City of Pittsfield shall be given written notice of the violation(s) and an opportunity to correct such alleged violation(s) within 30 days of receipt of the notice.

(ii) If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous space on the City's website that generally describes the corrective measure(s) taken to address the violation(s).

(iii) Any person injured by a violation of this Chapter may institute proceedings for injunctive relief, declaratory relief, or a court order in a court of competent jurisdiction to enforce the provisions of this Chapter. Any action initiated under this Subsection (B) shall be brought against the City of Pittsfield, but not against City employees. No monetary damages shall be allowed in any legal proceeding for any alleged injuries arising out of any alleged violation(s) of this Chapter.

(c) Whistleblower Protections. Subject to the limitations and requirements set forth in M.G.L. Ch. 149, Sec. 185 (known as the "Massachusetts Whistleblower Statute" and cited herein as "Section 185") as it may be amended from time to time, any City employee as defined in Section 185 who reports an alleged violation of this Ordinance, shall be afforded protections against retaliation if applicable pursuant to Section 185, as set forth in and subject to the limitations and requirements of Section 185.

(d) Nothing in this Chapter shall be construed to limit or affect any individual's rights under state or federal laws.

#### Section II

#### **EFFECTIVE DATE.**

This Ordinance shall take effect 180 days after its adoption.

... 31st 18th adaptations



# City of Pittsfield

April 25, 2024

To the City Council of the City of Pittsfield: —

The Committee on Traffic

to whom was referred the

Request from City Engineer Shedd requesting the Traffic Commission to issue parking enforcement during snow emergencies

having considered the same, report and recommend that

to refer to Ordinances and Rules for the snow emergency ordinance be re-written.

Voted unanimously 4/0

Respectfully submitted,

Mark Brennan

Chairman



**CITY OF PITTSFIELD**

DEPARTMENT OF PUBLIC SERVICES & UTILITIES, 100 NORTH ST, PITTSFIELD, MA 01201 413-499-9330

Monday, November 20, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

I request that you refer to the traffic commission, the issue of parking enforcement during snow emergencies on streets where parking is restricted to one side of the street.

During snow emergency parking is prohibited on daily alternating sides base on the day of the month (example: 21<sup>st</sup> of the month – 21 is odd parking is allowed on the side of the street with the odd numbered residences). There are many streets in the city with parking restrictions on a single side of the street. This presents potential conflict whereby streets and residents that rely on on-street parking cannot park on the street during snowstorms. I would like the traffic commission to recommend the language by which parking restrictions on streets with single sided parking will be amended to maintain parking availability. The streets where this conflict has been noted are largely in the Morningside Neighborhood, and eastern end of Tyler Street.

Sincerely,

A handwritten signature in black ink that reads "Tyler Shedd".

Tyler Shedd  
City Engineer



# City of Pittsfield

~~February 20,~~ 20 ~~24~~

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request that the Committee on Ordinances and Rules work with Commissioner Morales to review existing Snow Emergency regulations for improved efficiency.

Sec. 20-24 Snow emergency regulations.

[Ord. No. 497, § 1, 11-29-1984; Ord. No. 674, § 4, 5-29-1991; Ord. No. 762, § 1, 9-14-1994; Ord. No. 844, § I, 8-11-1998; Ord. No. 1158, § III, 9-29-2015; Ord. No. 1231, § I, 11-24-2020]

Dina G. Lampiasi  
Ward 6 Councilor





**CITY OF PITTSFIELD**

OFFICE OF THE CITY SOLICITOR, CITY HALL, 70 ALLEN STREET, SUITE 200,  
PITTSFIELD, MASSACHUSETTS 01201

Tel. (413) 499-9352

[solicitor@cityofpittsfield.org](mailto:solicitor@cityofpittsfield.org)

November 22, 2023

To the Honorable Members  
Of the City Council  
Of the City of Pittsfield

Dear Councilors:

At its November 14, 2023, meeting, the City Council voted to refer the following petition to Commissioner Clemons:

A petition from Councilor Kalinowsky requesting the Commissioner to address the 30 vehicles dumped at the 75 Shaker Lane property at the November 28<sup>th</sup> meeting.

Commissioner Clemons asked that I assist him in responding to this petition by reviewing the statutes and ordinances addressing unregistered motor vehicles.

Massachusetts General Laws Chapter 90, Section 22B provides for criminal fines for "Whoever abandons a motor vehicle registered or unregistered, upon any public or private way or upon any property other than his own **without the permission of the owner** or lessee of said property". The statute also authorizes municipalities which have accepted MBL Chapter 90, Section 22B (b) to (k) to impose civil fines and be reimbursed the cost to the municipality of removing the abandoned motor vehicles.

MGL Chapter 90, Section 22C authorizes the appropriate municipal official to remove and dispose of the abandoned vehicle if the vehicle has been abandoned on any property without the permission of the owner or lessee of the property.

MGL 90, Section 22B and 22C do not appear to apply to this situation as the motor vehicles were transported to 75 Shaker Street with the property owner's consent.

The City has not accepted section (c) through (k) of the statute and should consider doing so.

MGL Chapter 226, Section 120D prohibits individuals from removing vehicles from private ways and private property "unless the operator of such vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property."

The City's ordinances have three provisions dealing with unregistered motor vehicles:

- Chapter 10, Section 10-1(c) prohibits anyone, unless duly licensed by the licensing Board, from keeping "in the open or allow to stand on any premises, public or private,

for a period of more than 10 days, any abandoned, wrecked, junked, dilapidated, nonoperating, unregistered or not lawfully inspected motor vehicle, defined as set forth in MGL c. 90, § 1, as amended from time to time”.

Section 10-13 sets out the enforcement process for violation of Section 10-1(c).

Unfortunately, these provisions do not comply with MGL Chapter 40U.

- Chapter 3, Section 3-4.9(h) provides that “[e]xcept as provided for in other regulations, no abandoned, wrecked, junked, dilapidated, nonoperating, unregistered or unlawfully inspected motor vehicles shall be parked, kept or stored on any premises for a period exceeding 10 days, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes”.

The fine schedule in Chapter 4 ½ includes fines of \$50, \$100 and \$300 for first, second, third and each subsequent offense respectively.

- Chapter 14, Section 14.16 prohibits motor vehicles which have been unregistered for more than 1 year from standing “on any lot or parcel which is located in a residential zone, as the same is shown on the zoning map of the City of Pittsfield, as amended. All such unregistered vehicles may stand on such land provided that they are garaged or screened or covered with a nontransparent cover of a material, size and style typically used to cover or protect automobiles so as not to be visible by the general public or any abutters to the said lot or parcel. Any person who fails to remove, screen or garage said vehicles within four weeks after being duly notified in writing by the building inspection department of such violation shall be subject to a fine as indicated in chapter 4 1/2, section 4 1/2-2.”

Respectfully,



Stephen Pagnotta



# City of Pittsfield

November 8, 2023

To the City Council of the City of Pittsfield:--

The undersigned respectfully

I am submitting a petition requesting Commissioner Jeff Clemons to come before the council Tuesday November 28, 2023, regarding the handling of junk cars being allowed to continually be brought to and adding to more then 30 cars, trucks, motorcycles, and parts to be brought and dumped at the property at 75 Shaker Lane.

This is against the city code and state law which only allows only one unregistered vehicle per residential property. The area now looks like an active junk yard and many of the vehicles are lined up along the property line of two abutting residents making an eye sore and could lead to contamination of water due to leaking oil and/or gas and other fluids. The residents who live on Shaker Lane and have wells for drinking water and the residents believe this may cause contamination of their drinking water. We found our first rat a little over a week ago and have never had a rat issue until now for over 18 years or longer.

The residents have been patient, though not understanding as to why the city is not moving forward faster. Prior to the November 28, 2023 meeting I will attach pictures and emails to this petition.

Respectfully submitted,

Karen M. Kalinowsky  
City Councilor At-Large

**AN ORDINANCE**

**AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 20, ARTICLE I,  
SEC. 20-24, SNOW EMERGENCY REGULATIONS**

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

The Code of the City of Pittsfield, Chapter 20, Article I, Sec. 20-24, Snow emergency regulations is hereby amended by adding thereto a Sec. 20-24(g):

**SECTION I**

**Sec. 20-24(g)**

Whenever the Mayor, acting pursuant to their authority under this section, declares an emergency period, they shall also have the authority to waive any provisions or requirements of this section in their sole discretion.

**SECTION II**

This ordinance shall take effect upon enactment.

## Chapter 18 Vehicles, Wrecked and Abandoned

### Sec. 18-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

#### ABANDONED VEHICLE

A vehicle that is located for more than forty-eight (48) hours on a public way, public property, or private property without the consent of the owner that (1) is physically inoperable and is left unattended; or (2) is illegally located or lacks a valid registration plate or a current inspection sticker.

#### EMERGENCY

A sudden unforeseen happening or state of repairs requiring prompt action.

#### JUNK VEHICLE

Any motor vehicle which is a hazard that constitutes a public nuisance and which has not been used for sixty (60) days and is in such a state of disrepair as to be inoperable or incapable of movement under its own power if self-propelled, or on its own wheels if a towed vehicle; or with any tire or wheel missing or in a wrecked or dismantled condition; or with any window broken, or without current registration plates and validating sticker; or without the current inspection stickers; or visibly rusted, dilapidated, damaged or otherwise deteriorated in appearance to the extent that it is valueless except for junk.

#### PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

#### PROPERTY

Any real property within the City which is not a street or highway.

#### REPAIR

To restore to good condition by replacing parts or putting together something torn or broken; to restore to a healthy state.

#### STREET or HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

#### SUDDEN

Happening quickly and without warning, unexpectedly, immediate, without delay, instant, directly.

#### VEHICLE

A machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, motorcycle recreational and snow vehicles as defined by MGL Chapter 90B, Section 20.

### Sec. 18-2 Abandonment prohibited.

Except as to vehicles for which other provisions are made under the laws of the commonwealth, no person shall cause an Abandoned Vehicle to be located within the City.

### Sec. 18-3 Leaving of unregistered, wrecked, nonoperative vehicles on streets.

A.

Except as to vehicles for which other provisions are made under the laws of the commonwealth, no person shall cause any Junk Vehicle or Abandoned Vehicle to be located on any street or highway within the City, nor shall any person upon a public way or where the public has access as invitees, or on any City property, within the City, repair any motor vehicle, except for an emergency repair to allow a traveler to continue on his or her interrupted journey.

B.

As to any motor vehicle upon any public way or upon any property owned or maintained by the City of Pittsfield that is in need of repair, other than "emergency" as herein defined, the Chief of Police or his or her designee shall order the removal of such vehicle from said public way or City-owned property.

C.

The present owner of said vehicle shall be responsible for all monetary charges incurred in the removal and storing of said vehicle.

Sec. 18-4 Keeping on private property restricted.

A.

No person shall park, store, leave or permit the parking, storing or leaving of any Abandoned Vehicle or Junk Vehicle whether attended or not, upon any private property within the City. The presence of an Abandoned Vehicle or Junk Vehicle or partially dismantled vehicle, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this section. This section shall not apply to any vehicle enclosed within a building on private property nor to any vehicle held in connection with a business enterprise lawfully licensed by the City and properly operated in the appropriate business zone, pursuant to the zoning laws of the City.

B.

The Building Commissioner or his or her designee, upon receiving a complaint regarding a Junk Vehicle or Abandoned Vehicle, shall serve written notice on the person owning the parcel of property ordering such person to remove the same or cause the same to be removed therefrom within 21 days of the date of such service. Such notice shall contain a description of the parcel of property, a statement as to the location thereon of a Junk Vehicle or Abandoned Vehicle and a reference to this ordinance and to the fact that the location of such Junk Vehicle or Abandoned Vehicle on such parcel of property is in violation of this ordinance. If such parcel of property is owned by more than one person, personal service on any one of such owners shall suffice; however, as to any owner not personally served with such notice, or if no owner can be located upon whom to make personal service, the Building Inspector or his or her designee shall mail such notice to owners not personally served or to the owner and to all owners if no owner was personally served by registered mail to their last known address as shown on the latest completed assessment roll of the City. Such notice shall be deemed sufficient, whether or not actually received by the addressee, if mailed to the address furnished by said assessment roll. In addition, the Building Inspector or his or her designee shall post conspicuously a copy of such notice on the parcel of property upon which said Junk Vehicle or Abandoned Vehicle is located. Such written notice shall operate as a Warning as indicated in **Chapter 4 1/2 , section 4 1/2-2**

C.

At the expiration of 21 days after the service or mailing and posting of such notice, if such Junk Vehicle or Abandoned Vehicle has not been removed, the Building Inspector or his designee may issue daily fines against the property owner(s) and shall report such fact to the Chief of Police or his designee. Such report shall cite the violation, the notices given as required hereunder and the failure to comply therewith and may include or refer to photographs of such junk vehicle and of the parcel of property upon which it is located. The Building Inspector is authorized to commence an action against any person in any civil court of competent jurisdiction to seek an injunction to enforce compliance with this ordinance. Such an action for injunctive relief may be an independent of or part of an action to collect the civil penalties as herein provided.

D.

The Chief of Police or his or her designee, upon receipt of a report of a Junk Vehicle or Abandoned Vehicle is hereby authorized, after compliance with all applicable laws, to remove or have removed any Junk Vehicle or Abandoned Vehicle which reasonably appears to be in violation of this ordinance. Such Junk Vehicle or Abandoned Vehicle shall be impounded until lawfully claimed or disposed of in accordance with G.L. c. 135.

E.

The Building Inspector or his or her designee shall have and is hereby given the authority to go upon any parcel of real property in the City, public or private, exclusive of enclosed structures or buildings, at any time during daylight hours, to examine and inspect any vehicles or parts or components thereof to determine whether a violation of this ordinance has been committed or to determine the condition of any vehicle or parts or components thereof. The Building Inspector or his or her designee shall notify the property owner, in writing, at least 48 hours prior to entering on such property.

F.

Costs for removal. At the expiration of 21 days after the service or mailing and posting of such notice, if such Junk Vehicle or Abandoned Vehicle has not been removed by the owner of the property where the vehicle is located and the removal is carried out by the Chief of Police, or his or her designee, the fee for such removal shall be the total of the costs incurred in the removal but or \$300, whichever is greater, for each vehicle removed, plus any additional costs that are incurred in the gathering and removal of any dismantled parts of such vehicles. The costs of such removal shall be the responsibility of the owner of the land where the vehicle is located. The Building Commissioner, or his or her designee, shall submit the bill incurred for such removal to the owner of the land in writing at his or her last and usual known address.

G.

When any fines or costs of removal assessed pursuant to this section remain unpaid for more than 30 days, the Building Commissioner or his or her designee may secure a lien against the property where said violations occurred pursuant to MGL Chapter 139, and MGL Chapter 111.

H.

I.

Notwithstanding the procedures described in the previous sections of this chapter, if an abandoned or junked vehicle constitutes an immediate danger or imminent public safety hazard such that any delay caused by prior notice would jeopardize the public health and safety, the Police Chief or his or her designee, may tow the vehicle or take such other steps as he or she may determine to be necessary in order to eliminate the immediate threat, without prior notice to the owner. The Chief of Police or his or her designee, shall, before taking such emergency measures,

give whatever notice to the owner that is feasible and consistent with the public safety. If the public safety requires the elimination of any prior notice, the Chief of Police, or his or her designee, shall provide notice after he or she has eliminated the threat advising the owner of the steps taken and the reasons therefor. The costs of such removal shall be the responsibility of the owner of the land where the vehicle is located. The Chief of Police, or his or her designee, shall submit the bill incurred for such removal to the owner of the land at his or her last and usual known address. When any fines or costs of removal assessed pursuant to this section remain unpaid for more than 30 days, the Chief of Police shall notify the Building Commissioner or his or her designee who may secure a lien against the property where said violations occurred pursuant to MGL Chapter 139, and MGL Chapter 111.

### Sec. 18-5 Impounding.

In addition to any of the remedies available in Sec. 18-4, the Chief of Police, Superintendent of Public Works or any members of their departments designated by them are hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this ordinance or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Massachusetts General Laws, Chapter 135, relative to unclaimed and abandoned property. Neither the removal nor the storage of a vehicle under the provisions of this chapter shall be deemed a service rendered or work performed by the City. The City shall not be liable for any damage caused to a vehicle, as defined herein, arising in the course of removal or impounding, except as may be due to the negligence of the City, its servants or employees.

### Sec. 18-6 Violations and penalties.

Any person violating any of the provisions of this chapter shall be subject to a fine as indicated in **Chapter 4 1/2 , section 4 1/2-2**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder.

### Sec. 18-7 Appeals

Any owner of an alleged Junk Vehicle or Abandoned Vehicle may request a hearing on any adverse determination under this ordinance with the Commissioner of Public Utilities or his or her designee by notifying the Building Inspector of such request in writing. Upon receipt of a request for a hearing, the Building Inspector shall notify the Commissioner of Public Utilities or his or her designee who shall schedule a hearing during regular business hours. All such hearings shall be held before a person hereinafter referred to as a hearing officer who shall be the Commissioner of Public Utilities or his or her designee. A failure to request a hearing within 21 days from the date of a written notice sent pursuant to this ordinance shall operate as a waiver of the right to a hearing. A request for a hearing shall stay any enforcement proceedings under this ordinance until a final decision has been rendered by the hearing officer. Such hearings shall be informal, the rules of evidence shall not apply and decisions of the hearing officer shall be subject to judicial review as provided by G.L. c. 30A § 14.



## Chapter 4 ½

### **Vehicles, Wrecked and Abandoned – Chapter 18**

Enforcement officer : Building Commissioner, Police Chief (Fire Chief) or their designee

Fine Schedule:

Warning

First offense: \$50

Second offense: \$100

Third offense: \$300



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2024 AUG 20 AM 10: 09

August 20, 20 24

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request when a dwelling is taken down, it is the responsibility of the owner to upkeep the property - i.e. mowing the lawn, snow blowing, etc.

Respectfully submitted,

Kathleen Amuso  
At-Large Councilor