



**CITY OF PITTSFIELD**  
**REGULAR MEETING**  
**PITTSFIELD CITY COUNCIL via ZOOM**  
**April 13, 2021, at 6:00 p.m.**

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -9 AM 8:51

## **AGENDA**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and state and federal orders and guidance imposing strict limits on the number of people that may gather in one place, this meeting of the City Council will be conducted exclusively via remote participation. For this meeting, members of the public who wish to watch the meeting may do so on PCTV. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

**NOTE:** If you are required to participate in a particular item, you may do so by calling (312) 626-6799, Enter the Meeting ID, 965 2687 9953 on your phone's keypad and press #. Press # again.

1. Open microphone

### **APPOINTMENTS**

2. A communication from Mayor Tyer appointing Allyson Holmes to the Zoning Board of Appeals

### **COMMUNICATIONS FROM HER HONOR THE MAYOR**

3. A communication from Mayor Tyer submitting an award presentation from Center for EcoTechnology
4. A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$12,000 from the Commonwealth of Massachusetts, Department of Conservation and Recreation
5. A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$23,000 from the US Department of Transportation, Federal Aviation Administration
6. A communication from Mayor Tyer submitting an Order rescinding \$731,572.04 of authorized but yet unissued debt
7. A communication from Mayor Tyer submitting an Order amending Order #84 of the series of 2020 to increase the amount authorized to be borrowed

### **PUBLIC HEARING**

8. A public hearing for the proposed "Downtown Creative District" and related zoning amendments

## **COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND BOARDS**

9. A communication from the Finance Director and Assistant Superintendent for Business and Finance on a petition from Councilor Maffuccio requesting an independent audit into the finances of every municipal department and administrative offices
10. A communication from the District Attorney on a petition from Councilor Maffuccio requesting the practices and the abuse and human rights violations happening in the homeless shelter be looked into

## **REPORTS OF COMMITTEES**

### *Report from the Ordinance and Rules Committee*

11. A report from the Ordinance and Rules Committee with a recommendation from the Community Development Board for the proposed "Downtown Creative District" and related zoning amendments, recommending to approve 5/0
12. A report from the Ordinance and Rules Committee on an Ordinance amending the City Code, Chapter 16, Human Resources, Section 16-16, Holidays, recommending to approve 5/0

### *Report from the Public Works Committee*

13. A report from the Public Works Committee on a petition from Councilor Maffuccio requesting that an RFP be made for solid waste collection and recycling for more options to better serve the people of this community, recommending to amend and approve 5/0
14. A report from the Public Works Committee on a petition from Councilor Maffuccio proposing to increase the bulky waste sticker fee, recommending to amend and approved 5/0

## **UNFINISHED BUSINESS**

15. A petition from Councilors Maffuccio and Morandi asking to appoint a City Youth Advisor (*Tabled March 10, 2020*)
16. A petition from Councilor Maffuccio requesting the City Council seek to have their own Attorney separate from the City Solicitor (January 12, 2021)
17. A report from the Ordinance and Rules Committee on a petition from Councilor Morandi requesting City Code, Chapter 8, Solid Waste and Disposal, be fully reviewed and revised where needed, referred to the Resource Recovery Committee (*Tabled February 23, 2021*)

## **NEW BUSINESS**

18. A petition from Councilor Maffuccio requesting the Cable Commission review the contract and reliability of Spectrum/Charter Cable Company
19. A petition from Councilor Cohen requesting to create a memorial to honor those who have lost their lives to COVID-19 and to honor those who battle on the front lines fighting the pandemic in our community

## **MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27**

### *Referred to the Commissioner of Public Works*

20. A petition from Councilor Maffuccio requesting James Street be placed on the reconstruction list for streets to be considered to be repaved in the upcoming construction for in house paving
21. A petition from Councilor Morandi requesting an update for pothole repairs, street sweeping, line painting, plow damage repairs and paving bids for this construction season

22. A petition from Councilors Connell, Maffuccio and Morandi requesting a presentation of the Pittsmart Reporting System from the Commissioner of Public Services

Referred to the Chief of Police

23. A petition from Councilor Maffuccio requesting help from the E.P.O. to help battle the ongoing issues with illegal activity of off road recreational vehicles

Referred to Massachusetts Department of Environmental Protection

24. A petition from Councilor Maffuccio requesting the Massachusetts DEP hold a public hearing for the application submission of a Chapter 91 License from Pontoosuc Lake Properties, LLC, 22 Waubeek Road for a proposed Marina



# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201  
(413) 499-9321 • ltyer@cityofpittsfield.org

**Linda M. Tyer**  
Mayor

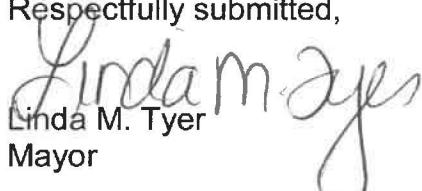
April 7, 2021

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

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the appointment of Allyson Holmes, of 74 North Street, Apt. 405, Pittsfield, MA as a member of the Zoning Board of Appeals. Allyson previously served on the Board in the role of associate member but is now transitioning to the role of full member due to a recent vacancy.

Respectfully submitted,

  
Linda M. Tyer  
Mayor



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**Linda M. Tyer**  
Mayor

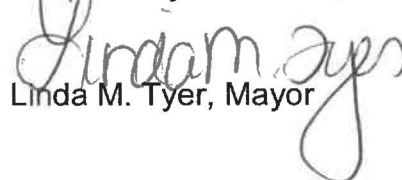
April 7, 2021

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

Dear Councilors:

Please accept an award presentation from Center for EcoTechnology.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB



# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201  
(413) 499-9321 • ltyer@cityofpittsfield.org

**Linda M. Tyer**  
**Mayor**

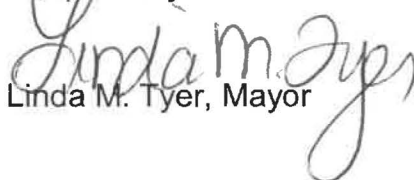
April 7, 2021

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 Order to accept a grant of funds in the amount of \$12,000 from the Commonwealth of Massachusetts, Department of Conservation and Recreation. These funds will be used to cover expenses related to the hiring of boat ramp monitors at city lakes during the summer of 2021.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure



**CITY OF PITTSFIELD**

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

April 6, 2021

TO THE HONORABLE MAYOR:

Requested hereby is your authorization to accept a grant of funds in the amount of \$12,000 from the Commonwealth of Massachusetts, Department of Conservation and Recreation. These funds will be used to cover expenses related to the hiring of boat ramp monitors at city lakes during the summer of 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "DR", is written over a horizontal line.

Deanna Ruffer  
Director

cc. City Accountant

# City of Pittsfield

M A S S A C H U S E T T S

IN CITY COUNCIL

**AN ORDER**

No. \_\_\_\_\_

AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT  
OF FUNDS FROM THE COMMONWEALTH OF MASSACHUSETTS

**Ordered:**

That the City of Pittsfield, by and through its Mayor and City Council, is hereby authorized to accept a grant of funds in the amount of Twelve Thousand (\$12,000) Dollars, from the Commonwealth of Massachusetts, Department of Conservation and Recreation, and that said funds may be expended pursuant to Massachusetts General Laws, Chapter 44, section 53A.





**Notice of Proposed Best Value Grant Award**  
**City of Pittsfield: Zebra Mussel Monitoring at Onota Lake and Pontoosuc Lake**

The Department of Conservation and Recreation (DCR) announces its intention of a proposed grant award to the City of Pittsfield. The proposed grant will make \$12,000 available to the City to support boat ramp monitors at Onota Lake and Pontoosuc Lake in an effort to protect lakes in Berkshire County found to be at high risk of invasive zebra mussel colonization. The zebra mussel boat ramp monitoring program was a recommendation of the Zebra Mussel Task Force commissioned by the Executive Office of Energy and Environmental Affairs (EEA) in 2009 following the discovery of zebra mussels in Massachusetts.

The administration of grants is conducted under 815 CMR 2.00. A “Best Value Grant” is used in certain circumstances where certain grants do not meet any of the procurement exceptions, but still present a situation in which conducting an open public process does not support the effective use of administrative, staff resources or effective grant disbursement.

The proposed grant would be issued to a public entity and political subdivision of the Commonwealth of Massachusetts. No other entity is deemed eligible for the grant award since the work to be funded under the grant must be undertaken/bid by such a public entity. Any challenge to this award process should be directed to the Department of Conservation and Recreation, Attention: Director of Administration and Finance, 251 Causeway Street, Suite 600, Boston MA 02114 by April 5, 2021

**Justification:** In 2009 invasive Zebra Mussels were found in Laurel Lake on the Lee/Lenox border in Berkshire County. DCR, working with EEA and DFG, commissioned a study to identify highly vulnerable water bodies where the mussels might spread via boats. EEA formed a Zebra Mussel Task Force of multiple stakeholders including area communities. The study identified several water bodies in Berkshire County that needed additional protection. Public education and boat ramp monitors were deployed to these areas. Where the municipality is the lead owner or manager of the water body DCR finds it more efficient grant funds to the municipality to hire the boat ramp monitors. Funds are targeted to protect highly vulnerable lakes in Berkshire County as identified in the study.

**Selected Grantee:** City of Pittsfield

**Grant Amount:** \$12,000.

**Purpose of Grant Funding:** This grant is awarded for the purpose of providing financial assistance to the City for costs incurred in providing boat ramp monitors to inspect for and prevent the introduction of zebra mussels to the Onota Lake and Pontoosuc Lake, water bodies in the City.

**Terms and Conditions:** On terms and conditions acceptable to DCR through a standard contract.

**Duration of the Grant:** The grant shall be made immediately in a lump sum payment.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston MA 02114-2119  
617-626-1250 617-626-1351 Fax  
www.mass.gov/dcr



Charles D. Baker  
Governor

Karyn E. Polito  
Lt. Governor

Matthew A. Beaton, Secretary, Executive  
Office of Energy & Environmental Affairs

Leo Roy, Commissioner  
Department of Conservation & Recreation



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

**Linda M. Tyer**  
Mayor

April 7, 2021

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 Order to accept a grant of funds in the amount of \$23,000.00 from the US Department of Transportation, Federal Aviation Administration through the Coronavirus Response and Relief Supplement Appropriations Act (CRRSA Act).

Respectfully submitted,

*Linda M. Tyer*  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure



## PITTSFIELD MUNICIPAL AIRPORT COMMISSION

832 Airport Road, Pittsfield, MA 01201 | Telephone (413) 448-9790

**Daniel J. Shearer** Airport Manager  
**Anita A. Akor** Asst. Airport Manager

**Thomas J. Sakshaug, D.D.S.** Chairman  
**Jay R. Green, J.D.** Vice Chairman

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April 5, 2021

Honorable Mayor Linda M. Tyer  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Re: CRRSA Act COVID-19 Relief Grant

Dear Mayor Tyer,

Submitted herewith for your consideration is an Order to accept a grant of funds in the amount of \$23,000 from the U.S Department of Transportation, Federal Aviation Administration, under the Coronavirus Response and Relief Supplement Appropriations Act (CRRSA Act). These funds will be used for airport operational and maintenance expenses.

Sincerely,

Daniel Shearer  
Airport Manager

Enclosure



**Commissioners:** Patricia Begrowicz, Thomas R. Hardy,  
Gail M. Molari, Melissa O'Dell, Edward "Ned" Kirchner

# City of Pittsfield

M A S S A C H U S E T T S

IN CITY COUNCIL

**AN ORDER**

No. \_\_\_\_\_

AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT OF FUNDS FROM  
THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION  
ADMINISTRATION

**Ordered:**

That the City of Pittsfield, acting by and through its Mayor and City Council, is hereby authorized to accept a grant of funds in the amount of twenty three thousand and zero dollars (\$23,000.00) from the United States Department of Transportation, by and through its Federal Aviation Administration under the provisions of the Coronavirus Response and Relief Supplement Appropriations Act.

**Ordered further:**

That the City of Pittsfield, acting by and through its Mayor and City Council, hereby authorizes the Pittsfield Municipal Airport Commission and/or its agent to expend said grants of funds in accordance with the provisions of Massachusetts General Laws, Chapter 44, section 53A, a copy of which is attached to this Order.

That the City of Pittsfield, acting by and through its Municipal Airport Commission, is hereby authorized to execute any and all other documents necessary to implement this Order.



U.S. Department  
of Transportation  
Federal Aviation  
Administration

Airports Division  
New England Region  
CT, MA, ME, NH, RI, & VT

FAA ANE-600  
1200 District Ave.  
Burlington, MA 01803

## CRRSA Transmittal Letter

April 2, 2021

Mr. Thomas Sakshaug D.D.S.  
Chair, Pittsfield Municipal Airport Commission  
832 Tamarack Road  
Pittsfield, MA 01201  
Attn: Mr. Daniel Shearer

Dear Mr. Sakshaug:

Please find the following electronic Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-25-0041-034-2021 for Pittsfield Municipal Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, **no later than May 7, 2021** in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Please refer to the [ACRGP Frequently Asked Questions](#) for further information.

With each payment request you are required to upload an invoice summary directly to Delphi. The invoice summary should include enough detail to permit FAA to verify compliance with the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260).

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and.
- A closeout report (A sample report is available [here](#)).

Until the grant is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,

*Julie Seltsam-Wilps*  
Julie Seltsam-Wilps (Apr 2, 2021 07:14 EDT)

Julie Seltsam-Wilps

Deputy Director, Airports Division



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

### GRANT AGREEMENT

#### Part I - Offer

Federal Award Offer Date April 2, 2021 \_\_\_\_\_

Airport/Planning Area Pittsfield Municipal Airport

ACRGP Grant Number 3-25-0041-034-2021

Unique Entity Identifier 084069624

TO: City of Pittsfield, MA

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA an Airports Coronavirus Response Grant Program (herein called "ACRGP") Application dated February 22, 2021, for a grant of Federal funds at or associated with the Pittsfield Municipal Airport, which is included as part of this ACRGP Grant Agreement; and

**WHEREAS**, the Sponsor has accepted the terms of FAA's ACRGP Grant offer;

**WHEREAS**, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the ACRGP Application for the Pittsfield Municipal Airport, (herein called the "Grant" or "ACRGP Grant") consisting of the following:

This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or "the Act"), Division M of Public Law 116-260, as described below, to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. ACRGP Grant amounts to specific airports are derived by legislative formula (See Division M, Title IV of the Act).

The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments in accordance with the limitations prescribed in the Act. ACRGP Grants may be used to

reimburse airport operational and maintenance expenses directly related to Pittsfield Municipal incurred no earlier than January 20, 2020. ACRGP Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after December 27, 2020. Funds provided under this ACRGP Grant Agreement will be governed by the same principles that govern "airport revenue." New airport development projects not directly related to combating the spread of pathogens and approved by the FAA for such purposes, may not be funded with this Grant.

**NOW THEREFORE**, in accordance with the applicable provisions of the CRRSA Act, Public Law 116-260, the representations contained in the Grant Application, and in consideration of (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.**

**Assistance Listings Number (Formerly CFDA Number): 20.106**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

### **CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$23,000, allocated as follows:
  - \$23,000 Non Primary KU2021
2. **Grant Performance.** This ACRGP Grant Agreement is subject to the following federal award requirements:
  - a. The Period of Performance:
    1. Shall start on the date the Sponsor formally accepts this agreement, and is the date signed by the last Sponsor signatory to the agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance. The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
    2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. (2 Code of Federal Regulations (CFR) § 200.1)
  - b. The Budget Period:
    1. The budget period for this ACRGP Grant is 4 years (1,460 calendar days). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the budget period.
    2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to §200.308.
  - c. Close out and Termination.
    1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later



than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)

2. The FAA may terminate this ACRGP Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CRRSA Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this ACRGP Grant Agreement, the CRRSA Act, and the regulations, policies, standards, and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months or a 25 percent reduction in time devoted to the Grant, and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor **on or before May 7, 2021**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this ACRGP Grant Agreement, the CRRSA Act or other provision of applicable law. For the purposes of this ACRGP Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this ACRGP Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this ACRGP Grant Agreement.

**11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.isf>.

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

14. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

15. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 United States Code (U.S.C.) § 50101 the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

**16. Audits for Sponsors.**

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

17. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
  1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
  2. Collecting a certification statement from the non-Federal entity attesting the entity is not excluded or disqualified from participating; or
  3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.

- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debar a contractor, person, or entity.

**18. Ban on Texting While Driving.**

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
  - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this ACRGP Grant or subgrant funded by this Grant.
  - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
    - A. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
    - B. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded by this ACRGP Grant.

**19. Trafficking in Persons.**

- a. You as the recipient, your employees, subrecipients under this ACRGP Grant, and subrecipients' employees may not –
  - 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - 2. Procure a commercial sex act during the period of time that the award is in effect; or
  - 3. Use forced labor in the performance of the award or subawards under the ACRGP Grant.
- b. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
  - 1. Is determined to have violated a prohibition in paragraph A of this ACRGP Grant Agreement term; or
  - 2. Has an employee who is determined by the agency official authorized to terminate the ACRGP Grant Agreement to have violated a prohibition in paragraph A.1 of this ACRGP Grant term through conduct that is either –
    - A. Associated with performance under this ACRGP grant; or
    - B. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.

- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this ACRGP Grant Agreement.
- d. Our right to terminate unilaterally that is described in paragraph A of this section:
  - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
  - 2. Is in addition to all other remedies for noncompliance that are available to the FAA under this ACRGP Grant.

**20. Employee Protection from Reprisal.**

a. Prohibition of Reprisals —

- 1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
  - a. Gross mismanagement of a Federal grant;
  - b. Gross waste of Federal funds;
  - c. An abuse of authority relating to implementation or use of Federal funds;
  - d. A substantial and specific danger to public health or safety; or
  - e. A violation of law, rule, or regulation related to a Federal grant.
- 2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
  - a. A member of Congress or a representative of a committee of Congress;
  - b. An Inspector General;
  - c. The Government Accountability Office;
  - d. A Federal office or employee responsible for oversight of a grant program;
  - e. A court or grand jury;
  - f. A management office of the grantee or subgrantee; or
  - g. A Federal or State regulatory enforcement agency.
- 3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this ACRGP Grant Agreement may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
- 4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
- 5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
- 6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

21. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this ACRGP Grant Agreement.

22. **Face Coverings Policy.** The sponsor agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA) requirements, as applicable, at all times while in all public areas of the airport property, except to the extent exempted under those requirements. This special condition requires the airport sponsor continue to require masks until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.

### SPECIAL CONDITIONS FOR USE OF ACRGP FUNDS

#### CONDITIONS FOR ROLLING STOCK/EQUIPMENT -

1. **Equipment or Vehicle Replacement.** The Sponsor agrees that when using funds provided by this grant to replace equipment, the proceeds from the trade-in or sale of such replaced equipment shall be classified and used as airport revenue.
2. **Equipment Acquisition.** The Sponsor agrees that for any equipment acquired with funds provided by this grant, such equipment shall be used solely for purposes directly related to the airport.
3. **Low Emission Systems.** The Sponsor agrees that vehicles and equipment acquired with funds provided in this grant:
  - a. Will be maintained and used at the airport for which they were purchased; and
  - b. Will not be transferred, relocated, or used at another airport without the advance consent of the FAA.

The Sponsor further agrees that it will maintain annual records on individual vehicles and equipment, project expenditures, cost effectiveness, and emission reductions.

#### CONDITIONS FOR UTILITIES AND LAND -

4. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
5. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
  - a. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
  - b. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
  - c. The utilities must serve a purpose directly related to the Airport.
6. **Land Acquisition.** Where funds provided for by this grant are used to acquire land, the Sponsor shall record the grant agreement, including the grant assurances and any and all related requirements, encumbrances, and restrictions that shall apply to such land, in the public land records of the jurisdiction in which the land is located.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor. The Offer and Acceptance shall comprise an ACRGP Grant Agreement, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to this Grant. The effective date of this ACRGP Grant Agreement is the date of the Sponsor's acceptance of this Offer.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated April 2, 2021

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

*Julie Seltsam-Wilps*  
Julie Seltsam-Wilps (Apr 2, 2021 07:14 EDT)

*(Signature)*

Julie Seltsam-Wilps

*(Typed Name)*

Deputy Director, Airports Division

*(Title of FAA Official)*

**Part II - Acceptance**

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The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Grant Application and incorporated materials referred to in the foregoing Offer under Part I of this ACRGP Grant Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the ACRGP Grant Application and all applicable terms and conditions provided for in the CRRSA Act and other applicable provisions of Federal law.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct. <sup>1</sup>

Dated

\_\_\_\_\_  
City of Pittsfield, MA

*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Designative Official/Representative)*

**By:**

\_\_\_\_\_  
*(Type Name of Sponsor's Designative Official/Representative)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Designative Official/Representative)*

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<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the Commonwealth of Massachusetts. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at \_\_\_\_\_

By:

\_\_\_\_\_  
*(Signature of Sponsor's Attorney)*



## AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) ASSURANCES

### AIRPORT SPONSORS

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#### A. General.

1. These Airport Coronavirus Relief Grant Program (ACRGP) Assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (CRRSA Act or "the Act"), Public Law 116-260. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this ACRGP Grant offer by the sponsor, these assurances are incorporated into and become part of this ACRGP Grant Agreement.

#### B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this ACRGP Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this ACRGP Grant including but not limited to the following:

#### FEDERAL LEGISLATION

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- a. 49 U.S.C. Chapter 471, as applicable
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et. seq.
- c. Federal Fair Labor Standards Act — 29 U.S.C. 201, et. seq.
- d. Hatch Act — 5 U.S.C. 1501, et. seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et. seq.
- f. National Historic Preservation Act of 1966 — Section 106 — 16 U.S.C. 470(f).
- g. Archeological and Historic Preservation Act of 1974 — 16 U.S.C. 469 through 469c.
- h. Native Americans Grave Repatriation Act — 25 U.S.C. Section 3001, et. seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) — 42 U.S.C. 4012a.
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).

- p. Age Discrimination Act of 1975 — 42 U.S.C. 6101, et. seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 — 42 U.S.C. 4151, et. seq.
- s. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. 327, et. seq.
- u. Copeland Anti-kickback Act — 18 U.S.C. 874.1.
- v. National Environmental Policy Act of 1969 — 42 U.S.C. 4321, et. seq.
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 — 31 U.S.C. 7501, et. seq. <sup>2</sup>
- y. Drug-Free Workplace Act of 1988 — 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

#### **EXECUTIVE ORDERS**

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- a. Executive Order 11246 – Equal Employment Opportunity
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 14005 – Ensuring the Future Is Made in All of America by All of America's Workers.

#### **FEDERAL REGULATIONS**

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- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. <sup>3,4</sup>
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 – Procedures for predetermination of wage rates. <sup>1</sup>
- g. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States. <sup>1</sup>

- h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).<sup>1</sup>
- j. 49 CFR Part 20 – New restrictions on lobbying.
- k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- m. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program.
- n. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.<sup>1</sup>
- o. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- p. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- r. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- s. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

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#### FOOTNOTES TO ASSURANCE ACRGP ASSURANCE B.1.

- <sup>1</sup> These laws do not apply to airport planning sponsors.
- <sup>2</sup> These laws do not apply to private sponsors.
- <sup>3</sup> Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses
- <sup>4</sup> Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

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#### SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

##### 1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

##### 2. Responsibility and Authority of the Sponsor.

###### a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing

and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**b. Private Sponsor:**

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

**3. Good Title.**

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

**4. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

**5. Consistency with Local Plans.**

Any project undertaken by this Grant Agreement is reasonably consistent with plans (existing at the time of submission of the ACGRP application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

**6. Consideration of Local Interest.**

It has given fair consideration to the interest of communities in or near where any project undertaken by this Grant Agreement may be located.

**7. Consultation with Users.**

In making a decision to undertake any airport development project undertaken by this Grant Agreement, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

**8. Pavement Preventative Maintenance.**

With respect to a project undertaken by this Grant Agreement for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport, including ACRGP funds provided under this Grant Agreement. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

**9. Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**10. Minimum Wage Rates.**

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**11. Veteran's Preference.**

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

**12. Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and

operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

1. Operating the airport's aeronautical facilities whenever required;
  2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
  3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

### **13. Hazard Removal and Mitigation.**

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

### **14. Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

### **15. Exclusive Rights.**

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

### **16. Airport Revenues.**

- a. This Grant shall be available for any purpose for which airport revenues may lawfully be used to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums for costs related to

operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments as prescribed in the Act

- b. For airport development, 49 U.S.C. § 47133 applies.

#### **17. Reports and Inspections.**

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

#### **18. Land for Federal Facilities.**

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

#### **19. Airport Layout Plan.**

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
  - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
  - 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
  - 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
  - 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan

as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

## 20. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
  - 1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities
  - 2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
  - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration
 

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

  - 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
  - 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language



It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **City of Pittsfield, MA**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. **Required Contract Provisions.**

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT Acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
  - A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
  - B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
  - C. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
  - D. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

**21. Foreign Market Restrictions.**

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

**22. Policies, Standards and Specifications.**

It will carry out any project funded under an Airport Coronavirus Relief Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects, as of February 22, 2021, included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

**23. Access By Intercity Buses.**

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

**24. Disadvantaged Business Enterprises.**

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

**25. Acquisition Thresholds.**

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000, unless authorized in accordance with 2 CFR § 200.320. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.

## **Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects**

View the most current Series 150 Advisory Circulars (ACs) for Airport Projects at  
[http://www.faa.gov/airports/resources/advisory\\_circulars](http://www.faa.gov/airports/resources/advisory_circulars) and  
[http://www.faa.gov/regulations\\_policies/advisory\\_circulars](http://www.faa.gov/regulations_policies/advisory_circulars)

**Application for Federal Assistance SF-424**

<b>*1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	<b>*2. Type of Application</b> * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision  *Other (Specify) _____
--	--

<b>*3. Date Received:</b> NA	<b>4. Applicant Identifier:</b> PSF (Pittsfield Municipal) Pittsfield, MA
---------------------------------	--

<b>*5b. Federal Entity Identifier:</b> 25-0041	<b>*5b. Federal Award Identifier:</b>
---	---------------------------------------

**State Use Only:**

<b>6. Date Received by State:</b>	<b>7. State Application Identifier:</b>
-----------------------------------	---

**8. APPLICANT INFORMATION:**

**\*a. Legal Name:** City of Pittsfield

<b>*b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 04-6002284	<b>*c. Organizational DUNS:</b> 08-406-9624
---	--

**d. Address:**

**\*Street 1:** 832 Tamarack Rd  
**Street 2:** \_\_\_\_\_  
**\*City:** PITTSFIELD  
**County/Parish:** \_\_\_\_\_  
**\*State:** MA  
**Province:** \_\_\_\_\_  
**\*Country:** USA: United States  
**\*Zip / Postal Code** 01201

**e. Organizational Unit:**

<b>Department Name:</b>	<b>Division Name:</b>
-------------------------	-----------------------

**f. Name and contact information of person to be contacted on matters involving this application:**

**Prefix:** \_\_\_\_\_ **\*First Name:** Thomas  
**Middle Name:** J  
**\*Last Name:** Sakshaug  
**Suffix:** DDS

**Title:** Chairman, Airport Commission

**Organizational Affiliation:**

**\*Telephone Number:** (413) 446-2807 **Fax Number:** 413-344-4536

**\*Email:** doctom1977@gmail.com

**Application for Federal Assistance SF-424**

**\*9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\*Other (Specify)

**\*10. Name of Federal Agency:**

**Federal Aviation Administration**

**11. Catalog of Federal Domestic Assistance Number:**

20.106 \_\_\_\_\_

CFDA Title:

Airport Improvement Program

**\*12. Funding Opportunity Number:**

NA \_\_\_\_\_

\*Title:

NA \_\_\_\_\_

**13. Competition Identification Number:**

NA \_\_\_\_\_

Title:

NA \_\_\_\_\_

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

**\*15. Descriptive Title of Applicant's Project:**

\$23,000 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

**Attach supporting documents as specified in agency instructions.**

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\*a. Applicant: 1                                      \*b. Program/Project: 1

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\*a. Start Date: NA                                      \*b. End Date: NA

**18. Estimated Funding (\$):**

*a. Federal	<u>                                </u>	\$23,000.
*b. Applicant	<u>                                </u>	\$0
*c. State	<u>                                </u>	\$0
*d. Local	<u>                                </u>	\$0
*e. Other	<u>                                </u>	\$0
*f. Program Income	<u>                                </u>	\$0
*g. TOTAL	<u>                                </u>	\$23,000.

**\*19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on \_\_\_\_\_.
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

**\*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)**

Yes                       No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:                                                       \*First Name: Thomas  
Middle Name: J  
\*Last Name: Sakshaug  
Suffix: DDS

\*Title: Chairman, Airport Commission

\*Telephone Number: (413) 446-2807

Fax Number: 413-344-4536

\* Email: doctom1977@gmail.com

\*Signature of Authorized Representative: *Thomas J Sakshaug, DDS*

\*Date Signed: 02/18/2021



# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

(413) 499-9321 • ltyer@cityofpittsfield.org

**Linda M. Tyer**  
Mayor

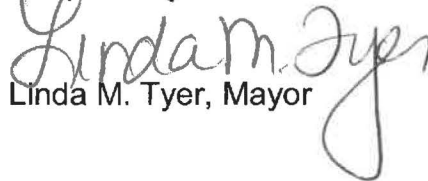
April 7, 2021

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 Order rescinding \$731,572.04 of authorized but yet unissued debt. The projects identified in this order are now complete and therefore the remaining authorized but unissued amounts are no longer needed.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure



## CITY OF PITTSFIELD

OFFICE OF DIRECTOR OF FINANCE AND ADMINISTRATION, CITY HALL, 70 ALLEN STREET, PITTSFIELD, MA 01201  
(413) 499-9466

March 30, 2021

Honorable Linda M. Tyer, Mayor  
City Of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Dear Mayor Tyer:

Submitted for your consideration is an Order rescinding \$731,572.04 of authorized but yet unissued debt. The projects identified in this order are now complete and therefore the remaining authorized but unissued amounts are no longer needed.

I respectfully request that you submit this order to the City Council for its review and approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew M. Kerwood", with a long horizontal line extending to the right.

Matthew M. Kerwood  
Finance Director

cc: Nicole Gai, Assistant Treasurer  
Allie Crespo, City Accountant



# City of Pittsfield

M A S S A C H U S E T T S

IN CITY COUNCIL

AN ORDER

No. \_\_\_\_\_

AN ORDER RESCINDING CERTAIN AUTHORIZED YET UNISSUED AMOUNTS TO BE BORROWED UNDER THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 44, OR ANY OTHER ENABLING AUTHORITY

**Ordered:**

That the following amounts authorized to be borrowed under the provisions of Massachusetts General Law Chapter 44, or any other enabling authority on the date indicated for the projects indicated are hereby rescinded and of no further force or effect:

Date Authorized	Amount Authorized	Purpose	Authorizing Statute	Amount to be Rescinded
6/29/2012	\$900,000.00	Cleveland Reservoir Repairs	Chapter 44 Sec 8(4A)	\$99,805.44
9/4/2013	\$230,000.00	West Street Tank & Water Main Improvements	Chapter 44 Sec 8(4)	\$97,472.23
7/16/2015	\$74,000.00	Onota Lake Weed Treatment	Chapter 44 Sec 7(25)	\$74,000.00
7/16/2015	\$550,000.00	Streetscape Phase 4	Chapter 44 Sec 7(22)	\$287,149.82
6/20/2017	\$1,800,000.00	Upper Sackett Dam Repairs	Chapter 44 Sec 8(4A)	\$98,611.80
6/14/2018	\$490,000.00	Radio Replacement (Police)	Chapter 44 Sec 7(1)	\$7,052.70
6/12/2019	\$120,000.00	1 Ton Hook Lift Truck	Chapter 44 Sec 7(1)	\$5,285.00
6/12/2019	\$157,500.00	1 Ton Utility Truck with plow	Chapter 44 Sec 7(1)	\$53,457.00
6/12/2019	\$42,500.00	1 Ton Van	Chapter 44 Sec 7(1)	\$903.05
6/12/2019	\$47,000.00	Inspection Vehicle (Fire)	Chapter 44 Sec 7(1)	\$66.00
6/12/2019	\$40,000.00	Technology/Software (Police)	Chapter 44 Sec 7(9)	\$153.00
6/12/2019	\$110,000.00	1 Ton Utility Truck with plow (Water)	Chapter 44 Sec 8(7A)	\$3,182.00
6/12/2019	\$55,000.00	1 Ton Utility Truck with plow (Sewer)	Chapter 44 Sec 8(7A)	\$4,434.00
			Total	\$731,572.04



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

**Linda M. Tyer**  
Mayor

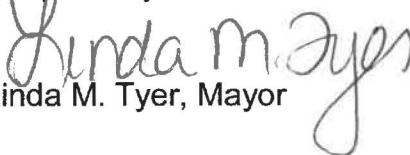
April 7, 2021

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 Order amending Order #84 of the series of 2020 to increase the amount authorized to be borrowed to pay for additional costs for the new western pressure zone water storage tank by \$1,650,000.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure

# City of Pittsfield

M A S S A C H U S E T T S

No. \_\_\_\_\_

IN CITY COUNCIL

## AN ORDER

AN ORDER AMENDING ORDER NO. 84 OF THE SERIES OF 2020 SO AS TO INCREASE THE AMOUNT AUTHORIZED TO BE BORROWED THEREUNDER TO PAY ADDITIONAL COSTS FOR THE WESTERN PRESSURE ZONE STORAGE TANK BY \$1,650,000.

### Ordered:

That Order No. 84 of the Series of 2020, is hereby amended to increase the amount authorized to be borrowed thereunder to pay costs of the new western pressure zone water storage tank by one million six hundred and fifty thousand (\$1,650,000), resulting in a total amount authorized to be borrowed for that project under that order of four million four hundred and forty four thousand (\$4,440,000).

### Further Ordered:

That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote or pursuant to any prior vote of the City, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

### And Further Ordered:

That in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the cost of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

No. 84

**City of Pittsfield**  
M A S S A C H U S E T T S  
IN CITY COUNCIL  
AN ORDER

**Ordered:**

**AN ORDER AUTHORIZING THE CITY TREASURER WITH THE APPROVAL OF THE MAYOR TO BORROW, UNDER THE PROVISIONS OF CHAPTER 44 OF THE GENERAL LAWS, OR ANY OTHER ENABLING AUTHORITY, \$2,750,000 TO PAY THE COSTS OF THE NEW WESTERN PRESSURE ZONE WATER STORAGE TANK, AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO**

That the sum of Two Million Seven Hundred and Fifty Thousand Dollars (\$2,750,000) be and hereby is appropriated to pay costs of the New Western Pressure Zone Water Storage Tank, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow this amount under and pursuant to Chapter 44, Sections 8(14) and 20 of the General Laws, or pursuant to any other enabling authority, and to issue bonds and notes of the City therefor. The amount authorized to be borrowed pursuant to this order shall be reduced to the extent of any grants received on account of this project by City.

**AND FURTHER ORDERED:**

That the City Treasurer is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this vote or pursuant to any prior vote of the City, and to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

**AND FURTHER ORDERED:**

That in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

IN CITY COUNCIL  
September 8, 2020  
Read and adopted: 8 Yeas, 2 Nays  
/s/ Peter Marchetti, City Council President  
/s/Michele M. Benjamin, City Clerk

MAYOR'S OFFICE  
Approved: September 10, 2020  
/s/ Linda M. Tyer, Mayor

A true copy Attest:

  
City Clerk



## **CITY OF PITTSFIELD**

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

April 7, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your consideration is an Order amending Order #84 of the series of 2020 to increase the amount authorized to be borrowed under the provisions of chapter 44 of the general laws, or any other enabling authority and for the payment of additional costs incidental and related to the new western pressure zone water storage tank by \$1,650,000.

The city requested bids under procurement law for the construction of the Western Pressure Zone Tank. The two resulting bids were received from the eligible tank contractors and were within 2% of each other. However, the lowest bid received was 22% higher than the estimated construction amount. Reasons for the increase amount are:

- Addition of an altitude valve vault at the existing Lebanon Ave Water Tank – this need was identified after the original appropriation and is required to ensure that both tanks can be filled. The altitude valve will close when one tank is filled which will then allow the second tank in the pressure zone to be filled. Approximately \$330,000.
- Addition of TTHM removal system to the new tank. Adding during the later stages of the final design of the new tank after a warning was issued by MassDEP for high disinfection byproducts in the Western Pressure Zone. Water age is a big contributor to TTHM formation so the addition of a mixing and TTHM removal system in the new tank will put the city in a better position to be compliant with the disinfection byproduct regulators. The City is also considering adding a mixing and TTHM removal system to the existing Lebanon Avenue Tank when that tank is taken offline for painting during 2022 (separate appropriation required). Approximately \$200,000.
- The design, permitting, and bidding fee was paid out of the original authorization when the intent was for it to be covered out of an older

Western Pressure Zone Tank appropriation (FY14) that was closed out.  
\$189,000

- Borings that were conducted as part of the design identified ledge along the pipeline route requested by the City. While the pipeline was relocated to reduce the pipeline length, excavation in ledge added to the cost of the project. \$65,000.
- The original appropriation was based on the Benedict Road Tank job which was escalated to current dollars. Based on the site survey and borings that were obtained as part of the final design, the new location requires additional excavation and grading work to accommodate the new tank. The site work component of the project, which includes the water main, accounted for approximately \$1,000,000 of the \$3,00,000 in work at the Tamarack Road Tank site. This was approximately \$170,000 more than originally anticipated. Additionally, the bidding climate for site work contractors factored into the higher site work prices. While the tank contractors received multiple bids from civil site work contractors, the prices were still much higher than anticipated.

Sincerely,



Ricardo Morales  
Commissioner  
Public Services & Utilities

Cc: Matt Kerwood, Treasurer



**CITY OF PITTSFIELD**

PURCHASING DEPARTMENT, CITY HALL, 70 ALLEN STREET, PITTSFIELD, MA 01201 PHONE: 413-499-9470 FAX: 413-448-9818

**IFB #21-033 Tamarack Road Water Tank**

**Estimated Cost: \$2,500,000.00**

Preload LLC

3,416,000.<sup>00</sup>

Acknowledged Add # 1+2  
DN Tanks

Bid Accepted  
3,350,150.<sup>00</sup>

Acknowledged Add # 1+2

Bid Accepted

THE UNDERSIGNED HEREBY ATTESTS THAT THIS BID WAS OPENED ON THIS DATE March 30, 2021, AT THIS TIME **2:00pm**, IN ACCORDANCE WITH THE PROVISIONS OF ALL APPLICABLE LAWS AND REGULATIONS.

Colleen Hunter-Mullett  
Cristina Dehamel



RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 MAR -3 PM 10: 53

## CITY OF PITTSFIELD

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

March 3, 2021

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

Re: Downtown Creative District

Dear Councilors:

The Community Development Board held its required public hearing for the proposed "Downtown Creative District" and related zoning amendments on March 2, 2021. Staff notified all property owners within the district of the proposal and invited them to attend the public hearing. Following the public hearing, the Board voted unanimously to recommend that the City Council approved the proposed amendment with multiple edits that appear in redline in the accompanying document.

Sincerely,

COMMUNITY DEVELOPMENT BOARD

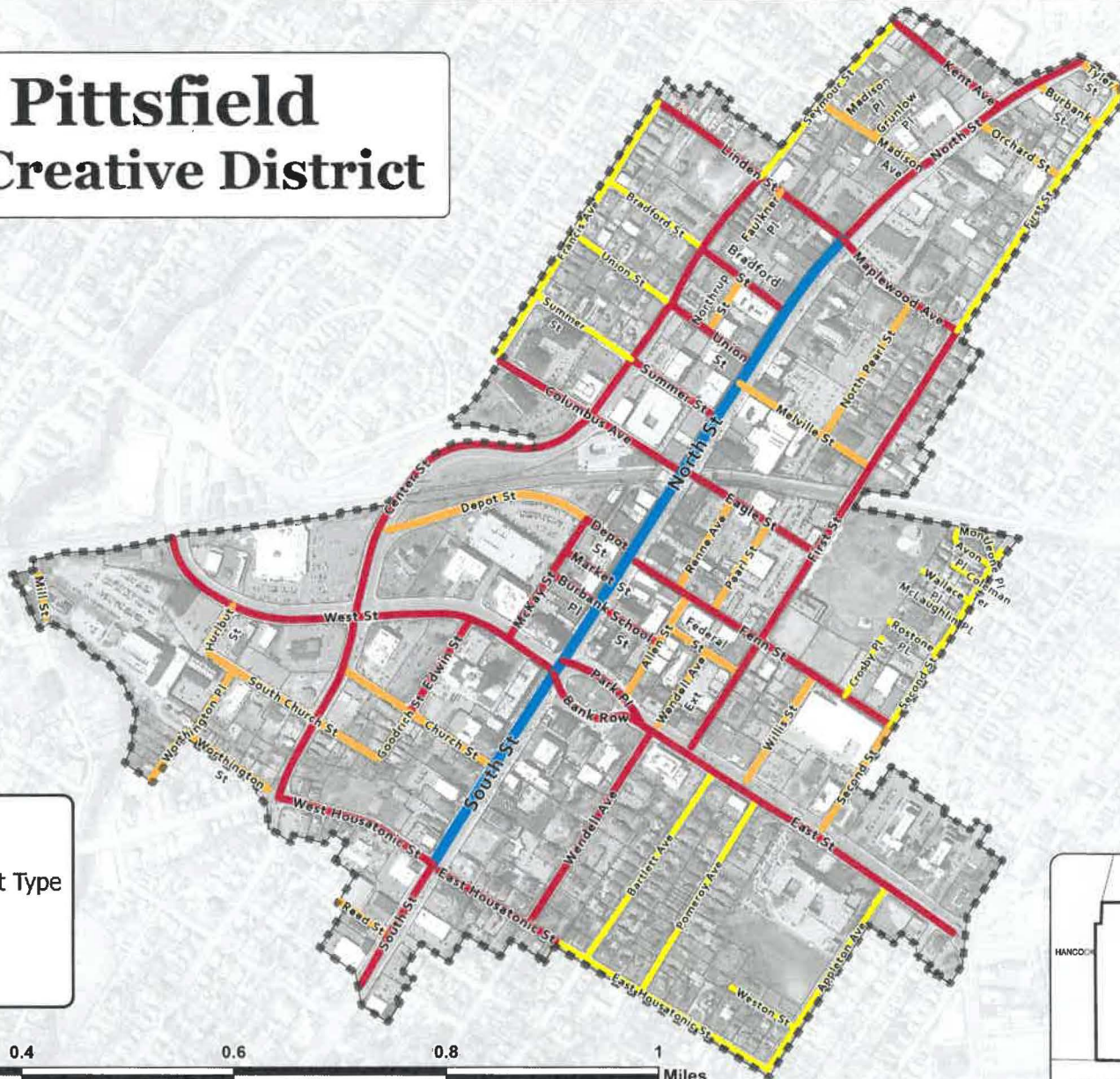
A handwritten signature in cursive script that reads "Sheila B. Irvin".

Sheila B. Irvin  
Chair

SI/ch

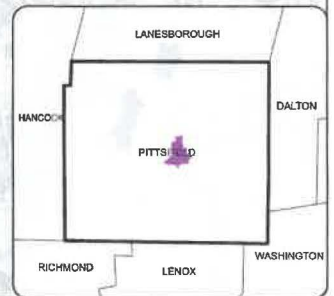


# City of Pittsfield Downtown Creative District



**Downtown Creative District**  
 Downtown Creative District Street Type

- Primary
- Secondary
- Transitional
- Residential



**AMENDING THE CODE OF THE CITY OF PITTSFIELD  
CHAPTER 23, ZONING**

**SECTION I**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the addition of the following definitions to be inserted in alphabetical order:

Accessory Dwelling Unit. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling or use. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a. Detached structures. Examples include converted garages or barns, or a portion thereof, or new construction.
- b. Attached structures. These units are typically accessory suites attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

Co-Working Space. A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.

Frontage Type. Frontage Types govern the building placement on the lot, the height, setbacks, façade elements, and placement of on-site parking.

Maker Space. A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper manufacturing. Maker Spaces may host classes or networking events which are open either to the public or to current and prospective members.

Parking Management Plan. A plan submitted with an Application for a building permit that indicates how parking will be provided to meet the requirements for the proposed use(s). Parking Management Plans may include either on site or off-site parking, bicycle racks, indoor bicycle storage, electric vehicle charging stations, spaces for shared vehicles, and coordinated curb cuts, access drives and shared parking with adjacent property owners.

Street Type. Street Types govern the land uses that are allowed by right on lots and/or in buildings whose principal façade fronts that street type. Buildings that have frontage on more than one street type are governed by a defined street hierarchy in each district.

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the removal of the definition of “Accessory Apartment”.

## **SECTION II**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-3, Section 3, shall be amended as follows:

- Section 3.102, reference to B-D Downtown Business shall be removed;
- Section 3.104, reference to D-A Downtown Arts Overlay shall be removed;
- Section 3.104, D-C Downtown Creative District shall be added;
- Section 3.209 B-D Downtown Business shall be removed;
- Section 3.216 D-A Downtown Arts Overlay District shall be removed in its entirety and replaced with “Section 3.216 D-C Downtown Creative District” and the following definition:
  - This district is established to modernize the City’s land use regulations in the downtown area by focusing on building form and placement. This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering business growth, while acknowledging arts-related development and the creative economy; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.

## **SECTION III**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, Table of Principal Permitted uses shall be amended as follows:

- Remove D-A column throughout the table.
- Remove Residential Development in the Downtown Arts Overlay District from the table.

## **SECTION IV**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, shall be amended as follows:

- Remove Section 4.320 Downtown Arts Overlay District (D-A) in its entirety.
- Add a new Section 4.324 Downtown Creative District, as follows:

### **Section 4.324 Downtown Creative District**

- A. **PURPOSE.** This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering arts-related development and activities by creating a core of arts, cultural, and residential activities; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.
- B. **DISTRICT DELINEATION AND APPLICATION.** The boundaries of the Downtown Creative District are as shown on the Downtown ~~Arts-Creative~~ District Zoning Map hereby adopted and attached to the Official Zoning Map on file in the Office of the Building Commissioner.
- C. **PERMITTED USES.** Permitted Uses are governed by Street Type and are shown in the Table below. Any uses not explicitly allowed are not permitted within this district,

with the exception of those that fall under Article 23-8, as noted in *E. Application Requirements* below. Where the uses of this section are in conflict with other sections of this Ordinance, the requirements of this section take precedence within this district.

Street Types	General Description
Primary Street	Active ground floor uses with highest transparency requirement; highest building height; no front yard setback unless for public spaces (outdoor eating, activated plaza, etc.).
Secondary Street	Principal cross streets: mix of ground floor uses but must be active on corner with Primary Street; building height may step down.
Transitional Street	Mix of setbacks depending on relationship to other streets; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; landscape and pedestrian-scaled lighting treatments required to separate public sidewalk from parking; heights step down from Secondary Streets.
Residential Street	Mix of setbacks depending on relationship to existing buildings; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; heights consistent with single-family/ two-family/three-family development.

On Primary, Secondary, and Transitional Streets, Arts and arts-related uses are allowed By Right (BR) on all floors. These include, but are not limited to:

- ~~a.~~ ~~Shops selling locally created arts and crafts~~
- ~~b.~~~~a.~~ Art centers (community educational arts-related activities)
- ~~e.~~~~b.~~ Art galleries
- ~~d.~~~~c.~~ Art schools and studios (including dance, photography, film-making, music, writing, painting, sculpturing, or printmaking)
- ~~Artist supply stores;~~
- ~~e.~~ ~~Artist housing~~
- ~~f.~~ ~~Artist and/or Creative Services Live/Work units~~
- ~~g.~~~~d.~~ Arts services, including set design and restoration of artworks
- ~~h.~~~~e.~~ Concert halls or other performing arts spaces
- ~~i.~~~~f.~~ Cabarets
- ~~j.~~~~a.~~ Creative Services
- ~~k.~~~~h.~~ Dinner theaters
- ~~l.~~ ~~Manufacturing and distribution of foods and beverages, including baking, cheese-making, brewing, distilling and wine-making~~
- ~~m.~~~~i.~~ Musician rehearsal space
- ~~n.~~~~j.~~ Museums
- ~~o.~~~~h.~~ Performing arts ticket offices or booking agencies
- ~~p.~~~~l.~~ Picture framing shops
- ~~q.~~~~m.~~ Record or musical instruments stores
- ~~r.~~~~h.~~ Restaurants, brewpubs, bars, nightclubs, or cocktail lounges
- ~~s.~~~~o.~~ Stage and screen theaters (excluding adult entertainment)
- ~~t.~~~~p.~~ Specialty Artistic Manufacturing establishments
- ~~u.~~~~q.~~ Television and radio broadcast studios

The remaining permitted uses are described in the table below:

	Primary	Secondary	Transitional	Residential
<b>Residence Uses</b>				
One-family	Not allowed	Not allowed	Not allowed	BR
Two-family	Not allowed	Not allowed	Not allowed	BR
Three-family	Not allowed	Not allowed	BR	BR
Multi-Family	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR – Ground Floor with Frontage on Secondary Street BR – Upper Floors with Frontage on Primary or Secondary Street
Garden Apartments	Not allowed	BR – Ground Floor, not on a Primary Street; Upper Floors		BR – Ground Floor with Frontage on Secondary Street
Accessory Dwelling Unit Attached	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR
Accessory Dwelling Unit Detached	Not allowed	Not allowed	BR	BR
Assisted Living Residences	BR – Upper Floors	BR	BR	BR
Artist housing or Artist live/work units	BR – Upper Floors	BR	BR	BR
Hotels	BR	BR	BR	Not allowed
Rooming Lodging House	Not allowed	BR	BR	BR
Bed-and-Breakfast	Not allowed	BR	BR	BR
<b>Institutional, Recreational, and Educational Uses</b>				
Charitable, Welfare or Health Centers or Institutions, or Day Care Services for Children	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR
Churches, Temples, or Other Places of Worship	BR	BR	BR	BR
Commercial Recreation (General)	BR	BR	BR	Not allowed
Community Centers – Senior Citizen and Other Neighborhood Centers	BR	BR	BR	BR
Fraternal, Social, Recreational, Youth, or Veterans Organizations Not Conducted for Profit	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		
Governmental Archives	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Hospital	Not allowed	SR	SR	SR
Libraries, Public or Private	BR	BR	BR	BR
Nursing Homes	BR – Upper Floors	BR	BR	BR
Parks and Playgrounds	BR	BR	BR	BR
<b>Schools</b>				
Educational Uses	BR	BR	BR	BR
<b>Office Uses</b>				

Banking, Governmental, Real Estate, or Insurance	BR – Upper Floors or Ground Floor not on principal façade	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Co-Working	BR	BR	BR	Not allowed
General Business, Medical, or Professional	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Research & Development, Laboratories, and Life Sciences	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
<b>Automotive Sales and Services Uses</b>				
Parking Garages and Structures	Not allowed	SR	SR	Not allowed
Parking Lots, Commercial	Not allowed	SR	SR	Not allowed
<b>Retail and Consumer Services Uses</b>				
Maker Space	BR	BR	BR	Not allowed
Marijuana Retail	SP (Section 7.850)	SP (Section 7.850)	SP )Section 7.850)	Not allowed
Retail Sales and Services	BR	BR	BR	BR – Ground Floor with Frontage on Primary or Secondary Street
Veterinary Hospital or Kennels	Not allowed	Not allowed	SP	Not allowed
<b>Utilities, Communication, and Transportation</b>				
Bus Terminals	SP	SP	SP	Not allowed
Rooftop Solar Energy Systems	SP	SP	SP	Per Section 9.207
Wireless Communication Infrastructure	Per Section 4.322	Per Section 4.322	Per Section 4.322	Per Section 4.322
<b>Industrial, Manufacturing, and Storage Uses</b>				
Marijuana Cultivation/ Manufacturing	Not allowed	SP Per (Section 7.853)	SP Per (Section 7.853)	Not allowed
Manufacturing, Food and Beverage	BR – Upper Floors or Ground Floor not on principal façade <u>unless use includes a sales component</u>	BR	BR	Not allowed
Manufacturing, General	BR – Upper Floors or Ground Floor not on principal façade	<del>Not allowed</del> BR	BR	Not allowed
Storage and Warehousing, Accessory to Manufacturing	BR – Upper Floors or Ground Floor not on principal façade	<del>BR– Ground Floor not on principal façade</del> Not-allowed	BR	Not allowed
Retail or food service Accessory to Manufacturing Uses	BR	BR	BR	Not allowed
Storage Warehouse and Yard	Not allowed	Not allowed	SP	Not allowed
<b>Governmental Uses and Services</b>				
Fire Station	BR	BR	BR	BR
Police Station	BR	BR	BR	BR

Other Principal Uses				
Crematoriums	Not allowed	BR	BR	Not allowed
Funeral Homes	Not allowed	BR	BR	BR

D. DEVELOPMENT AND REDEVELOPMENT STANDARDS.

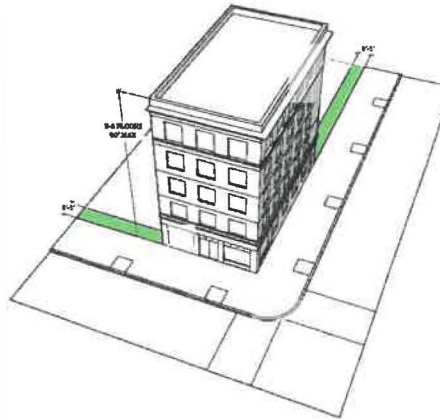
Certain Standards are governed by Frontage Type, as shown in the tables below. The Frontage Types are complementary to the Street Types.

Primary Frontage

Buildings with principal frontage on a **Primary Street** are required to have active ground floor uses; no residential units or offices are allowed on the ground floor. The buildings range from 3-6 stories in height and have no front yard setback unless the setback is used for public activities (outdoor eating, activated plaza, etc.).

Ground floor windows must meet the highest requirement for transparency to create an active relationship between storefront and sidewalk.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.



<b>Height</b>	
Minimum (stories)	3
Maximum (stories)	6
Maximum (feet)	90
<b>Setback</b>	
<b>Front Yard</b>	
Minimum (feet)	0
Maximum (feet)	5
<b>Side Yard</b>	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	0
<b>Rear Yard (feet)</b>	10
<b>Transparency</b>	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	75%

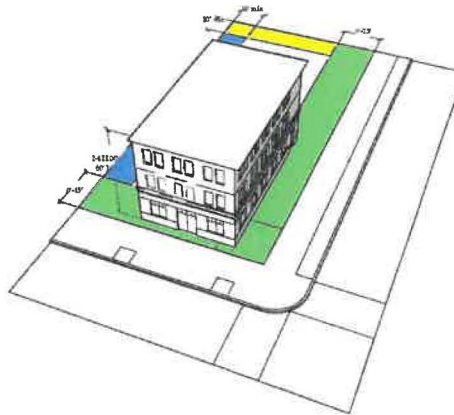
<b>Parking</b>	
<b>Location</b>	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

## Secondary Frontage

Buildings with principal frontage on a **Secondary Street** will have a mix of uses on the ground floor, but active ground floor uses are required on any corner with a Primary Street. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from two to four stories.

Transparency requirements for ground floor windows are less than those of a Primary Street.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.



Height	
Minimum (stories)	2
Maximum (stories)	4
Maximum (feet)	60
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	15
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	50%

Parking	
Location	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

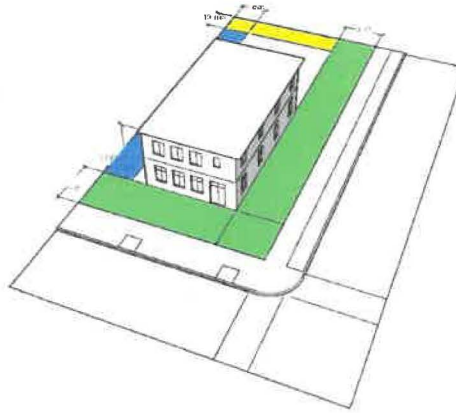


## Transitional Frontage

The setbacks for buildings with principal frontage on a Transitional Street will depend on the building's relationship to other streets. Active ground floor uses are required at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are less than those of a Secondary Street.

Parking is only prohibited from the front yard setback in front of a building. Larger parking areas visible from a public way require landscape and pedestrian-scaled lighting treatments to separate the public sidewalk from parking.



Height	
Minimum (stories)	2
Maximum (stories)	3
Maximum (feet)	45
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	15
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	
	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	40%

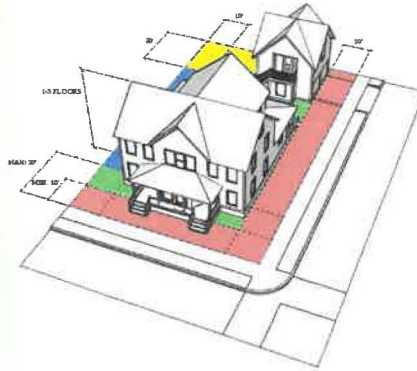
Parking	
Location	
In front of the primary façade	N
Front yard	BR if no building on site
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

## Residential Frontage

The setbacks for buildings with principal frontage on a Residential Street will vary depending on the existing neighborhood standards. Neighborhood retail and services uses are encouraged at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are consistent with those of a residential building.

Parking is prohibited from the front yard setback in front of a building. However, encroachments such as porches, stoops, bays, and window boxes are allowed within the front yard setback.



Height (including accessory structures)	
Minimum (stories)	1
Maximum (stories)	3
Maximum (feet)	35
Setback	
Front Yard	
Minimum (feet)	10
Maximum (feet)	20
Side Yard	
Minimum (feet)	10
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	20
Between Buildings on same lot (feet)	10
Encroachments: Porches, stoops, awning allowed within front setback	
Transparency	
Consistent with standards for single-family, two-family, or three-family.	

Additional Parking Requirements	
Location	
In front of the primary façade	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

Additional standards are as follows:

1. Uses and dimensional standards along corner lots are governed as follows:
  - a. For corner lots on Primary and Secondary Streets, the Primary Frontage governs for 80'-100' feet along the Secondary Street.
  - b. For corner lots on Secondary and Transitional Streets, the Secondary Frontage governs for 80'-100' feet along the Transitional Street.
  - c. For corner lots on Residential Streets and any other Street Type, the non-Residential Frontage governs for 80'-100' feet along the Residential Street.
2. The minimum required building height, lot area, lot coverage percent, and yard requirements for multifamily development as cited in Section 7.715 of this Ordinance do not apply.
3. Off-street parking, as required by Section 10.1 of this Ordinance or as otherwise provided for in this section, may be provided through one or a combination of the following means:
  - a. On site, but not located between the street and the principal façade of the building;
  - b. Off site, with a Parking Management Plan approved by the Director of the

Department of Community Development or his or her designee. Parking management plans shall include one or more of the following components: shared parking and shared curb cuts among adjacent owners; bicycle racks close to building entries and/or indoor bicycle storage; electric vehicle charging stations; and/or spaces for shared vehicle services.

4. No parking is required for the adaptive reuse of buildings listed or eligible for listing on the National or State Register of Historic Places.
5. No parking is required for ground floor uses on a Principal or Secondary Street.
6. All parking areas (except for driveways on Residential Street designations) must have a buffer between the parking and the public right-of-way and between the parking and any adjacent residential use.
  - a. A buffer with a fence of no more than three (3) feet high and planted with small native or non-native, non-invasive shrubs or perennials must be no less than five (5) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings. The fence may not be of wire and must not be a solid fence.
  - b. A buffer with native or non-native, non-invasive trees, shrubs and perennials must be no less than ten (10) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings.
  - c. Plants that are defined as invasive or likely invasive by the Massachusetts Invasive Plant Advisory Group are not permitted.
7. Building and site lighting will be shielded so as to prevent light from being directed upward, overspill onto adjacent properties or the public right-of-way, and glare visible from nearby properties or the public right-of-way. A light fixture with a 90-degree cut-off is preferred.
8. Pedestrian and vehicular Access Ways to the site and building(s) on the site must be designed for public safety, convenience, and so as to not cause congestion within and about the site. Access ways shall have adequate construction and be approved by the Commissioner of Public Services.
9. Residential development is required to provide one (1) space per dwelling unit in accordance with the above referenced means for providing access to parking.
10. Drive up or drive-through windows are prohibited in this district, except for buildings with principal frontage on a Secondary Street that contain a banking use, which buildings may be permitted to have a drive-up or drive-through window or windows in accordance with Section 7.841 of the Zoning Ordinance. Existing drive-through services will operate per the requirements of Section 8 of the Zoning Ordinance.
11. Residential development of five (5) units or more, including phased developments, shall provide no less than twenty (20) percent of the total number of dwelling units (up to the maximum allowed as of right) as Affordable Units, with the remaining units being market rate. Where the application of that formula results in a fractional dwelling unit, a fraction of one half (1/2) of a dwelling unit or more shall be considered as one (1) Affordable Unit. Affordable Units shall be distributed evenly throughout the site and be indistinguishable for market rate units. The Affordable Units shall remain thus for a period of thirty (30) years from the date of issuance of the certificate of occupancy for the unit(s), regardless of any modifications or sale of said units.
  - a. A waiver from this provision requires a Special Permit from the Community Development Board. In granting such approval, the Community Development Board must find that the property owner has demonstrated that providing the Affordable Units as required would create a significant hardship. To have such a request considered, the burden of proof shall be on

the Applicant, who must make full disclosure to the Community Development Board of all relevant information.

- b. The Community Development Board reserves the right to require reasonable contributions to an affordable housing trust in exchange for the waiver of affordable units.
12. The Community Development Board shall adopt Design Guidelines that correspond to development with the Downtown Creative District. These Design Guidelines shall help guide new development and redevelopment with best practices consistent with the character of the downtown area.
13. Where the requirements of this section are in conflict other sections of this Ordinance, the requirements of this section take precedence within this district.

#### E. APPLICATION REQUIREMENTS.

1. All projects within this district are subject to site plan review by the Director of the Department of Community Development or his or her designee. Applicants shall submit applications for building permits in accordance with Section 12.201 of this Ordinance. Applicants found not to be consistent with the parameters of this ordinance or the Community Development Board Design Guidelines may be required to seek approval through a Site Plan Review application through the Community Development Board.
2. Applicants that request a waiver from one or more provisions of this Section shall require a Special Permit from the Community Development Board, in accordance with Section 13.2 of this Ordinance. Applicants may request a waiver from the dimensional standards shown in the Frontage Types and/or where the use is allowed within the building. Applicants must show good cause for such waiver and that the granting of one or more waivers is consistent with the purpose of this District, the intent of the Street Type and Frontage Type, and does not pose a detriment to the public good.
3. Non-conformities as defined under Article 23-8 must follow the requirements of Sections 8.3 through 8.4 with the exception that the Special Permit Granting Authority under Sections 8.3 and 8.4 in relation to buildings, uses or property within this district is the Community Development Board.

#### **SECTION V**

That the Official Zoning Map, in accordance with the provisions of Chapter 23, Article 23-3 Zoning Districts, Section 3.302, "Amendment, Official Map," shall be amended by removing the Downtown Arts Overlay District and B-D Downtown Business District in their entirety, as well as the balance of the underlying zoning districts that encompass the area within the boundary of the Downtown Creative District: Street Types map.

The Official Zoning map shall be further amended by creating the Downtown Creative District, governed by a Primary, Secondary, Transitional, and Residential frontage street type, as signified on the enclosed maps.

#### **SECTION VI**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Section 7, shall be amended as follows:

- Remove Section 7.831 (Residential Development in the Downtown Arts Overlay District) in its entirety.

#### **SECTION VII**

This Ordinance shall take effect upon its enactment.



**CITY OF PITTSFIELD**

OFFICE OF DIRECTOR OF FINANCE AND ADMINISTRATION, CITY HALL, 70 ALLEN STREET, ROOM 107, PITTSFIELD, MA 01201 413-499-9466

March 11, 2021

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

Dear Councilors,


This letter is in response to Councilor Maffuccio's petition that was referred to me and Assistant Superintendent Behnke asking for an independent audit of the city's finances.


As you aware, the city's finances are independently audited on an annual basis which is provided to you. In addition, our auditor Thomas Scanlon provides a report of the audit findings at the annual joint meeting of the City Council and School Committee.

However in reading this petition it would appear that Council Maffuccio is seeking what could be called an operational study of the city's departments in an effort to identify opportunities for consolidation and possible cost savings. While such studies are possible in speaking with colleagues about this there is consensus that for a community our size this would be a massive undertaking that could cost in excess of \$150,000 to complete. In addition, it is important to point out that such a review could identify areas where the city is not providing enough resources in order to properly maintain a level of service the best meets the needs and desires of residents.

As you are aware we will soon begin discussions regarding the fiscal year 2022 budget. We believe that is an opportunity to best discuss the items identified in Councilor Maffuccio's petition and we welcome a robust conversation about how to best allocate the city's resources.

Sincerely,

  
Matthew M. Kerwood  
Finance Director

  
Kristen Behnke  
Assistant Superintendent for  
Business and Finance



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 FEB 17 PM 12:08

February 17 21  
\_\_\_\_\_ 20 \_\_\_\_\_

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted for your consideration is a petition asking that the City Council request and independent Audit into the Finances of every Municipal Department and Administration Office by line item, Inventory of excess buildings and rental space the City occupies, as you know every business at some point does an evaluates of were cost savings measures, consolidation could be made and or reorganization of the City's Finances be done apart from the regular yearly Audit. That a Full Audit should be done including excessive personnel that we may have to buying product collectively to see all cost saving measures that can be acquired . This audit should include the City Budget as a whole including the School Department its administrative Offices to School Buildings Collectively.

Respectfully Submitted,

Councilor Anthony V. Maffuccio



The Commonwealth of Massachusetts

BERKSHIRE DISTRICT ATTORNEY



ANDREA HARRINGTON  
DISTRICT ATTORNEY

7 North Street  
Pittsfield, MA 01201  
(413) 443-5951 FAX (413) 499-6349

March 16, 2021

Pittsfield City Councilors  
c/o Ms. Michele Benjamin, City Clerk  
70 Allen Street  
Pittsfield, MA 01201

Dear Pittsfield City Councilors,

In December 2020, the Pittsfield City Council requested my Office's assistance with ongoing concerns surrounding the health and safety of the City's unhoused residents. I appreciate your attention to the needs and dignity of all members of our community. As you are aware, due to the confluence of many key factors, the unhoused are at a particular risk of victimization as well as involvement in the criminal justice system. I am writing to inform you as to my Office's actions regarding your petition.

I have assembled a working group within my Office that is designed to address the needs of Berkshire County's unhoused population as they relate to the work of this Office. This group is working to build trust with ServiceNet staff and foster communication. Improving this relationship is critical in empowering victims through safety planning and awareness of their rights, facilitating the reporting of crime, and improving access to strategies to create a trauma-informed and safe environment.

In addition, this working group has identified a victim witness advocate and an assistant district attorney who will be responsive to the needs of the unhoused residents and have been designated as the team that will be assigned to cases involving the unhoused. This victim witness advocate and a similarly devoted officer of the Pittsfield Police Department will be visiting the warming center in the near future to continue to develop the relationship between ServiceNet, the population they serve, and the criminal justice system.

Further, my Office has identified key resources that I believe will be beneficial to residents. Contacts for these resources have been compiled onto a poster and have been provided to ServiceNet along with other materials designed to facilitate access to critical services.

I believe that these steps are the beginning to creating an environment that feels safe and empowering to some of the most vulnerable people in our community and helps them feel comfortable reporting crimes and seeking the assistance they may need. It is my hope that continuing to foster a relationship of trust with ServiceNet will enhance the safety of the unhoused.

I look forward to continuing this important work and I am grateful for your attention to this issue.

Sincerely,

Andrea Harrington  
District Attorney

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 MAR 22 AM 11:34



# City of Pittsfield

December 2, 20 20

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submit is a petition asking that the City of Pittsfield, the Public Health and Safety Sub Committee and the District Attorneys office looking into the practices of entrance and health and safety of the homeless shelter practice's being ran by ServiceNet and the abuse and human rights violations happening within the shelter atmosphere.

Respectfully Submitted  
Councilor Anthony V. Maffuccio





# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -6 AM 8:48

April 5, 2021

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To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules

to whom was referred the recommendation from the Community Development Board for the proposed "Downtown Creative District" and related zoning amendments

having considered the same, report and recommend that it be approved. (5/0)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas Caccamo".

Councilor Nicholas Caccamo,

Chairman



RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 MAR -3 PM 10: 53

## CITY OF PITTSFIELD

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

March 3, 2021

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

Re: Downtown Creative District

Dear Councilors:

The Community Development Board held its required public hearing for the proposed "Downtown Creative District" and related zoning amendments on March 2, 2021. Staff notified all property owners within the district of the proposal and invited them to attend the public hearing. Following the public hearing, the Board voted unanimously to recommend that the City Council approved the proposed amendment with multiple edits that appear in redline in the accompanying document.

Sincerely,

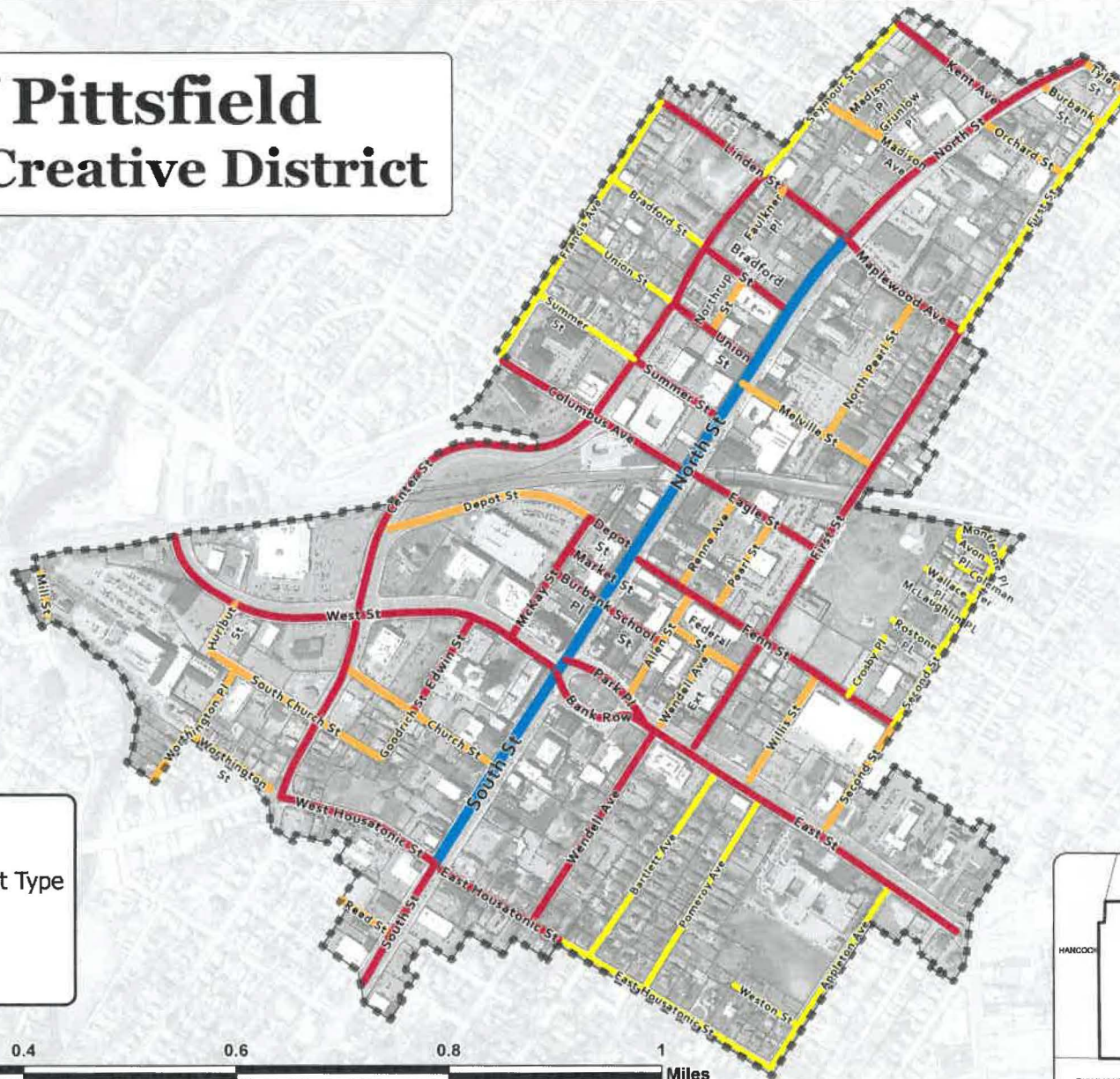
COMMUNITY DEVELOPMENT BOARD

A handwritten signature in cursive script that reads "Sheila B. Irvin".

Sheila B. Irvin  
Chair

SI/ch

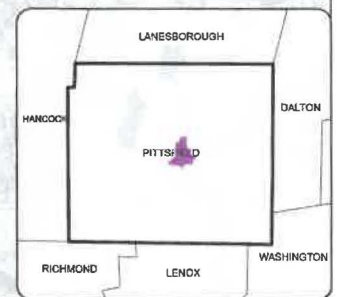
# City of Pittsfield Downtown Creative District



Downtown Creative District

Downtown Creative District Street Type

- █ Primary
- █ Secondary
- █ Transitional
- █ Residential



**AMENDING THE CODE OF THE CITY OF PITTSFIELD  
CHAPTER 23, ZONING**

**SECTION I**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the addition of the following definitions to be inserted in alphabetical order:

Accessory Dwelling Unit. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling or use. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a. Detached structures. Examples include converted garages or barns, or a portion thereof, or new construction.
- b. Attached structures. These units are typically accessory suites attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

Co-Working Space. A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.

Frontage Type. Frontage Types govern the building placement on the lot, the height, setbacks, façade elements, and placement of on-site parking.

Maker Space. A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper manufacturing. Maker Spaces may host classes or networking events which are open either to the public or to current and prospective members.

Parking Management Plan. A plan submitted with an Application for a building permit that indicates how parking will be provided to meet the requirements for the proposed use(s). Parking Management Plans may include either on-site or off-site parking, bicycle racks, indoor bicycle storage, electric vehicle charging stations, spaces for shared vehicles, and coordinated curb cuts, access drives and shared parking with adjacent property owners.

Street Type. Street Types govern the land uses that are allowed by right on lots and/or in buildings whose principal façade fronts that street type. Buildings that have frontage on more than one street type are governed by a defined street hierarchy in each district.

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the removal of the definition of “Accessory Apartment”.

## **SECTION II**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-3, Section 3, shall be amended as follows:

- Section 3.102, reference to B-D Downtown Business shall be removed;
- Section 3.104, reference to D-A Downtown Arts Overlay shall be removed;
- Section 3.104, D-C Downtown Creative District shall be added;
- Section 3.209 B-D Downtown Business shall be removed;
- Section 3.216 D-A Downtown Arts Overlay District shall be removed in its entirety and replaced with “Section 3.216 D-C Downtown Creative District” and the following definition:
  - This district is established to modernize the City’s land use regulations in the downtown area by focusing on building form and placement. This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering business growth, while acknowledging arts-related development and the creative economy; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.

## **SECTION III**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, Table of Principal Permitted uses shall be amended as follows:

- Remove D-A column throughout the table.
- Remove Residential Development in the Downtown Arts Overlay District from the table.

## **SECTION IV**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, shall be amended as follows:

- Remove Section 4.320 Downtown Arts Overlay District (D-A) in its entirety.
- Add a new Section 4.324 Downtown Creative District, as follows:

### **Section 4.324 Downtown Creative District**

- A. PURPOSE. This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering arts-related development and activities by creating a core of arts, cultural, and residential activities; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.
- B. DISTRICT DELINEATION AND APPLICATION. The boundaries of the Downtown Creative District are as shown on the Downtown ~~Arts-Creative~~ District Zoning Map hereby adopted and attached to the Official Zoning Map on file in the Office of the Building Commissioner.
- C. PERMITTED USES. Permitted Uses are governed by Street Type and are shown in the Table below. Any uses not explicitly allowed are not permitted within this district,

with the exception of those that fall under Article 23-8, as noted in *E. Application Requirements* below. Where the uses of this section are in conflict with other sections of this Ordinance, the requirements of this section take precedence within this district.

Street Types	General Description
Primary Street	Active ground floor uses with highest transparency requirement; highest building height; no front yard setback unless for public spaces (outdoor eating, activated plaza, etc.).
Secondary Street	Principal cross streets: mix of ground floor uses but must be active on corner with Primary Street; building height may step down.
Transitional Street	Mix of setbacks depending on relationship to other streets; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; landscape and pedestrian-scaled lighting treatments required to separate public sidewalk from parking; heights step down from Secondary Streets.
Residential Street	Mix of setbacks depending on relationship to existing buildings; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; heights consistent with single-family/ two-family/three-family development.

On Primary, Secondary, and Transitional Streets, Arts and arts-related uses are allowed By Right (BR) on all floors. These include, but are not limited to:

- ~~a. Shops selling locally created arts and crafts~~
- ~~t-a~~ Art centers (community educational arts-related activities)
- ~~e-b~~ Art galleries
- ~~d-c~~ Art schools and studios (including dance, photography, film-making, music, writing, painting, sculpturing, or printmaking)
- ~~Artist supply stores;~~
- ~~e. Artist housing~~
- ~~f. Artist and/or Creative Services Live/Work units~~
- ~~g-d~~ Arts services, including set design and restoration of artworks
- ~~h-e~~ Concert halls or other performing arts spaces
- ~~i-f~~ Cabarets
- ~~j-g~~ Creative Services
- ~~k-l~~ Dinner theaters
- ~~i. Manufacturing and distribution of foods and beverages, including baking, cheese-making, brewing, distilling and wine-making~~
- ~~m-j~~ Musician rehearsal space
- ~~n-j~~ Museums
- ~~e-k~~ Performing arts ticket offices or booking agencies
- ~~p-l~~ Picture framing shops
- ~~q-m~~ Record or musical instruments stores
- ~~r-n~~ Restaurants, brewpubs, bars, nightclubs, or cocktail lounges
- ~~s-o~~ Stage and screen theaters (excluding adult entertainment)
- ~~t-p~~ Specialty Artistic Manufacturing establishments
- ~~u-q~~ Television and radio broadcast studios

The remaining permitted uses are described in the table below:

	Primary	Secondary	Transitional	Residential
<b>Residence Uses</b>				
One-family	Not allowed	Not allowed	Not allowed	BR
Two-family	Not allowed	Not allowed	Not allowed	BR
Three-family	Not allowed	Not allowed	BR	BR
Multi-Family	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR – Ground Floor with Frontage on Secondary Street BR – Upper Floors with Frontage on Primary or Secondary Street
Garden Apartments	Not allowed	BR – Ground Floor, not on a Primary Street; Upper Floors		BR – Ground Floor with Frontage on Secondary Street
Accessory Dwelling Unit Attached	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR
Accessory Dwelling Unit Detached	Not allowed	Not allowed	BR	BR
Assisted Living Residences	BR – Upper Floors	BR	BR	BR
Artist housing or Artist live/work units	BR – Upper Floors	BR	BR	BR
Hotels	BR	BR	BR	Not allowed
Rooming Lodging House	Not allowed	BR	BR	BR
Bed-and-Breakfast	Not allowed	BR	BR	BR
<b>Institutional, Recreational, and Educational Uses</b>				
Charitable, Welfare or Health Centers or Institutions, or Day Care Services for Children	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR
Churches, Temples, or Other Places of Worship	BR	BR	BR	BR
Commercial Recreation (General)	BR	BR	BR	Not allowed
Community Centers – Senior Citizen and Other Neighborhood Centers	BR	BR	BR	BR
Fraternal, Social, Recreational, Youth, or Veterans Organizations Not Conducted for Profit	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		
Governmental Archives	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Hospital	Not allowed	SR	SR	SR
Libraries, Public or Private	BR	BR	BR	BR
Nursing Homes	BR – Upper Floors	BR	BR	BR
Parks and Playgrounds	BR	BR	BR	BR
<b>Schools</b>				
Educational Uses	BR	BR	BR	BR
<b>Office Uses</b>				

Banking, Governmental, Real Estate, or Insurance	BR – Upper Floors or Ground Floor not on principal façade	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Co-Working	BR	BR	BR	Not allowed
General Business, Medical, or Professional	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
Research & Development, Laboratories, and Life Sciences	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		Not allowed
<b>Automotive Sales and Services Uses</b>				
Parking Garages and Structures	Not allowed	SR	SR	Not allowed
Parking Lots, Commercial	Not allowed	SR	SR	Not allowed
<b>Retail and Consumer Services Uses</b>				
Maker Space	BR	BR	BR	Not allowed
Marijuana Retail	SP (Section 7.850)	SP (Section 7.850)	SP )Section 7.850)	Not allowed
Retail Sales and Services	BR	BR	BR	BR – Ground Floor with Frontage on Primary or Secondary Street
Veterinary Hospital or Kennels	Not allowed	Not allowed	SP	Not allowed
<b>Utilities, Communication, and Transportation</b>				
Bus Terminals	SP	SP	SP	Not allowed
Rooftop Solar Energy Systems	SP	SP	SP	Per Section 9.207
Wireless Communication Infrastructure	Per Section 4.322	Per Section 4.322	Per Section 4.322	Per Section 4.322
<b>Industrial, Manufacturing, and Storage Uses</b>				
Marijuana Cultivation/ Manufacturing	Not allowed	SP Per (Section 7.853)	SP Per (Section 7.853)	Not allowed
Manufacturing, Food and Beverage	BR – Upper Floors or Ground Floor not on principal façade unless use includes a sales component	BR	BR	Not allowed
Manufacturing, General	BR – Upper Floors or Ground Floor not on principal façade	<del>Not allowed</del> BR	BR	Not allowed
Storage and Warehousing, Accessory to Manufacturing	BR – Upper Floors or Ground Floor not on principal façade	<del>BR– Ground Floor not on principal façade</del> Not allowed	BR	Not allowed
Retail or food service Accessory to Manufacturing Uses	BR	BR	BR	Not allowed
Storage Warehouse and Yard	Not allowed	Not allowed	SP	Not allowed
<b>Governmental Uses and Services</b>				
Fire Station	BR	BR	BR	BR
Police Station	BR	BR	BR	BR



Other Principal Uses				
Crematoriums	Not allowed	BR	BR	Not allowed
Funeral Homes	Not allowed	BR	BR	BR

#### D. DEVELOPMENT AND REDEVELOPMENT STANDARDS.

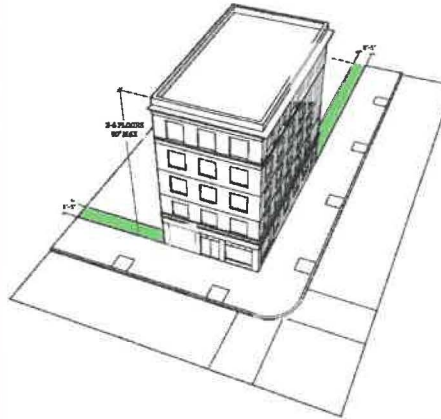
Certain Standards are governed by Frontage Type, as shown in the tables below. The Frontage Types are complementary to the Street Types.

#### Primary Frontage

Buildings with principal frontage on a **Primary Street** are required to have active ground floor uses; no residential units or offices are allowed on the ground floor. The buildings range from 3-6 stories in height and have no front yard setback unless the setback is used for public activities (outdoor eating, activated plaza, etc.).

Ground floor windows must meet the highest requirement for transparency to create an active relationship between storefront and sidewalk.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.



Height	
Minimum (stories)	3
Maximum (stories)	6
Maximum (feet)	90
Setback	
<b>Front Yard</b>	
Minimum (feet)	0
Maximum (feet)	5
<b>Side Yard</b>	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	0
Rear Yard (feet)	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	75%

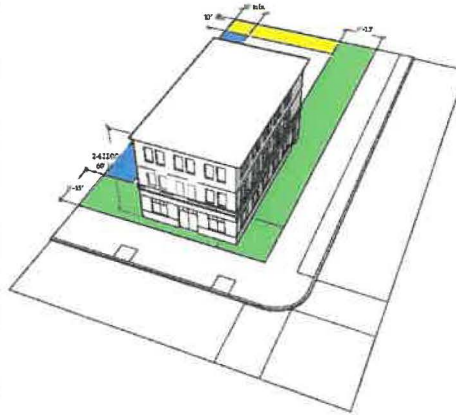
Parking	
Location	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

## Secondary Frontage

Buildings with principal frontage on a **Secondary Street** will have a mix of uses on the ground floor, but active ground floor uses are required on any corner with a Primary Street. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from two to four stories.

Transparency requirements for ground floor windows are less than those of a Primary Street.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.



Height	
Minimum (stories)	2
Maximum (stories)	4
Maximum (feet)	60
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	15
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	50%

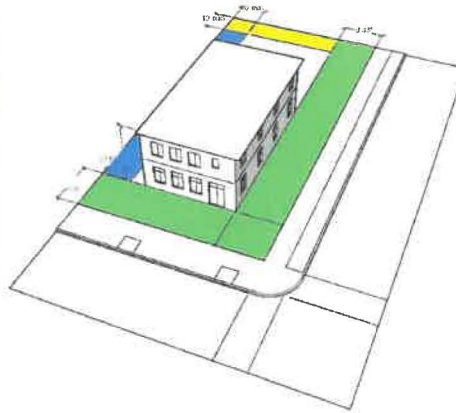
Parking	
Location	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

## Transitional Frontage

The setbacks for buildings with principal frontage on a Transitional Street will depend on the building's relationship to other streets. Active ground floor uses are required at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are less than those of a Secondary Street

Parking is only prohibited from the front yard setback in front of a building. Larger parking areas visible from a public way require landscape and pedestrian-scaled lighting treatments to separate the public sidewalk from parking.



Height	
Minimum (stories)	2
Maximum (stories)	3
Maximum (feet)	45
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	15
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	
	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	40%

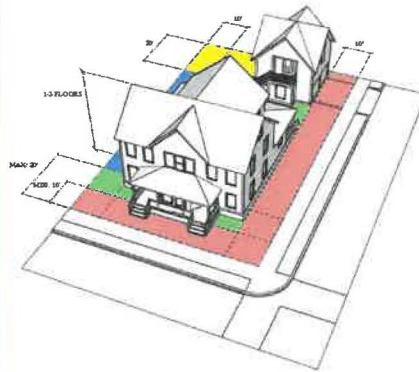
Parking	
Location	
In front of the primary façade	N
Front yard	BR if no building on site
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

## Residential Frontage

The setbacks for buildings with principal frontage on a Residential Street will vary depending on the existing neighborhood standards. Neighborhood retail and services uses are encouraged at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are consistent with those of a residential building.

Parking is prohibited from the front yard setback in front of a building. However, encroachments such as porches, stoops, bays, and window boxes are allowed within the front yard setback.



<b>Height (including accessory structures)</b>	
Minimum (stories)	1
Maximum (stories)	3
Maximum (feet)	35
<b>Setback</b>	
<b>Front Yard</b>	
Minimum (feet)	10
Maximum (feet)	20
<b>Side Yard</b>	
Minimum (feet)	10
Minimum from adjacent residential lot (feet)	10
<b>Rear Yard (feet)</b>	20
<b>Between Buildings on same lot (feet)</b>	10
<b>Encroachments:</b> Porches, stoops, awning allowed within front setback	
<b>Transparency</b>	
Consistent with standards for single-family, two-family, or three-family.	

<b>Additional Parking Requirements</b>	
<b>Location</b>	
In front of the primary façade	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

Additional standards are as follows:

1. Uses and dimensional standards along corner lots are governed as follows:
  - a. For corner lots on Primary and Secondary Streets, the Primary Frontage governs for 80'-100' feet along the Secondary Street.
  - b. For corner lots on Secondary and Transitional Streets, the Secondary Frontage governs for 80'-100' feet along the Transitional Street.
  - c. For corner lots on Residential Streets and any other Street Type, the non-Residential Frontage governs for 80'-100' feet along the Residential Street.
2. The minimum required building height, lot area, lot coverage percent, and yard requirements for multifamily development as cited in Section 7.715 of this Ordinance do not apply.
3. Off-street parking, as required by Section 10.1 of this Ordinance or as otherwise provided for in this section, may be provided through one or a combination of the following means:
  - a. On site, but not located between the street and the principal façade of the building;
  - b. Off site, with a Parking Management Plan approved by the Director of the

Department of Community Development or his or her designee. Parking management plans shall include one or more of the following components: shared parking and shared curb cuts among adjacent owners; bicycle racks close to building entries and/or indoor bicycle storage; electric vehicle charging stations; and/or spaces for shared vehicle services.

4. No parking is required for the adaptive reuse of buildings listed or eligible for listing on the National or State Register of Historic Places.
5. No parking is required for ground floor uses on a Principal or Secondary Street.
6. All parking areas (except for driveways on Residential Street designations) must have a buffer between the parking and the public right-of-way and between the parking and any adjacent residential use.
  - a. A buffer with a fence of no more than three (3) feet high and planted with small native or non-native, non-invasive shrubs or perennials must be no less than five (5) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings. The fence may not be of wire and must not be a solid fence.
  - b. A buffer with native or non-native, non-invasive trees, shrubs and perennials must be no less than ten (10) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings.
  - c. Plants that are defined as invasive or likely invasive by the Massachusetts Invasive Plant Advisory Group are not permitted.
7. Building and site lighting will be shielded so as to prevent light from being directed upward, overspill onto adjacent properties or the public right-of-way, and glare visible from nearby properties or the public right-of-way. A light fixture with a 90-degree cut-off is preferred.
8. Pedestrian and vehicular Access Ways to the site and building(s) on the site must be designed for public safety, convenience, and so as to not cause congestion within and about the site. Access ways shall have adequate construction and be approved by the Commissioner of Public Services.
9. Residential development is required to provide one (1) space per dwelling unit in accordance with the above referenced means for providing access to parking.
10. Drive up or drive-through windows are prohibited in this district, except for buildings with principal frontage on a Secondary Street that contain a banking use, which buildings may be permitted to have a drive-up or drive-through window or windows in accordance with Section 7.841 of the Zoning Ordinance. Existing drive-through services will operate per the requirements of Section 8 of the Zoning Ordinance.
11. Residential development of five (5) units or more, including phased developments, shall provide no less than twenty (20) percent of the total number of dwelling units (up to the maximum allowed as of right) as Affordable Units, with the remaining units being market rate. Where the application of that formula results in a fractional dwelling unit, a fraction of one half (1/2) of a dwelling unit or more shall be considered as one (1) Affordable Unit. Affordable Units shall be distributed evenly throughout the site and be indistinguishable for market rate units. The Affordable Units shall remain thus for a period of thirty (30) years from the date of issuance of the certificate of occupancy for the unit(s), regardless of any modifications or sale of said units.
  - a. A waiver from this provision requires a Special Permit from the Community Development Board. In granting such approval, the Community Development Board must find that the property owner has demonstrated that providing the Affordable Units as required would create a significant hardship. To have such a request considered, the burden of proof shall be on

the Applicant, who must make full disclosure to the Community Development Board of all relevant information.

- b. The Community Development Board reserves the right to require reasonable contributions to an affordable housing trust in exchange for the waiver of affordable units.
12. The Community Development Board shall adopt Design Guidelines that correspond to development with the Downtown Creative District. These Design Guidelines shall help guide new development and redevelopment with best practices consistent with the character of the downtown area.
13. Where the requirements of this section are in conflict other sections of this Ordinance, the requirements of this section take precedence within this district.

#### E. APPLICATION REQUIREMENTS.

1. All projects within this district are subject to site plan review by the Director of the Department of Community Development or his or her designee. Applicants shall submit applications for building permits in accordance with Section 12.201 of this Ordinance. Applicants found not to be consistent with the parameters of this ordinance or the Community Development Board Design Guidelines may be required to seek approval through a Site Plan Review application through the Community Development Board.
2. Applicants that request a waiver from one or more provisions of this Section shall require a Special Permit from the Community Development Board, in accordance with Section 13.2 of this Ordinance. Applicants may request a waiver from the dimensional standards shown in the Frontage Types and/or where the use is allowed within the building. Applicants must show good cause for such waiver and that the granting of one or more waivers is consistent with the purpose of this District, the intent of the Street Type and Frontage Type, and does not pose a detriment to the public good.
3. Non-conformities as defined under Article 23-8 must follow the requirements of Sections 8.3 through 8.4 with the exception that the Special Permit Granting Authority under Sections 8.3 and 8.4 in relation to buildings, uses or property within this district is the Community Development Board.

#### **SECTION V**

That the Official Zoning Map, in accordance with the provisions of Chapter 23, Article 23-3 Zoning Districts, Section 3.302, "Amendment, Official Map," shall be amended by removing the Downtown Arts Overlay District and B-D Downtown Business District in their entirety, as well as the balance of the underlying zoning districts that encompass the area within the boundary of the Downtown Creative District: Street Types map.

The Official Zoning map shall be further amended by creating the Downtown Creative District, governed by a Primary, Secondary, Transitional, and Residential frontage street type, as signified on the enclosed maps.

#### **SECTION VI**

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Section 7, shall be amended as follows:

- Remove Section 7.831 (Residential Development in the Downtown Arts Overlay District) in its entirety.

#### **SECTION VII**

This Ordinance shall take effect upon its enactment.



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -6 AM 8:48

April 5, 2021

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To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules

to whom was referred the communication from Mayor Tyer submitting an Ordinance amending the City Code, Chapter 16, Human Resources, Section 16-16, Holidays

having considered the same, report and recommend that it be approved. (5/0)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas Caccamo".

Councilor Nicholas Caccamo,

Chairman



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

**Linda M. Tyer**  
Mayor

March 17, 2021

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 City Code, Chapter 16, Human Resources, Section 16-16, Holidays.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure





DEPARTMENT OF HUMAN RESOURCES  
CITY HALL, SUITE 107  
70 ALLEN STREET  
PITTSFIELD, MA 01201  
PHONE: 413-499-9340 EMAIL: [HR@cityofpittsfield.org](mailto:HR@cityofpittsfield.org)

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March 15, 2021

To: Mayor Linda M. Tyer  
From: Michael Taylor, Director of Human Resources  
RE: Chapter 16 ordinance update

Mayor Tyer,

Attached is a request to update chapter 16 Human Resources, section 16-16, Holidays.

Massachusetts now recognizes **Juneteenth Independence Day** as a state-wide holiday, therefore I am updating the city code to reflect this historic day.

Juneteenth commemorates the end of slavery in the United States, and is an opportunity to reflect on the need to continue working toward racial justice. Honoring this historic day is an important step forward as we continue to grow and expand our work in equity and inclusion within our local government.

Please let me know any questions you may have –

Thank you,

*Michael J. Taylor*

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# Massachusetts Legal Holidays

Holiday	2021	2022	2023
<b>New Year's Day</b> January First	Jan. 1, Fri.	Jan. 1, Sat.	Jan. 1, Sun. (3)
<b>Martin Luther King, Jr. Day</b> Third Monday in January	Jan. 18, Mon.	Jan. 17, Mon.	Jan. 16, Mon.
<b>Washington's Birthday</b> Third Monday in February	Feb. 15, Mon.	Feb. 21, Mon.	Feb. 20, Mon.
<b>Patriots' Day</b> Third Monday in April	Apr. 19, Mon.	Apr. 18, Mon.	Apr. 17, Mon.
<b>Memorial Day</b> Last Monday in May** (1A)	May 31, Mon.** (1A)	May 30, Mon.** (1A)	May 29, Mon.** (1A)
<b>Juneteenth Independence Day</b> June 19th	June 19th, Sat. (3)	June 19th, Sun. (3)	June 19, Mon.
<b>Independence Day</b> July 4th**	July 4, Sun.** (3)	July 4, Mon.**	July 4, Tue. **
<b>Labor Day</b> First Monday in September**	Sept. 6, Mon.**	Sept. 5, Mon.**	Sept. 4, Mon.**
<b>Columbus Day</b> Second Monday in October* (Restrictions until 12 noon) (2)	Oct. 11, Mon.* (2)	Oct. 10, Mon.* (2)	Oct. 9, Mon.* (2)
<b>Veterans' Day</b> November 11th* (Restrictions until 1pm) (2)	Nov. 11, Thu.* (2)	Nov. 11, Fri.* (2)	Nov. 11, Sat.* (2)
<b>Thanksgiving Day</b> Customarily the fourth Thursday in November* (1)	Nov. 25, Thurs.* (1)	Nov. 24, Thurs.* (1)	Nov. 23, Thurs.* (1)
<b>Christmas Day</b> December 25th* (1)	Dec. 25, Sat.* (1)	Dec. 25, Sun.* (1)(3)	Dec. 25, Mon.* (1)

\* - Full restrictions apply for ALL commerce

\*\* - Restrictions apply except to retail

(1) Liquor Stores must be closed for Thanksgiving and Christmas Days.

(1A) Liquor stores may not open prior to 12:00 noon Memorial Day.

(2) Many companies operate all day on these holidays, pending obtaining a local permit.

(3) All holidays falling on Sunday must be observed on Monday, under state law. Saturday holidays are observed on Saturday.

Above is a list of all legal holidays observed in Massachusetts. State, county, and municipal offices are closed on the days listed above. Federal offices are only closed on holidays which the federal government recognizes (i.e. New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Juneteenth Independence Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas). The term "federal holiday" is not applicable to individual states and the private sector since each state has jurisdiction over its holidays.

In Massachusetts certain holidays are subject to laws which restrict the type of work that may be performed as well as the kind of business and commercial activities that may remain open. Only those holidays followed by asterisks (\*) have certain restrictions. On holidays not followed by asterisks, business and commercial activities may operate as usual.

**Please note: Only retail establishments may open during the summer holidays of Memorial Day, Independence Day, and Labor Day.** Some businesses may be required to pay premium pay on some holidays. Please contact the Attorney General's Fair Labor Division at 617-727-3465. The Department of Labor Standards (617-626-6975) oversees the approval of local permits allowing businesses to open on Columbus, Veteran's Days, Thanksgiving and Christmas when they otherwise could not open for some or all hours on those days.

For further information on holiday laws, contact Citizen Information Service:

Secretary of the Commonwealth  
Citizen Information Service  
One Ashburton Place, Room 1611  
Boston, MA 02108-1512

Telephone: 617-727-7030  
Toll-Free: 1-800-392-6090  
TTY: 617-878-3889  
Fax: 617-742-4528  
Email: [cis@sec.state.ma.us](mailto:cis@sec.state.ma.us)



No. ....

# 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 16, HUMAN RESOURCES

#### SECTION I

That the Code of the City of Pittsfield, Chapter 16-16 (a), Compensation for absence on holidays, amended by deleting the following the following:

(1) Subject to the exceptions and conditions hereinafter provided, all non-union employees, temporary employees, seasonal employees and managers shall receive their regular compensation for all legal holidays:

- |                            |                            |
|----------------------------|----------------------------|
| a. New Year's Day.         | h. Columbus Day.           |
| b. Martin Luther King Day. | i. Veteran's Day.          |
| c. Presidents' Day.        | j. Thanksgiving Day.       |
| d. Patriots' Day.          | k. Day after Thanksgiving. |
| e. Independence Day.       | l. Christmas Eve.          |
| f. Labor Day.              | m. Christmas Day.          |
| g. Memorial Day.           |                            |

And replacing it with the following:

(1) Subject to the exceptions and conditions hereinafter provided, all non-union employees, temporary employees, seasonal employees and managers shall receive their regular compensation for all legal holidays:

- |                           |                               |
|---------------------------|-------------------------------|
| • New Year's Day.         | • Juneteenth Independence Day |
| • Martin Luther King Day. | • Columbus Day.               |
| • Presidents' Day.        | • Veteran's Day.              |
| • Patriots' Day.          | • Thanksgiving Day.           |
| • Independence Day.       | • Day after Thanksgiving.     |
| • Labor Day.              | • Christmas Eve.              |
| • Memorial Day.           | • Christmas Day.              |

#### SECTION II

Changes to ordinance shall be effective upon enactment.

Approved as to Form and Legality,

\_\_\_\_\_

City Solicitor



RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
**City of Pittsfield**  
2021 APR -7 AM 11:32

March 18, 2021

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To the City Council of the City of Pittsfield: —

The Committee on Public Works

to whom was referred the a petition from Councilor Maffuccio that an RFP be made for solid waste collection and recycling for more options to better serve the people of this community

having considered the same, report and recommend that

the petition was amended to read "solid waste collection"

amendment voted unanimously 5/0

approve as amended,voted unanimously 5/0

Respectfully submitted,

Peter White

Chairman



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2021 FEB 17 PM 12: 09

February 17 21

20

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that a Request for Proposal be made for Solid Waste Collection and Recycling so we have more options to review to better serve the people of this Community as a Whole and not just the one proposal at the Committee of the Whole or the outstanding Ordinance that has yet to make it to the Committee of the Whole for debate.

Respectfully Submitted,

Councilor Anthony V. Maffuccio



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -7 AM 11:32

March 18, 2021

---

To the City Council of the City of Pittsfield: —

The Committee on Public Works

to whom was referred the a petition from Councilor Maffuccio proposing to increase the bulky waste sticker fee

having considered the same, report and recommend that

the petition was amended to read "from fifteen dollars to twenty dollars"

amendment voted unanimously 5/0

approve as amended,voted unanimously 5/0

Respectfully submitted,

Peter White

Chairman



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 FEB 17 PM 12:08

February 17 21

20

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable member of the City Council and Colleagues submitted is a petition is a proposal to increase the bulky waste sticker fee from fifteen dollars per ticket to twenty five dollars per ticket. The price of the bulky waste sticker was created about fifteen years ago and the fee for a private company to come to your home and pick up to dispose of these items start at twenty five dollars upwards to forty five dollars depending on size of the item and category.

Respectfully submitted,

Anthony V. Maffuccio  
Ward 7 Councilor



RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

# City of Pittsfield

2020 FEB 18 AM 10:35

February 15 20 20

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

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition asking the Mayor to Appoint a City Youth Advisor as it refers to Section 2-228.4 Article XL Youth Commission part II: The Code / Administration in the City Code.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony V Maffuccio".

Anthony V Maffuccio  
Ward 7 City Councilor

A handwritten signature in black ink, appearing to read "Kevin J Morandi".

Kevin J Morandi  
Ward 2 City Councilor





# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 JAN -6 PM 1:51

January 6, 20 21

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

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that the City Council seek to have their own Attorney separate from the City Solicitor which is mainly for the Administrations Council and could be bias to the Council when seeking information on City issues or guidance to the Council as a whole. They have done this in the Northern Community and only makes sense that we follow the same lead.

Respectfully Submitted  
Councilor Anthony V Maffuccio



## CITY OF PITTSFIELD

RESOURCE RECOVERY COMMITTEE, CITY HALL, 70 ALLEN STREET, PITTSFIELD, MA 01201

June 17, 2019

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

Dear Councilors,


The Resource Recovery Committee is in receipt of your referral of the ordinance amending Section 8 of the City Code-Solid Waste. However, at its June 13<sup>th</sup> meeting the committee raised some questions regarding this referral that I would like to bring to your attention.

The Committee believes that in making the referral the Council failed to indicate what action it wanted the Committee to undertake. As you are aware, the mission of the Resource Recovery Committee is "to advise the mayor, city council and commissioner of public utilities on all matters such as, but not limited to, solid waste collection, resource recovery, and recycling in the city, in promulgating rules, regulations and rates in conformity with law." However, the Committee is unclear at this point at to what advice you are seeking from it.

In addition, the Committee expressed concern that at this point there is no plan for the implementation, communication to the public, or enforcement of the changes proposed in the ordinance. It is the Committee's opinion that these are critical components that must be thoroughly vetted before any final action is taken on the ordinance.

Therefore, the Committee respectfully requests that the City Council provide it with guidance as to what actions it wish the Committee to take in this matter. In addition, the Committee seeks clarification on the Council's strategies regarding the implementation and enforcement of the ordinance. Thank you for your attention to this matter.

Sincerely,



Matthew M. Kerwood  
Chairman, Resource Recovery Committee



# City of Pittsfield

May 7, 2019

---

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules

to whom was referred the a report from the Ordinances and Rules committee on a petition from Councilor Morandi requesting City Code, Chapter 8, Solid Waste and Disposal, be fully reviewed and revised where needed

having considered the same, report and recommend that it be amended and approved. (4/1)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter T. White", written over a horizontal line.

Councilor Peter T. White,

Chairman



# City of Pittsfield

.....October 16, 2018.....

To the City Council of the City of Pittsfield: —

The Committee on Ordinance and Rules

to whom was referred the

A petition from Councilor Morandi requesting City Code Chapter 8: Solid Waste and Disposal be fully reviewed and revised where needed.

having considered the same, report and recommend that

the Ordinance be approved as amended.  
Failed 2-2 Councilor Krol and Caccamo in favor and Councilor Mazzeo and White in opposition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter T. White".

Chairman



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2018 MAR 20 A 10:25

March 19 20<sup>18</sup>

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that under the city code Chapter 8: Solid Waste and Disposal be fully reviewed and revised where needed by the City Council.

Respectfully yours,

Kevin J. Morandi

City Councilor - Ward 2



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 1 of 14)

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

#### **SECTION I**

That the Code of the City of Pittsfield, Chapter 8, shall be deleted in its entirety and replaced with the following:

#### **Sec. 8-1 Definitions.**

For the purposes of this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

#### **BIODEGRADABLE FOOD SERVICE CONTAINER**

Within three years having the ability to one-hundred-percent completely break down, or within three years decompose back into the natural environment without causing harm.

#### **BULKY WASTE**

Any waste item that does not fit into the standard legal container as defined by this section. These items include, but are not limited to: broken down wood furniture, upholstered chairs and couches, mattresses and box springs, carpet rolls, wooden posts or fencing, oversized plastic toys, and automotive tires.

#### **BULKY WASTE COLLECTION PROGRAM**

Prepaid sticker to identify acceptable items that allows collection with weekly curbside pickup.

#### **CHECK OUT BAG**

A bag provided by a store to a customer at the point of sale. Check-out bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store

#### **COMMERCIAL & DEMOLITION WASTE**

Any waste that is the result of construction remodeling, repair or demolition activities on buildings or other structures.

#### **COMPOSTABLE PLASTIC BAG**

A plastic bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

#### **DESIGNATED LICENSE**

Any person, firm or concern permitted by the city to deliver, on its behalf, waste to the resource recovery facility duly licensed under Chapter 10 of the Code of the City of



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 2 of 14)

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

Pittsfield.

#### **DISPOSABLE FOOD SERVICE CONTAINER**

Single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable utensils, nor does it include single-use disposable packaging for unprepared foods. The Board of Health shall have final say as to what is or is not a disposable food service container.

#### **ELECTRONICS**

Waste items including, but not limited to: televisions, radios, stereos, computer monitors or components, fax machines, copiers, video game consoles or computer.

#### **FOOD ESTABLISHMENT**

An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000 et seq., shall be considered a food establishment for purposes of this section. The Board of Health shall determine what is or is not a food establishment.

#### **FOOD WASTE**

All waste, fish, fowl, fruit, vegetable or animal matter, exclusive of animal carcasses.

#### **LANDFILL**

A disposal facility for final disposition of residue or solid waste on land and in compliance with all federal, state and local regulations.

#### **NUISANCE**

Solid waste put at the curb that creates an obstruction to traffic, prevents access to a sidewalk, is unsanitary, or attracts rodents and animals.

#### **PREPARED FOOD**

Any food or beverage prepared for consumption on the food establishment's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

#### **RECYCLABLE FOOD SERVICE CONTAINER**

A food service container completely capable of reuse as a food service container 10 or more times, or completely capable of being used as a high quality recycle, wherein the materials of the food service container may be completely reclaimed and used in new food service containers at least 10 times.



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 3 of 14)

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

#### **RECYCLABLE MATERIALS**

Discarded non-hazardous solid waste materials of domestic origin which have the potential to be recycled and are identified, listed and accepted by the city's or its agent. Items shall include, but not be limited to: paper products; newspapers; magazines; corrugated cardboard; unbroken, empty glass bottles and containers; and clean, empty aluminum, tinned steel or bi-metal beverage or food cans or containers.

#### **RECYCLABLE PAPER BAG**

A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable; and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

#### **RECYCLING BIN**

Eighteen (18) gallon, blue bin issued by the Department of Public Utilities or another bin no larger than thirty-two (32) gallons in size procured by a resident. Any bin not provided by the Department of Public Utilities must have a clearly visible recycling logo, sticker, or marking attached to the container.

#### **RESIDUE**

Ash, fly ash, and other unburnable portions of the incinerated refuse, including minor quantities of combustible and putrescible matter.

#### **RESOURCE RECOVERY FACILITY**

A facility at which solid waste is processed for the purpose of extracting resources and converting to energy.

#### **RETAIL ESTABLISHMENT**

Any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses

#### **REUSABLE BAG**

A bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.

#### **SECURED OR SECURED MANNER**

Solid waste placed at the curb shall be either tied tightly in a bag that has no rips/openings or placed in a container in a safe and secure manner. No single items shall be collected. No overflowing barrels will be collected. All solid waste in containers shall not exceed sixty-four (64) gallons total capacity, whether in a single container or in multiple smaller





# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 4 of 14)

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

containers.

#### **SOLID WASTE**

Discarded material consisting of rubbish, and food waste of domestic, commercial or industrial origin. Solid or semisolid in form, shall include wood, paper, fabric, food wastes, plastics, metals, glass, earthenware, and other unwanted materials. Excluded shall be waste material generated by the razing of buildings and other structures (including road and fences), waste requiring special handling or procedures such as radioactive, pathological and explosive wastes, and recyclable materials.

#### **STANDARD LEGAL CONTAINER**

A solid waste container(s) or plastic bag(s) which can be secured and which shall not exceed sixty-four (64) gallons in capacity and which shall not weigh more than fifty (50 lbs.) pounds when filled.

#### **STYROFOAM**

The term Styrofoam shall include polystyrene and expanded polystyrene. Expanded Polystyrene (EPS) is Polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam. Expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" shall include clear or solid polystyrene, which is known as oriented polystyrene.

#### **THIN-FILM, SINGLE-USE, PLASTIC CHECK- OUT BAGS**

Those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 3.0 mils in thickness.

#### **VEHICLES, PRIVATE**

Passenger cars and trucks having a gross weight not in excess of 10,000 pounds and not used for business purposes.

#### **WHITE GOODS**

Heavy consumer durable such as air conditioners, refrigerators and stoves.

#### **Sec. 8-2 Resource recovery committee.**

- (a) Established. A resource recovery committee is established to advise the mayor, city council and commissioner of public utilities on all matters such as, but not limited to, solid waste collection, resource recovery, and recycling in the city, in promulgating rules, regulations



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 5 of 14)

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

and rates in conformity with law.

- (b) The Resource Recovery Committee shall consist of seven members, one of whom shall be the Director of Public Health or a Board of Health member, and one of whom shall be a member of the City Council. 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 Resource Recovery Committee subject to City Council approval. Each member shall serve without compensation. In accordance with Article 10, Section 10-6(a) of Chapter 72 of the Acts of 2013, the members of the Resource Recovery Committee shall elect from the membership a chairperson, vice chairperson, a secretary and any other officers that the membership deems necessary.
- (c) Except for the Director of Public Health, who shall serve as long as he/she serves as a city official, the remaining members shall serve a term of five 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. Members may be removed by the Mayor for cause, subject to the approval of a majority of the members of the City Council.
- (d) Meetings. The Resource Recovery Committee shall meet no less than quarterly. Special meetings may be called by the Commissioner of Public Utilities, the Chairperson or by any four members.

#### **Sec. 8-3 Dumping hours.**

Dumping hours for solid waste at the resource recovery facility, or other site designated by the owners of the Hubbard Avenue resource recovery facility, or the City, shall be determined and established by the Commissioner of Public Utilities pursuant to his rule-making authority under section 8-4 of this Code.

#### **Sec. 8-4 Rules and regulations governing handling, storage, etc., generally.**

- (a) Subject to the powers and duties of the Director of Public Health as provided by statute, the collection and disposal of materials described or referred to in section 8-1 shall be under the jurisdiction and charge of the Commissioner of Public Utilities.
- (b) The Commissioner of Public Utilities shall make additional rules and regulations as necessary relating to the collection and proper disposal of solid waste which are not inconsistent with this chapter or the laws of the commonwealth.
- (c) Such rules and regulations shall take effect upon approval by the Mayor and City Council and filing in the office of the City clerk. All such rules and regulations shall be published



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 6 of 14)

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

once in a newspaper published in the City prior to their effective date and such publication shall serve as notice to all persons.

#### **Sec. 8-5 Collection generally.**

- (a) Except as set forth below, the City or its agent collector shall collect all solid waste and specified recyclables once each week on assigned days. The city, or its agent, will not pick up any refuse or solid waste which fails to comply with the provisions of this chapter or any rules or regulations established in accordance with this chapter.
- (b) The City's collection of solid waste shall be limited to residential structures containing four or fewer living units. A solid waste service charge shall be levied against the owners of four-family properties, but owner-occupied four-family properties shall be exempt from this charge. The solid waste service charge shall be adopted by the City Council.
- (c) The City shall collect recyclables, providing such recyclables are prepared and placed at the curb for collection in an appropriate recycling bin. Recyclables shall be properly contained in a manner and to an extent as to not create any health hazard or other hazard; cardboard boxes shall be knocked down, flattened or collapsed to a minimum size of 24"x24". No recycling bin shall weigh more than fifty (50) pounds when filled with recyclable materials.
- (d) Residents of every household, including multiresidential structures, shall separate waste materials into three categories before depositing such wastes for collection and disposal. Waste materials shall be separated as: i) mixed recyclable glass, metal, plastic and waxed containers; ii) mixed recyclable papers and corrugated cardboard; iii) other solid wastes. Wastes and recyclables so separated shall be properly contained in a manner and to an extent as to not create any health or other hazard and shall be placed for collection so as to be clearly identifiable to the collector.
- (e) No yard or agricultural waste consisting of leaves, grass or hedge clippings, tree branches, brush, stumps or other similar materials shall be mixed in with other solid waste in any container or bundled and placed at the curb at the same time as other solid waste for collection by the City or its agent collector.
- (f) No bulky wastes or white goods consisting of items of unusually large size, including, but not limited to, air conditioners, heating units, stoves, washing machines, dryers, refrigerators, mattresses, bedsprings, couches, tables, large auto parts, etc., shall be collected by the City or its agent collector on any regular collection day, unless there is an attached bulky waste sticker in accordance with the City's bulky waste collection program.
- (g) The City shall not collect for disposal any hazardous waste, explosive waste, demolition waste, infectious waste, electronic waste, waste prohibited from disposal by incineration or landfill by any federal or state law or regulation, or any other special waste, which, by itself



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 7 of 14)

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

or in combination with other wastes, exists in any chemical or physical state such that particular management controls and nonstandard municipal refuse collection equipment and practices are required to prevent an adverse impact from its collection, transportation, transfer, storage, processing, treatment or disposal.

- (h) Recyclable materials properly separated and deposited for collection shall become the property of the City or its agent collector for collection and disposal to the exclusion of any other person, party or agent.

**Sec. 8-6 Drainage and storage of containers and bulky waste.**

Solid waste is to be drained, free of water and liquids and stored in tightly covered containers. All items too large to fit into containers, such as, but not limited to, appliances, furniture and mattresses, shall be disposed of promptly, by the occupant, using the bulky waste sticker program or privately hauled to the Resource Recovery Facility. Containers shall be kept covered at all times.

**Sec. 8-7 Requirement of curbside solid waste.**

All solid waste to be collected by the City shall be placed at the curb in a Standard legal Container in a secured manner.

**Sec. 8-8 Location, maintenance, etc., of containers and solid waste.**

Containers and/or solid waste shall be available for collection at the curbside, no more than five (5) feet from the edge of the road, in such a place as not to constitute a nuisance and no sooner than sundown the day before collection. Waste collection crews shall not be required to collect containers for waste which are stored or placed in a garage, cellar hatchway, enclose porches or any portion of a house or building. Vicious animals shall be tied. Following collection, containers shall be promptly removed from curbside by sundown on the day after collection. Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the containers thereof or the public generally shall no longer be used by the owner or user of the container. If such defects are a result of actions of the City's vendor, the City shall replace the container.

**Sec. 8-9 Permit for removal or transportation of solid waste, offal or other offensive substances.**

Private haulers of solid waste, offal or other offensive substances shall be required to first obtain or annually renew a permit from the Board of Health and shall conduct their work so as to ensure the safe and sanitary transportation of such materials through the city.

**Sec. 8-10 Disposal generally.**



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 8 of 14)

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

- (a) All disposal of solid waste, unless legally disposed of at the site of origin, shall be at the Hubbard Avenue resource recovery facility, or such other place as directed by the city.
- (b) Nothing in this chapter shall prohibit the legal disposal of waste in a home, commercial or industrial establishment without the necessity of storage or collections provided such disposal meets all applicable local, state and federal regulations.
- (c) Private collectors of solid waste for disposal at the resource recovery facility shall be licensed as provided for in Chapter 10 of this Code.

#### **Sec. 8-11 Waste materials, etc., carried in vehicles to be covered, etc.**

No person owning or operating a vehicle traveling on a public way shall, by himself, his agents or servants, carry in it or cause or allow it to contain waste materials, sand, gravel, ashes, rubbish, junk, paper, paper, boxes, covers, bottles, tins or like materials, unless such materials are covered, fastened, or contained in such fashion that they may not fall from or be blown off or scattered from such vehicle. The fact that such materials do fall from or are blown off or scattered from vehicles traveling on public ways shall create a presumption that they were not properly covered, contained, or fastened as provided by this section. Violators of this section shall be subject to the cost of removal of said debris in addition to any penalties as set forth in this chapter and under Chapter 10 of this Code.

#### **Sec. 8-12 Depositing waste materials, etc., in public ways, etc.**

No person, by himself, his agents or servant, shall place or deposit or cause to be placed or deposited in or on any public way or place except at the designated disposal site, or in or on any place, public or private, where the same may be reasonably expected to be blown or scattered by the wind or other natural forces, any rubbish, paper, paper boxes, covers, bottles, tins or like materials. Violators of this section shall be subject to the cost of removal of said debris in addition to any penalties as set forth in this chapter and under Chapter 10 of this Code.

#### **Sec. 8-13 Vehicle stickers; disposal fees.**

- (a) All persons disposing of waste at the resource recovery facility or as directed by the City must obtain a vehicle sticker from the city clerk, or his designee. Private vehicles registered to city residents that are not used for commercial purposes may obtain a vehicle sticker upon presentation of vehicle registration to the city clerk, or his designee. Commercial and industrial vehicles must carry vehicle stickers assigned as set forth in Chapter 10 of this Code.
- (b) Private vehicles bearing stickers may dispose of waste at the facility at rates to be established from time to time by the commissioner of public utilities and adopted by the city



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 9 of 14)

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

council.

- (c) Commercial vehicles bearing stickers shall weigh in on scales provided by the owners of the Hubbard Avenue resource recovery facility and a per ton disposal fee shall be assessed and collected by the owners of the Hubbard Avenue resource recovery facility. The disposal fee shall be established from time to time by the commissioner of public utilities, subject to the approval of the city council.

#### **Sec. 8-14 Reserved.**

#### **Sec. 8-15 Maintenance of dumpsters.**

This section shall apply to all businesses or residential dwellings in the city with dumpster(s).

- (1) All dumpsters shall be tightly secured so as to prevent its contents from being blown away by the wind or being accessible to persons, animals or rodents.
- (2) Any businesses or residential dwellings found to be violating the provisions of this section shall be ordered by an agent of the Board of Health to make its dumpster secure by placing a padlock on the dumpster.

Any business that fails to comply with such an order by an agent of the Board of Health under this section shall be subject to the provisions of Chapter 4 1/2.

#### **Sec. 8-16. Enforcement.**

- (1) The Board of Health through its designee the Health Department shall have primary responsibility for the enforcement of this provision and shall have authority to issue citations for violations. The Board of Health is authorized to establish regulations or administrative procedures and it and its designee the Health Department are authorized to take any and all actions reasonable and necessary to further the purposes of this chapter in accordance with applicable law.
- (2) The Board of Health or its designee the Health Department shall enforce this ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health or its designee the Health Department shall not preclude enforcement through any other lawful means.
- (3) Any member of the public who observes a potential violation of this section shall be able to file a complaint with the Board of Health or its designee the Health Department who shall investigate whether there is a violation of this section.
- (4) Penalties and fines for violations of this section shall be enforced as follows: The section



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 10 of 14)

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

shall be enforced by the Board of Health through its designee the Health Department. Whoever violates any provision of this section shall be penalized by a non-criminal disposition process as provided in MGL c.40 & 21D and the City's non-criminal disposition ordinance. If non-criminal disposition is elected, then any person who violates any provisions of this section shall be subject to the following penalties:

- a. First offense: a written warning.
- b. Second offense: a fine of \$50
- c. Third offense: A fine of \$150
- d. Fourth and any subsequent offense: a fine of \$200
- e. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- f. Whoever violates any provision of this section may be penalized by virtue of a civil complaint brought in the District Court.

#### **Sec. 8-17 Ban on use of Styrofoam.**

(a) Prohibition:

- i. A food establishment is prohibited from dispensing prepared food to customers in disposable food services containers that are made in whole or part from expanded polystyrene. The disposable food service container need not be biodegradable or recyclable.

(b) Enforcement:

- i. The Board of Health shall inquire on an annual basis regarding any food establishment's compliance with this section as a condition for renewal of the establishment's food service permit.
- ii. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this section.
- iii. The Board of Health through its designee the Health Department shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Board of Health is authorized to establish regulations



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 11 of 14)

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

or administrative procedures and it and its designee the Health Department are authorized to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.

- iv. The Board of Health or its designee the Health Department shall enforce this ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health or its designee the Health Department shall not preclude enforcement through any other lawful means.
- v. Any member of the public who observes a potential violation of this section shall be able to file a complaint with the Board of Health or its Designee the Health Department who shall investigate whether there is a violation of this section.
- vi. Penalties and fines for violations of this section may be enforced as follows: This section shall be enforced by the Board of Health or its designee the Health Department. Whoever violates any provision of this section may be penalized by a noncriminal disposition process as provided in MGL c.40, § 21D and the City's noncriminal disposition ordinance. If noncriminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties:
  - a) First offense: a written warning to the food establishment which will specify the violation.
  - b) Second offense: a fine of \$25.
  - c) Third offense: a fine of \$50.
  - d) Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
  - e) Whoever violates any provision of this section may be penalized by virtue of a civil complaint brought in the district court.

#### **Sec. 8-18 Ban on the use of Single-Use Plastic Bags.**

- (a) **Purpose:** The purpose of this Ordinance is to protect the City's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the City of Pittsfield and to promote the use of reusable bags.
- (b) **General Definitions:** The following words shall, unless the context clearly requires otherwise, have the following meanings:





# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 12 of 14)

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

Enforcement Authority - shall mean the Board of Health through its designee the Health Department.

**(c) Regulated Conduct:**

- i. No retail establishment shall sell or convey merchandise to consumers in thin-film single-use plastic bags. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: Recyclable paper bag; Reusable Check-out bag; or Compostable Plastic Bag.
- ii. A retail establishment that provides any type of Check-out bag may sell them for no less than five cents (\$0.05) per bag. All moneys collected pursuant to this ordinance shall be retained by the retail establishment.

**(d) Exemptions:** Section 3 of this regulation shall not apply to the following items:

- i. Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise are not prohibited under this ordinance.

**(e) Penalties & Enforcement:**

- i. If it is determined that a violation has occurred the Enforcement Authority shall issue a warning notice to the Retail Establishment for the initial violation.
- ii. If an additional violation of this Ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Enforcement Authority shall issue a notice of violation and shall impose a penalty against the retail establishment.
- iii. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
  1. \$50 for the first offense
  2. \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.
  3. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 13 of 14)

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

iv. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D and City Ordinance Chapter 4 ½ for non-criminal enforcement. This section shall be enforced by the Enforcing Authority.

**(f) Hardship Deferments:**

i. A review committee shall be established to receive and review deferment request applications and to request and obtain supporting information before referring the request to the Board of Health. The review committee will consist of a member of the Board of Health or its designee, a member of the City Council, and a member of the Green Commission.

ii. Upon written application from a retail establishment, the Board of Health, or its designee, may temporarily defer application of the ordinance for a period of up to one year upon showing by the retail establishment that the conditions of this ordinance would cause:

a) Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags, Compostable Plastic Bags or Reusable Bags;

b) Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right;

c) Circumstances or situations where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags;

d) Circumstances or situations where compliance with any section of this ordinance would cause significant economic difficulty and or undue hardship.

iii. A deferment granted in accordance with this section may be extended for no more than two additional six month periods, upon written application to the Board of Health at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

iv. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health and further the interests of this ordinance.

v. Deferment decisions are effective immediately and final.



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL (page 14 of 14)

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

**(g) Severability and ordinance numbering:**

Any word, term, or provision declared invalid or unenforceable for any reason may be severed from this ordinance without affecting viability of the whole.

**Sec. 8-19 Severability.**

In case any one or more of the provisions contained in this chapter shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this chapter, but this chapter shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**SECTION II**

This ordinance shall take effect upon enactment.

Approved as to Form and Legality,

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

*City Solicitor*



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -6 AM 8:48

April 6, 2021

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that the Cable Commission review the contract and reliability of Spectrum/Charter Cable Company.

Respectfully Submitted,

Anthony V. Maffuccio  
City Councilor - Ward 7



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2021 MAR 18 AM 11:48

March 18 20 21

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues, submitted is a petition to create a memorial to honor those who have lost their lives to COVID-19 and to honor those who have and continue to sacrifice and battle on the front lines fighting the pandemic in our community.

Respectfully submitted,

Councilor Yuki Cohen



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2021 APR -6 AM 8:48

April 6, 2021

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that the Commissioner place James Street on the reconstruction list for streets to be considered to be repaved in the coming construction for in house paving.

Respectfully Submitted,

Anthony V. Maffuccio  
City Councilor - Ward 7



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -7 AM 11:33

April 7, 20 21

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the Commissioner of Public Services at the next city council meeting provide a plan and schedule for pothole repairs, street sweeping, line painting, plow damage repairs and paving bids for this construction season.

Respectfully Submitted,

Kevin J. Morandi  
City Councilor - Ward 2



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -7 AM 11:33

April 7, 20 21

To the City Council of the City of Pittsfield:-

The undersigned respectfully

We respectfully request that the commissioner of public services/utilities present to the city council an overview of the pittsmart reporting system including but not limited to the system's historical effectiveness, response time in completing tasks, cost/benefit analysis, and legal expenses incurred by the city due to issues being reported and not repaired in a timely manner causing personal or property damage.

Respectfully submitted  
Christopher Connell  
Ward 4 councilor

Anthony Maffuccio  
Ward 7 councilor

Kevin Morandi  
Ward 2 councilor





# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2021 APR -6 AM 8:48

April 6, \_\_\_\_\_ 20 2021

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that the City request the help of the E.P.O. to help battle the ongoing issues with illegal activity occurring with off road recreational vehicles and the abuse they have caused to several neighborhoods throughout the City even more so during the pandemic.

Respectfully Submitted,

Anthony V. Maffuccio  
City Councilor - Ward 7



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2021 APR -7 AM 7:55

April 7, 20 21

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition asking that The Massachusetts Department of Environmental Protection Western Region, Bureau of Water Resources, and Division of Wetlands and Waterways hold a public hearing via Zoom for the application submission of a Chapter 91 License from Pontoosuc Lake Properties, LLC, 22 Waubeek Road, Pittsfield, MA 01201 for a proposed Marina being used for Commercial use and that the Citizens' Opposition Group be represented and explain navigational concerns and how this will negatively impact all lake users, residents, the ecology, and the safety of the lake.

Respectfully Submitted,

Anthony V. Maffuccio,  
Ward 7 Councilor

- **Lack of enforcement and compliance** involving the dock/mooring at this same property last year.
- **Size and location** of marina is too close to the channel (that has no regular enforcement of jet ski violations and boating speed and wake violations). Marina is too big for this cove, shoreline, traffic in this main area and for the lake in general. **No more than 4 boat slips should be issues** to reduce likelihood of an accident on an already congested lake with no enforcement.
- **Too many Licensed marinas** have already been issued for this great pond. There are already 4 licensed marinas on Pontoosuc: the Pontoosuc Lake Properties other lake property: The Lakehouse, U Drive Boats, Rusty Anchor and Lake Crest Condos) and no enforcement notices have been issued re: violations when they have occurred.
- **No regular Environmental Police Officer to regulate and enforce** boating traffic makes this great pond a **safety hazard**.
- Too large of a marina proposed, especially considering boaters will have **access to restaurant and drinking, coming and going from docks protruding 60ft outward into the main traffic area of the lake that funnels into and out of the channel** with both motorized and non-motorized boats as well as the main swimming area of the lake.
- It is **located in the middle of a residential neighborhood** which will bring in even more vehicle traffic than the restaurant and banquet facility already have and limited parking.
- **No emergency access to water** and limited access for first responders to turn around emergency vehicles. Boating and drinking do not mix and a boating accident will be inevitable as **motorized boat traffic increases and cross navigational goes against grain and normal navigation to accommodate for additional multi-directional traffic**.
- **Additional marinas will place extensive burden on the public boat ramp** that is already overtaxed by use and parking, requiring the City of Pittsfield, Harbor Master to hire seasonal help to deal with existing overflow of parking and excessive boat ramp use.
- It is **located very close to 2 public/deeded right of ways** where fishing, swimming/floating and kayak/SUP takes place daily.
- It is on a point that juts out into the lake. This increases the "60ft" that the dock goes out into the water and therefore changing the normal navigational tendency of boat users. The proposed mooring should not be allowed at all since it is a **safety hazard**, jutting out 60ft into the lake and with excessive boat traffic easily cause injury or accident.
- This 60ft dock configuration will interfere with normal navigation of lake traffic by forcing boats father into the lake, funneling, and condensing already extensive boating traffic heading in and out the channel from the boat ramp.
- **Jet ski violations** like jumping wakes and excessive speeds of 60-65 mph are regular daily occurrences and **lack of EPO enforcement and monitoring** will further **compromise the safety of lake users**, including non-motorized vessels such as Kayaks and paddle boarders because of the increased waves and turbidity.

45 max speed is not enforceable, with regular 60-65 mph speeds from various motorized crafts at any time, crossing the grain can easily cause injury or death.