



**CITY OF PITTSFIELD  
REGULAR MEETING  
PITTSFIELD CITY COUNCIL  
CITY COUNCIL CHAMBERS**

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2023 JAN 19 AM 12:12

**January 24, 2023, at 6:00 p.m.**

**AGENDA**

1. Open microphone
2. Approval of the November 29, 2022 minutes
3. Approval of the December 9, 2022 minutes

**APPOINTMENTS**

4. A communication from Mayor Tyer reappointing Michael McMahon and Matthew Buckley to the Homeless Advisory Committee
5. A communication from Mayor Tyer appointing Sgt. Matthew Killeen and Caroline Estevez to the Homeless Advisory Committee

**COMMUNICATIONS FROM HER HONOR THE MAYOR**

6. A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$53,009.18 from the Massachusetts Executive Office of Public Safety for the FY23 Violence Against Women's Act STOP Grant
7. A communication from Mayor Tyer submitting an Order to transfer \$465,711.00 from the Water Enterprise Retained Earnings to the FY23 DPU Water Operating budget
8. A communication from Mayor Tyer submitting two Orders to take by eminent domain five temporary easements for the purpose of constructing portions of the planned Ashuwillticook Rail Trail
9. A report and presentation from Commissioner Morales regarding the December 23, 2022 snow storm

**PUBLIC HEARING**

10. A public hearing on a petition requesting a zoning map amendment from Compass Ridge, LLC for property located on outer West Housatonic Street (*Continued to the January 24, 2023 meeting*)

**UNFINISHED BUSINESS**

11. A communication from Director Dodds on a petition from Councilor Kronick requesting an honorary street sign for Reverend Samuel Harrison (*tabled from November 29, 2022*)
12. A communication from Attorney Pagnotta on a petition requesting a legal opinion as to all the steps necessary to create a new position (*tabled February 8, 2022*)

13. A petition from Councilor Kronick requesting a funding plan for the erection of a statue to honor Reverend Samuel Harrison (*tabled October 25, 2022*)
14. A communication from the conservation agent on a petition from Councilor Kalinowsky concerning the drawdown of Pontoosuc Lake (*tabled December 9, 2022*)

### **REPORTS OF COMMITTEES**

#### *A Report from the Ordinances and Rules Committee*

15. A Report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to delete City Council Rule 26, recommending to approve 3/0
16. A Report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to add an additional rule designated as Rule 1F, recommending to approve 3/0

### **NEW BUSINESS**

17. A petition from Councilor Kalinowsky requesting the City Council place a ballot question on the November 7, 2023, ballot to remove the existing bike lanes on North Street from Park Square to Wahconah Street
18. A petition from Councilor Kronick requesting the council to endorse a sign to be affixed to the DPW office door stating "No New Salts! – No New Salt Equipment!"

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

#### *Referred to the Traffic Commission*

19. A petition from Councilor Kalinowsky requesting a "No Right on Red" at the intersections of North Street and Columbus Avenue and West Street and Center Street

#### *Referred to the Police Chief and the City Solicitor*

20. A petition from Councilor Kronick to accept MGL chapter 41, section 93C to require police officers on active duty wear a badge, tag or label which identifies him by number

**PITTSFIELD CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS  
November 29, 2022, at 6:00 p.m.**

President Marchetti called the meeting to Order in regular session at 6:00 p.m.

Present: Councilors Conant, Kalinowsky, Kavey, Kronick, Lampiasi, Marchetti,  
Persip, Sherman, Warren and White

Absent: Councilor Maffuccio

In accordance with MGL Chapter 30A, Section 20, President Marchetti notified those present that the proceedings were being audio and video recorded.

**AGENDA**

The microphone was opened to the public:

Lisa Ostellino, 42 Lexington Parkway, here to discuss the gymnasium floors at Taconic and Pittsfield High Schools. There are more questions than answers about the floors. It is a breakdown of communication.

Amelia Coco, 15 Alma Drive, she would like to have the cell tower removed. She thanked the council for items 17, 18 & 19. They are not invisible.

Joycelyn Chapman, 205 Wendell Ave, here in support of items 17, 18 & 19. She is happy to see the cell tower back in front of the city council.

Julia Kaplin, 68 Colt Road is here in support of items 17, 18 & 19. Wildlife is disappearing where cell towers are located.

Ann Carey, 17 Oliver Ave is here in support of items 17, 18 & 19 and thanked the councilors. They need solutions for the neighbors.

William Coe, 118 Alma Ave is here in support of items 17, 18 & 19 in hopes to make their homes safe.

Peter Sibner, 98 Oliver Ave, thanked Councilors Warren and Conant and is in support of items 17, 18 & 19.

Jonathan Mirin, 224 Avery Brook Road, Charlemont, is here in support of items 17, 18 & 19. His hope is to convince the FCC of the harms from cell towers.

Catherine Levin, from Hillsdale, NY, is here in support of items 17, 18 & 19. She stated that many municipalities are taking action against the FCC and cell towers.

Jacquelyn Sykes, 42 Taylor Street, stated that some of the council are rubber stamps. Stated she is against the tax increase and questioned police actions.

Lewis Schiller, 13 Lori Court, here to speak in opposition of items 17, 18 & 19. He said there needs to be more research on the potential health hazards of cell towers. No one on Lori Court have reported health concerns as their neighboring residents of Shack Town.

### **APPOINTMENTS**

A communication from Mayor Tyer reappointing Cathy Carchedi, James Clark, Beverly Grady and Patricia Sheely to the Commission on Disabilities. *Councilor Lampiasi made a motion to approve carried by a unanimous vote of all ten members present.*

A communication from Mayor Tyer reappointing Melissa Aitken, Peter Bergman, and Rebecca Brighenti to the Commission on Tourism. *Councilor Lampiasi made a motion to approve carried by a unanimous vote of all ten members present.*

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

A communication from Mayor Tyer appointing Andrew Hopkins-Sayers as a Fire Fighter with the Pittsfield Fire Department. *Councilor Lampiasi made a motion to accept carried by a unanimous vote of all ten members present.*

A communication from Mayor Tyer submitting a certificate presentation to the graduates of the Citizens Academy Program. Catherine VanBramer gave the following presentation. The Citizen's Academy is a free program designed to teach community members about how local government operates while gaining insight into opportunities in how they can be more involved. Before we present the certificates, I want to extend my thanks and appreciation to Mayor Tyer for allowing me the opportunity to lead this academy. Civic engagement is an important topic to both of us and this academy allows us the chance to bring government directly to the people. Approximately 75 people have participated in the Citizens Academy to date. Programs like this involve the help of many people. We kicked off the 4<sup>th</sup> year of the Academy with presentations from the Mayor, City Council President, School Committee Chair and Superintendent. This year we hit nearly all city departments and I am deeply grateful to all the department heads who hosted a session. You provided insight into your work and highlighted how we all come together to make this community a thriving and vibrant place for all. Thank you to the 20 community members who dedicated their personal time to this program. I hope each of you gained a better understanding about the many aspects of municipal government, city initiatives, and ways in which you can be involved. Ms. VanBramer and Mayor Tyer presented the following with a certificate: Abby Allard, Emma Barishman, Matthew Belanger, Laura Cabrera, Tonya Frazier, William Garrity, Ben Gelb, Jose Gonzalez, Michael Kalmbach, Mario Kelsey, Susan Krantz, Maria Menaca, Patricia Molina, Philip Nelson, Janyal Newton (Mile), Travis Norrgard, Jody Skrocki, Pat Tremblay and Lorena Dus and

Tom Gelb who could not join us tonight. *Councilor Lampiasi made a motion to accept carried by a unanimous vote of all ten members present*

A communication from Mayor Tyer submitting an Order to accept a gift of funds in the amount of \$3,670.00 from the Berkshire Running Center, UNICO, and the Eric Drayman Family towards maintenance and improvements to the Ashuwillticook Rail Trail. *Councilor Lampiasi made a motion to approve the grant carried by a unanimous vote of all ten members present*

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$48,500.00 from the Massachusetts Cultural Council. *Councilor Lampiasi made a motion to approve the grant, carried by a unanimous vote of all ten members present*

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$17,500.00 from the Massachusetts Department of Environmental Protection. *Councilor Lampiasi made a motion to approve the grant.* Councilor Kalinowsky asked what this money will be used for. Commissioner Morales said it will be used for household waste programs, advertising campaign, bulky waste, and recycling bins. Councilor Kronick asked the Commissioner how this compares to other municipalities. He did not have the answer to that question but could research it. He said the size of the award is based on a points system. *The motion to accept carried by a unanimous vote of all ten members present*

Item 15 was taken out of order.

A communication from Chief Wynn on a petition from Councilor Kavey requesting a status update regarding body-worn cameras (*tabled October 25, 2022*). Chief Wynn stated the unanticipated issue that led to the delay have been resolved, we are back on track and putting together the timeline. Since the drafting of the report some changes have been made. On October 13<sup>th</sup> two vendors were selected and scheduled the body warn camera training. On the same day he received a communication from on of the unions that they had some concerns and they would not be participating in the pilot. The pilot was not cancelled at that time because that union did not have anything to do with the pilot. They continued with the plan for training for the last week of October. On October 21<sup>st</sup> they were notified that they received the state grant to help fund the initial cost of the cameras. They were instructed in the notification to keep it embargoed until the governors office notified the media, which they did yesterday, the 28<sup>th</sup>. On October 24<sup>th</sup> he received the first communication from the other union indicating in solidarity with the first union, they would not be participating in the pilot which derailed to program as the training was due to start. On November 1<sup>st</sup>, after meeting with labor council and Director Taylor, he informed both unions that he intended to serve notice of impact bargaining and start the program regardless of the concerns not related to technology or policy. Then on November 3<sup>rd</sup> the program manager was scheduled for surgery. November 10<sup>th</sup>e they resolved the issue with the union that was outstanding. The same day he was confronted with a personnel issue that unfortunately took priority. November 21<sup>st</sup>, he resolved his portion of the personnel issue, and it was turned over to Director Taylor. The embargo was lifted last night, they received the state grant and they scheduled they pilot program for tomorrow, the 30<sup>th</sup> of November. He was informed by IT Director Munn that everyone in the pilot acknowledged they will be in attendance. Assuming no technical issues arrive in the training, the program will be initiated by the end of the week or weekend. Councilor Kavey asked if the grant funding will cover the cost of the body cameras. Chief Wynn said no this is an ongoing recurring expense for data storage, data access and retrieval. The total amount of this is just over \$166,000 dollars. The grant will cover the first lump sum payment due to the anticipated vendor if selected

and will offset the second lump sum payment. There will be a recurring expense of approximately \$280,000.00 that will be added to the police department budget to maintain access to the program. Councilor Kavey asked how long the pilot program will run. Chief Wynn said they anticipated it to run until the end of 2022 but after they informed them of the grant and delivery issues so we will continue the pilot program until all deliveries are in hand. Based on the supply chain deliveries may be complete by March. It will continue until everyone is equipped with the cameras. They will continue with the training until the equipment arrives so there is no more down time. *Councilor Kavey made a motion to accept and place on file for the purpose of discussion.* Councilor Persip asked Chief Wynn what the concerns were and what stops the unions from having these concerns again. Chief Wynn said he is not at liberty to state what the concerns are. They resolved the issue that was brought forward at the last moment and signed a MOA that they will not oppose. Councilor Persip questioned there was a first MOA and what is to stop it from happening again. Chief Wynn said they resolved the issues to technology and the policy. The issues they brought up at the eleventh hour were not related to the camera program. He stated that he could not discuss in this forum but would be happy to discuss with Councilor Persip. Councilor Persip said the community has been waiting for a while. Chief Wynn stated that he could not initiate a body camera program if he did not have any participants. Councilor Persip asked how many people on shift will have a camera on. Chief Wynn stated two officers per shift and two assigned to the investigative unit which will be swapped with participant officers every four to six weeks to get the biggest data samples that they can. Councilor Persip asked if an officer is out does anyone pick up the camera. Chief Wynn said it is possible that they could switch the camera assignment if they have enough notice because the license needs to be reassigned to keep the data isolated. Councilor Persip asked how many companies are in the program. Chief Wynn said there are two vendors in the pilot and they were supposed to have conversations with another vendor with follow up questions that did not happen which could be eliminated due to non-responsiveness. They are proceeding with Axon. The pilot program will continue until we received all of the cameras and the date has been adjusted to potentially March. We are still trying to work with the other company who has been non-responsive but we have a quote and could enter into a contract based on that. The second vendor did not respond to our request, instead they asked us to go do an observation but they did not think it would give them enough information to make a decision. They should know by tomorrow if they will honor a similar request to have a pilot program. Councilor Persip said it concerns him if you only move forward with one vendor and more concerns are brought up. Chief Wynn said they signed a MOA relative to the collective bargaining agreement with assurance that they will support the implementation of this program. They have a preference to this vendor and no questions on the technology. Councilor Persip asked when will we see a request for funding. Director Kerwood said we have a grant to cover the first lump payment due in January with this particular vendor and a portion of the second payment. There is a gap that we will come forward with a request for free cash to cover this portion for the first year of the contract. The proposed contract is also a five-year contract. Under the law contracts longer than three years requires city council approval. The council will have to approve entering a five-year contract. In subsequent years the \$280,000 payment will be in the police department operating budget. There was a perception that we would be purchasing cameras but it is actually a rental. Which will also include the back-office stuff such as storing data and collection. This is a better arrangement for the city rather than putting out a million dollars for cameras that may break and you have to

purchase another. There is no large upfront cost. The request will be all in one request to the council. Councilor Persip asked the total amount of the police budget. Mr. Kerwood said in excess of ten million dollars. Councilor Persip asked if there is \$280,000 somewhere in the budget to fund. Chief Wynn said as of today they do not intend to finance this through their budget as there are other items to fund. They have been really aggressive with building staffing numbers and many in the training program. When we have vacancies we can pull from the patrol line item but we do not have any. In addition to settling two union contracts that were not budgeted for and anticipating a short fall. Councilor Warren suspects there is the possibility to see if there are funds to move within the police budget. Chief Wynn said the two-line items that could be available to transfer funds are being used for staffing and grants for mental health clinician. Councilor Kalinowsky asked how much the grant is for. Chief Wynn said the grant is for \$166,000.00. The proposal from Axon they split the payments up. If they go with Axon, the first payment is \$106,515.00, leaving a balance of \$60,000.00. The second payment would be \$185,000.00. anticipate needing \$125,000 from free cash. Councilor Kalinowsky asked if the cost of \$280,000.00 per year includes the storage and the rental of the cameras. Chief Wynn said it is \$106,515.00 and \$185,039.00 and \$185,000.00 and change for the remaining years of the contract, not \$280,000.00. He does not disagree with using the term rental but it is not accurate, they are providing us with cameras because they want to provide us the data storage and retrieval solution. All programs provide full fleet replacements until the final year of the contract. They are interested in securing us as a customer. Once we start generating public records with this system we will be married to the system. Councilor Kalinowsky asked if he projects more grants for this in the future. He does but is unsure if we will qualify because of the state grant but they can pursue it. Ms. Gregory-Bilotta is currently exploring the options. Councilor Kavey asked how many officers we have currently. Chief Wynn said the authorized number is 97 we have 87 or 88 sworn and we have a number in the pipeline with conditional offers as of today to get to 95 or 96. Councilor Kavey asked if they asked for volunteers when introducing the pilot. Chief Wynn said they did and in the initial request there were 8 patrol and a similar number of supervisors. Councilor Persip said we should look within the budget for the funds, but he is not opposed using free cash. Councilor Persip asked why we do not have badge numbers. Chief Wynn said badge numbers were eliminated long before his tenure as a cost saving measure and consistence when providing uniforms. There are no requirements for badge numbers, we are required to have an ID number. *Them motion to accept the communication and place on file was carried by a unanimous vote of all ten members present.*

### **PUBLIC HEARING**

A public hearing from Eversource requesting to install one solely owned pole and two conduits on West Street. Nicole Scarbo from Eversource is her requesting to install one pole and two conduits. The public Hearing was opened to the public for the first, second and third time. No one chose to speak for or against the petition. *Councilor Lampiasi made a motion to approve the petition carried by a unanimous vote of all ten members present.*

A public hearing, continued from October 11, 2022 on a Special Permit for a proposed coffee shop with a drive-thru at 1030 South Street under the requirements of Sec. 7.839 (*Continued*). Tim Powers, engineer for PVI Site Design presented for the petitioner. They looked at options and spoke with Mass Highway. Due to the concerns of traffic and being too close to the business on

the right, they moved the entrance and exit to the center and added a right turn lane. They looked at moving it all the way to the left side of the property and decided against it because of the constraints of the utility pole. They also looked at sharing the curb cut with Jiffy Lube, but the owner was not comfortable that they had enough legal rights to do that. Mass Highway could not say what they would prefer one way or another, but they seemed to prefer what is being presented. It has been moved as far as it can go from the grocery store until they hit the utility pole. This should give enough time if someone taking a right out of the grocery store and someone taking a left out of the coffee shop. They are comfortable with this design and hopes that the council will see the benefit of it. President Marchetti opened the public hearing again to see if anyone had comments or concerns over the new proposal. Matthew Massiero from Guido's Market Place stated he is in support of this project, but he is still concerned with potential traffic hazards with the location. The traffic concerns are for his staff, customers and the customers of the coffee shop. He appreciates the new design, but it is only sixty feet. He agreed that the utility pole and hydrant are a problem. The speed of the highway is also a problem as it is posted at 40 mph but people travel at 5- mph. Starbucks busy time is from 7-9 in the morning and later in the afternoon. Guido's is not open from 7-9 but their busy time is also in the afternoon. He asked about traffic counts of what goes through daily. He stated that it is difficult to turn right out of the property but easier than going North with Dunkin Donuts is across the street. He mentioned the former Dakota across the street that may open as a cannabis shop that will bring more traffic. He is for the project but is still concerned with the traffic concerns. Mr. Powers stated that they anticipated 870 trips per day and a gas station would be 1,376 per day. The weekday morning peak is 279 cars, and the afternoon peak is 88 cars. Mr. Massiero stated that is substantial traffic, but it is a viable project. He told the owner of the hotel that he would be here in support of the project, but he has the concerns. He asked if there is some way to slow traffic with a flashing light? He does not want a red light. President Marchetti said if there is, it is not during this process. He opened the public hearing for a second and third time. No one else appeared to speak for or against the project. Mr. Powers stated that he does not think the trip numbers are the problem as it is just a busy road. The road sees between 20,000 to 30,000 trips per day. Starbucks and grocery store are a percentage of that number. 88 trips in the course of two hours is a small amount on this busy road. *Councilor Lampiasi made a motion to approve.* Councilor Kavey asked the City Planner if there is an accident, is there something that they could do to calm traffic. Planner Hoss said the issue is with high traffic speeds on Route 7 and four lanes of traffic and turn movements across. We have done it in the city where there are two lane roads to mitigate traffic issues. The city has zero control over this roadway so there is not a lot that we can do. The end game here is revoking a special permit which would be difficult. He is not a legal advisor but based on experience it would be difficult to do. Councilor Kavey asked if it was possible to have a joint district in that corridor? Mr. Hoss said we could. The municipalities have control over encouraging jointly owned curb cuts. He is not sure if that would have worked on this property. This could be pursued again with the municipalities. Councilor Kavey asked Commissioner Morales what we could do to work with the state to make this corridor safer? Mr. Morales said they have a good working relationship with District 1 DOT and we can start to have a conversation with them. We can be at the table when they have improvement plans for this corridor. Councilor Kavey asked if he would be willing to have this conversation with him, the ward 4 councilor, Mass DOT, and Lenox stakeholders. The Commissioner agreed that he is. Councilor White said the problems seem to be the drivers not necessarily the use considering we have many business with curb cuts. We want to see them thrive. He suggested increase patrols in this area by the State Police for speeding to mitigate this issue. He will support the project. Councilor Sherman thanked Mr. Masserio for stating his concerns. He would not have supported the original plan. He also has concerns making a left hand turn in this area. This plan is better, not perfect but given the zoning, cooperation, and hopefully safety measures in place he will support this tonight. The whole area up to the traffic light needs work to calm traffic. He has concerns of reckless driving throughout



the city. Councilor Kronick asked Planner Hoss if it was possible to move the curb cuts of Guido's. Mr. Hoss said curb cuts are approved by the local Mass DOT on State roads. Guido's could but they have site constraints on their property to maximize parking which would make it difficult. Councilor Kalinowsky asked if anyone has thought of making a road from Dan Fox Drive to the back entrance to all these businesses. Mr. Hoss said there are wetland issues, grade, and environmental concerns. The property is owned by several different owners. Dan Fox was put in as a bypass designed by the state and they avoided going behind these businesses. He does not have the specifics. Councilor Kalinowsky said it is something to think about. President Marchetti stated the three conditions are:

1. A tracking pad should be installed at the entrance of the project site to reduce trafficking of soil offsite by construction vehicles.
2. All lighting shall be downward casting and shall not trespass onto neighboring properties.
3. The applicant would be subject to all other federal, state, and local rules and regulations not specifically covered by the granting of a site plan review.

*The motion to approve the Special Permit was carried by a unanimous vote of all ten members present.*

A public hearing on a petition requesting a zoning map amendment from Compass Ridge, LLC for property located on outer West Housatonic Street. Compass Ridge requested a continuance until the January 24, 2023 meeting.

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

A communication from Director Dodds on a petition from Councilor Kronick requesting an honorary street sign for Reverend Samuel Harrison. *Councilor Kronick made a motion to continue to the December 13<sup>th</sup> meeting, carried by a unanimous vote of all ten members present.*

A communication from the Solicitor on a petition from Councilor Warren requesting a Special Act to amend Article 7, Section 7-6 of the city Charter. *Councilor Warren made a motion to approve and send to the Mayor to send to the State Delegation carried by a unanimous vote of all ten members present.*

The following remained tabled.

### **UNFINISHED BUSINESS**

A communication from Attorney Pagnotta on a petition requesting a legal opinion as to all the steps necessary to create a new position *(tabled February 8, 2022)*

A petition from Councilor Kronick requesting a funding plan for the erection of a statue to honor Reverend Samuel Harrison *(tabled October 25, 2022)*.

President Marchetti stated that we would take item 18 out of order.

### **NEW BUSINESS**

A petition from Councilors Warren and Conant requesting to contact the federal delegation to notify them of the council's position on the negative health effects of cell tower radiation. Councilor Conant stated we have had this issue for quite a while, and we do not have answers and we do

not know what the health implications are. This is in effort to communicate with the state and federal officials that we are looking for information to help guide everyone. He made it very clear that he does not support any litigation or lawsuit of any type. This is in effort to communicate and get information from the state and federal level because our hands are tied by the FCC who runs the show. Councilor Warren said we have three items on this subject. They have been speaking with residents and what we can do as a city. They want to work with the federal and state representatives to assist us. He recognizes comments made at open mic that some residents are affected by the cell tower, and some are not. He is not sure why this is, but he wants to be helpful. He does not believe we are wasting city resources. He wants to look into these concerns and see if they can be dealt with. The federal petition has a letter attached to it that he would like to amend. The language about the board of health and testimony received. It should read "our board of health has received testimony from constituents about how the cell tower radio frequency radiation admission have impacted their health and also received testimony and documentation from non-residents on this issue of concern". He would like to add this as an amendment. With Congressman Neal we may get traction on this issue. *The amendment was carried by a unanimous vote of all ten members present.* Councilor Kavey stated that Senator Markey's office has someone working on this. Potentially they may have information on it and possibly help with what you are trying to do. *The original motion as amended in which the Mayor will draft a letter was carried by a unanimous vote of all ten members present.*

A petition from Councilors Warren and Conant requesting to contact the state delegation to notify them of the council's position on the negative health effects of cell tower radiation. *Councilor Warren made a motion to approve with an amendment. By changing the words "concerns" to "possible health affects". The motion to refer to Representative Farley Bouvier and Senator Mark, was carried by a 9/1 vote with Councilor Kronick in opposition.*

A petition from Councilors Warren and Conant requesting to contact the Massachusetts Municipal Association, Mayor Tyer and Lisa Blackmer for assistance, solutions, and legislation in dealing with the negative health effects of cell tower radiation. *Councilor Warren made a motion to approve the amendment: By changing the words "concerns" to "possible health affects". The motion was carried by a 9/1 vote with Councilor Kronick in opposition.* Councilor Warren said some things that affect some but does not affect others. Many years ago, when he was on the council, PCBs were affecting people. We heard from many who worked at GE and it became a national issue that had to be addressed. We should not waste time on this issue. We look at technology that was not even thought of in 1996, the FCC needs to do something on this. *A motion was made to refer to the MMA, Mayor Tyer, and Lisa Blackmer.* Councilor Persip wants it to be clear to the residents, this is not moving the cell tower. It is to look at the health concerns. This is not the golden sword that will move the tower. He will not support this item as he does not believe the MMA, Mayor and Councilor can do a lick of anything. He supported the two other petitions but he will not support. Councilor Kronick supported the investigation and research of the site and the property rights of the residents of shack town but he will not support this item. He does not believe there is conclusive evidence to support. The solution is to move the tower to a proper location suitable for the residents. Councilor White will support because this is not a problem we can solve and it is adding another voice to see what is going on. It also unifies to other communities' voices. He encouraged all to vote in favor. *The motion to approve was carried by an 8/2 vote with Councilors Kronick and Persip in opposition.*

## MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

### Referred to the Mayor, Solicitor Pagnotta, and President Marchetti

A petition from Councilor Warren requesting to go on record in opposition to Eversource's request for electric rate increase. Councilor Kronick requests to send this petition Solicitor Pagnotta in its current form. The letter explains that the high electric cost is going to be a regional problem throughout the Northeast. If mandated by the State, it will not work to meet the demand. The New England region remains dependent on natural gas to meet our power needs this winter and foreseeable future. He is deeply concerned about the potential severe impact of the winter shortfall and what it will have on business and residents. They have acknowledged for many months that New England will not have sufficient natural gas to meet power supply that it needs in the event of a cold winter spell. The pipelines that serve New England operate at maximum capacity during the winter months. Eversource depends on this gas and the low supply is the cause of the crisis. This letter proposes actions we can take so that the government can assist. There are four steps we can take and this is an important issue. He suggested that Councilor Warrens letter be rewritten. Councilor Warren said he appreciated the letter and comments for another petition at another meeting but we don't have time in regards to the rate hike as they are requesting the increase in January. We need to look short term. Mayor Tyer sent a letter in 2017 and they were considered it and it was reduced. He wants them to know that Pittsfield wants the lowest impact as possible. He would like it sent now to Attorney Pagnotta. *The motion to refer to the Mayor, Solicitor Pagnotta and President Marchetti was carried by a unanimous vote of all ten members present.*

### Referred to the Ordinances and Rules Committee

A petition from Councilors Persip and Warren requesting to review the feasibility of amending the City Ordinances dealing with the removal of snow from sidewalks

### Referred to the Health Director

A petition from Councilor Kronick requesting information on the number of emergency treatment (ER) for drug abuse and suicides for the years 2019-2022

### Referral to the School Department

A petition from Councilor Kronick requesting dropout rate, truancy report and mandatory referral information from 2019 to 2022

### Referred to the Mayor

A petition from Councilor Kronick requesting to establish a Pittsfield History Month

7:58 p.m. Councilor Lampiasi made a motion to adjourn the City Council meeting carried by a unanimous vote of the eleven members present.

**A true record, attest:  
Michele M. Benjamin, City Clerk**



**PITTSFIELD CITY COUNCIL  
REGULAR MEETING  
CITY COUNCIL CHAMBERS  
December 13, 2022, at 6:00 p.m.**

President Marchetti called the meeting to Order in regular session at 6:00 p.m.

Present: Councilors Conant, Kalinowsky, Kavey, Kronick, Marchetti, Persip, Warren and White

Absent: Councilor Maffuccio, Sherman, and Lampiasi

**AGENDA**

The microphone was opened to the public:

Dan Miraglia, 68 Ontario Street, questioned if there were any ethics violations concerning the pickle ball court and the sight designated for Springside Park. He believes grant funding should have been used instead of ARPA funding.

Amiela Gilardi, 17 Alma Street, would like to go home. She thanked the council for sending letters to the delegation and the MMA.

Cecila Ducett, 31 Fatama Drive, is here in support of the residents of Shack Town. She suggested that this could be settled without litigation and stated the council should call Verizon and bring the stakeholders together.

Amy Judge, 6 Main Street, Lenox. She thanked the council for asking to the legislature to step up.

Catherine Levin, Sheffield, MA. Stated this is the most meaningful action in the state since the Board of Health did a cease and desist to Verizon.

Deb Chandler, 75 Hadley Village Road, Hadley, is here in support of the residents who live near the cell tower.

Ann Kerry, 17 Oliver Ave, is here in support of the residents of Shack Town.

Approval of the November 15, 2022, minutes. *Councilor Kavey made a motion to approve carried by a unanimous vote of all eight members present.*

**APPOINTMENTS**

A communication from Mayor Tyer reappointing Andrew Kelly, Francis L. Curly, James Ditello, Dr. Evan Dobelle, Anne L. Gagnon, Patrick Gormalley, Michael Mazzeo, Caterina Penna, and Rudolph A. Sacco to the Sister Cities Commission. *Councilor Kavey made a motion to approve carried by a unanimous vote of all eight members present.*

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

A communication from Mayor Tyer on an update by Dr. Cameron, Chair of the School Committee and Superintendent Curtis regarding the gymnasium floors. Daniel Elias spoke on behalf of Dr. Cameron who could not be here tonight. The Council has received the information that Dr. Cameron provided to the School Committee and is referenced on the School Department website. There has been a directive issued and stated this will not happen during the school day in the future. He stressed that the School Committee is satisfied that the issue associated with the finishing of the gym floors. It has been thoroughly investigated and a directive by the Superintendent and the Mayor have been issued. Contractors will be denied access while school is in session unless approved by the building principle. The matter has been resolved and is now closed. The school committee is the elected body that oversees the schools and the lines of the council should not be obscured for operational oversight of the Pittsfield Public Schools. This responsibility relies with the school committee not the city council. The superintendent's response to the school committee was immediate. Superintendent Curtis gave the following update: On November 30, 2022 he gave a statement to the school committee that contained a history of past practices and future directives in writing. It was provided to all students, parents, and staff on December 2, 2022. It is also posted on the district website and social media. His first knowledge that the Taconic gym floor was being refinished on Thursday, November 17<sup>th</sup> at 10:00 am while doing a walkthrough with Principal Bishop. He noticed the odor on the second floor above the gym and inquired to what it was. Principal Bishop stated the gym floors were being refinished. He did not notice the odor in the main part of the building. He asked Ms. Behnke why the floors were being refinished while school was in session. She indicated that Director Able scheduled and thought it was occurring during Thanksgiving break. He then went to Pittsfield High School for the instructional with Principle Esko. The odor was evident when he walked into the lobby but not strong to his senses. After the walkthrough he received a call from Principle Esko stating that some faculty members were having a problem with the odor. He inquired with the custodial staff why this was scheduled while school was in session. They inquired with the contractor who stated the work was completed. Principle Esko wrote an email to staff on Thursday acknowledging their concerns. He attended a mandatory zoom meeting that day then to PCTV to join an on air broadcast for an annual radiothon. That evening he contacted the custodial director who stated the work was done and the odor would still be present the next day but should dissipate overnight. He said it was important for the council to know that he did not receive any phone calls about this incident from any staff members on Thursday the 17<sup>th</sup>. The next morning Principle Esko text him about concerns of the odor in the cafeteria as the odor intensified from early morning. He contacted staff by email at 8:43 am acknowledging that this should not have happened, apologized and said he would investigate as to why it happened. He stated in that email, from this time forward that floors would be refinished during the summer. In response to the email, he received four emails from PHS educators that ranged from thank you to one email that stated this happens every year the day before thanksgiving break and she was used to it. He then went to PHS and joined Principle Esko and decided to release school early due to the strong odor in the cafeteria. He then called Principle Bishop who also stated there was a strong odor in the cafeteria so he released school early at Taconic. He directed custodial staff to do what was necessary to ensure school would be ready on Monday. On Sunday he reached out to Director Cambi to ask if he would join him and the principles on Sunday evening at the schools with the intension of receiving his approval to hold school on Monday. Director Cambi stated that Taconic was ready to open but had concerns with the lobby at PHS. The custodians were contacted to do what they could so that school could be opened at PHS. Director Cambi returned at 6:30 am on Monday and said that the school could be opened. After the investigation on November 22<sup>nd</sup> he put together a

written directive to the custodial director, building maintenance director, and the athletic director stating that the refinishing of the gym floors was to occur during the summer while school is not in session and would no longer be coordinated by the athletic director. This was in alignment with the City Charter, that school buildings are to be maintained by the municipal government. He met with all principals to discuss visitors and MGL, Chapter 71, section 59b, no person or persons should be in a school building without the principles knowledge and consent to visit for purposes of maintenance, repairs or for any other reason. On November 30<sup>th</sup> a written directive signed by Mayor Tyer and himself was sent to all schools leadership and department heads with local policy and MGL. There was a question about the material safety data sheet with the gym finish. Principle Esko made copies available in the main office on November 18<sup>th</sup>. A question was raised about missing pages as it appears when provided the MSDS the back pages were not scanned to her. The date was questioned as a revision date from 2018. The custodial director has reached out to the contractor for an updated MSDS sheet. December 1, 2022, Athletic Director, Jim Able offered his resignation and the position has been posted. *Councilor Kavey made a motion to accept the presentation and place on file.* Councilor Persip stated that he filed this petition because he watched the presentation at School Committee meeting and read the report. The reason he kept it on the agenda due to the questions from residents. His phone rang several times questioning why this happened. At the School Committee meeting only three questions were asked and residents wanted more information. Some of the biggest concerns that he has is how there was a miscommunication on how the contractors got into the building and started working. Mr. Curtis said the city maintains the school buildings and the principal seems obliged to let a contractor or city worker as they were endorsed by someone else. There has been a culture that maintenance is allowed in the building. He and the Mayor have made it clear that all visitors and city workers must be approved by the building principle. He is confident that all schools understand this policy as it has been moralized in writing. Councilor Persip spoke Director Filiault to see if something is being done with the school department that should be done by his department. Mr. Curtis stated the building maintenance is the responsibility of the city but there are blurred lines. Councilor Persip asked if there are other blurred lines out there. Mr. Curtis is hesitant to say that all blurred lines are cleared up, but we have this written document to help. Councilor Persip asked about the confusion that a staff member called and could not get a hold of him. Mr. Curtis stated that there is a plan in place if something like this happens again. If a staff member feels there is an emergency in the future, they need to send an email to him as he may not be in the office to answer a call and he is available by text. Councilor Persip stated that he felt this was important to bring to this to the council to address because people felt they were not being heard and they represent the people and they approve the budget. When the money is being spent the people ask them, what is going on. He stated that you can reach out to the manufacture who have the MSDS sheets. Councilor Persip asked Director Cambi how he determined that it was safe to enter the buildings again. Director Cambi stated that he was provided the MSDS sheet that stated it took 48 hours to cure. He then walked the building for 45 minutes and determined that it was safe to enter as he did not have any sensitivity to the odor. Councilor Persip stated that some people are more sensitive to chemical odor, and it may affect others differently. Councilor Kalinowsky asked how many students were affected by this. Mr. Curtis said the dismissal list does not state why they are being dismissed but there were no dismissals on Thursday. He can reach out to the nurses to see if they saw students affected by the smell. Councilor Kalinowsky said the letters that went out seemed like a blame game and no one took ownership. From her experience working in the middle school the floors were done in the summer and Christmas break and stated the principles should have known this was being done. She stated that someone other than the director knew the floors were being done as gym had to take place elsewhere. She hopes the athletic director did not take the brunt of this because he was the low man on the totem pole. She stated that when the floors were put in the school said they are taking over from here and it cannot be blamed on building maintenance. Councilor Kalinowsky asked who paid for this contractor the

school department or the city. Mr. Curtis said the school paid for the contractor. Mr. Curtis said that Mr. Moore said the school custodians used to maintain the gym floors but the new floors are now done with private contractors. He was not the superintendent at the time, and he is not sure why this changed. Councilor Kalinowsky stated that someone should have apologized. Mr. Curtis stated that he made a full apology publicly to all on social media and to staff. Councilor Kalinowsky disagreed but is happy to see this will be back under the city maintenance department. Mr. Curtis said Director Filiault and Director Moore will work together to come up with a plan with the new Athletic Director in a consulting role so that the teams have the floor that they need. Councilor Kavey said he was told that students and educators were putting on masks because of the odor and the teachers notified the principals. He questioned why the principals did not contact him. Mr. Curtis was at PHS for about three hours, you could smell it but in his senses it was not overwhelming in the locations that he was in. When he left the building Ms. Esko text him. Councilor Kavey hopes it would be brought to the superintendents attention if the principle was receiving multiple complaints. Councilor Kavey did not like the tone of the notice they received. He stated that Mr. Curtis is here as a courtesy to the council but the tone in the opening statement was not necessary and he reminded him that they decide the school budget. At the end of the day what matters is the safety of the students and staff. *The motion to accept the communication was carried by a unanimous vote of all eight members present.*

1.

A communication from Mayor Tyer with the quarterly update of the American Rescue Plan Act (ARPA). Ms. Gina Armstrong and Ms. Deanna Ruffer presented the quarterly update. A wide range of projects are underway citywide as well as capital projects and community-based projects that have been awarded ARPA funding. The expenditure for the third quarter is just under 1.6 million. 59% infrastructure, 32% negative impacts due to the pandemic, 4% revenue replacement, 3% administration and 2% COVID responses and capacity. Total expense reported thru third quarter is \$3,682,570 equating to 70% infrastructure, 2% revenue replacement, 6% administration, 7% COVID response and capacity, and 15% negative impacts. COVID response and public staffing capacity is for a Public Health Community Outreach Coordinator and contract tracing that continues at a lower level maintained through the Health Department. We have provided 37 non-profit community partnerships with a total of \$8.8 million in funds for public health, negative economic impacts/disproportionately impacted communities, capital projects and program/services. Community partnerships, 26 grant agreements have been executed, \$1,465,030 in ARPA funds used during third quarter. 4 partners included in Q3 reported - \$427,497, 19 additional partners invoiced in October for Q3 work \$1,023,865. Partnership collaboration, 32 of the 37 participated in listening sessions, 31 of the 37 participated in survey for the objective of how the city can help partners succeed. The majority of community partner programs and services focus on Westside, Morningside and downtown. 27 of the 37 of applicants are located in the qualified census tracts. Others provide services to QCT residents or are partnering with organizations located in QCT. 5 are in the tourism/cultural sector called out in ARPA as impacted sector. 2 are located outside of Pittsfield but serves Pittsfield residents. They recognized the Goodwill Industries of the Berkshires. The capital project – replacement of headquarters roof on Tyler Street with a total cost of \$395,000, ARPA funding equaled \$200,000 (49%). Project benefits – expanded workable space in facility increasing work effectiveness and efficiency of: Rag business, Bailing and Textile processing. The president/CEO, David Twiggs, said “ARPA funds allowed us to extend our programming and enhance morale”. The second company they recognized is the George B. Crane Memorial Center by awarding them \$90,000 to assist residents with substance abuse. The funding purpose is to build organizational capacity for center supporting those in recovery from substance abuse, located on Linden Street, in a QCT. The first quarter they assisted 58 walk-ins, began building collaborative relationships with multiple organizations, help two workshops, Berkshire Harm Reduction – Use of Narcan and Young People in Recovery – History of Opioids. The third company they recognized is 2<sup>nd</sup> Street with is the



former jail. They received \$700,000 in ARPA funding. The funding purpose is to establish a collaborative one-stop re-entry center for formerly incarcerated Pittsfield residents. Services include housing & legal assistance, job training, healthcare referrals, etc. Also located in a QCT. In the first quarter of operations, they served 87 residents, launched website, calendar of support group and service offerings, building collaborative relationships for educational and workforce development programming. The Berkshire Civic Ballet was awarded \$51,920 in ARPA funding. The funding purpose was for scholarships for dance programs, using movement to promote social well-being for low income children living in QCT and it is located in a QCT. The awarded 30 scholarships granted for the fall semester. The funding provided lessons, clothing, shoes and participation in recitals, programs include pre-ballet, ballet 1 and 2, Hip Hop, and musical theatre. The recipient's range in age from 3 to 13. Two city wide projects that were completed include the Crosby Steam Trap replacement and the Taconic Backstop. Public Utility Projects in progress include the Ashley WTF Chemical Storage Building that is 42% complete. The WWTP Energy Efficiency upgrades are 5% complete. The Cleveland WTF upgrade work has started and sidewalks that are 14% complete. Additional city projects reported last quarter include the Community Marketing Campaign 50% complete. Fire stations HVAC upgrades 20% complete and the Library Inventory Control Upgrades which are 10% complete. Projects that have been awarded that will start working in the forth quarter include: Fire station window replacements, Reid ventilation upgrades, PHS new HVAC system and Library security upgrades. Additional information is available on the city website. All three reports have been submitted to the US Treasury are also available on the city website. *Councilor Kavey made a motion to accept the presentation and place on file.* Councilor Warren asked Director Kerwood if we have received the check for the funds. Mr. Kerwood said we have received a check with all the allocated ARPA funds with the last check being approximately \$6 million in September. Councilor Warren liked the presentation and asked if the number could be listed in place of the percentages, as it is beneficial to the residents. Councilor Warren asked where the Taconic backstop fits into the paid projects. Ms. Armstrong said it is in revenue replacement category. It was completed last quarter but paid for in October. Councilor Warren asked about sidewalks, and he would like to know what are being done in his ward. We get calls and asked if there is a list. Director Morales said the ARPA sidewalks that are being reconstructed are located around Morningside, Conte and Pittsfield High School. Councilor Warren asked Mr. Kerwood about the terms in the reports, total obligations, cumulative expenditures, current obligations. Mr. Kerwood does not create the reports, he provides the data and Ms. Armstrong creates the reports. Councilor Warren asked if the cumulative is the total of what was spent up to the end of September. Ms. Armstrong stated that was correct and the current expenditures is what was spent in the quarter. He asked her to clarify what obligations refers to. Ms. Armstrong said obligated is typically the same number as cumulative. She said there were some errors in the treasury report on their side that did not show up and this is a glitch on their side. You should look at the cumulative numbers because they are accurate. Councilor Warren questioned the administrative line item that went from \$200,000 to \$500,000. Ms. Armstrong said initially it was allocated for the first year then adjusted for the full term of the ARPA funding throughout 2027. Councilor Warren said this will probably need to be adjusted again. Councilor Warren asked if the Berkshire Economic Council was awarded their \$700,000 award yet. Ms. Ruffer said they will not receive the lump sum. Most are reimbursed as they spend. Many have spent in September and billed in October. You will see the 19 additional that will be processed in the 4<sup>th</sup> quarter for a total of 23 and possibly more up to the 37. Some wanted to start later but now will start in the first quarter of 2023. ROPE's is one that will bill in October as it was spent in September as many others are billing the same way. They are not advancing to a lot of the awards. Councilor Warren said he was informed that there is a food buying program through ARPA. Ms. Ruffer said they are not. Councilor Warren asked if we know what we have left for the Ashley WTF. Mr. Morales said we have a little over half left. Councilor Warren asked if we could put the MUNIS reports on the website monthly. Mr. Kerwood said it will

not give the general public the information you are looking for. Ms. Ruffer stated they are using various tools and will investigate other communities reporting to help provide a summary for everyone. Councilor Warren said we need to be accurate on our funding as the Treasury will want it justified. Councilor White thanked Ms. Armstrong and Ruffer for their presentation and reporting. Councilor White asked the Mayor about relief for residents and how the rates will affect the residents with the WWTF. The Mayor stated the Ashley WTF and Cleveland WTF are being paid by ARPA and will not be passed on and impact the rate payers. Councilor White asked how much in savings will this affect the rate payers. The Mayor said they will have to do some work to figure out what the impact would be if we were paying for it. Councilor White said this is important to point out because there are so many things we are doing for the tax payers. Councilor Kronick asked Director Kerwood about the reports in MUNIS. Mr. Kerwood stated you will only see a payment to a contractor/vendor, it does not have the detail in the report. The backup is available to the public but is not published anywhere. Councilor Kronick would like to see a break down in numbers instead of percentages and where it actually was spent. He is upset with the report because there is no information in the report, and he wants to see the break down. President Marchetti said, Ms. Armstrong, Ms. Ruffer, and Director Kerwood said they would provide the council with more detailed information. To publicly diss them when they just got done saying they would provide information is disrespectful. Councilor Kronick said he sees red flags when looking at this report. President Marchetti said that is not true. Ms. Armstrong stated that the quarterly statements to the US Treasury are very detailed and contain all the payment information you are questioning, and we have all backup documentation including contracts and invoices. President Marchetti stated that after the forth quarter ends you will provide us with detailed information. Ms. Ruffer said in addition we are only providing a summary of every 37 community projects. All the documentation exists on the Treasury's website in detail. Councilor Kronick asked if they can see the contracts. Ms. Ruffer said they are available. Councilor Kronick said there is a lack of transparency. Councilor Kalinowsky said 4 million has been put towards the water and sewer and we asked for 3 million towards the water and sewer and were told it was minimal. Councilor Persip asked what information is requested from the recipients and the impact on the community. Ms. Ruffer said every funded project is tied to a eligibility category established by the US Treasury and they tell us what reporting they expect for outcomes. Councilor Persip asked if they have the date to provide the impact on the community and how many people they are helping. Ms. Ruffer said many of them provide this information in their reporting quarterly and will provide it annually. Councilor Persip stated that many care about the impact and what is happening. Councilor Warren defended the ARPA crew. He has asked for contracts, and he has received them, if you ask for them you can get them. He believes the report is also in the contract. Councilor White asked if the report on the website is the report the Treasury receives. Ms. Armstrong stated it is the same report the Treasury receives. Councilor White finds the 31 page report to be quite detailed and has the information we are looking for. *The motion to accept and place on file was carried by a 7/1 vote with Councilor Kronick in opposition.*

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$3,500.00 from the Berkshire Public Health Alliance. *Councilor Kavey made a motion to approve carried by a unanimous vote of all eight members present.*

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$4,450.50 from the Massachusetts Interlocal Insurance Association. *Councilor Kavey made a motion to approve.* Councilor Kalinowsky asked if the training is for the IT staff. Mr. Zawistowski said the training is for the IT staff. Councilor Kalinowsky asked about losses due to cyber security. Mr. Kerwood stated we have had no loss due to cyber security this is a part of our overall risk management program. MIIA provides grants on an annual basis up to \$10,000.00 for risk management projects. Training will ensure that we do not have a loss and will be provided to all

staff not just IT. *The motion to approve was carried by a unanimous vote of all eight members present.*

A communication from Mayor Tyer submitting an Order to accept a deed for property located on 107 Crofut Street in lieu of foreclosure. *Councilor Kavey made a motion to approve carried by a unanimous vote of all eight members present.*

A communication from Mayor Tyer submitting a Resolution to authorize the Mayor to execute contracts for the purchase of the property known as the Saw Mill School Property as required by the Commonwealth of Massachusetts and to approve an order funding from various sources for the purchase of the Saw Mill School property. *Councilor Kavey made a motion to accept the resolution carried by a unanimous vote of all eight members present. Councilor Kavey made a motion to approve the order.* Councilor Kalinowsky stated she thinks the land is good, but the timing is not right. She does not think we should pay out the \$20,000 through the general fund. Director Kerwood said the \$20,000 will be coming from bond premiums. Under the law those premiums can be spent three ways, to pay for the debt issuance cost, financial advisor, bond council, us bank. It can be used to reduce the borrowing which we do as well. The third is to reserve them for capital like projects. Here we are proposing to use bond funds that we already have. Councilor Kalinowsky would like to use this to pay down the debt. Mr. Kerwood said we that is not allowed as it can only be used to pay down debt associated with bond issuance; this is money left over after we do that. When we sell bonds the buyer of the bonds pays us a premium determined by the amount of bond offering. This is not going to cost the taxpayers anything. Councilor Kalinowsky does not think this is a good thing and if the mayor wants it, she should use \$20,000 out of ARPA funds. Councilor Kalinowsky asked Mr. McGrath what it will cost us and about the conditions. Mr. McGrath said a sign must be installed that the land grant program funded the parcel which can be done in house. Public access to the property by either a parking area or trail head which is low-cost components of the project. Completion of a land management plan that we can do in house. Community Development will work with the neighbors and stakeholders. The conditions are low or no cost. Councilor Kalinowsky asked what he considers low cost. Mr. McGrath said we must develop access points and determine where they are. We can build the kiosk in house and print maps in house, and he would recommend setting aside \$1,000 for this as a part of our normal operations. Councilor Kalinowsky questions how our parks and maintenance will monitor this as they are already extended. Mr. McGrath acknowledged that they are extended but this is not a manicured property that requires mowing and trimming. The community is rallying around this project, and they want to help with trail maintenance. A large part of his job is building these relationships who help us throughout the city. Councilor Kalinowsky questioned why there has not been any community meetings about this property. Mr. McGrath said it has not been approved yet but he is excited and hopes the council will approve it then they will be reaching out to establish relationships with the neighbors. By June 1<sup>st</sup> he will have met all the conditions and submit \$280,000.00 for reimbursement. Councilor Kalinowsky is still against using city funds and suggested the mayor use \$20,000 in ARPA funds. Councilor Kavey thanked Mr. McGrath and Mr. Van De Kar for all their work on this over the past couple of years. He stated that he has been working with the land owners near this property to make it a greenspace. Prior to this someone tried to put solar panels in which was shot down. This development and others would have destroyed the natural environment. This is a greenway that will connect the back of Clapp Park to Cadwell Avenue and Barker Road over to Velma and Gamwell. Residents in these areas are already using these trails to hike and the owners of the property were trying to trespass them. Now we have this opportunity to take over the land and use it recreationally for the entire city. It will connect Barkerville and Wild Acres and the highroad that will be built with towns from South County where you will be able to hike to the center of Pittsfield. Hopefully we will be able to create a riverwalk to hike from downtown Pittsfield to neighboring communities. He fully supports this

project and the grant. Councilor Conant stated that this is a once in a lifetime opportunity, it is a mature urban forest and beautiful property. He has spoken with many neighbors who are excited about this happening. This includes a quarter mile of riverfront for fishing for all to enjoy nature at its finest hour. Councilor Persip said previously on this property they wanted to put up solar panels. The neighbors were devastated at the thought of this and everyone he has spoken to is excited at this opportunity. This space is rare where you do not see a forest in the middle of a city. It is important to vote yes. Councilor White thanked Mr. McGrath and Mr. Van De Kar for all the hard work. He asked the Mayor if this is the property that the waste transfer station was proposed. Mayor Tyer stated that over twenty years ago the neighbors fought hard, and they avoided a transfer station at this location. This is an opportunity to purchase this land through a variety of funding sources and protect it for future generations and to protect the neighborhood from other development proposals. We will now have a green space in the city. Councilor White understands Councilor Kalinowsky's concerns, but this property has been a thorn in the neighborhood's side. He asked Mr. Van De Kar if this will be conservation land. Mr. Van De Kar said it will be held under a conservation restriction for recreation only. The city building maintenance does a great job on our conservation properties and only require a minimum of upkeep. Councilor White hopes all will see how preserving this land will benefit everyone. If it was in my backyard his would be thrilled. *The motion to approve was carried by a 7/1 vote with Councilor Kalinowsky in opposition.* A communication from Mayor Tyer submitting two Orders related to the Pittsfield Municipal Airport's solar project with Oak Leaf Solar XVI, LLC; Order one to enter into an access and utility easement for the purposes of a roadway and construction and Order two to enter into a utility easement for the purposes of construction, installation, maintenance and operation. *Councilor Kavey made a motion to approve.* Councilor Kalinowsky asked where the curb cut is. Mr. Shearer stated it is kind of already there, it is the roadway that Eversource used to develop the worksite behind where it is going located before the bend to the entrance of Wild Acres closer to Barker Road. Councilor Kalinowsky asked if this is a lease. Mr. Shearer said we already have a lease but we need to run electric from the solar array to the utility lines at the entrance to Wild Acres for the easement. When the entrance was moved the right of way was not and for insurance purposes the easement is required. Councilor Kalinowsky asked if the Airport gets the money from the lease. Mr. Shearer said the Airport gets the funds from the lease agreement and there is a pilot that the city receives and a purchase agreement. *The motion to approve the first order was carried by all eight members present. The motion to approve the second order was carried by all eight members present.*

A communication from Mayor Tyer submitting a communication on the petition requesting to contact the federal delegation to notify them of the council's position on the negative health effects of cell tower radiation. *Councilor Warren made a motion to accept the communication and place on file carried by a unanimous vote of all eight members present.*

### **PUBLIC HEARING**

A public hearing on a petition requesting a zoning map amendment from Compass Ridge, LLC for property located on outer West Housatonic Street (*Continued to the January 24, 2023 meeting*)

### **UNFINISHED BUSINESS**

A communication from Director Dodds on a petition from Councilor Kronick requesting an honorary street sign for Reverend Samuel Harrison

A communication from Attorney Pagnotta on a petition requesting a legal opinion as to all the steps necessary to create a new position (*tabled February 8, 2022*)

A petition from Councilor Kronick requesting a funding plan for the erection of a statue to honor Reverend Samuel Harrison (*tabled October 25, 2022*)

## **REPORTS OF COMMITTEES**

### **A report from the Finance Committee**

A communication from Mayor Tyer submitting an Order authorizing the transfer of funds from the Public Works Stabilization Account to the Department of Public Services in the amount of \$230,000.00, recommending to approve 5/0. *Councilor Kavey made a motion to accept the committee report carried by a unanimous vote of all eight members present. Councilor Kavey made a motion to approve. Councilor Kalinowsky is concerned in going over budget in plowing. Commissioner Morales stated that the figures in question have already been paid. Councilor Kalinowsky said this was discussed in debt at the Finance meeting and worth mentioning. The motion to approve was carried by a unanimous vote of all eight members present.*

### **Referral to Superintendent Curtis**

A petition from Councilor Persip and Kalinowsky requesting a presentation from the Superintendent on the gym floor issues that occurred at the high schools on November 17<sup>th</sup> and 18<sup>th</sup>, 2022. *Councilor Persip made a motion to place on file carried by a unanimous vote of all eight members present.*

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

### **Referred to the Commissioner**

A petition from Councilor Persip requesting the Commissioner investigate ways to clearly designate the bike lane from travel lane on North Street

A petition from Councilor Maffuccio requesting an update on the Pecks Road Bridge Reconstruction, Hancock Road Bridge, and the Dan Casey Culverts and to keep the City Council informed when the State issues the Chapter 85 permitting

### **Referred to the Public Works Committee**

A petition from Councilors Kronick to review free plowing services offered to private ways in 2022

### **Referred to the Health Director**

A petition from Councilors Kalinowsky and Kronick requesting to address the council on the driving contributors to rats

### **Referral to Superintendent Curtis**

A petition from Councilor Persip and Kalinowsky requesting a presentation from the Superintendent on the gym floor issues that occurred at the high schools on November 17<sup>th</sup> and 18<sup>th</sup>, 2022

Referred to the Conservation Commission

A petition from Councilor Kalinowsky requesting an explanation of why Pontoosuc Lake was drawn down lower than normal

8:52 p.m. Councilor Kavey made a motion to adjourn the City Council meeting carried by a unanimous vote of the eight members present.

**A true record, attest:  
Michele M. Benjamin, City Clerk**



# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

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

January 18, 2023

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

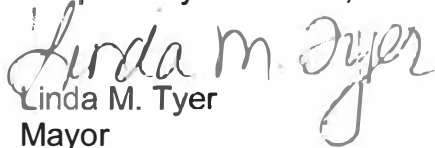
Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following reappointments to the Homeless Advisory Committee for a term expiring December 8, 2025:

Michael McMahon, Berkshire County Sheriff's Office, 467 Cheshire Road,  
Pittsfield, MA 01201

Matthew Buckley, Solider On, 290 Merrill Road, Pittsfield, MA 01201

Respectfully submitted,

  
Linda M. Tyer  
Mayor



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

**Linda M. Tyer**  
Mayor

January 18, 2023

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

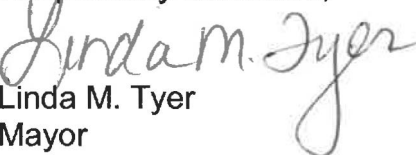
Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following appointments to the Homeless Advisory Committee for a term expiring January 24, 2026:

Sgt. Matthew Killeen, Pittsfield Police Department Designee

Caroline Estevez, 229 South Street, Pittsfield, MA 01201

Respectfully submitted,

  
Linda M. Tyer  
Mayor



Carolina Estevez joined the Elizabeth Freeman Center in 2019, first as the Center's bilingual receptionist and then as its counselor/advocate working with survivors and their families in its Housing Stabilization Program (transitional housing). This work involves counseling and intensive work around accessing subsidized housing, maximizing income and resources, resolving housing issues, securing childcare, and supporting survivors in their journeys to become financially stable through education, training, car ownership and ultimately living wage employment. Carolina also responds to hotline calls, facilitates survivor support groups, engages in outreach events, and coordinates the Center's Holiday Project serving hundreds of survivors and their children annually. Carolina lives in Pittsfield.



# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

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

**Linda M. Tyer**  
Mayor

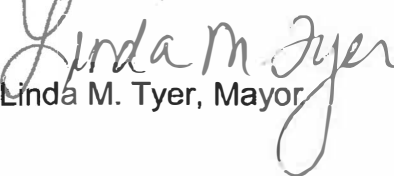
January 18, 2023

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 \$53,009.18 from the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research for the FY23 Violence Against Women's Act STOP Grant.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure



**CITY OF PITTSFIELD  
POLICE DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201 (413) 448-9700, FAX (413) 448-9733

OFFICE OF THE CHIEF OF POLICE

(413) 448-9717

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY


January 17, 2022

Honorable Linda Tyer  
Mayor-City of Pittsfield  
70 Allen St  
Pittsfield, MA 01201

Dear Mayor Tyer,

Submitted for your consideration is an authorization requesting that the City of Pittsfield accept a FY23 Violence Against Women's Act STOP Grant in the amount of \$53,009.18 with in-kind match funding from the Pittsfield Police Department of \$17,669.72. The grant funds are from the Massachusetts Executive Office of Public Safety to the Pittsfield Police Department.

Respectfully submitted,

  
Michael J. Wynn  
Chief of Police

c: Matthew Kerwood, Director of Finance  
Accounting Department

# City of Pittsfield

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

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

IN CITY COUNCIL

AN ORDER

**AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT OF FUNDS IN THE AMOUNT OF \$53,009.18 FROM THE MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY –VIOLENCE AGAINST WOMEN ACT STOP GRANT**

**Ordered:**

That the City of Pittsfield, acting through its Mayor and City Council, and pursuant to M.G.L. Chapter 44, Section 53A, is hereby authorized to accept a FY23 Violence Against Women's Act STOP Grant in the amount of \$53,009.18 with in-kind match funding from the Pittsfield Police Department of \$17,669.72. The grant funds are from the Massachusetts Executive Office of Public Safety to the Pittsfield Police Department.



OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE • BOSTON, MA 02133  
(617)725-4000

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

December 30, 2022

Michael Wynn  
Chief  
Pittsfield Police Department  
39 Allen Street  
Pittsfield, MA 01201

Dear Chief Wynn:

We are pleased to inform you that the Pittsfield Police Department has been awarded \$53,009.18 from the Office of Grants and Research (OGR) to support the **Violence Against Woman Act (VAWA) Services, Training, Officers, Prosecutors (STOP) Formula Grant**. Please note this award is a continuation grant with an additional three years of funding, contingent upon receiving future federal funds.

Additional correspondence, including all the necessary documents required to make this award official will be forthcoming. In the meantime, if you have any questions, please feel free to contact Jenny Barron, VAWA STOP Administrator at [Jenny.Barron@mass.gov](mailto:Jenny.Barron@mass.gov).

Congratulations on your award and we look forward to working with you and your staff on this important public safety initiative.

Sincerely,

Handwritten signature of Charles D. Baker in cursive.

Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in cursive.

Lt. Governor Karyn E. Polito



**The Commonwealth of Massachusetts  
Executive Office of Public Safety & Security  
Office of Grants & Research  
36 Braintree Hill Office Park, Suite 302  
Braintree, Massachusetts 02184**

**Charles D. Baker**  
Governor

Tel: (781)535-0057  
Fax: (617)725-0260  
[www.mass.gov/ogr](http://www.mass.gov/ogr)

**Terrence M. Reidy**  
Secretary

**Karyn Polito**  
Lieutenant Governor

**Kevin Stanton**  
Executive Director

December 30, 2022

Michael Wynn  
Police Chief  
Pittsfield Police Department  
39 Allen Street  
Pittsfield, MA 01201

Dear Chief Wynn:

On behalf of the Executive Office of Public Safety and Security's Office of Grants & Research (OGR), I am pleased to inform you that the Pittsfield Police Department has been awarded \$53,009.18. This award is funding from the STOP Violence Against Women Act Formula Grant Program, which requires a cost match; your proposed match of \$17,669.72 is approved bringing the total project costs to \$70,678.90. Please note this award is a continuation grant with an additional three years of funding, contingent upon receiving future federal funds.

Additional correspondence, including all the necessary documents required to make this award official will be forthcoming from OGR. **Please note, your official start date will be the date that your returned contract is signed and dated by OGR and will terminate on December 31, 2023.**

In the meantime, if you have any questions, please feel free to contact Jenny Barron at [Jenny.Barron@mass.gov](mailto:Jenny.Barron@mass.gov).

Congratulations on your award! I look forward to working with you and your staff on this important public safety initiative.

Sincerely,

**Kevin Stanton**  
Executive Director

**Attachment B - Budget Worksheets**



**Violence Against Women Act STOP Grant**

<b>Cost Categories</b>	<b>Federal Costs</b>	<b>Match Costs</b>	<b>Total Costs</b>
Personnel Costs	\$ -	\$ 13,777.99	\$ 13,777.99
Overtime Costs	\$ -	\$ -	\$ -
Fringe Benefit Costs	\$ -	\$ -	\$ -
Indirect Costs	\$ -	\$ 3,877.80	\$ 3,877.80
Contracts/Consultants Costs	\$ 53,009.18	\$ 15.82	\$ 53,025.00
Travel Costs	\$ -	\$ -	\$ -
Equipment Costs	\$ -	\$ -	\$ -
Supplies Costs	\$ -	\$ -	\$ -
Other Costs	\$ -	\$ -	\$ -
<b>Total Costs</b>	<b>\$ 53,009.18</b>	<b>\$ 17,671.61</b>	<b>\$ 70,680.79</b>
<b>Match Requirement</b>	<b>\$ 17,669.73</b>		

<b>Name of Applicant Organization</b>	<b>Pittsfield Police Department</b>
---------------------------------------	-------------------------------------

**Executive Office of Public Safety and Security  
Office of Grants and Research  
Violence Against Women Act STOP Grant  
Attachment B - Pittsfield Police Department**

**INSTRUCTIONS:** This is a macro-enabled document. Please make sure that you have enabled macros when prompted upon opening this document. The items marked as Example are only examples, and do not necessarily reflect items in your requested budget. Please note that the subtotals will auto-populate based on the numbers reported within each category. Your requested budget per cost category shall be entered in the rows below the Examples using the "Add" command button to add another row if needed. If you have any questions, please contact your grant manager.

For each federal dollar awarded, the sub-recipient must provide a match toward the cost of the program. Federal grant funds provided may not exceed 75% of the total cost of your program. A match of at least 25% of the total cost of the program must be provided by your agency. The 25% matching funds may be in the form of cash or in-kind contributions. The Match amount must be entered into the Match Expenditures column (Column F) in order for the requested amount to be calculated from the Total Expenditures. To determine the Match Requirement, take (Total Requested Cash Expenditures / 3). The Match Requirement is also located at the bottom of the Budget Summary page.

A 25% match requirement imposed on grant funds under this program are for Law Enforcement, Prosecution and Courts only; Victim Service providers and Tribes are **NOT** required to provide match.

**PERSONNEL:** Full or part-time regular salaried employees working on the grant. Notification of changes to VAWA funded personnel (both award and/or match funded) must be made to the VAWA grant manager. Click the "Add Personnel" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Employee Name	Pay Rate	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<i>Example: Sue Smith</i>	\$ 23.4875	300.00	Employee is projected to work a total of 300 hours during the grant at \$23.4875/hr.	\$ 7,046.25	\$ -	\$ 7,046.25
Sergeant Cheryl/ Callahan/ Domestic Violence Liaison	\$ 46.8639	294.0000	\$46.8638 per hour for 26-27 hours monthly for 11 months;; match town local/state funding; coordinates referrals and services for PPD, participates in community efforts, triages with civilian advocate	\$ -	\$ 13,777.99	\$ 13,777.99
<b>Subtotal(s):</b>				\$ -	\$ 13,777.99	\$ 13,777.99

**OVERTIME:** Allowable for all personnel working on the grant with adequate training and experience in responding to domestic and/or sexual violence incidents. Allowable costs are limited to costs associated with investigating cases; court appearances; attending trainings; and/or participating in high-risk/sexual assault teams are allowable. Click the "Add Overtime" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Employee Name	Pay Rate	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<i>Example: Sue Smith</i>	\$ 40.0000	104.00	Advocate worked a total of 104 hours for follow-up investigation of DV cases during the quarter at \$40.00/hour. Reporting \$2,500 match for S. Smith.	\$ 1,660.00	\$ 2,500.00	\$ 4,160.00
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -



**FRINGE AND PAYROLL TAX:** A COPY OF YOUR AGENCY'S FRINGE RATE AGREEMENT MUST BE PROVIDED WITH THE APPLICATION SUBMISSION. Eligible costs may include the employer share of the following: life insurance, health insurance, social security costs, pension costs, unemployment insurance costs, workers compensation insurance, FMLA costs, and payroll taxes. Click the "Add Fringe" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Employee Name	Wages Applied to Fringe	Contract Fringe Rate	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<i>Example: Sue Smith</i>	\$ 7,046.25	21.00%	<i>Per the fringe rate agreement, find the applicable cost categories to apply fringe to. In this example, the applicable cost category is "Personnel." Take Sue Smith's total wages reported on this worksheet under the "Personnel" section and multiply by the federally approved fringe rate or the fringe rate that was proposed and approved by OGR in the application process. (\$7,046.25 * 21%). Match expenditures should be in relation to the match in the applicable category.</i>	\$ 1,479.71		\$ 1,479.71
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -

**INDIRECT:** A COPY OF YOUR AGENCY'S INDIRECT RATE AGREEMENT MUST BE PROVIDED WITH THE APPLICATION SUBMISSION. This agreement will determine the applicable base expenses that can be applied in this Attachment B. This is for costs that are not readily assignable to a particular project, but necessary to the operation, maintenance of the organization, and performance of the project. Include copy of rate agreement in the application response. Any non-federal entity, except for state, local units of government, or Indian tribes, that has never received a negotiated indirect cost rate may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. Click the "Add Indirect" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Indirect Expenses	Expenses Applied to Indirect	Contract Indirect Rate	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<i>Example: Sue Smith</i>	\$ 8,525.96	18.00%	<i>The federally approved rate of "18%" times allowable expenses per contract. If allowable expenses are all categories, take the sum of all categories and multiply by the federally approved rate. If allowable expenses are only Personnel and Fringe like in this example, take the approved rate and multiply by the sum of Personnel and Fringe total costs associated with Sue Smith. (18% * (7046.25 + 1479.71)).</i>	\$ 1,534.67		\$ 1,534.67
De Minimis	\$ 38,777.9600	10.0000%	Expenses applied include personnel plus \$25000 contract costs	\$ -	\$ 3,877.80	\$ 3,877.80
<b>Subtotal(s):</b>				\$ -	\$ 3,877.80	\$ 3,877.80

**CONTRACTS/CONSULTANTS:** This includes consultant or contractor fees. The maximum rate for consultants is \$650 for an eight hour day or \$81.25 per hour (excluding travel and subsistence costs). Any request for compensation over \$650 per 8 hour day or \$81.25 per hour requires prior written approval by EOPSS. This rate is the exception, not the rule. Click the "Add C/C" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Contractors/Consultants Name	Pay Rate	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
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<b>Example: JJ Counseling</b>	\$ 200.0000	24.00	Counseling of domestic violence survivors; \$200 per day x 24 days. Submitting reimbursement for \$2,800.	\$ 2,000.00	\$ 2,800.00	\$ 4,800.00
Elizabeth Freeman Center, Inc.:						
	\$ 42.5000	1156.8000	Civilian Advocate, 24.1 hours per week at \$41.50 per hour (includes clinical supervision, cell, etc.)	\$ 49,148.18	\$ 15.82	\$ 49,164.00
	\$ 51.0000	47.0000	Director of Programs, program supervision, back-up, outreach; 1 hr/wk at \$51/hr	\$ 2,397.00		\$ 2,397.00
	\$ 61.0000	24.0000	Executive Director grant report/applications, outreach; 24 hrs at \$61/hr	\$ 1,464.00		\$ 1,464.00
<b>Subtotal(s):</b>				\$ 53,009.18	\$ 15.82	\$ 53,025.00

**TRAVEL:** Travel directly related to the purpose of the grant. In-state travel costs associated with the grant shall include mileage rates not in excess of \$0.62 per mile, as well as the actual costs of tolls and parking. No grant funds may be spent for out-of-state conference fees, out-of-state travel or out-of-state lodging without prior written approval from OGR. Click the "Add Travel" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Employee Name	Rate	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<b>Example: Sue Smith</b>	\$ 0.6200	125.00	Travel related to grant; \$0.62/mile x 125 miles	\$ 77.50	\$ -	\$ 77.50
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -

**EQUIPMENT:** Tangible non-expendable personal property having a useful life of more than one year; cost based on classification of equipment. Applicants should follow their organization's own procurement policy. Click the "Add Equipment" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Equipment	Cost	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<b>Example: Laptop</b>	\$ 1,200.0000	1.00	(1) Dell 1000 Laptop at \$1,200.00.	\$ 1,075.00	\$ 125.00	\$ 1,200.00
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -

**SUPPLIES:** General supplies required for program (pens, pencils, postage, training materials, copying paper, and other expendable items such as books, ink, etc.). Click the "Add Supplies" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Supplies/Company	Cost	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<b>Example: Copy Paper</b>	\$ 50.0000	4.00	\$50.00/box, 4 boxes.	\$ 100.00	\$ 100.00	\$ 200.00
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -

**OTHER:** List the purchases for other expenses not applicable in the aforementioned that were incurred due to this program implementation (e.g., telephone costs, training material costs). Click the "Add Other" button to add a new record. To delete an unwanted record, click into the cell that you want to delete, and click the "Delete Row" button.

Item/Company	Cost	Quantity	Description	Cash Expenditures	Match Expenditures	Total Expenditures
<i>Example: Telephone</i>	\$ 65.0000	6.00	<i>Verizon: January-June at \$65 per month</i>	\$ 390.0000	\$ -	\$ 390.0000
<b>Subtotal(s):</b>				\$ -	\$ -	\$ -
<b>Grand Total(s):</b>				\$ 53,009.18	\$ 17,671.61	\$ 70,680.79



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

**Linda M. Tyer**  
Mayor

January 18, 2023

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 transfer \$465,711.00 from Water Enterprise Retained Earnings to the FY23 DPU Water Operating budget to pay current fiscal year expenses in accordance with M.G.L. Chapter 44, Section 64.

Respectfully submitted,

  
Linda M. Tyer, Mayor

LMT/CVB  
Enclosure



**CITY OF PITTSFIELD**

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

January 17, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Submitted for your consideration, is an authorization requesting a transfer of \$465,711.00 from water enterprise retained earnings to the FY2023 DPU Water Operating Budget to pay current fiscal year expenses in accordance with M.G.L. Ch 44, Section 64.

The requested funds will be used to supplement a deficit under the chemicals. This deficit comes after an increase in the cost of chemicals after the FY23 budget was approved.

Chemical	Unit Cost			
	2019	2020	2021	2022
Polyaluminum Chloride	\$ 3.00	\$ 3.00	\$ 3.02	\$ 3.72
Sodium Aluminate	\$ 2.98	\$ 3.34	\$ 3.34	\$ 4.85
Sodium Hydroxide	\$ 0.9690	\$ 0.7423	\$ 0.8722	\$ 1.91
Sodium Bisulfite	\$ 1.54	\$ 1.53	\$ 1.59	\$ 2.19
Dry Catyonic Polymer I	\$ 1.84	\$ 2.05	N/A	\$ 14.19
Dry Catyonic Polymer II	\$ 1.80	\$ 1.80	N/A	\$ 14.19
Liquid Sodium Hypochlorite	\$ 0.782	\$ 0.803	\$ 0.83	\$ 2.43
Liquid Chlorine (Ton)	\$ 1,327.00	\$ 1,831.00	\$ 2,238.00	\$ 5,883.00
Liquid Chlorine (Cylinder)	\$ 189.32	\$ 269.22	\$ 309.00	\$ 989.00
Blended Phosphate	\$ 7.10	\$ 7.10	\$ 7.79	\$ 14.90
Aluminum Sulfate	\$ 0.95	\$ 0.95	\$ 1.02	\$ 1.39

Respectfully Submitted,

Ricardo Morales  
Commissioner  
Department of Public Services & Utilities

# City of Pittsfield

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

IN CITY COUNCIL

**AN ORDER**

**TRANSFERRING AND APPROPRIATING \$465,711.00 FROM RETAINED  
EARNINGS- WATER TO THE DEPARTMENT OF PUBLIC UTILITIES WATER  
DIVISION**

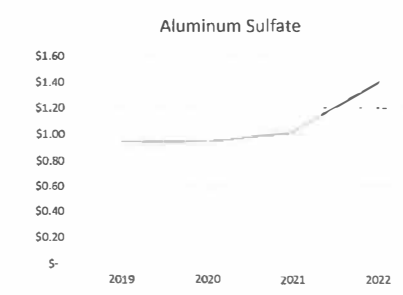
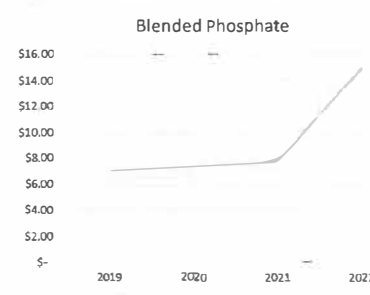
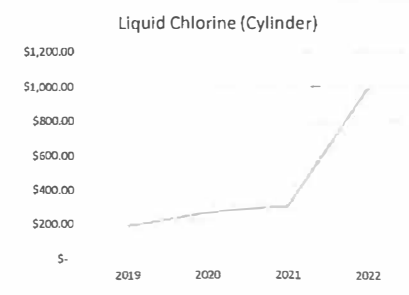
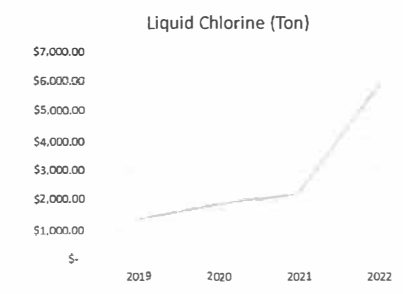
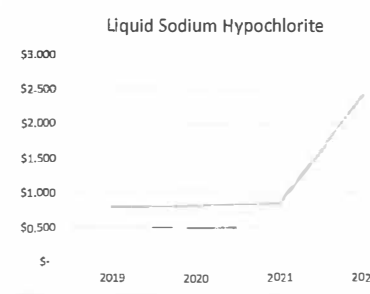
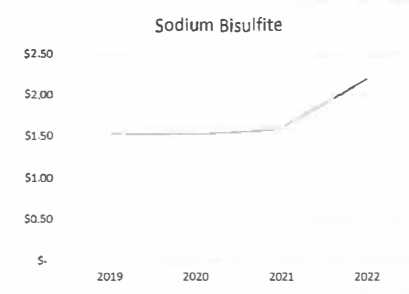
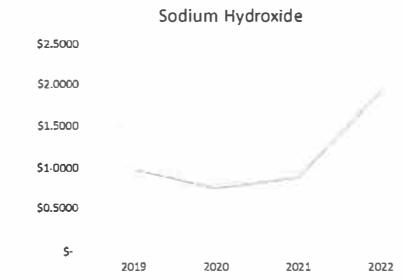
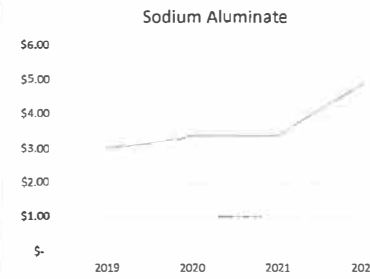
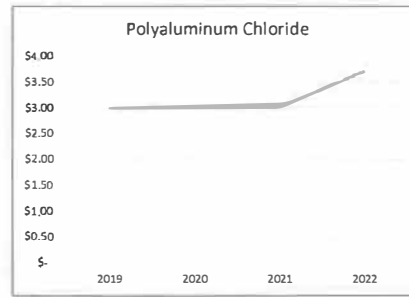
**Ordered:**

That the sum of \$465,711.00 be, and hereby is, transferred from the Retained Earnings-Water Enterprise and appropriated to an account in the Department of Public Utilities/DPU Water Treatment Division.

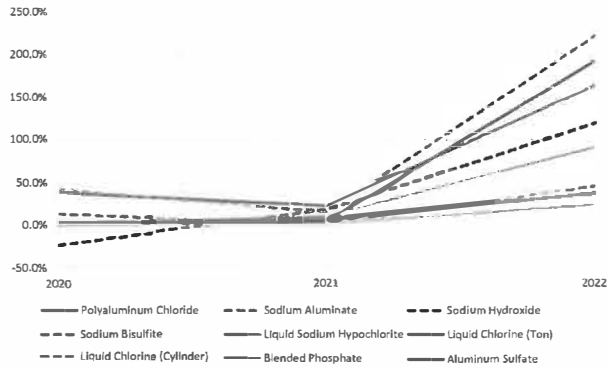
TO: Account No. 60201-55300      Chemical Process      \$465,711.00

Unit Cost				
Chemical	2019	2020	2021	2022
Polyaluminum Chloride	\$ 3.00	\$ 3.00	\$ 3.02	\$ 3.72
Sodium Aluminate	\$ 2.98	\$ 3.34	\$ 3.34	\$ 4.85
Sodium Hydroxide	\$ 0.9690	\$ 0.7423	\$ 0.8722	\$ 1.91
Sodium Bisulfite	\$ 1.54	\$ 1.53	\$ 1.59	\$ 2.19
Dry Cationic Polymer I	\$ 1.84	\$ 2.05	N/A	\$ 14.19
Dry Cationic Polymer II	\$ 1.80	\$ 1.80	N/A	\$ 14.19
Liquid Sodium Hypochlorite	\$ 0.782	\$ 0.803	\$ 0.83	\$ 2.43
Liquid Chlorine (Ton)	\$ 1,327.00	\$ 1,831.00	\$ 2,238.00	\$ 5,883.00
Liquid Chlorine (Cylinder)	\$ 189.32	\$ 269.22	\$ 309.00	\$ 989.00
Blended Phosphate	\$ 7.10	\$ 7.10	\$ 7.79	\$ 14.90
Aluminum Sulfate	\$ 0.95	\$ 0.95	\$ 1.02	\$ 1.39

Percent Change			
Chemical	2020	2021	2022
Polyaluminum Chloride	0.0%	0.7%	23.2%
Sodium Aluminate	12.1%	0.0%	45.2%
Sodium Hydroxide	-23.4%	17.5%	119.1%
Sodium Bisulfite	-0.5%	3.9%	37.7%
Dry Cationic Polymer I	11.4%		
Dry Cationic Polymer II	0.0%		
Liquid Sodium Hypochlorite	2.7%	3.9%	190.9%
Liquid Chlorine (Ton)	38.0%	22.2%	162.9%
Liquid Chlorine (Cylinder)	42.2%	14.8%	220.1%
Blended Phosphate	0.0%	9.7%	91.3%
Aluminum Sulfate	0.0%	7.4%	36.3%



All Chemicals



**City of Pittsfield**  
**IFB #22-041 - 2023 Chemicals for DPU**

**RESULTS**

Bidder	Polyaluminum Chloride	Sodium Aluminate	Sodium Hydroxide	Sodium Bisulfite	Liquid Sodium Hypochlorite	Liquid Chlorine (ton)	Liquid Chlorine (cylinder)	Blended Phosphate	Aluminum Sulfate	Cationic Polymer I	Cationic Polymer II	Anionic Polymer
Polydyne, Inc											14.27	
Stack Chemical	5.21		3.99			5883.00	989.00	14.90				
Univar USA			1.9976		3.75							
Holland Chemical	3.72	4.85		2.19					1.39			
Clean Waters										16.04	16.04	
Borden & Remington			1.9110		2.4260							
PVS Chemical				5.75								
Shannon Chemical								18.37				
Chemtrade									1.8765			
Marubeni America Corp										14.194	14.194	
Atlantic Coast Polymers										18.10	21.00	13.17





# THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

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

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

January 18, 2023

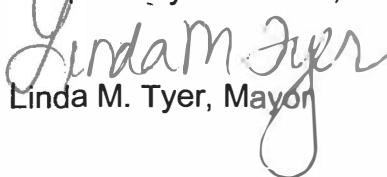
To the Honorable Members of the City Council  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

Dear Councilors,

Submitted herewith for your consideration are two Orders to take by eminent domain five temporary easements for the purposes of constructing portions of the planned Ashuwillticook Rail Trail. These temporary easements are being sought for a maximum term of five years, after which time the easement will be removed. Appraisals have been performed for each of the easements being sought and the affected property owners have been appropriately notified and will receive just compensation as provided for in federal regulations. The planning for the acquisitions has not been a contentious process to date, and three of the five easements required have been donated to the project.

The extension of the Ashuwillticook Rail Trail into Pittsfield is a critically important community-supported recreational enhancement project. Nearly 10 years in the planning stages, continued extension of the trail into Pittsfield has been noted as a community goal in both the Master Plan and the Open Space and Recreation Plan. Full funding is currently allocated in this fiscal year through the state Transportation Improvement Program (TIP) and any delay in acquisition of the temporary easements could present a risk that the funding could be re-allocated.

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

January 18, 2023

TO THE HONORABLE MAYOR:

Requested hereby is your authorization to take by eminent domain five temporary easements for the purposes of constructing portions of the planned Ashuwillticook Rail Trail. These temporary easements are being sought for a maximum term of five years, after which time the easement will be removed. Appraisals have been performed for each of the easements being sought and the affected property owners have been appropriately notified and will receive just compensation as provided for in federal regulations. The planning for the acquisitions has not been a contentious process to date, and three of the five easements required have been donated to the project.

The extension of the Ashuwillticook Rail Trail into Pittsfield is a critically important community-supported recreational enhancement project. Nearly 10 years in the planning stages, continued extension of the trail into Pittsfield has been noted as a community goal in both the Master Plan and the Open Space and Recreation Plan. Full funding is currently allocated in this fiscal year through the state Transportation Improvement Program (TIP) and any delay in acquisition of the temporary easements could present a risk that the funding could be re-allocated.

Sincerely,

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

Justine Dodds  
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 TAKE BY EMINENT DOMAIN A TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF THE PITTSFIELD ASHUWILLTICOOK RAIL TRAIL EXTENSION TO MERRILL ROAD

### Ordered:

NOW THEREFORE, the City Council, acting for and on behalf of the City of Pittsfield by virtue of and in accordance with the authority and provisions of M.G.L. Chapter 43, Section 30, and Chapters 79, and all other acts, statutes, laws and ordinances or other parts thereof applicable thereto, acting for and on behalf of the City of Pittsfield does hereby vote, declare, specify and ORDER:

1. That the City Council of the City of Pittsfield does hereby take by eminent domain, for and in behalf of said City under the provisions of M.G.L. Chapter 43, Section 30 and Chapter 79, and all other acts, statutes, laws and ordinances or other parts thereof applicable thereto, a five (5) year temporary construction easement in, on, upon, over, under, across, and through the parcel of land described below, including non-commercial sign improvements, trees and shrubs located thereon, in the parcel of land within the Pittsfield Ashuwillticook Rail Trail extension to Merrill Road ("The Project"), as shown on the Plan Entitled "Ashuwillticook Rail Trail Extension Phase 2" in the City of Pittsfield, Berkshire County Final Right of Way, last date 10-25-2022 ("Right of Way Plan") portions of which Right of Way Plan are attached hereto as Exhibit A and which Right of Way Plan is on file with Engineering Division of the Department of Public Utilities, City of Pittsfield, 100 North Street, Pittsfield MA for a municipal purpose, named the construction of the Lanesborough-Pittsfield Ashuwillticook Rail Trail Extension to Crane Avenue.
2. That said temporary construction easement is temporary in nature and is to be effect for five (5) years from the date of recording this instrument.
3. That included within said temporary construction easement ("TE") is one (1) parcel of land which is shown on the aforementioned Right of Way Plan and is generally described as follows:

**Parcel TE-1:** A portion of a parcel of land located at Merrill Road, Pittsfield MA supposed to be owned by the General Electric Company by deed recorded with the Berkshire Middle District Registry of Deeds in Book 434, Page 573 consisting of approximately 7,712 square feet and shown on said Right of Way Plan as "TE-1 N/F General Electric, Area= 7,712 ± S.F."

Although said parcel is stated above as belonging to the named owner, the ownership of said parcel is stated herein only insofar as said ownership is known or has been determined by the City Council, and accordingly, is so stated and shown only as a matter of information and belief.

It is ORDERED that there shall be no award of damages sustained by the owner and mortgagees of record and others as required by law, having an interest in the area hereinbefore described in the taking of or injury to his/their/its property by reason of the taking of the temporary construction easement taken for construction of the Project, including any improvements, trees or shrubs, because the said temporary construction easement has been donated by the owner of the said parcel, the General Electric Company, to the City of Pittsfield, as indicated by the following :

<b>Parcel/Address</b>	<b>Owner</b>	<b>Area</b>	<b>Award of Damages</b>
TE-1 (Merrill Rd.)	General Electric Co.	7,712 SF	\$0 (Donated)

Said temporary construction easement is taken subject only to the following: (a) such interest of mortgagees and others as required by law; (b) prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Pittsfield, MA, and (c) agreement by the City of Pittsfield to comply with any provisions of the Consent Decree entered by the United States District Court for the District of Massachusetts in *United States et al. v. General Electric Company* (Civil Action No. 99-30225-MAP *et seq.*) on October 27, 2000, and of the Grant of Environmental Restriction and Easement recorded in the Berkshire Middle District Registry of Deeds on November 18, 2016 in Book 5857 Page 1 for the property subject to this Temporary Easement, insofar as such provisions apply to the above-referenced parcel and/or Temporary Easement..

It is further ORDERED:

that in addition to the omission of an award of damages mentioned above, no other damages be awarded, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public way by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the City, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof in the Berkshire Middle District Registry of Deeds; and

that the City of Pittsfield, by its Mayor and City Council, is further authorized to execute any and all documents necessary to implement this order.

# 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 TAKE BY EMINENT DOMAIN 4 TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE PITTSFIELD ASHUWILLTICOOK RAIL TRAIL EXTENSION TO MERRILL ROAD**

(Page 1 of 4)

**Ordered:**

NOW THEREFORE, the City Council, acting for and on behalf of the City of Pittsfield by virtue of and in accordance with the authority and provisions of M.G.L. Chapter 43, Section 30, and Chapters 79, and all other acts, statutes, laws and ordinances or other parts thereof applicable thereto, acting for and on behalf of the City of Pittsfield does hereby vote, declare, specify and ORDER:

1. That the City Council of the City of Pittsfield does hereby take by eminent domain, for and in behalf of said City under the provisions of M.G.L. Chapter 43, Section 30 and Chapter 79, and all other acts, statutes, laws and ordinances or other parts thereof applicable thereto, 5 year Temporary construction easements in, on, upon, over, under, across, and through the Parcels of land described below, including non-commercial sign improvements, trees and shrubs located thereon, in the parcels of lands within the Pittsfield Ashuwillticook Rail Trail extension to Merrill Road ("The Project"), as shown on the Plan Entitled "Ashuwillticook Rail Trail Extension Phase 2" in the City of Pittsfield, Berkshire County Final Right of Way, last date 10-25-2022 ("Right of Way Plan") portions of which Right of Way Plan are attached hereto as Exhibit A and which Right of Way Plan is on file with Engineering Division of the Department of Public Utilities, City of Pittsfield, 100 North Street, Pittsfield MA for a municipal purpose, named the construction of the Lanesborough-Pittsfield Ashuwillticook Rail Trail Extension to Crane Avenue.
2. That such temporary construction easements are temporary in nature and are to be effect from five (5) years from the date of recording this instrument.
3. That included within said temporary construction easements ("TE") are four (4) parcels of land which are described below and are shown on the aforementioned Right of Way Plan which are generally described as follow:

# City of Pittsfield

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

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## AUTHORIZING THE CITY OF PITTSFIELD TO TAKE BY EMINENT DOMAIN 4 TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE PITTSFIELD ASHUWILLTICOOK RAIL TRAIL EXTENSION TO MERRILL ROAD

(Page 2 of 4)

Ordered:

**Parcel TE-2:** A portion of a parcel of land located at 545 Merrill Road Pittsfield, MA supposed to be owned by O'Connell Oil Associates, Inc. by deed recorded with the Berkshire Middle District Registry of Deed in Book 1176, Page 146, consisting of approximately 1,070 square feet and shown on said Right of Way Plan as "TE-2 N/F O'Connell Oil Associates, Area= 1,070 ± S.F."

**Parcel TE-3:** A portion of a parcel of land located at 609 Merrill Road Pittsfield, MA supposed to be owned by Pitex Limited Partnership Berkshire Merrill Rd LLC by deed recorded with the Berkshire Middle District Registry of Deed in Book 1435, Page 438TC, consisting of approximately 187 square feet and shown on said Right of Way Plan as "TE-3 N/F Pitex Limited Partnership Berkshire Merrill Rd LLC, Area= 187 ± S.F."

**Parcel TE-4:** A portion of a parcel of land located at 609 Merrill Road Pittsfield, MA supposed to be owned by Pitex Limited Partnership Berkshire Merrill Rd LLC by deed recorded with the Berkshire Middle District Registry of Deed in Book 1435, Page 438TC, consisting of approximately 577 square feet and shown on said Right of Way Plan as "TE-4 N/F Pitex Limited Partnership Berkshire Merrill Rd LLC, Area= 4,633 ± S.F."

**Parcel TE-5:** A portion of a parcel of and located at 891 Crane Avenue Pittsfield, MA supposed to be owned by WJK Realty LLC by deed Recorded with the Berkshire Middle District Registry of Deed in Book 5491, Page 205, consisting of approximately 554 square feet and shown on said Right of Way Plan as ""TE-5 NF WJK Realty LLC Area= 554 ± S.F."

Although said parcels as state above belonging to named owners, the ownership of said parcels is stated herein only insofar as said ownership is known or has been determined by City Council, and accordingly, is so stated and shown only as a matter of information and belief.

# City of Pittsfield

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Ordered: (Page 3 of 4)

It is ORDERED that the City of Pittsfield makes the following awards for damages sustained by the owner/owners and mortgagees of record and other as requires by law, having an interest in the area or areas hereinbefore described in the taking of or injury to his/their/its property by reason of the taking of the temporary construction easements taken for construction of the Project, including any improvements, trees or shrubs:

Parcel/Address	Owner	Area	Award of Damage
TE-2 (545 Merrill Rd.)	O'Connell Oil Associates	1,070 SF	\$0 (Donated)
TE-3 (609 Merrill Rd.)	Pitex Limited Partnership	187 SF	\$675
TE-4 (609 Merrill Rd.)	Pitex Limited Partnership	4,633 SF	\$16,680
TE-5 (891 Crane Avenue)	WJK Realty, LLC	554 SF	\$0 (Donated)
Total for Temporary Easements			\$17,355

Such temporary construction easements are taken subject only to such interest of mortgagees and others as required by law, and are subject to prior payment of any unpaid taxes, water and sewer use charges, betterments, if any, to the City of Pittsfield, MA.

It is further ORDERED:

that the City Treasurer be and is hereby authorized to pay said sums to the owners of the land specified above, or to their heirs, successors, or assigns when the same shall become payable as above provided;

# 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 TAKE BY EMINENT DOMAIN 4  
TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE  
PITTSFIELD ASHUWILLTICOOK RAIL TRAIL EXTENSION TO MERRILL ROAD**

**Ordered:** (Page 4 of 4)

that no damages be awarded, other than those above mentioned, inasmuch as no other damages will be sustained by any person, firm, or corporation in their land abutting the public way by reason of laying out and construction of the project within the limits described herein;

that no assessments be levied;

that the City Clerk, in the name and on behalf of the City, is hereby directed to give notice in compliance with Chapter 79 of the Massachusetts General Laws;

that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof in the Berkshire Middle District Registry of Deeds.

That the City of Pittsfield, by its Mayor and City Council, is further authorized to execute any and all documents necessary to implement this order.





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

**Linda M. Tyer**  
Mayor

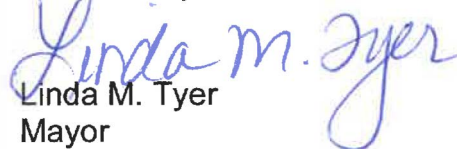
January 18, 2023

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

Dear Councilors:

Please accept the attached report and presentation from Commissioner Morales regarding the December 23, 2022 snow storm.

Respectfully submitted,

  
Linda M. Tyer  
Mayor

LMT/CVB



## **CITY OF PITTSFIELD**

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

January 16, 2023

Honorable Mayor Tyer  
Honorable City Council  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

### **Re: Snow Storm - December 23, 2022**

On December 23, 2022, the City and surrounding communities experienced a significant drop in temperature after a period of heavy rain and wind, prompting a sudden transition to heavy snowfall, with temperatures staying below 15 degrees for over two days. These factors contributed to road conditions that were not conducive for normal travel.

My department has the primary responsibility for the execution of the snow and ice control and removal from our streets. After evaluating the operations and work done on the roads during that time, I have come to the conclusion that our difficulties were not caused by our lack of response. Despite our best efforts during and following the storm, I recognize that our best practices were overwhelmed by a number of storm related factors and the types of materials currently used to treat the roads during storm events.

The development of this report analyzed the following data:

1. All timecards and GPS data for all DPW employees
2. All pay data and GPS data for all contractors
3. The amount of salt, sand, and hot mix that was used
4. Weather forecasts
5. Collision reports and locations
6. Pre, during and post-storm operations
7. Discussions with MassDOT and MEMA
8. Equipment and chemical evaluation
9. Surveying surrounding communities

As you will see, the sections outlined in this report provide greater detail on the above elements.

For the purposes of reviewing current practices in relation to the recommendations outlined later in this report, it is important to understand the current operations of the Department of Public Services & Utilities (DPW) during a snow or ice event. The DPW maintains approximately 450 lane miles of road of which 158 are considered mains and are divided into 6 routes of approximately equal length (around 26 lane miles each). The remaining 292 lane miles are divided into approximately 32 equal size quadrants (around 9 lane miles each). For anti-icing efforts, the department first treats the six main routes with rock salt and then, if necessary, treats the 32 quadrants with the same material. For plowing and de-icing efforts, the department calls in the contractors and loads their trucks with rock salt before going to the designated quadrant. The department then focuses on the 6 main routes, typically on a rotating 12-hour shift, until the event is finished. **See appendix for Pittsfield Snow & Ice Control Plan.**

## **1. Storm Preparations**

### **1.1. Available Information**

Preparation for any winter storm event begins days in advance with input from several agencies, in particular, the Massachusetts Emergency Management Agency (**MEMA**) and the National Weather Service (**NWS**). For the storm on December 23<sup>rd</sup>, 2022 (**The Storm**), MEMA began issuing situational awareness reports on 12/21/22 highlighting several key factors to be on the lookout for in New England. By the third report, MEMA had issued maps provided by the NWS indicating an expected drop in temperature of 40 degrees for the 23<sup>rd</sup> at the end of an average of 2 inches of rainfall. On Thursday afternoon, DPW leadership began planning for the storm. According to the latest information provided by the NWS, Pittsfield should expect a total snowfall of up to 2 inches over 3 hours starting around 4pm and ending around 7pm followed by temperatures reaching 15 degrees by 10pm. With this information in hand, it was decided to have “all hands on deck” as opposed to dividing the effort into 12 hour shifts, in order to have more snowfighters (truck with plow, wing and spreader) on the road to tackle the quick freeze. Friday morning’s reports did not indicate any shift in expected conditions for Pittsfield. In fact, the morning report from the Weather Prediction Center indicated a 10% or less probability that Pittsfield would receive more than 4 inches of snow. All crews were requested to report to work at 2pm on Friday with some coming in earlier to address continual flooding conditions caused by the heavy rain in the area.

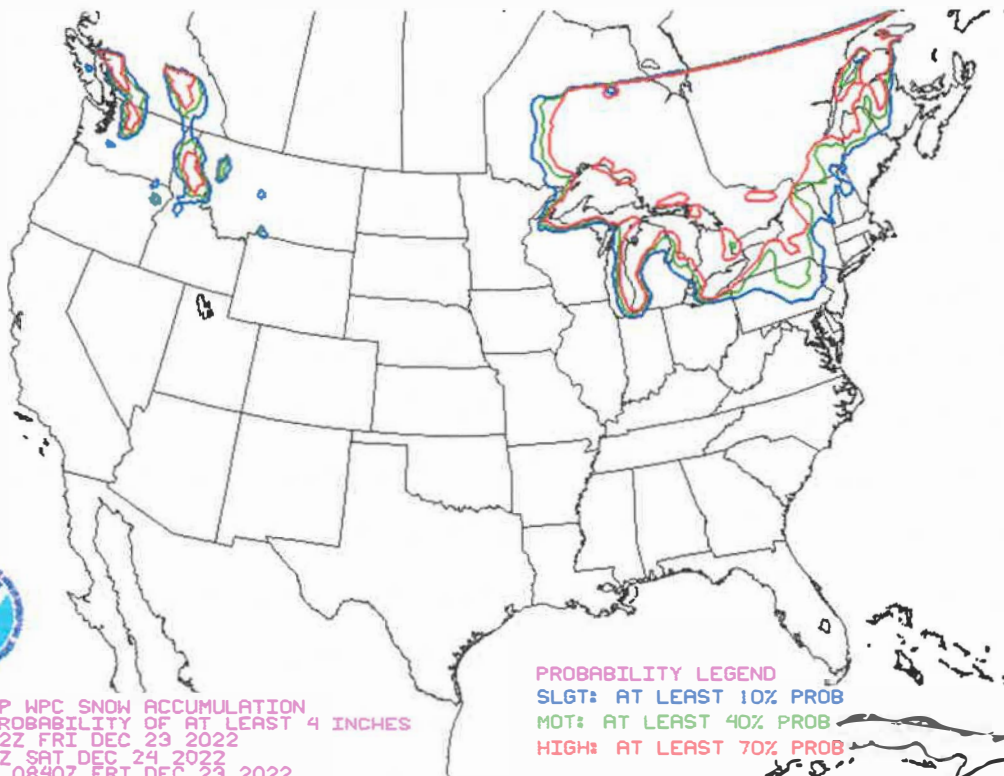
# Expected Snowfall Tonight-Friday Morning

Weather Forecast Office  
Boston/Norton, MA



Snow Covered And Slippery Roads Are Expected

Issued Dec 22, 2022 1:02 PM EST



NWS NCEP WPC SNOW ACCUMULATION  
DAY 1 PROBABILITY OF AT LEAST 4 INCHES  
VALID 12Z FRI DEC 23 2022  
THRU 12Z SAT DEC 24 2022  
ISSUED: 0840Z FRI DEC 23 2022  
FORECASTER: WPC-WWD

PROBABILITY LEGEND  
SLGT: AT LEAST 10% PROB  
MOT: AT LEAST 40% PROB  
HIGH: AT LEAST 70% PROB

## 1.2. Snow Emergency Protocol

Based on our internal protocol, a snow emergency was not activated since only 2 inches of snow was forecasted. The conditions for a snow emergency are typically 4 to 5 inches or more expected to allow for the winter alternate side parking to take effect for efficient snow plowing while allowing for overnight on-street parking. The winter hotline (413-449-5544) was active with messaging regarding the expected icy conditions on the road following the storm. This message was active until Saturday evening. Please see below for Pittsfield's "When It Snows" guidance, posted and available, in English and Spanish, on the city's website and on the City Hall Facebook page.

## When It Snows In Pittsfield

Facts, FAQs, and Ordinances  
Department of Public Services and Utilities  
City of Pittsfield

For up-to-date information on  
impending snow events, please call the city's winter hotline:

**413.449.5544**

For other inquiries:

Contact the Department of Public  
Services & Utilities

**413.499.9314** or visit [www.cityofpittsfield.org](http://www.cityofpittsfield.org).

## SNOW EMERGENCY

- Starts at 7 a.m. or 7 p.m. and lasting 48 Hours
- Park on Even Side when declared on even day
- Park on ODD side when declared on ODD day
- Switch to the other side for the last 24 Hours



When a snow emergency is declared it is announced through the various channels:

- News media, including print, radio, and television
- City website, [www.cityofpittsfield.org](http://www.cityofpittsfield.org)
- Winter Hotline, 413-449-5544
- City of Pittsfield Facebook page
- CodeRED

Additionally, the city will attempt to contact residents before turning cars by curbside and making announcements.

### Why does the City implement alternate side parking during snow emergencies?

- Alternate side parking rules allow one side of the street to remain clear of parked vehicles to allow for the city to clear the street of snow. on the next day, the opposite side can be cleared.
- Allowing street parking thru winter months while controlling where and when to avoid parking is a balance between providing equitable parking for residents, especially in dense neighborhoods.

### What happens if one or both sides of the street have signage with parking regulations?

- The emergency order will not override existing parking regulations properly identified with signage on the street. Some streets will not allow parking on the street, by traffic order for the entire year, while, others may not allow parking on the street for certain times or the day or months of the year.

### What factors does the City consider in determining whether to call a snow emergency?

- Snow emergencies are called based on a set of factors. Total accumulation is one factor, but the city also takes into account the amount of snow already on the street prior to the storm, and whether another storm is forecasted in close proximity to a snow event. Another factor is the expected temperatures on the day of a storm and the days immediately following it. The city's primary concern is safe passage on streets, as well as parking needs in neighborhoods with limited or no off street parking.

### How much notice does the City provide before a snow emergency begins?

- We try to give residents sufficient time to plan ahead and give approximately 6 to 12 hours of notice before parking restrictions take effect. This also gives us time to notify the media and arrange other types of notification.



## 2. The Event

### 2.1. During The Storm – Friday 12/23/22

Our records show that 2 employees reported to work around 1pm, 8 employees reported around 2pm and 3 employees had been at work from earlier in the day as mentioned above, one employee was on vacation and one employee did not report to work. See Appendix for an hourly breakdown of the workforce. At this time, contractors had been made aware of a pending call to action on the neighborhood quadrants.

With this work force, the department was able to operate 8 snowfighters with plows, two loaders and 2 trackless plows, with two supervisors on the road. With equipment and material ready, the decision was made to not pre-treat until rain began to transition to snow. Heavy rainfall would wash away any material spread on the road.

Our GPS logs indicate that all 8 snowfighters were sent out with rock salt at 4pm when rain began to transition to snow. These snowfighters were sent out to do main routes and contractors were called in to do the neighborhood quadrants. The forecasted 2 inches of snow quickly materialized into 3 to 4 inches that fell between 4pm and 5pm, causing greatly reduced visibility during peak travel time. Records also show that another 3 inches of snow fell between 5pm and 7pm. This was far from the forecasted weather DPW prepared for. Compounding the unpredicted snow fall, the temperature dropped from 46 degrees at noon on Friday to 10 degrees at 9pm. A drop of 36 degrees in 9 hours.

Our GPS data shows that between 4pm on Friday and 4am on Saturday, every main had been covered with approximately 544lbs of rock salt mixed with sand per mile. Unfortunately, despite our best efforts, hard packed snow was prevalent on Pittsfield mains by 9:00 p.m..

#### FRIDAY 12/23/22 - 4PM (BOLD NUMBERS REPRESENT THE VEHICLE ID)

<b>SUPERVISORS (PLOW ONLY)</b>	<b>1103</b>	<b>1125</b>						
<b>SNOWFIGHTER</b>	<b>1920</b>	<b>1174</b>	<b>1171</b>	<b>1166</b>	<b>1121</b>	<b>1113</b>	<b>1111</b>	<b>1522</b>
<i>SPREAD RATE (LB/MI)</i>	150	150	150	150	150	150	80	80
<i>DISTANCE COVERED (MI)</i>	78.0	95.0	91.0	90.0	77.0	84.0	62.0	48.0
<i>DURATION (HRS)</i>	7.8	6.2	6.4	7.7	7.0	7.5	6.5	4.0
<i>SPREAD TOTAL (LBS)</i>	11,700	14,250	13,650	13,500	11,550	12,600	4,960	3,840
<i>COVER PER HOUR</i>	1,500	2,298	2,133	1,753	1,650	1,680	763	960
<b>TRACKLESS</b>	Trackless (1)	Trackless (1)						
<b>LOADER</b>	Loader (1)	Loader (1)						

2.2. After the Storm – Saturday 12/24/22

Around 10pm on December 23<sup>rd</sup>, it was determined that it was necessary to return for a second round on Saturday morning. This second attempt began at 7am with adding Calcium Chloride into our sand and rock salt mix to increase the melting ability on temperatures below 15 degrees. Our data logs show that another 434lbs of this mix was spread per mile.

Crews worked until 4pm on Saturday and were requested to report back to work on Sunday for the start of 12-hour shifts. As temperatures remained in the single digits, all material placed during the preceding 8 hours was rendered ineffective and contractors were called to respond to specific locations. At 6pm, 5 snowfighters with plows were on the road once again, working until around midnight, with 2 city snowfighters working until 2am.

**Saturday 12/24/22 – 7AM (Bold Numbers Represent the Vehicle ID)**

<b>SUPERVISORS (PLOW ONLY)</b>	<b>1103</b>							
<b>SNOWFIGHTER</b>	<b>1920</b>	<b>1174</b>	<b>1171</b>	<b>1166</b>	<b>1121</b>	<b>1113</b>	<b>1111</b>	<b>1522</b>
<i>SPREAD RATE (LB/MI)</i>	150	150	150	150	150	150	80	80
<i>DISTANCE COVERED (MI)</i>	59.0	62.0	41.0	70.0	89.0	60.0	65.0	78.0
<i>DURATION (HRS)</i>	4.5	5.2	3.3	6.7	7.5	4.0	6.0	6.2
<i>SPREAD TOTAL (LBS)</i>	8,850	9,300	6,150	10,500	13,350	9,000	5,200	6,240
<i>COVER PER HOUR</i>	1,967	1,788	1,864	1,567	1,780	2,250	867	1,006

2.3. After the Storm – Sunday 12/25/22

On the morning of Sunday 12/25/22 the 12-hour shift began at noon. However, the morning was covered with 6 snowfighters between 7am and 12pm. This allowed continued coverage between 7am and midnight, spreading 577lbs per mile on city mains.

Communications with MADOT and MEMA began in order to obtain assistance. It was learned that spreading liquid magnesium chloride would have been ineffective prior to the hard-packed snow forming. The best tool at the moment was already being used by Pittsfield. This was rock salt treated with Calcium Chloride. The state did not have any pre-mixed material available for our use

**Sunday 12/25/22 - 7AM (Bold Numbers Represent the Vehicle ID)**

<b>SUPERVISORS (PLOW ONLY)</b>	<b>1103</b>	<b>1125</b>				
<b>SNOWFIGHTER</b>	<b>1920</b>	<b>1171</b>	<b>1166</b>	<b>1121</b>	<b>1113</b>	<b>1111</b>
<i>SPREAD RATE (LB/MI)</i>	150	150	150	150	150	80
<i>DISTANCE COVERED (MI)</i>	132.00	102.00	90.00	91.00	132.00	114.00
<i>DURATION (HRS)</i>	9.50	7.40	6.20	7.40	8.10	8.00
<i>SPREAD TOTAL (LBS)</i>	19,800	15,300	13,500	13,650	19,800	9,120
<i>Cover per Hour</i>	2,084	2,068	2,177	1,845	2,444	1,140

**2.4. After the Storm – Monday 12/26/22**

The 12 hour shift continued on the 26<sup>th</sup> with city mains receiving another 411lbs per mile. With sunny weather and temperatures reaching 22 degrees, the mains finally began opening up and the hard pack snow and ice gave way to black top on most of our mains.

**Monday 12/26/22 - 12AM (Bold Numbers Represent the Vehicle ID)**

<b>SUPERVISORS (PLOW ONLY)</b>	<b>1103</b>	<b>1125</b>				
<b>SNOWFIGHTER</b>	<b>1920</b>	<b>1174</b>	<b>1171</b>	<b>1166</b>	<b>1121</b>	<b>1113</b> <b>1111</b>
<i>SPREAD RATE (LB/MI)</i>	150	150	150	150	150	150 80
<i>DISTANCE COVERED (MI)</i>	29.00	71.00	40.00	84.00	109.00	61.00 73.00
<i>DURATION (HRS)</i>	2.00	5.50	2.60	6.10	7.50	3.20 5.30
<i>SPREAD TOTAL (LBS)</i>	4,350	10,650	6,000	12,600	16,350	9,150 5,840
<i>COVER PER HOUR</i>	2,175	1,936	2,308	2,066	2,180	2,859 1,102

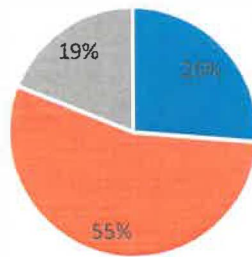


### 3. General Information on Collisions

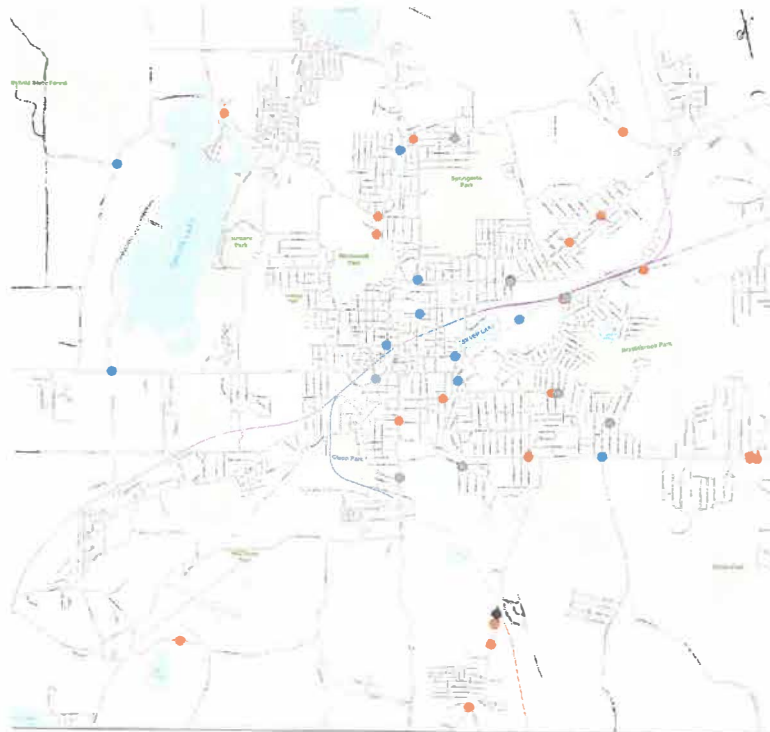
#### 3.1. Call Log vs Reports

In order to better understand the impacts of the storm, I requested all collision reports between Friday 12/23/22 and Monday 12/26/22. Pittsfield Police Department (PPD) indicated that there is a discrepancy between the total amount of collision reports (43 reports) and the number of collisions registered through the call logs. This was explained as differing due to the nature of the collision. Reports are only generated when there is property damage or injury, while calls may be received and logged with no property damage or injury. The reported 43 collisions were all minor property damage and involved 74 vehicles.

Timeframe	Total Collisions	% of Total
During The Storm	12	28%
10 to 24 Hours After the Storm	23	53%
More than 24 Hours After the Storm	8	19%
<b>Total Reported Collisions</b>	<b>43</b>	



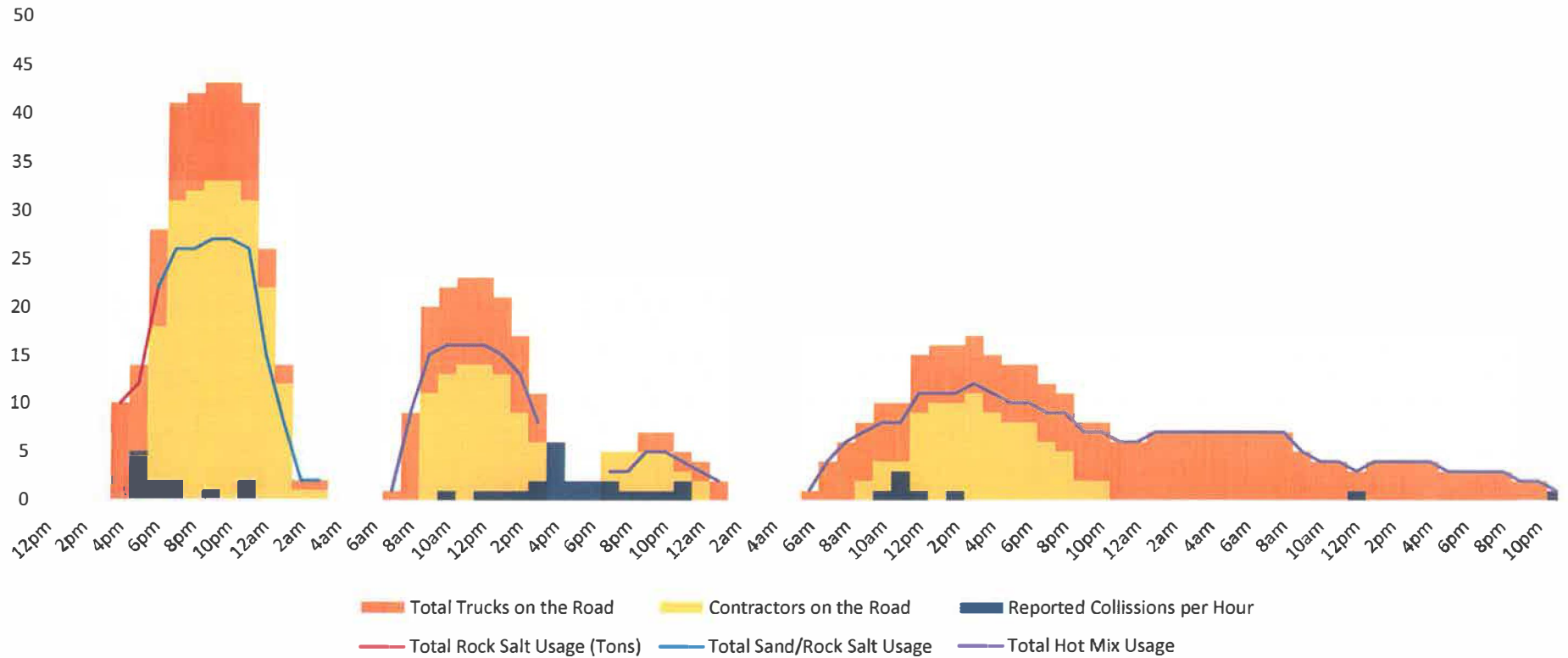
■ During The Storm    
 ■ 10 to 24 Hours After the Storm    
 ■ More than 24 Hours After the Storm



● 10 to 24 Hours After the Storm    
 ● During the Storm    
 ● More than 24 Hours After the Storm

#### 4. Work Summary

This Chart includes an hourly breakdown of the number of snowfighters on the road, the amount and type of material spread and the collisions between Friday 12/23/22 and Monday 12/26/22. This data can also be found in a different format in the appendix.



## 5. General Observations

### 5.1. Spread Rate

The spread rate for the truck on the mains could have been adjusted for a greater amount per mile. The trucks are currently set at 150 pounds per mile. In contrast, the state sets their spread rate at 240 pounds per mile. This would have resulted in more material per mile being spread, however, with the storm conditions, including limited visibility and volume of traffic on the road at rush hour, it may not have resulted in much of a difference during the storm.

### 5.2. Other Towns

Due to the amount of miles and traffic volume through Pittsfield, it is very difficult to compare responses made by DPW during winter events to other surrounding communities. However, it is important to look at the normalized data to obtain a better understanding of the outcomes. Attempts to contact the town of Lenox DPW and the City of North Adams DPW were not successful at the time of this report being finalized.

Lane Miles covered by Each DPW

	Lane Miles (est.)	Trucks Used	Miles per Truck	Material Used	Municipal Official Comments
<b>Dalton</b>	82	7	11.7	Magnesium Chloride treated salt always	Challenging. Out after 4 to treat mains, until midnight, came back 4 to 9am on Saturday. They report having mains with hard pack until Monday.
<b>Adams</b>	114	13	8.8	Calcium Chloride mixed with rock salt using on-truck tanks and mixers	Pre-treated with rock salt. Around 2pm on Friday and reported to have very little issues on their mains maintained by the municipality.
<b>Great Barrington</b>	180	9	20.0	Untreated and Calcium Chloride treated in certain times	Difficult storm - worked until 2:30am. They reported having hard pack snow which lasted over the weekend. Diverted attention to their mains during the storm.
<b>Pittsfield (Mains)</b>	158	8	19.8	Rock Salt Sand mix Calcium Chloride manual mix mixed	
<b>Pittsfield (Contractors)</b>	292	32	9.1	Rock Salt Sand mix Calcium Chloride manual mix mixed	

It is evident that the 158 lane miles of main road treated by Pittsfield DPW during the storm spread the coverage to thin with each truck having to cover 19.8 lane miles under heavy snow fall, low visibility, and heavy traffic.

### 5.3. Use of Contractor on Mains

Several of the contractors with the larger spreading equipment could have been directed to pre-treat mains along with department employees. This would have left several quadrants unattended until Saturday but may have proven effective for treating the mains during the storm.

### 5.4. 12 Hour Shifts

While it is standard to divide the operations into 12-hour shifts, this is not done for every storm or snow event. It largely depends on the duration, snowfall, and road conditions. For this storm, it may have been beneficial to have the crews in 12 hour shifts which would have prevented three gaps identified with no coverage:

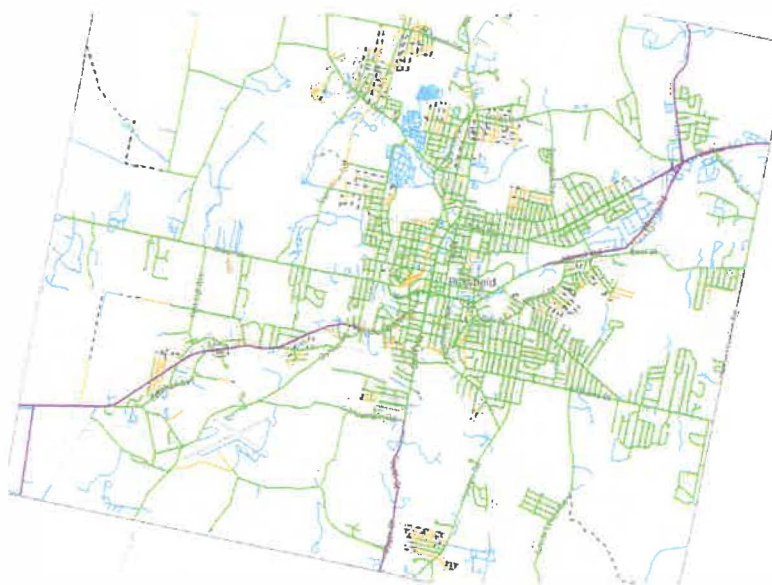
- From 12/24/22 4am to 12/24/22 7am
- From 12/24/22 4pm to 12/24/22 6pm
- From 12/25/22 2am to 12/25/22 7am

This would have reduced the number of snowfighters on the road during the storm to 6.

### 5.5. State DOT District 1

The state-maintained roadways were clear soon after the storm had ended. Most of the county's heavily traveled main roadways are state maintained roads. The state uses a combination of anti-icing and de-icing techniques made possible using Rock salt, Liquid Magnesium Chloride (Mag), Liquid Brine, Sand and Pre-Mixed Calcium Chloride. For this storm the state used their Mag mix which is more expensive but more effective in the temperatures experienced during and after the storm.

In Pittsfield, the maintenance of these roadways is interrupted and responsibility falls with the Pittsfield DPW. (See below map. State roadways in purple.) Due to the current unequal level of treatment between the state and Pittsfield, these transitions presented a stark contrast going from bare pavement to hard pack snow and ice.



## 5.6. Code Red and Other Communications

As indicated in section 1.2 of this report, a snow emergency was not called before the storm on Thursday based on the predicted weather for Pittsfield. However, when we realized that the storm was more serious than forecasted and that temperatures were preventing our efforts to de-ice and remove hard packed snow, we should have issued a snow emergency, a Code Red message, and media advisories. It is important to note that Code Red messages would alert subscribers, which may have excluded non-residents traveling through Pittsfield. These travelers would have to rely on connections with subscribers or other sources for this information.

## 6. Recommendations

After evaluating our response to this storm and having laid out the methodology and observations, I am including in this report a list of immediate and long-term actions we can take to be better prepared if a similar situation occurs.

### 6.1. What we can do now

There are two things in common along all roadways that had minimal if any hard pack snow or ice, the use of Magnesium Chloride (Mag) and how quickly it can be spread on the roadway. This type of chemical has not been used in Pittsfield roads with any regularity but the changing nature of winter storms is presenting an ever increasing challenge to the DPW. For that reason, we have ordered pre-treated Rock Salt with Mag and have it stored in one of our two salt sheds. This will allow us to use an anti-icing or de-icing method that can be effective in very low road temperatures. Consideration should be given to exclusively applying Mag treated anti-icing and de-icing products to all streets in a shorter period of time. This method will have a significant cost increase in materials in personnel. However, the burden of trying to execute the optimal cost effective effort for any given storm event can have a negative impact on road conditions.

Another immediate change put in motion is the acquisition of tanks to be mounted on 4 of our 6 snowfighters at a one-time cost of approximately \$32,000. This will allow our crews to switch to Mag treated rock salt as needed depending on the temperature swings and weather forecast variability. In the event we do use this type of mix, the increased material cost will range from 20% to 33%. Here is a full expense list for this acquisition:

#### Mixer on Truck

<b>One-Time Costs:</b>	<b>\$32,000.00</b>		
Retrofitting Trucks	\$2,500.00		
Number of Trucks	4		
Total retrofit cost	\$10,000.00		
Liquid Mag Storage Tanks	\$22,000.00		
<b>Recurring Costs (per use)</b>		<b>State Figures for comparison</b>	
Liquid Mag (\$/Gal)	\$1.15	Mix Spread (Lbs/LM)	240.00
Anticipated mix (Mag : Salt)	1.0 : 150	Typical Mag Spread (Gal/LM)	1.00
Mag For one Lane Mile	\$1.96	Extreme Mag Spread (Gal/LM)	2.40
Salt for one Mile	\$5.85	Average (Gal/LM)	1.70
Total cost per mile	\$7.81		
<b>% increase</b>	<b>33%</b>		

## 6.2. Long Term Solutions

Looking ahead to possible improvements to our operations, we should begin conversations with the state legislature and DOT to allow for an agreement in which the state takes over the responsibility for winter maintenance of the numbered routes through Pittsfield, without stopping as shown in section 6.5. This represents approximately 25 lane miles that would result in a 30% increase in the coverage of our main roads. The benefit to Pittsfield is evident, however, the state also benefits in having continuity within their routes. With this in place, the traveling public will not experience a difference in treatment within city limits. This is possible, and with haste, could be a solution in place for next winter.

Another long-term goal, which goes along with the suggestions in section 6.1 of this report, is the acquisition of 2 new snowfighters. This has been in our fleet management plans for two years and now would be a good time to proceed since it would allow for the installation of the Mag tanks on two additional trucks in order to have all 6 main routes covered. Recall from last section that we are only installing the tanks in 4 trucks. This is due to compatibility and space, which the two older trucks are lacking.

## Conclusion

I would like to acknowledge that the DPW crews and I recognize and respect the enormous responsibility we have for keeping our roads well-maintained and safe for the traveling public.

I hope this report has provided an analysis of what happened during this particular storm event along with recommendations for how to prevent this situation from happening in the future. Adjustments to our current practices, investments in equipment and materials, and a new partnership with the Massachusetts Department of Transportation will create improved methods for snow and ice removal in the City of Pittsfield.

Sincerely,



Ricardo Morales  
Commissioner of Public Services & Utilities

Cc: Vinny Barbarotta, Highway Superintendent  
Jeff Vincent, Retired DPW Superintendent for Lenox

# City of Pittsfield

## Snow and Ice Control Plan

### Overall Program

The City of Pittsfield encompasses 42.5 square miles and has a population of approximately 45,000 people. The City is responsible for snow and ice control on:

- 208 miles of roads (accepted and unaccepted)
- 6 miles of sidewalk
- 20 City Owned buildings (including 14 school properties)
- 5 Parking Lots
- 2 Parking Garages
- 2 Lakes Entrances and Parking Lots
- Parks and Conservation entrances and partial lots

The Department of Public Services has the primary responsibility for the execution of the snow and ice control plan. Support is provided by the Building Maintenance, Public Utilities and Police Departments. In addition, the Fire Department plows the Fire Station lots.

In addition, there are 10 miles of state owned roads that are maintained by the Commonwealth of Massachusetts: Cheshire Road (Dalton Ave to Lanesboro town line), Dalton Avenue (Plastics Ave to Dalton town line), Merrill Road (Dalton Ave to East St), South Street (South Mountain Rd to Lenox town line), West Housatonic Street (railroad underpass to Hancock town line), and Central Berkshire Boulevard (West Housatonic St to Richmond town line)

## **Snow and Ice Control Policy**

The goal of the Pittsfield Department of Public Services is to remove snow and ice from our roadways as rapidly and efficiently as possible, while keeping the roads open and essential traffic moving safely. Each storm develops with different factors that include air/pavement temperatures, wind, moisture content, snow accumulation, duration and post-storm weather. With the proper use of storm forecasts, personnel, equipment and materials, the Department can return roads to safe winter conditions as soon as possible. Flexibility is needed to adapt to the variety of circumstances and conditions during each snow and ice event.

## **Levels of Storm Response**

Although winter road conditions vary from storm to storm, we use the following four categories as a general guide for our response:

**Light snow/ inclement weather:** Snow accumulations of 1" or less. Generally requires salting/sanding operations only, dependent on post-storm temperatures and conditions.

**Small winter storm:** Snow accumulations of 1" - 3". Typically requires limited plowing, accomplished with only Highway personnel and minimal hired contractors.

**Medium winter storm:** Snow accumulations of 3" - 8". Requires full plowing operations with Highway personnel focused on main roads and contractors in residential streets.

**Major winter storm/Blizzard:** Snow accumulations of >8". Requires full plowing operations with Highway personnel focused on main roads and contractors in residential streets. These storms are typically of longer duration and will often result in 12 hours on/12 hours off shiftwork for snow personnel.



## Operations

**Salting/Sanding:** The City is divided into 6 sanding routes that are further sub-divided into two sections – main streets (collector roads/school bus routes/hills) and residential streets. The predominant method of treating streets is with the use of straight salt, which can be used on all streets to melt the snow. When pavement temperatures are below 18° and salt loses its effectiveness, the City may use a salt mixture that has been treated with magnesium chloride; or in severe cases, a 50/50% sand/salt mixture to provide improved traction on the roadway.

**Anti-Icing:** Sanders are deployed two hours before the snowfall is predicted to begin in order to pre-treat the main roads with salt and prevent ice from bonding with the pavement. This is done on main roads and takes approximately 3 hours to finish the routes.

**De-Icing:** After snow accumulation has stopped and roads are clear of snow, post-storm de-icing operations commence to improve traction and melt remaining snow and ice. Main roads are again treated with salt, and residential streets are treated with salt or sand/salt mix as conditions warrant.

**Plowing:** The City has 7 large dump trucks with front and wing plows, and 3 smaller plows. The City also hires approximately 40 outside contractors each winter to assist in plowing operations. The focus for clearing roadways will be main roads first; followed by residential roads. During the storm event, the goal is to keep all streets open for emergency travel. Once the accumulation has stopped, plows will clean up the streets, and push back snow to the curb line to allow for safe travel/parking and adequate snow storage capacity for future storms. The City strives to complete the plowing within 8 hours of the end of the storm for most events. In the case of major storms, that timeline may be exceeded, up to extended operations that can last several days. Highway vehicles/staff are assigned to 6 primary routes that consist of approximately 77 miles of city-wide main and priority roads. Contractor vehicles are assigned to 31 routes that encompass the remaining residential streets, with City vehicles dispatched to assist them as necessary. The Parks Division and the Building Maintenance Department are responsible for plowing school parking lots and driveways. At the end of the storm, the Highway Division will plow City parking lots and limited sidewalks.

**Plow Damage:** Any plow damage occurrence must be reported to Public Services no later than May 1.

### **Hints for Coping with Storms:**

- Avoid driving during snow emergencies to allow the snow plows to do their job. If you must be on the road, reduce your speed and drive cautiously.
- Observe all winter parking bans.
- When clearing driveways, snow should be kept on the owner's property or tree lawn/grass strip. Snow should not be deposited onto the street or sidewalk.
- It is best to pile snow to the right of the driveway (as you face the street) to reduce the potential of having it re-deposited at the driveway opening when the plow passes.
- Snow shoveling can be strenuous work. Pace yourself, use proper back technique and consider shoveling periodically during larger snow falls. If possible, help out a neighbor that might need assistance in clearing their snow.
- Rarely is the collection of trash and recyclables interrupted due to a winter storm. However, bundles of newspapers and recycling bins may become buried in the snow. If a storm is predicted, please consider keeping the recyclables for collection on your next collection day.
- Prevent street flooding by clearing catch basins near your home allowing rain or melting snow to enter the drainage system.
- Do not plow snow to obstruct a fire hydrant. Consider "adopting" a hydrant by shoveling and clearing the hydrant in your neighborhood.

**City Code:**

**Sec. 20 -15: Throwing, etc., snow and ice into streets, etc.**

No person shall throw or place, or cause to be thrown or placed, any snow or ice on or into any traveled way of any street, lane or alley in the city.

Sec. 20 – 21: Removal, etc., of snow and ice from sidewalks – Duty of occupant, etc., of abutting property to remove etc.; Chief of Police, or his or her designee, to prosecute violators.

The owner responsible for land or a building abutting a paved sidewalk, or the occupant therein, shall, after snow has ceased to fall thereupon or whenever snow shall have collected or deposited upon any such sidewalk, within 24 hours, remove the same or cause the same to be removed from such sidewalk; and also remove or cause to be removed from such sidewalk, or cover or cause to be covered with sand or some other suitable substance, within 24 hours after it has formed or appeared, any ice with which the same may be encumbered, in such was as to render such sidewalk safe and convenient for travel, to a width of 36 inches. In the event that the sidewalk has a width of less than 36 inches, the owner may only remove snow to the width of the sidewalk. If a person is found to be violating the provisions of this section, it shall be the duty of the Chief of Police, or his or her designee, the Director of Public Health, or his or her designee, and the Building Commissioner or his or her designee, to assess a fine to any such person in accordance with the fine scheduled set forth in Chapter 4 ½ entitled “Noncriminal and Criminal Enforcement,” § 4 ½ - 2.

**Sec. 20 – 24: Snow emergency regulations.**

Whenever impending weather conditions threaten to constitute a traffic hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection, and other vital facilities of the City, the Mayor, or, in the absence of the Mayor, his or her designee, shall declare an emergency period. Whenever such an emergency exists and the Mayor or his or her designee, shall have caused announcement by use of available news media, any or all of the following parking prohibitions shall become effective at either the time designated or upon the accumulation of three inches of snow, as measured at the Department of Public Works garage:

**(a)**

No driver shall stop, stand or park any vehicle within the limits of the traffic arteries or part thereof which are designated as weather or snow emergency routes by the Traffic Commission; provided, however, that this section shall not apply to passenger vehicles stopped temporarily during the actual loading or unloading of materials. All such arteries shall be identified by appropriate signage.

**(b)**

No vehicle shall be parked or allowed to stand on any street, which includes all public ways and all private ways which are subject to City snow removal for the duration of the snow emergency.

**(c)**

City off-street parking facilities shall be open and made available for parking free of charge for the duration of the snow emergency at the McKay Street parking deck and the Columbus Avenue parking deck.

**(d)**

Except for the designated parking facilities in Subsection (c) no person shall park or allow any vehicle registered in his or her name to park upon any land owned or controlled by the City, which shall include any land owned or controlled by any department of the City, including the School Department, after having been forbidden to do so by the person who has lawful control of said premises on behalf of the City.

**(e)**

During the entire month of November of each year, the City through its Police Chief shall ensure that a public service announcement program be set forth via radio, television, and newsprint to educate and inform the residents as to these regulation and the consequences of violation.

**(f)**

Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place as provided in § 13-115.1 of this Code, and the owner of the vehicle so removed or towed away, shall be liable for the cost of such removal and storage, if any, within the limits set forth in § 12-117 of this Code. Neither removal nor storage of a vehicle under the provisions of this section shall be deemed to be service rendered or work performed by the City or the Police Department of the City. The contractor shall bear any and all liability to the owner of such vehicle for any damage caused to it arising out of negligence in course of such removal and storage.



# MARTIN & OLIVEIRA

MICHAEL J. MARTIN, ESQ.

Direct: (413) 347-8964

MJM@martinoliveira.com

A Professional Limited Liability Partnership

Attorneys and Counselors at Law

THE CLOCKTOWER

75 SOUTH CHURCH STREET, SUITE 550

PITTSFIELD, MASSACHUSETTS 01201-6145

TELEPHONE (413) 443-6455

FAX (413) 445-5883

www.martinoliveira.com

Kelly M. Koperek, Paralegal

Direct: (413) 347-8969

KMK@martinoliveira.com

November 29, 2022

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

Attn.: Michele Benjamin

City of Pittsfield

City Council

70 Allen Street

Pittsfield, MA 01201

**RE: Compass Ridge Zoning Petition for Zoning Amendment  
Request for Continuance of November 29, 2022 Hearing**

Dear Clerk Benjamin and Members of the City Council:

As you know, this firm represents Compass Ridge, LLC in connection with its Petition and Application to Amend the Zoning Map as related to 0 West Housatonic. This matter is scheduled to heard by the City Council at the November 29, 2022 meeting.

Please continue this matter for sixty (60) days. Compass Ridge LLC is aware that this will require additional cost related to a new publication. In response to the community feedback and comments from the Community Development Board, please note that we are working with SK Design Group to prepare a plan for a proposed use and that a continuance is necessary to allow the plans to be prepared. A supplemental filing will be provided once the plans are complete.

We look forward to presenting the updated application to you at the January 24, 2023 meeting.

Thank you for your attention to this matter.

Cordially yours,

*/s/ Michael J. Martin, Esq.*

Michael J. Martin

MJM/kmk

Enclosure

cc. CJ Hoss, City Planner



## CITY OF PITTSFIELD

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

November 7, 2022

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

Re: Petition re: zoning map amendment from Compass Ridge, LLC for property located on  
outer West Housatonic Street

Dear Councilors:

The Community Development Board held the required public hearing on the zoning amendment petition related to the above referenced petition on November 1, 2022. The Board expressed concern over increasing the potential of commercial development proximate to residential neighbors with the loss of land that currently acts as a buffer zone. While not totally opposed to commercial development at this site, the Board was uncomfortable expanding the commercially zoned area without any detail of the potential future development of the subject property. Following the public hearing, the Board voted unanimously to recommend that the City Council deny the proposed zoning map amendment.

Attached please find a review of the proposed zoning change prepared by staff.

Sincerely,

COMMUNITY DEVELOPMENT BOARD

A handwritten signature in blue ink that reads "Sheila B. Irvin".

Sheila B. Irvin  
Chair

SI/ch

# MARTIN & OLIVEIRA

MICHAEL J. MARTIN, ESQ.

Direct: (413) 347-8964

MJM@martinoliveira.com

A Professional Limited Liability Partnership

Attorneys and Counselors at Law

THE CLOCKTOWER

75 SOUTH CHURCH STREET, SUITE 550

PITTSFIELD, MASSACHUSETTS 01201-6145

TELEPHONE (413) 443-6455

FAX (413) 445-5883

www.martinoliveira.com

Nicole Dearstyne, Paralegal

Direct: (413) 347-8982

NMD@martinoliveira.com

September 20, 2022

**BY EMAIL @ [mbenjamin@cityofpittsfield.org](mailto:mbenjamin@cityofpittsfield.org)**

**AND BY HAND**

Michele M. Benjamin, City Clerk

City of Pittsfield

70 Allen Street

Pittsfield, MA 01201

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2022 SEP 21 PM 12:34

RE: Compass Ridge, LLC  
Petition and Application to Amend Zoning Map  
Property Location: 0 West Housatonic St.

Dear Ms. Benjamin:

Please be advised I represent Compass Ridge, LLC, in connection with their enclosed application to amend the zoning map to extend the B-C zoning over the remainder of their property.

Compass Ridge, LLC is a limited liability company, owned and operated by the applicants, Kyle Danforth and Chase Wojtkowski. Mr. Danforth and Mr. Wojtkowski started Compass Ridge LLC in 2020 with the goal and mindset to help develop and improve their community. In 2021, Compass Ridge purchased 0 West Housatonic Street with the intent to convert the entire two acres into commercial property.

The property is currently a split zoned BC and R 20 lot, surrounded by IL. A zoning overlay map has been attached to the enclosed application for reference. From a planning perspective, it is reasonable and appropriate for the property to be zoned entirely BC. The residential R20 portion of the property was left behind when the residential neighborhood was developed to the south and east. The commercial portion of the lot was left behind when the abutting lot to the west was commercially developed. Accordingly, the locus now remains vacant on Route 20 and would not be developed as a residential lot and it is appropriate for the zoning map to be amended to extend the BC zoning over the remainder of the property. Once the entire lot is zoned BC, the property can be developed and serve as an entrance/gateway into the commercially zoned portion of Route 20.

Mr. Danforth and Mr. Wojtkowski reached out and received the endorsement of their ward councilor Patrick Kavey, who supports this petition. Mr. Danforth and Mr. Wojtkowski also conducted extensive community outreach and invited all abutters within 500 feet of the property



Compass Ridge, LLC  
Petition and Application to Amend Zoning Map  
September 20, 2022

to a meeting to discuss any concerns of the neighborhood related to their application. As of the date of this filing, the proposed zoning amendment has not received any objections and has been supported by the neighborhood.

Thank you for your attention to this matter and we look forward to further discussing the application with the City Council and the Community Development Board.

Cordially yours,



Michael J. Martin

MJM/

Enclosure

cc. Kyle Danforth  
Chase Wojtkowski  
Patrick Kavey

CITY OF PITTSFIELD  
CITY CLERKS OFFICE

\*\*\*\*\*

09/21/2022 1:15PM \*\*\*\*  
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\*COPY\*  
C. C. SPEC PERMIT \$400.00

CHEK \$400.00



**CITY OF PITTSFIELD**

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

<b>PETITIONER:</b>	<b>Compass Ridge, LLC</b>
<b>OWNER:</b>	<b>Same</b>
<b>PROPERTY LOCATION:</b>	Parcel located east of the intersection of West Housatonic Street and Lebanon Avenue, with frontage on both roadways
<b>ASSESSOR MAP &amp; LOT:</b>	C4-4-2
<b>CURRENT ZONING:</b>	B-C (Grouped Business)/R-12 One Family Residence
<b>R-12 INTENSITY REGULATIONS:</b>	Front/side/rear/ max. ht: 35'/10'/25'/35'
<b>PROPOSED ZONING:</b>	<b>B-C (Grouped Business)</b>
<b>B-C INTENSITY REGULATIONS:</b>	Front/side/rear/ max. ht: 0'/0'/0'/35'
<b>SURROUNDING USES:</b>	Residential, commercial, office
<b>FILING DATE:</b>	September 21, 2022
<b>HEARING DATES:</b>	<b>CDB – November 1, 2022</b> City Council – November 15, 2022

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**BACKGROUND**

Compass Ridge, LLC (the “applicant”) seeks to amend the zoning map for a parcel of land on outer West Housatonic Street, with frontage also on Lebanon Avenue. Parcel C4-4-2 is currently split zoned, with the western half of the parcel located within the Grouped Business B-C Zoning District, and the eastern half located in the One Family Residence R-12 Zoning District. The petitioner requests expanding the B-C district east to encompass the entire parcel.

**ANALYSIS**

***SECTION 3.203 R-12 ONE-FAMILY RESIDENCE***

*This district is established to allow for one-family dwellings within the more intensely developed areas of the City at a density compatible with existing densities and to provide for the creation of new neighborhoods reflecting and extending the urban one-family residential characteristics of the City.*

***SECTION 3.207 B-C GROUPED BUSINESS***

*This district is established to provide for a grouping of commercial retail and service outlets including centers designated and constructed as a single planned unit.*

**1. Character of the Area**

The subject parcel is approximately a two-acre vacant property, consisting primarily of open meadow. The parcel to the west is an existing fuel service station and convenience

store. To the north are multiple commercial and light industrial properties. To the east and south are largely single-family residential homes.

## **2. Consistency with Surrounding Zoning**

The existing zoning boundary dates back to the 1973 zoning map and was likely drawn in its current configuration as a result of the existence of the neighboring gas station to the west. The proposal would enlarge the B-C area and remain consistent with the existing configuration of a commercial district neighboring a district that largely consists of single-family homes.

## **3. Consistency with Master Plan**

Overall, the primary support for this proposal within the Master Plan is related to statements encouraging commercial growth.

The Master Plan raises two primary concerns with consideration of this proposal:

- i. The narrative related to the need to improve the gateways into the City, specifically called out as part of the overall master plan conceptual map and within the text.
- ii. The need for a West Housatonic corridor study, largely as a response to the lack of organized land use pattern from Route 41 to Gale Avenue.

Both of these items are related and are a response to the “hodgepodge appearance to passersby – neither conveying the urban vibrancy nor the natural beauty that are Pittsfield’s strong points<sup>1</sup>.”

Generally, the ongoing concern related to the City’s gateways and commercial corridors is the lack of regulatory control to encourage development that fits the landscape, as well as the proliferation of additional suburban sprawl. This proposal would add more opportunity for such commercial growth.

## **4. Impact on the Surrounding Property**

In relation to surrounding property, the primary concern is that the existing strip of R-12 zoning acts as a buffer between commercially zoned land and the neighboring residential neighborhood to the east. Removing this buffer could result in commercial development much more proximate to these homes.

## **SUMMARY**

The proposed zoning amendment would the eastern portion of the subject property from R-12 to B-C. The size and shape of the B-C zoned portion of the property makes commercial development difficult on the parcel. Converting the area to B-C would likely result in a more developable commercial parcel.

The primary concerns related to this proposal are:

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<sup>1</sup> Planning to Thrive: City of Pittsfield Master Plan. Land Use and Development Patterns. P 53. 2009

- 1) Additional opportunity to create suburban sprawl, in a primary corridor in the City that has been specifically identified in the past as needing clearer and more constrained regulatory conditions to improve design and development outcomes, and,
- 2) The likelihood that this proposal results in commercial development, with residential neighbors proximate to the south and east of the property.



# City of Pittsfield

\_\_\_\_\_ 20 \_\_\_\_\_

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

The undersigned respectfully

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 23, "ZONING ORDINANCE"

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

#### **Section I**

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 reclassifying a parcel on the north side of Lebanon Avenue and South Side of West Housatonic Street, from a split zoned B-C Grouped Business, Section 3.207, and R-20 Section 3.202 One Family Residence zoned lot, to an entirely B-C Grouped Business, Section 3.207, zoned parcel.

The parcel subject to this petition can be identified through the following Assessor Map No.:  
C040004002

The area for which the zoning reclassification is requested is described as follows:

*Beginning at a point in the northerly line of Lebanon Avenue, which point is five hundred (500) feet westerly of the southwesterly comer of lands of one Penny, as well as the southeasterly comer of land conveyed to Hermann Kultz and Emilie Kultz by deed of the Trustees of the United Society called Shakers of Pittsfield and Hancock, which deed is recorded with the Berkshire Middle District Registry of Deeds in Book 353, Page 260. This point of beginning is the southwesterly comer of the first parcel conveyed herein.*

*Running thence from said point of beginning, northerly to an angle formed by the northerly line of the first parcel herein conveyed with the easterly line of the second parcel herein conveyed;*



# City of Pittsfield

\_\_\_\_\_ 20 \_\_\_\_\_

To the City Council of the City of Pittsfield:-

The undersigned respectfully

*Thence running easterly in the southerly line of land of said Penny, six hundred nine and 4/10 (609.4) feet to the westerly line of said Penny;*

*Thence southerly, in the westerly line of said Penny five hundred seventy-nine and 3/10 (579.3) feet to the northerly line of Lebanon Avenue;*

*Thence westerly, in said northerly line of Lebanon Avenue, to the place of beginning. Also conveying another portion of the lands deeded in said deed of said Shaker Trustees, vis: Beginning at the above-described angle, thence running westerly, extending the northerly line of the parcel first herein conveyed, to the easterly line of land of the Boston & Albany Railroad Company;*

*Thence northeasterly in said Railway line to lands of said Penny;  
Thence, at an angle, easterly in the line of Penny, one hundred seventy-seven feet (177');*

*Thence, at an angle, southerly in the west line of land of said Penny, five hundred seventy-eight and one half (578.5) feet, to the place of beginning.*

*EXCEPTING THEREFROM a taking by the Commonwealth of Massachusetts, dated May 24, 1932, and recorded June 6, 1932, with said Registry in Book 456, Page 238.*

*Being the same premises conveyed to the Grantor herein by deed of Carl H. Laschky, dated June 30, 2017, and recorded August 4, 2017, with the Berkshire Middle District Registry of Deeds in Book 6030, Page 102, in which deed Carl H. Laschky reserved a Life Estate. (See also deed from Hermann Kuhtz and Emilie Kuhtz to Ella K. Laschky dated December 7, 1929, and recorded with said Registry in Book 448, Page 161, for more particular description.)*

## Section II

This ordinance shall become effective upon enactment.

Date Received \_\_\_\_\_

By \_\_\_\_\_  
(fee paid)

**AMENDMENT TO THE ZONING ORDINANCE  
CITY OF PITTSFIELD**

1. Amend Zoning Map   ✓   Amend text, Chapter 23, Code of Laws \_\_\_\_\_

2. Present Zoning District split B-C, R-20 Zoning Requested B-C

3. Name of Petitioner Compass Ridge, LLC

Address 0 West Houstonic Street Telephone # 413-652-2091

Signature  Kyle Danforth  
Chase Wojtkowski

4. Name of Agent Michael J. Martin, Esq. / Martin & Oliveira

Address 75 S. Church Street, Suite 550, Pittsfield, MA 01201 Telephone # 413-347-8964

Signature 

5. Name of Property Owners same as Petitioners

Address \_\_\_\_\_ Telephone # \_\_\_\_\_

6. If Petitioner is not the Property Owner, attach a document indicating interest in property.

State interest: Owner

7. Legal Description: see attached map

(Attach "Metes and Bounds" Description if necessary) Assessor's Map No. C040004002

8. Attach map of property (drawn to scale) including streets, buildings, uses and property dimensions. attached

9. If an amendment to the Text of Chapter 23, Code of Laws, state the nature of the amendment: N/A

10. Article and Section proposed to be amended: 23-3 Setcion 3-302

Community Development Board: Hearing Date \_\_\_\_\_ Recommendation \_\_\_\_\_

City Council: Hearing Date \_\_\_\_\_ Action Taken \_\_\_\_\_ Ordinance No. \_\_\_\_\_

## Exhibit A – Legal Description of Locus

The parcel of land designated as Assessor's Parcel Number C04-0004-002 and containing 84,191 SF +/- as shown on a plan entitled, "Plan of Land in Pittsfield, Massachusetts," 0 West Housatonic Street, Pittsfield, Massachusetts, prepared by New England Land Survey, Inc., and recorded with the Berkshire Middle District Registry of Deeds, on April 29, 2021, in Plat S-4. Said parcel is more particularly described as follows:

Beginning at an iron pipe in the northerly sideline of Lebanon Avenue;

Thence N 14° 13' 35" E distance of 424.47 feet by the land now or formerly of Baumann and land of Donaldson to a rod;

Thence S 57° 56' 34" W a distance of 378.59 feet by the southerly line of West Housatonic Street;

Thence with a curve turning to the right with an arc length of 61.48 feet with a radius of 1,640.00 feet with a chord bearing of S 59° 01' 00" W with a chord length of 61.48 feet, also running by southerly line of West Housatonic Street to land now or formerly of Sherman;

Thence S 12° 39' 16" E by land now or formerly of Sherman a distance of 176.26 feet;



Thence S 88° 17' 26" E a distance of 230.75 feet by Lebanon Avenue to the point of beginning, having an area of 84,191 square feet +/-, 1.93 acres +/-.



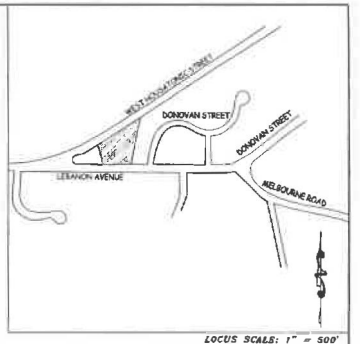
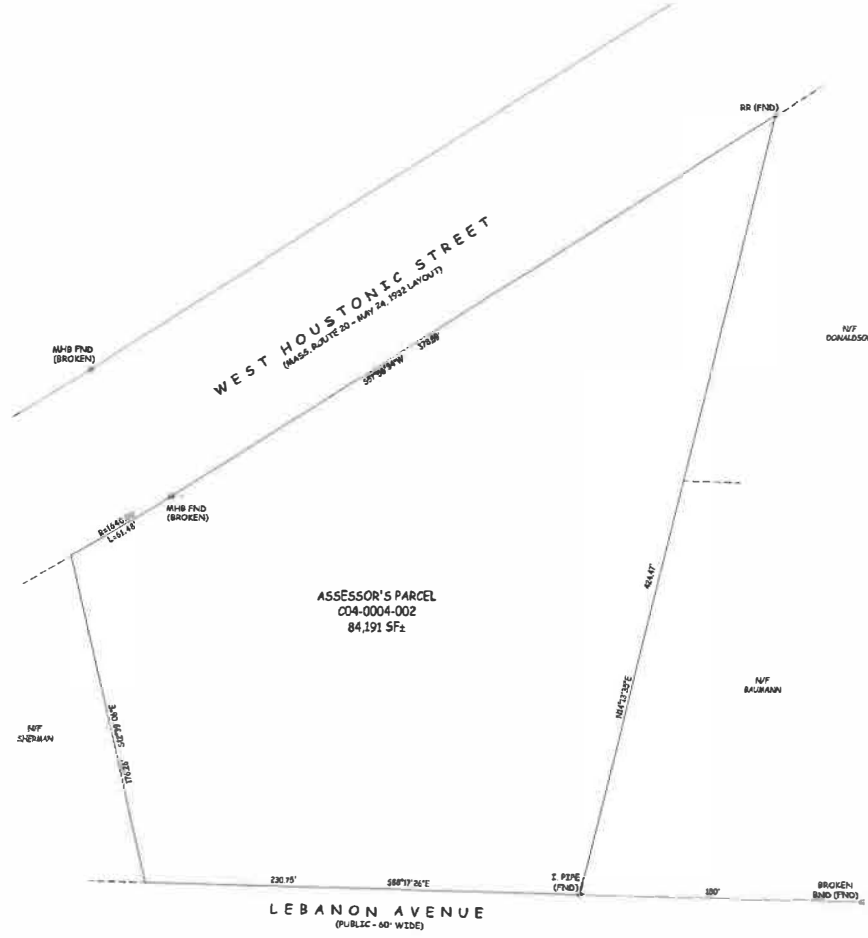
# Middle Berkshire - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 8/11/2022 3:58:03 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
1925	PLAN		000PS/4	04/29/2021	
<b>Property-Street Address and/or Description</b>					
WEST HOUSTONIC ST, LEBANON AVE					
<b>Grantors</b>					
DANFORTH KYLE					
<b>Grantees</b>					
SMITH GEORGE EDWARD III					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					

  
 2021 04 21 10:52:15  
 Page 5 of 5  
 COUNTY OF BERKSHIRE  
 MIDDLE DISTRICT REGISTRY OF DEEDS  
 PLAN RECEIVED AND FILED FOR RECORD  
 4/21/21 at 10:52 PM  
 IN PLAT S-4  
 SEE INSTRUMENT RECORDED IN  
 BOOK 6876 PAGE 116  
 REGISTER  


BASIS OF BEARINGS  
 MASS STATE PLANE  

  
**New England**  
 Land Survey Inc.  
 710 MAIN STREET  
 NORTH OXFORD, MA 01537  
 508-987-0025

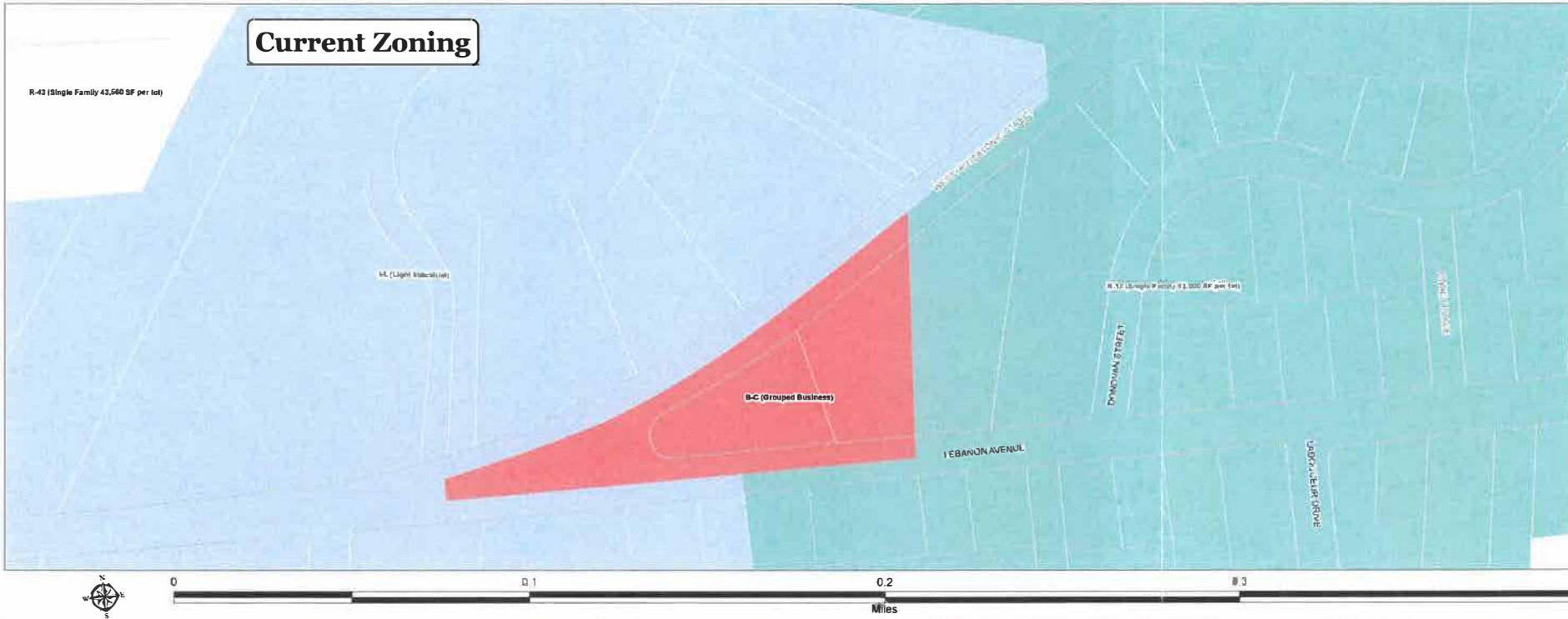
  
 THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.  
**M.G.L. Ch. 581-X Surveyor's Certificate**  
 I HEREBY CERTIFY THAT THE PROPERTIES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW STREETS OR WAYS ARE SHOWN.  
 DATE: APRIL 21, 2021  
**PLAN OF LAND IN PITTSFIELD, MASSACHUSETTS**  
 OWNER APPLICANT: KYLE DANFORTH  
 0 WEST HOUGHTONIC STREET, PITTSFIELD  
 COUNTY: MIDDLE BERKSHIRE  
**REFERENCES:**  
 DEED BOOK 5030 PG. 102  
 PLAN DG/19  
 PLAN BH/97  
 ASSESSOR'S ID: CO40004002  
 JOB#: west houghtonic n/c  
 CAD BY: AJC  
 SCALE: 1" = 30'  


THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ALL RESTRICTIONS AND ENCUMBRANCES THAT SUCH A REPORT MAY REVEAL.

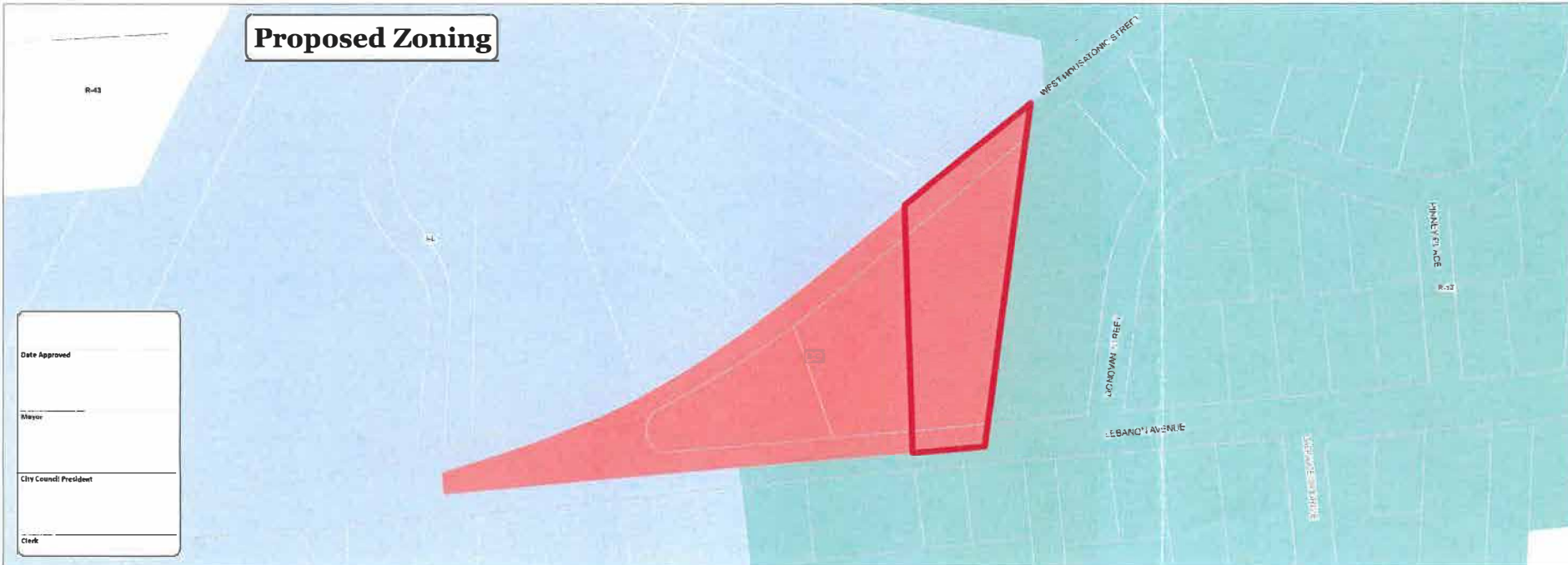


# Proposed CO4-0004-002 Zoning Change - September 2022

## Current Zoning



## Proposed Zoning



## Exhibit B – Property Maps

### A. Zoning Map Overlay



### B. Satellite Map Image





**CITY OF PITTSFIELD  
NOTICE OF ZONING AMENDMENT PUBLIC HEARING  
PITTSFIELD COMMUNITY DEVELOPMENT BOARD AND CITY COUNCIL**

The City of Pittsfield in accordance with the provisions of M.G.L Chapter 40A, Section 5, hereby gives notice to all interested parties that a public hearing will be held by the Community Development Board on a petition from Compass Ridge LLC to amend City Code, Chapter 23, Article 23-3 Zoning Districts, Section 3.302, “Amendment, Official Map,” shall be amended by reclassifying a parcel on the north side of Lebanon Avenue and South Side of West Housatonic Street, from a split zoned B-C Grouped Business, Section 3.207, and R-20 Section 3.202 One Family Residence zoned lot, to a B-C Grouped Business, Section 3.207, zoned parcel in its entirety. The site can be further identified as Assessor Map C4-4-2. This Ordinance shall take effect upon enactment.

The Community Development Board public hearing will be held virtually on November 1, 2022, at 6:00 pm. Access information to the Zoom meeting can be found on the posted agenda or by contacting [tkozlowski@cityofpittsfield.org](mailto:tkozlowski@cityofpittsfield.org). The City Council will hold its public hearing on Tuesday, November 15, 2022, at 6:00 PM in City Hall Council Chambers, located at 70 Allen Street.

The petition is on file at the City Clerk’s Office, Room 103, and the Department of Community Development, Room 205, City Hall, and may be viewed during regular business hours (Mon-Fri 8:30 a.m. to 4:00 p.m.). The petition can also be viewed on the City’s website: [https://www.cityofpittsfield.org/city\\_hall/community\\_development/community\\_development\\_boards\\_and\\_commissions.php](https://www.cityofpittsfield.org/city_hall/community_development/community_development_boards_and_commissions.php) or by contacting Ted Kozlowski at (413) 499-9368 or by email at [tkozlowski@cityofpittsfield.org](mailto:tkozlowski@cityofpittsfield.org).

Peter Marchetti, President  
City Council

Sheila B. Irvin, Chair  
Community Development Board

10/18/22  
10/25/22



## CITY OF PITTSFIELD

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

November 16, 2022

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

Re: Petition re: the request for an honorary way honoring the Reverend Samuel Harrison on the corner of Third Street and Fenn Street

Dear Councilors:

The Department of Community Development reviewed this request in consultation with the Commissioner of Public Services. We agree that such signage will not be confusing to the public and is an appropriate designation to honor the Reverend Samuel Harrison. The Department of Community Development has no concern over the designation.

The petition does not state the specific naming of the signage (e.g., Rev. Samuel Harrison Way). The Council should clearly state the intended street naming as part of an approval to be directed to the Department of Public Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Justine Dodds", is written over a faint, larger version of the same signature.

Justine Dodds  
Director



City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2022 OCT 12 AM 8:44

10/11 2022

To the City Council of the City of Pittsfield

The undersigned respectfully

propose placement of a commemorative street sign on the corner of 3rd and Fenn Streets in honor of the Presbyterian Minister, Reverend Samuel Harrison (1818-1900). Reverend Harrison, a former slave, was a vocal abolitionist and chaplain of the famed 54th Massachusetts Regiment. Among his many accomplishments Harrison collaborated with Massachusetts Governor Andrew petitioning President Lincoln for equal pay for black soldiers. Equal pay for African American soldiers was secured by Congress in 1864.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles I. Kronick".

Charles I. Kronick

Councilor Ward 2



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

Tel. (413) 499-9352  
[solicitor@cityofpittsfield.org](mailto:solicitor@cityofpittsfield.org)

January 31, 2022

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

Dear Councilors:

On December 15<sup>th</sup>, 2021 the following matter was referred to this office:

“That the recent creation of new positions, including but not limited to the Special Projects Manager, appear to be in violation of the City Code. It seems the City did not create any positions by the amending of the "compensation tables" salary schedule. That would only indicate the potential salary range once the position is created. It would seem more specific steps are necessary.

Therefore, I request that this matter be referred to the City Solicitor for a legal opinion as to all the steps necessary to create a new position.”

Under the City’s Charter, the Administration hires and fires all employees.

The City Council’s role is:

- To approve or reject the budget which contains the appropriation funding the position(s);
- To approve or reject the appointment of an individual as a department head (Section 2-10);
- To approve or reject administrative orders submitted by the mayor to create or reorganize city agencies;
- To accept or reject grants which may specifically include funding for personnel to manage the grant or which permit grant funding to be used to hire and pay for personnel to manage the grant.

If the City Council votes to accept a grant which includes funding for personnel or which permits the funds to be used for personnel and expenses to oversee the grant, the management of the grant is within the purview of the administration. Any personnel position created to manage the grant do not require the City Council to raise and appropriate funds.

These are temporary grant funded positions which will end when the grant funds are exhausted.

Respectfully submitted,

Stephen N. Pagnotta  
City Solicitor





# City of Pittsfield

RECEIVED BY CLERK  
CITY OF PITTSFIELD  
2021 DEC -8 PM 12:31

December 06 2021

To the City Council of the City of Pittsfield:-

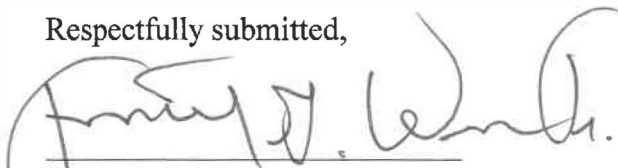
The undersigned respectfully

That the recent creation of new positions, including but not limited to the Special Projects Manager, appear to be in violation of the City Code. It seems the City did not create any positions by the amending of the "compensation tables" salary schedule. That would only indicate the potential salary range once the position is created. It would seem more specific steps are necessary.

Therefore, I request that this matter be referred to the City Solicitor for a legal opinion as to all the steps necessary to create a new position.

This is very important to clarify because there is a basic principle of municipal law that if all the technical requirements are not complied with by the municipality, money due from and/or paid by the city are subject to being deemed unenforceable or requiring reimbursement to the city even if the recipient has validly provided goods or services.

Respectfully submitted,

  
\_\_\_\_\_  
Kenneth G. Warren Jr.  
Ward 1 City Councilor Elect



City of Pittsfield

RECEIVED CITY CLERK  
CITY OF PITTSFIELD, MA

2022 OCT 12 AM 8:44

10/11 2022

To the City Council of the City of Pittsfield

The undersigned respectfully

propose that a committee be formed by the City Council whose goal is to present to the Council and Mayor a design and funding plan for the erection of a statue on the Tyler Street circle of the esteemed Reverend Samuel Harrison (1818-1900). This statue will pay long overdue honor to the significant contributions of the Reverend to the struggles to overcome the legacies of slavery in our Nation. Further, it will have numerous other benefits such as increasing general pride in our City by honoring the contribution of blacks to our City and Nation, encouraging the study of history and its intersection with art by our children, bringing regional and National attention to Pittsfield and finally serve as a lovely crown for the Tyler Street renovation project.

Respectfully Submitted,

Charles I. Kronick

Councilor Ward 2



## CITY OF PITTSFIELD

PITTSFIELD CONSERVATION COMMISSION, CITY HALL, 70 ALLEN STREET & HEALTH DEPARTMENT, 100 NORTH STREET, PITTSFIELD, MA 01201

January 3, 2023

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

re: A referral regarding the 2022 drawdown of Pontoosuc Lake

Honorable Council Members,

Drawdowns of the surface waters of Pontoosuc Lake have been performed since the late 1940's when large volumes of water were drawn throughout the year to provide power for the manufacturing processes associated with downstream mill complexes. Over time, these practices continue to be refined in a way that attempts to best balance dam safety, flood water and invasive species control, and concerns with the beneficial ecological aspects that the lake and adjoining wetlands resources provide. Numerous studies, management plans, guidance materials, and environmental permit processes have been completed over the years to determine how to best achieve these objectives.

Today, the dam is monitored and maintained by Massachusetts Department of Conservation (DCR). DCR is also in the process of preparing a series of voluminous permit applications for Pontoosuc Lake drawdown as a way to continue to ensure the most sound drawdown management practices are being implemented. These applications will, at minimum, be submitted to and reviewed by the Executive Office of Energy and Environmental Affairs (EOEEA) under the Massachusetts Environmental Policy Act (MEPA) review process; Massachusetts Department of Environmental Protection (Mass DEP); and to both the Lanesborough and Pittsfield Conservation Commissions. Ample public engagement and public comment is a part of the process for all of these entities. .

The Conservation Commission relies on the staff of DCR to manage the drawdown in compliance with the local Order of Conditions. Because the lake is shared with another municipality, the Orders of Conditions prepared by the Lanesborough Conservation Commission and Pittsfield Conservation Commission mirror one another. This is to prevent confusion when checking for compliance with the permit. The annual lake drawn down is approximately three feet, beginning in October and refilling in April. The current permit allows for up to a five foot drawdown, with certain caveats.

The lake can be drawn down one of two ways. The first way is through a lower gated spillway. When the gate is raised, the crest of the spillway is exposed, allowing water to discharge. The crest elevation is three feet lower than the crest of the primary spillway. In 2007, this was designed and built into the dam for the purposes of drawdown and maintaining a thirty-six inch draw down depth.

The other way of drawdown is through an eight-foot diameter low level pipe that is controlled inside the lakes gatehouse. This can provide for deeper drawdown, such as the drawdowns from three feet to five feet. When this is not open during drawdown, the stable pool elevation is around three feet.

On November 28, 2022, this office received a complaint that the lake had been drawn down beyond three feet to three and one-half feet. Measurement were taken from a watermark along the sheet pile retaining wall on the dam's western face. While this was not a violation of the permits (the Order of Conditions allows a drawdown of up to five feet before December 1), the general practice has been to maintain a drawdown of three feet. Because of this, an inquiry was made to the DCR requesting to see the drawdown data logs (attached). These logs show a maximum drawdown depth of thirty-six inches measured from the crest of the dam's primary spillway (per DCR staff). There was no indication as to whether or not the low level pipe was opened.

Fish mortality was not evident in any information presented to the Pittsfield Conservation Office. Documentation was however provided that showed a population of young of year fish, primarily yellow perch, schooled near the toe of the downstream face of the dam. Though this population of fish may have made their way downstream, in part, because of the drawdown, fish movement over the dam occurs throughout the year, despite drawdown. Without means of making their way over the dam (such as with a fish ladder), it is common to find fish, and other aquatic organisms, populate at the toe of dams. Unfortunately, dams do often disconnect waterways from upgradient waterways within the watershed. It is for this reason that the Pittsfield Conservation Commission continually supports stream continuity projects, such as replacing failed and inadequate culvert pipes. While the Pontoosuc Dam will likely never completely be removed (promoting stream continuity), the Commission can ask the applicant of the pending permit applications(s) to consider ways to incorporate aquatic organism passage from areas downstream of the to the lake.

The question of the impact that lake drawdown has on the lakes ecosystem is quite broad. The Pittsfield Conservation Commission concerns itself with compliance under the Massachusetts Wetlands Protection Act and its accompanying regulations. When the drawdown was last permitted, Conservation Commissioners from two municipalities, Mass DEP, and other applicable public agencies agreed that with the Order of Conditions imposed the action of drawdown would be in compliance with those rules. These rules would have considered Land Under the lakes Water, the Banks of the lake, wetland areas contiguous to the lake, and the floodplain areas associated with the lake. Together in 2004, Mass EOEEA, Mass DEP, and Mass DCR prepared a document as part of a Generic Environmental Impact Report entitled "The Practical Guide to Lake Management of Management" that lake managers and regulators use to help make sound lake management decisions. This document provides an abundance of information that would be useful in providing answers to both the negative and positive impacts of lake draw down. The drawdowns at Pontoosuc generally require adhering to recommendations outlined in this document.

Lake management is a very complex and challenging task as there are many factors to consider. Lake management at Pontoosuc Lake follows the advice and recommendations by experts across the state with the intent of striking the best balance.

Please do not hesitate to contact me with any questions.



Thank you,

Robert J Van Der Kar, PWS

**Pontoosuc Lake Dam  
Daily Drawdown Water Level Measurements**

<b>Date</b>	<b>Time</b>	<b>Lake Water Level Measured from Spillway Crest to Water Surface (Inches)</b>
10/13/2022	10:00 AM	+1.5
10/14/2022		
10/15/2022	8:30 AM	+1
10/16/2022	8:30 AM	+0.5
10/17/2022	8:30 AM	-1
10/18/2022	11:30 AM	-2
10/19/2022	12:00 PM	-4
10/20/2022	11:00 AM	-6
10/21/2022	9:00 AM	-7
10/22/2022	2:00 PM	-8
10/23/2022	8:00 AM	-10
10/24/2022	9:30 AM	-12
10/25/2022	9:00 AM	-14
10/26/2022	12:00 PM	-16
10/27/2022	9:30 AM	-18
10/28/2022	10:00 AM	-20
10/29/2022	9:00 AM	-22
10/30/2022	12:00 PM	-24
10/31/2022	12:00 PM	-26
11/1/2022	9:30 AM	-27
11/2/2022	11:00 AM	-28
11/3/2022	10:00 AM	-29
11/4/2022	10:00 AM	-30
11/5/2022	8:30 AM	-31
11/6/2022	9:00 AM	-32
11/7/2022	10:30 AM	-33
11/8/2022	11:30 AM	-34
11/9/2022	9:30 AM	-35
11/10/2022	9:00 AM	-36
11/11/2022	9:15 AM	-34
11/12/2022	10:30 AM	-35
11/13/2022	11:30 AM	-35
11/14/2022	11:00 AM	-35
11/15/2022	9:00 AM	-35
11/16/2022	8:30 AM	-35
11/17/2022	10:00 AM	-35
11/18/2022	11:30 AM	-35
11/19/2022	1:30 PM	-35
11/20/2022	2:45 AM	-35
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11/22/2022	9:30 AM	-35
11/23/2022	10:30 AM	-35
11/24/2022	8:00 AM	-35
11/25/2022	8:30 AM	-35
11/26/2022	9:00 AM	-35
11/27/2022	9:00 AM	-35
11/28/2022	8:30 AM	-34
11/29/2022	10:30 AM	-34
11/30/2022	11:00 AM	-34
12/1/2022	8:30 AM	-34

PONTOOSUC LAKE DAM DATA LOG

2022

DATE	TIME	LOWER GATE		SLUICE GATE		LAKE LEVEL or effect	OPERATOR	COMMENTS	FLOW	
		INCHES UP	INCHES DOWN	FINAL POSITION	FINAL POSITION				Date	Time
10/13	10AM			+6"		+1 1/2 inch	CH	Heavy Rain Draw Down started		
10/15	8:30			+9"		+1 1/2	KM			
10/16	8:30AM	73		+12"		+1 1/2	CH			
10/17	8:30			+12"		-2	CH			
10/18	11:30			+12"		-4	KM			
10/19	12PM			+12"		-6	CH			
10/20	11AM			+12"		-8	KM			
10/22	2:00			+12"		-10	KM			
10/23	8AM			+12"		-12	CH			
10/24	9:30AM			+12"		-14	CH			
10/25	9AM			+12"		-16	CH			
10/26	12PM			+12"		-18	CH			
10/27	9:30AM			+12"		-20	KM			
10/28	10:00			+12"		-22	KM			
10/29	9:00			+12"		-24	CH			
10/30	12			+12"		-26	CH			
10/31	12		-2	+10		-27	KM			
11/1	9:30			+10		-28	KM			
11/2	11			+10		-28	KM			
11/3	10			+10		-29	KM			

2022

## PONTOOSUC LAKE DAM DATA LOG

data

DATE	TIME	LOWER GATE			SLUICE GATE			LAKE LEVEL or Elect readout	OPERATOR	COMMENTS	FLOW			
		INCHES UP	INCHES DOWN	FINAL POSITION	INCHES UP	INCHES DOWN	FINAL POSITION				Date	Time	Gage feet	Flow cfs
11/4	10		2"	8"			+1	-30	KM					
11/5	8:30			8"			+1	-31	KM					
11/6	9			8"			+1	-32	CH					
11/7	10:30			8"			+1	-33	CH	:				
11/8	11:30			8"			+1	-34	KM					
11/9	9:30			8"			+1	-35	KM					
11/10	9:00		5"	3"			+30	-36	KM	- Draw Down -				
11/11	9:15			3"			Open	-34	KM	Complete				
11/12	10:30	3		6"			"	-35	KM	Heavy Rain				
11/13	11:30			6"			"	-35	CH					
11/14	11:00			6"			"	-35	CH					
11/15	9:00			"			"	-35	KM					
11/16	8:30			"			"	-35	KM					
11/17	10			"			"	-35	KM					
11/18	11:30			"			"	-35	KM					
11/19	1:30			"			"	-35	KM					
11/20	2:45			"			"	-35	CH					
11/21	8:30			"			"	-35	CH					
11/22	9:30			"			"	-35	KM					
11/23	10:30			"			"	-35	KM					
11/24	8:00			"			"	-35	KM					





December 7, 2022

To the City Council of the City of Pittsfield

The undersigned respectfully

A request for a representative of the Conservation Commission to come before the City Council on Tuesday January 10 to explain why Pontoosuc Lake was drawn down lower than normal causing the death of thousands of fish and the impact this has on the lake ecosystem.

Karen Kalinowsky  
Councilor At-Large

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2022 DEC - 7 PM 2: 54



# City of Pittsfield

January 9, 2023

To the City Council of the City of Pittsfield: —

The Committee on

to whom was referred the

A petition from Councilor Warren requesting to delete City Council Rule 26

having considered the same, report and recommend that

the petition be approved.

Voted unanimously 3/0

Respectfully submitted,

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

Peter T. White, Chair

Chairman



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2022 NOV -8 PM 11:56

November 02 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request that the City Council amend City Council Rule 26 (which is attached as Exhibit A) as discussed below.

The first paragraph should be amended by removing the first sentence as indicated below and adding the designation "A" followed by "STANDING COMMITTEES" to separate standing committees from a section to be added dealing with special committees:

~~The Vice-President's duties shall include serving as President in the absence of the President or in the event of the President's disability for a temporary period of time.~~ A. The following standing committees shall be appointed by the President, namely:

**RATIONALE:** the language dealing with the Vice President's duties does not logically belong in this role nor is relevant to the issue of City Council committees. Finally, the exact sentence is found as the last sentence in **Rule 1.**

The separate sections dealing with all the standing committees should then follow the 1<sup>st</sup> paragraph without change.

A second paragraph should be added dealing with "SPECIAL COMMITTEES". It should follow the designation "B". It should contain the following language:

**SPECIAL COMMITTEES.** The City Council may establish special committees for the purpose of considering a particular policy or issue or for other purposes. Such committees may make recommendations and may sponsor ordinances, resolutions or other matters. Such committees may be created by resolution approved by a two-thirds vote of a quorum. The resolution shall specify the composition and scope of the special committee. No such committee shall exist beyond the current term of the Council.

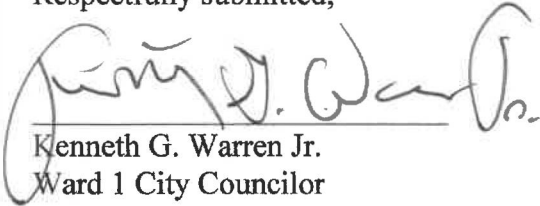
The Council President shall appoint all members to such committees, and may appoint members of the public who are residents of the City of Pittsfield . Special Committees shall elect their own Chair and other officers from among those appointed. At the first meeting, the person whose appointment was first announced by the Council President shall serve as temporary Chair until elections occur.

**RATIONALE:** it seems that there is confusion as to how the City Council establishes special committees to assist it in carrying out its responsibilities. It appears to be so confusing that it was overlooked at the beginning and was not addressed when raised in the independent audit decision.

Traditionally, no member of a City Council, even a presiding officer, is authorized to create a committee on behalf of the City Council without express authorization in the rules or by vote of the legislative body. This expressly reiterates the traditional procedure. It also addresses some specifics about how many votes are needed to establish a special committee and who the members shall be. Obviously those choices are open to debate and discretion of the members to determine. I made a choice for discussion.

Always remember government is based on principle and procedure not on personality.

Respectfully submitted,



Kenneth G. Warren Jr.  
Ward 1 City Councilor

## EXHIBIT A

**Rule 26.** The Vice-President's duties shall include serving as President in the absence of the President or in the event of the President's disability for a temporary period of time. The following standing committees shall be appointed by the President, namely:

(1) Finance, consisting of five Councilors, who shall act upon such matters relating to the finances of the City, accounts, appropriations, and salaries, which may be referred to it, in addition may examine all bills against the City presented for payment, and that said Committee also serve as the "Ways and Means Committee" who shall determine where monies will come from before any approval of orders or appropriations for funds. In addition it shall review the yearly audit in an exit interview with the external auditor; review quarterly the resolution of any recommendations and/or reportable conditions noted in the management report; review quarterly the actual expenses and income versus budget; and act on all other matters referred to it by the City Council.

(2) Public Services and Utilities, consisting of five Councilors, who shall act upon matters relating to streets, highways, sidewalks, sewers, water, fuel, street lights, bridges, culverts, paving, public property, electric wires and poles, which may be referred to it.

(3) Public Safety and Health, consisting of five Councilors who shall act upon matters relating to the Fire Department, Police Department and Board of Health, which may be referred to it. In addition, it shall be the responsibility of the Public Safety and Health subcommittee, together with the Board of Health, and in collaboration with the Massachusetts Department of Environmental Protection, the Massachusetts Department of Public Health, and the United States Environmental Protection Agency, to conduct annual updates in September regarding the monitoring protocols, monitoring outcomes, and upcoming activity associated with OPCA 71 (a/k/a Building 71) and OPCA 78 (a/k/a Hill 78) which are located on property owned by General Electric and abutting Allendale Elementary School.

(4) Committee on Ordinances and Rules, consisting of five Councilors, who shall act upon all rules, ordinances, resolutions, and enrolled ordinances, which may be referred to it. In addition, the Committee shall review any matters sent to them to determine if the jurisdiction and purview of the City Council make it appropriate to have the matter before them.

(5) Public Buildings and Maintenance, consisting of five Councilors who shall act upon matters relating to all municipal public buildings and the maintenance of all public facilities, which may be referred to it.

(6) Community and Economic Development, consisting of five Councilors, who shall act upon all matters relating to community and economic development which may be referred to it, and to include as its major responsibility job creation.

(7) Committee of the Whole, consisting of the entire Council, who shall act on all matters referred to it. Committee of the Whole budget hearings can only be held during the evenings on Mondays through Thursdays. The initial budget meeting cannot be held sooner than seven (7) days after the City Council has been presented the budget by the Mayor.



# City of Pittsfield

January 9, 2023

To the City Council of the City of Pittsfield: —

The Committee on

to whom was referred the

A petition from Councilor Warren requesting to add an additional rule designated as Rule 1F

having considered the same, report and recommend that

the petition be approved.

Voted unanimously 3/0

Respectfully submitted,

Peter T. White, Chair

Chairman



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2022 NOV -8 PM 11:56

November 02 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request that the City Council amend the City Council Rules by the addition of a rule designated as Rule 1F as described and discussed below.

1. Proposed Language:

**Rule 1F.** All sessions of the City Council and of every standing committee, special committee, or subcommittee of the council, however established, shall, at all times, be open to the public, unless otherwise specified by law.

2. **RATIONALE:** The City Charter states and requires as follows:

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES  
[.....]

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, **WHICH SHALL INCLUDE** (emphasis added), but not be limited to, the following rules:  
[.....]

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

Respectfully submitted,

Kenneth G. Warren Jr.  
Ward 1 City Councilor



# City of Pittsfield

\_\_\_\_\_ January 15 \_\_\_\_\_ 20 \_\_\_\_ 23

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council I would like to submit a petition requesting the City Council place on Tuesday November 7, 2023, ballot; A measure removing the existing Bike lanes on North St. from Park Square to Wahconah Street.

When campaigning over a year ago 90% of the residents and North St. business owners I spoke to were unhappy with the current bike lanes on North St. I asked the Mayor to return North St. to 4 lanes of traffic plus turn lanes after the trial period and she refused.

I am now asking the council to place the question on the November 7, 2023, ballot so the voters can decide if they want to keep the bike lanes on North St. or return North Street to 4 lanes plus turn lanes. If the majority of the councilor's vote in favor of placing the question on the ballot I am requesting this petition to be returned to Attorney Pagnotta for a summary of the measure.

Attached is a copy of the measure from Attorney Pagnota.

Respectfully,

Karen Kalinowsky  
City Councilor At-Large



Shall the following measure which was proposed by the City Council take effect:

A measure removing the existing Bike Lanes on North Street from Park Square to Wahconah Street.

Shall the Department of Public Services, no later than May 1, 2024, remove the presently existing bike lanes on North Street from Park Square to Wahconah Street and return North Street to four (4) lanes of traffic with turn lanes.



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA

2023 JAN 18 PM 1:20

January 18 20 23

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council,

In the January 10, 2023 meeting, I had submitted a request to rebuff the pending argument that the City ought to purchase MgCl2 and related equipment. This request was fully argued and supported by professional input from a MassDOT employee and relevant weather data. The motion failed primarily on account of ill-timing with the DPW report scheduled for the 1/24/2023 meeting and for lack of clarity of execution.

I therefore make the following request to be adopted by the City Council. Subsequent to hearing the report of the DPW, I request a vote to authorize the printing of the following statement no smaller than 11" x 14" and no larger than 48" x 96". Additional specifications:

- **Paper:** card stock, orange
- **Font-Size, Family, Color:** Helvetica (first), Arial (second). Minimum 25pt. Black
- **Copy:**

"Per the City Council of Pittsfield, Massachusetts:

**No New Salts!**

**No New Salt Equipment!"**

This placard shall be affixed by sturdy means upon the door at the office of the DPW and remain there until July 1, 2023.

Respectfully signed, Charles I. Kronick Charles I Kronick, Councilor Ward 2), upon this day, January 18, 2023



# City of Pittsfield

\_\_\_\_ January 15 \_\_\_\_ 20 \_\_\_\_ 23

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council I would like to submit a petition requesting the traffic commission investigate making "no right turn on red" at the intersections of North St. and Columbus Ave., and the intersections of West St. and Center Street. I have received multiple complaints from elderly residents trying to cross at these intersections, that they've almost been struck by a vehicle while crossing with the walk signal.

Respectfully,

Karen Kalinowsky  
City Councilor At-Large



# City of Pittsfield

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2023 JAN 18 PM 1:20

January 4 20 23

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council,

We request that the City of Pittsfield accept Massachusetts General Law Chapter 41 section 93C and add to the Pittsfield City Code Chapter 18-14 the following:

*"Any uniformed police officer while on active duty shall wear a badge, tag or label which identifies him by number."*

M.G.L. Chapter 41.98C states that if an officer does not bear a badge or identification that identifies by name, then he must wear a badge or tag of numeric identification. As the authors of 98C leave adoption up to the discretion of the City with the phrase, "any city or town which accepts the provisions of this section", we propose that the City Council adopts this provision.

Police Chief Wynn stated in November 2022, that current policy adheres to 41.98D. Officers shall display identification cards on lawful requests, and we agree it is reasonable to protect an officer's personal identification. The current policy requiring one to request identification, though generally acceptable, presumes both that the public has the confidence to make that request and is also informed of Chapter 41-93D. That assumption is tenuous and would be unnecessary with adopting this request. By accepting 41-93C, we both protect the privacy of our officers and secure the public's trust in them.

M.G.L. Chapter 41 Sections 93C-D:

Section 98C. In any city or town [adopting city council] which accepts the provisions of this section no uniformed police officer, and no other uniformed person empowered to make arrests, employed by such city or town shall be required to wear a badge, tag or label of any kind which identifies him by name, but any such officer or other person employed by such city or town who does not wear any such badge, tag or label shall wear a badge, tag or label which identifies him by number.

Section 98D. Each city or town sh. ordinance all issue to every full-time police officer employed by it an identification card bearing the officer's photograph and identifying information. The secretary of public safety and security may adopt regulations relative to the form, content and issuance of such identification cards and to the carrying thereof by municipal police officers. Such identification card shall be carried on the officer's person and shall be exhibited upon lawful request for purposes of identification.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section98d>

Signed: Charles Ivar Kronick  
Charles Ivar Kronick  
Councillor, Ward 2

Jacquelyn Sykes  
Jacquelyn Sykes