



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

May 27, 2025, at 6:00 p.m.

AGENDA

1. Roll Call
2. Open Mic
3. Approval of May 13, 2025 minutes

APPOINTMENTS

4. A communication from Mayor Marchetti appointing John Perrault and Patrick McLaughlin to the Animal Hearing Authority

COMMUNICATIONS FROM HIS HONOR THE MAYOR

5. A communication from Mayor Marchetti appointing Angelica Matos, Shane Steinman, and Ezakeil Stone as Police Officers with the Pittsfield Police Department
6. A communication from Mayor Marchetti on an Order to accept a grant of funds in the amount of \$23,900.00 from the Massachusetts Executive Office of Energy and Environmental Affairs
7. A communication from Mayor Marchetti on Orders to accept a grant of funds in the amount of \$50,000.00 from the Corporation for National and Community Services
8. A communication from Mayor Marchetti on an Order authorizing the City of Pittsfield to grant a conservation restriction to the Berkshire Natural Resources Council, Inc. for property located off Barker Road and Gamwell Avenue
9. A communication from Mayor Marchetti on a presentation from Downtown Pittsfield, Inc. of their Annual Review per the Scope of Service with the City of Pittsfield

PUBLIC HEARING

10. A public hearing on a petition to amend City Code, Chapter 23, Article 23-2, Section 2.2, "Glossary", Article 23-7, Section 7.7, "Conditional Uses Subject to Special Requirements" and Article 23-9, Section 9.203, "Requirements Home Occupations" to amend the Zoning Ordinance to allow the operation of Short-Term Rentals
11. A petition from Verizon New England and Eversource to relocate one (1) jointly owned pole and to install one (1) jointly owned pole on East New Lenox Road (tabled April 8, 2025) *POSTPONE TO THE JUNE 10, 2025 MEETING BY VERIZON*

COMMUNICATIONS AND REPORTS FROM CITY OFFICES AND BOARDS

12. A communication from School Committee Chair, William Cameron on two petitions from Councilor Persip requesting to release the findings of the independent investigation at Pittsfield High School

13. A communication from Solicitor Grierson with recommendations to update the City of Pittsfield Charter

REPORTS FROM COMMITTEES

Reports from the Ordinances and Rules Committee

14. A report from the Ordinances and Rules Committee on an Ordinance amending City Code, Chapter 11, Licenses, Registrations, and Permits to create Chapter 11, Article VIII, Sections 11.53 – 11.58, recommending to approve 4/0

Reports from the Community and Economic Development Committee

15. A report from the Community and Economic Development Committee on an Order to submit the City's Community Development Block Grant Five Year Consolidated Plan (FY2025-2029) and Annual Action Plan for the 2025 program year to the US Department of Housing and Urban Development, recommending to approve 5/0

Reports from the Committee of the Whole

16. A report from the Ordinances and Rules Committee on a communication from Mayor Marchetti on an Order transferring and appropriating \$1,000,000.00 from overlay surplus to a capital account for improvements at Old Town Hall, recommending to approve 10/0

UNFINISHED BUSINESS

17. A report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to draft an ordinance to require a background check for all new hires who have contact with minors, recommending to approve 5/0 (*Tabled, May 13, 2025*)

NEW BUSINESS

18. A petition from Councilor Persip requesting the Administration work with the City Council to create and implement a secure personal belongings locker program for individuals experiencing homelessness

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

May 13, 2025, at 6:00 p.m.

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

Present: Councilors Amuso, Conant, Costa, Kavey, Lampiasi, Noto, Persip, Serre, Warren White & Wrinn

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

AGENDA

The microphone was open to the public:

Robert Ireland, 347 Dalton Avenue, thanked the councilors for their service. Everyone in the room is part of a team. He is here to speak against the ordinance for camping on public property. He suggested outdoor classrooms during the summer.

Shannon Stephens, 136 Maddison Avenue, is here to speak against the ordinance for camping on public property. She is sick of the administration bullying her friends.

Meg Bessong, 127 Wendell Avenue, is here to talk about the camping on public property and the budget. She said targeting the unhoused is disheartening. She questioned where the homeless families will go.

Patrick Doyle, 53 Brombach Street, asked the council to spend two or three nights outside. We don't need a police budget, they should self-fund like the school department.

Tammy Stevens Goerlach, 55 Norman Avenue, is here to speak for the unhoused. She created a program to feed the unhoused and has fed over 500 people over the past two years. She suggested city owned property as an encampment with a bathroom.

Alexander Hermann, 175 Wendell Avenue, lives at the Unitarian Church and helps with the grounds in return. People who live on the street don't want to be there.

Theo Dimin, 219 Knox Road, Adams, stating passing this amendment is criminal. Sleep is a necessity not a crime. They stated that arresting individuals will cost more than helping them.

Uriel Rizzuti, 53 Roberts Street, stated that the council should be ashamed of themselves for pushing this forward. They would like to see the fire department protecting the city in place of the police.

Abby Charbonneau, 50 Worthington Street, is here to speak against the camping ordinance by criminalizing the homeless and residents who allow people to camp in their yard for more than three days.

Ephraim Alexander Shwartz, 11 Second Street, stated that not one councilor is a tent away from being homeless. He is here to speak against the camping on public property ordinance.

Ciara Batory, 1029 West Street, is here demanding that the school report be released. The public has a right to see it. They are using taxpayer money to hide it from the residents.

Damian Sherman, 39 Orchard Street, Apt A, is here to speak against the camping on public property ordinance.

Lucas Marian, 53 Greendale Street, is here to speak against the camping on public property ordinance. He believes this is a misguided ordinance.

Rebecca Brien, 53 Greenings Avenue, here to support the outdoor table service ordinance from Downtown Pittsfield.

Gary Munn, 15 Hollister Street, discussed his wife's business and her support for the community.

Daniell Munn, 15 Hollister Street, is here to speak out against the camping on public property ordinance. She said she would be criminalized for distributing survival gear.

Felicia Bell, 71 Thomas Island Road, is here to speak out against the camping on public property ordinance. There are only 40 shelter beds, and the mayor lives on beautiful Onota Lake. She believes this ordinance is cruel.

Anne Icardi, 348 Newell Street, is against this ordinance and does not believe we should pay police to put these people in jail.

Michael Hitchcock, 164 Skyline Trail, Hinsdale, questions where are they supposed to go?

Sean Manion, 646 North Street, is speaking against the camping ban. He will continue to organize against these ordinances.

Dana Rasso, 38 Albro Street, is here to speak against the campaign ordinance as it is violent.

Sharon Billeter, 70 Yorkshire Drive, Cheshire, is here to speak against the camping ordinance. We need to look for solutions which include bathrooms and lockers.

Fox Williams, 34 Bartlett Avenue, is opposed to ordinance Chapter 14, adding Section 14-23.

Fernando Leon, 33 S. Onota St, helps residents facing housing eviction. He said everyone is one crisis against being unhoused.

Kamarr Taliaffero, 78 Howard Street, he stated if this passes no one will be re-elected. Where are they supposed to go. He believes we can do better.

Kathy Moody, 574 Lakeway Drive, this ordinance needs work because we cannot criminalize poverty.

Merriam Lrhazi, 150 Old Pleasant Street, Lee, passing this ordinance will create more homelessness. Debating this is disgusting and where do you think the homeless should go.

Angle Black, 21 Root Place, voiced her opposition against the camping ordinance. There are already ordinances in place for natural land preservation.

Sophie Tannenbaum, 69 Main Street, North Adams, stated this camping ordinance is the latest act of violence against the homeless.

Ambros Clauzen, 70 Center Street, is impressed with everyone who spoke tonight. They would be homeless if not for their family. They are against the camping ordinance.

Karen Kalinowsky, 63 Shaker Lane, agrees with some parts of the camping ordinance but it needs work. She does not agree with camping on private property could be a violation if more than three days. We are not cutting cost with the upcoming budget.

Steven Bigalow, 185 Woodlawn, is against the camping ordinance and asked if the police can work with the homeless.

Approval of April 22, 2025 minutes. *Councilor Conant made a motion to approve. Councilor Costa proposed an amendment. The motion to approve as amended carried by a unanimous vote of the eleven members present.*

Item 23 was taken out of order.

A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 14, adding Section 14-23 "Camping on Public Property". *Councilor Conant made a motion to refer to the Ordinances and Rules Committee carried by a 6/5 roll call vote with Councilors Costa, Noto, Persip, Lampiasi and Kavey in opposition.* The next Ordinance and Rules meeting is set for June 30, 2025. *Councilor Costa made a motion to refer to Public Health and Safety carried by a unanimous vote of the eleven members present. Councilor Costa made a motion to refer to the Homeless Advisory Committee and the Mental Health and Substance Use Task Force to provide a report that includes the impact that the proposed ordinance might have on the people they serve and suggestions to make the proposal more meaningful.* Councilor Amuso asked if there was a way to process this so that it is organized. President White stated he will work with each committee. Councilor Amuso asked Councilor Costa who should this be sent to first. President White suggested sending this to the Committee of the Whole then send to O&R. Councilor Lampiasi is not opposed that this go to other subcommittees then to O&R for June 30, 2025 with information provided by each committee. Councilor Serre is in agreement and will support. Councilor Kavey stated that Homeless Advisory Committee is meeting on June 4, 2025. Councilor Noto thanked everyone who came tonight to speak. She does not think this should be touched until we have the answer to where will they will go or a different approach. *The motion to refer to the Homeless Advisory Committee and Mental Health Task Force carried by a unanimous vote of the eleven members present.*

A five-minute recess was taken.

COMMUNICATIONS FROM HIS HONOR THE MAYOR

A communication from Mayor Marchetti on an Order raising and appropriating \$226,246,942.00 for the Fiscal Year 2026 Municipal Budget. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the ten members present. Councilor Lampiasi was out of the room.*

A communication from Mayor Marchetti on an Order appropriating \$2,000,000.00 from Certified Free Cash to reduce the Fiscal 2026 Tax Rate. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on two Orders to establish the water and sewer rates for Fiscal Year 2026. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order to borrow under the provisions of MGL Chapter 44, an aggregate sum not exceeding \$7,016,000.00 for enterprise fund capital expenditures for Fiscal Year 2026. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order to borrow under the provisions of MGL Chapter 44, an aggregate sum not exceeding \$9,727,000.00 for general fund capital expenditures for Fiscal Year 2026. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order authorizing the use and expenditure of the City's current revolving funds pursuant to MGL Chapter 44, Section 53E ½ for the Fiscal Year 2026. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order appropriating \$340,350.00 for parking related expenditures pursuant to MGL Chapter 40, Sections 22A-22C for the Fiscal Year beginning July 1, 2025. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order transferring and appropriating \$26,000.00 between line items within the Fiscal Year 2025 Unclassified Budget. *Councilor Conant made a motion to approve carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order transferring and appropriating \$75,000.00 from Certified Free Cash for renovations to the Controy Pavillion located in Burbank Park. *Councilor Conant made a motion to approve carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order transferring and appropriating \$80,000.00 from Certified Free Cash for the purchase of new voting machines. *Councilor Conant made a motion to approve carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order transferring and appropriating \$1,000,000.00 from overlay surplus to a capital account for improvements at Old Town Hall. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order transferring and appropriating \$2,000,000.00 from Certified Free Cash for street improvements. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on three Orders related to the Community Preservation Fund 1: an Order amending Order 56 of the Series of 2024, appropriating the amount of \$526,548.70 for the Fiscal Year 2024 Community Preservation Fund Budget; 2: an Order appropriating the amount of \$526,548.70 from the Fiscal Year 2025 Community Preservation Fund; 3: an Order appropriating the amount of \$500,458.00. *Councilor Conant made a motion to refer to the Committee of the Whole carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order to accept a grant of funds in the amount of \$988,000.00 from the United States Department of Transportation. *Councilor Conant made a motion to approve carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order to declare property located at 21 Eleanor Road as surplus and to authorize the sale of City Owned property. *Councilor Conant made a motion to approve.* Councilor Kavey asked Director Kerwood to address this item. Director Kerwood stated that 21 Eleanor is a property that we took in tax title and a decision was made to use community development block grant funds to rehab it and make it available for sale for a first-time home buyer, income limited and deed restricted. There was an issue with the title of the property that was cleared and now we can declare the property as surplus. Councilor Costa is excited how federal, state and local agencies work together on properties like this as it makes a difference. *The motion carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on a resolution adopted by the Board of Health in support of Senate Bill 860 and House Bill 1405, *An Act establishing Medicare for all in Massachusetts.* *Councilor Conant made a motion to approve.* Councilor Kavey asked if this were to happen, how quickly will we see how much Pittsfield would receive. Mayor Marchetti stated that if he could save 19 million dollars in health insurance cost, they could fund a 135-unit housing project in the city. He believes it is a 12-month period before we can get there. *The motion carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti submitting the financial reports for the Fiscal Year ending on June 30, 2024. *Councilor Conant made a motion to refer to the Finance Committee carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Ordinance establishing a flag display policy for the City of Pittsfield. *Councilor Conant made a motion to refer to the Ordinances and Rules Committee carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 14, Section 14.7.1. *Councilor Conant made a motion to refer to the Ordinances and Rules Committee carried by a unanimous vote of the eleven members present.*

The following remained tabled.

PUBLIC HEARING

A petition from Verizon New England and Eversource to relocate one (1) jointly owned pole and to install one (1) jointly owned pole on East New Lenox Road (*tabled April 8, 2025*) *POSTPONE TO THE JUNE 10, 2025 MEETING BY VERIZON*

COMMUNICATIONS AND REPORTS FROM CITY OFFICES AND BOARDS

A communication from Council President White regarding an email received from the President of Berkshire Pride. President White stated he received a communication on 4-23-24 from the President of Berkshire Pride, he replied all to the entire city council expressing his opinion. To remedy a potential open meeting law issue he read his email response into the record. *Councilor Conant made a motion to accept the communication and place on file carried by a unanimous vote of the eleven members present.*

REPORTS FROM COMMITTEES

Reports from the Ordinances and Rules Committee

A report from the Ordinances and Rules Committee on a petition from Councilor Amuso requesting to amend City Code, Chapter 20, Section 20-16 "Outdoor Table Service", recommending to approve 4/0. *Councilor Amuso made a motion to accept the report carried by a unanimous vote of the eleven members present. Councilor Amuso made a motion to Ordain. Councilor Kavey asked if food is required to be ordered or can a customer just order a drink. Attorney Grierson stated that the Ordinance says there has to be food available to be served, it is not necessarily restriction that says food has to be served if you order alcoholic beverages outside. The motion to Ordain was carried by a unanimous roll call vote by the eleven members present.*

A report from the Ordinances and Rules Committee on an Ordinance amending City Code, Chapter 2 ½, Article II, Section 2 ½ - 25 and 2 ½ -26, recommending to approve 4/0. *Councilor Conant made a motion to accept the report carried by a unanimous vote of the eleven members present. Councilor Conant made a motion to Ordain carried by a unanimous roll call vote of the eleven members present.*

A report from the Ordinances and Rules Committee on an Ordinance amending City Code, Chapter 2, Article LIV, Section 2-322, making members of the Affordable Housing Trust special municipal employees, recommending to approve 4/0. *Councilor Conant made a motion to accept the report carried by a unanimous vote of the eleven members present. Councilor Conant made a motion to Ordain carried by a unanimous roll call vote of the eleven members present.*

A report from the Ordinances and Rules Committee on a petition from Councilor Lampiasi requesting O&R work with The Commissioner to review existing Snow Emergency Regulations, recommending to approve the two Ordinances 4/0. *Councilor Lampiasi made a motion to accept the report carried by a unanimous vote of the eleven members present. Councilor Lampiasi made a motion to Ordain the first Ordinance. Councilor Lampiasi said the first ordinance is addressing winter parking regulations which grants the commissioner the authority to implement parking bans and limitations during significant snow events with a twelve-hour notice to residents. The second ordinance grants the mayor the authority to waive certain provisions during an emergency period which will allow to quickly respond to changing conditions. The motion to Ordain carried by a unanimous roll call vote of the eleven members present.*

A report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to draft an ordinance to require a background check for all new hires who have contact with minors, recommending to approve 5/0. *Councilor Warren made a point of order that we are still waiting for more information and this needs to be tabled.*

A report from the Ordinances and Rules Committee on a petition from Engineer Shedd requesting the Traffic Commission to issue parking enforcement during snow emergencies, recommending to file 4/0. *Councilor Conant made a motion to accept the report and place on file carried by a unanimous vote of the eleven members present.*

NEW BUSINESS

A petition from Councilor Persip requesting the City Council go on record demanding that the Pittsfield School Committee release the findings of the independent investigation into staff misconduct at Pittsfield High School. *Councilor Persip made a motion to refer to the School Committee for the purpose of discussion.* Councilor Persip put this petition in before the summary was released. He stated that it is on the school website in a goggle document that many cannot open and it is being monitored to see who is viewing it. He is very flustered about what's been happening and the lack of communication. Councilor Warren said he would like to see more with some redactions and there needs to be better effort by the school department. He said the report constantly cites the privacy statute and it is misused. The whole record should not be exempted by the sited exemptions. It is a balancing task, and the custodian of the records should do the balancing not the state. He believes that more can and should be done. Councilor Wrinn stated that he has investigated civil and criminal cases for 20 years and he would never have submitted this report as it is completely insufficient. He questioned if devices were requested from the employees involved as well as emails. He does not trust how the process was done, and we need the real report with redactions. *Councilor Amuso agrees with the petition and would like to make an amendment: the current report and any additional reports must be in a downloadable format.* Councilor Costa asked Mayor Marchetti what the council can do to get more information from the school committee. The mayor stated that the legal counsel for the schools has a different opinion than what he is hearing to release the report. He does not think it needs to be released but they had better have an explanation of why you weren't going to release the report based on the exemptions allowed. He made the motion to refer the document back to the state to see what should be released. The full report is not going to have the answers because the answer is that all of these accusations and claims have been unfounded. Councilor Kavey stated that the school committee has not been very transparent, and he doesn't know how we build trust as we cannot download the report. The report cannot be shared without copying a link and he thinks it is strange that someone is on the other side viewing how often this is viewed. Councilor Lampiasi stated that this was released the way it was intended to keep people from looking at it. The council and the community want to see the report. We are continually ignored by the school committee. She asked people to run for school committee if you think this is wrong and you care about education. President White asked for leeway. He was contacted by a constituent, and he wants to share a concern. The report with the redactions needs to be looked at to make sure it is protecting the identities of minors. Councilor Warren said this is concerning and this should have been communicated with the city leaders and the community. He questioned that the school committee had a meeting for the purpose of an executive session to discuss litigation, but they did not state what the litigation is for. He read into the record a response from the state stating clearly that a response is required. Councilor Persip asked the mayor if the witnesses were told this would be kept confidential. The mayor did not know if they were told it was a public document. Councilor Persip said before anyone was hired to investigate, they said this would be a public document. He is confused why they would think otherwise. He asked if the legal council works for the council and if they want to release the report they could. The mayor agreed with that statement. Councilor Persip stated that he is concerned about the "unfounded" references in the report. What stood out is that there seems to be a lack of hiring practices and principles and nothing has been done about this. Councilor Wrinn asked the mayor if there were any recordings or transcripts of the investigation. The mayor did not know if it was recorded. The mayor stated that the Collins

Institute is being hired to review the hiring practices of the school system. Ms. Brainer from Enough Abuse has also been working with the superintendent to create programs within the Pittsfield public school system. Councilor Serre thanked the mayor for that information since they have requested it since December. She is glad that the Collins Center has been hired. Councilor Noto stated that for those interviewed in the investigation when a name is redacted for a minor it is not always enough to protect them. This is very stressful, and students should only have to worry about going to school and not the negative impact this may have on them. This process is to protect our kids, and they should be kept in the forefront. Councilor Lampiasi stated that the council received an email from Superintendent Curtis on April 24th where he talked about working with Ms. Brainer and there has been no update. This goes back to the fact that the council is trying to communicate with the school committee, and they are not trying to communicate back with them. *The amendment that the current report and any additional reports must be in a downloadable format carried by a unanimous vote of the eleven members present.*

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Commissioner

A petition from Councilor Persip requesting the Commissioner not issue any additional permits to Berkshire Gas until certain conditions are met

Referred to the Traffic Commission

A petition from Councilors Amuso and Serre requesting to create a 'no parking zone' on the even side of Alcove Street at the intersection with Curtin Street

At 8:52 p.m., Councilor Conant moved to adjourn, carried by a unanimous vote of the eleven 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 • pmarchetti@cityofpittsfield.org

Peter M. Marchetti
Mayor

May 20, 2025

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 Animal Hearing Authority for terms expiring May 27, 2027:

John Perreault, 626 Holmes Road, Pittsfield, MA 01201

Patrick McLaughlin, 68 Marcella Avenue, Pittsfield, MA 01201

Respectfully submitted,



Peter M. Marchetti, Mayor

PMM/bmw
Enclosure

John P. Perreault
626 Holmes Road
Pittsfield, MA 01201
(413) 443-5660
jperreault@berkshirehumane.org

Experience:

1984-1987 – Staff member, MSPCA, Pittsfield, Massachusetts
1988-1993 – Shelter Manager, MSPCA, Pittsfield, Massachusetts
1993-1998 – Shelter Manager, Berkshire Humane Society (BHS), Pittsfield, Massachusetts
1998 – Present – Executive Director, Berkshire Humane Society, Pittsfield, Massachusetts

Responsibilities:

- Hire, manage, and supervise a staff of 43 employees and oversee the coordination of over 200 volunteers.
- Collaborate with the Board of Directors to set and achieve attainable operating objectives.
- Prepare and operate within the boundaries of a \$2.3 million budget.
- Develop and coordinate ongoing revenue-generating programs, such as summer camp, adoptions, Family Dog School, local fundraising events, and public education seminars.
- Design, organize, and oversee long- and short-term fundraising ventures as well as solicit major monetary gifts.
- Review and implement all shelter operations to ensure that they are in accordance with modern humane and business practices, all applicable local and state laws, and BHS policies and procedures.
- Analyze and report to BHS's Board of Directors all data and information on shelter activities and practices.
- Function as de facto member of all Board of Directors' committees, including Executive, Finance, Human Resources, Public Relations, and Nominating.
- Oversee media and public relations activities, such as the production of promotional materials and acting as spokesperson for BHS.
- Oversee and carryout the implementation of our organizations strategic plan.

Accomplishments:

- Acted as key figure in transitioning the MSPCA to the private, nonprofit open access BHS.
- Assumed primary role in all stages of constructing a new state-of-the-art animal shelter, which opened in July 2003. Responsibilities included leading the site search committee; the building and design committee that was responsible for selecting and hiring architects, engineers, and contractors; and the Capital Campaign Committee that raised \$4.2 million.
- Partnered with Atlanta Humane Society to transport southern Georgia dogs to the Berkshires. We now partner with the ASPCA for our transports.
- Collaborated with Animal Dreams, a local TNR group, and provided space for their administrative staff and care facility at BHS to help all felines in need.
- Opened two upscale resale shops for women's clothing.
- Designed and implemented multiple community programs for animals and their people, including Family Dog School, humane education, a pet food bank, a speaking series on timely animal topics, and extensive low-cost spay/neuter initiatives.
- Negotiated with all local veterinarians to provide reduced medical fees and free health exams to shelter adoptees as well as nurtured a congenial working relationship between veterinarians and shelter staff.
- Assisted the Shaftsbury Humane Society in ending greyhound racing in the state of Vermont.

- Implemented a Safe Pet Program that provides temporary foster care for the animals of people who are in crisis situations; in 2014, built a dedicated room at BHS specifically for this program.
- Opened a satellite adoption center for felines in Great Barrington.
- Was responsible for the successful new shelter campaign 2001-2002.
- Directed the canine Safe-Pet renovation 2015.
- Raised 3.1 million for a recent campaign that created new space for our Community Cat Program and Wellness Room.
- Created an Endowment Fund.
- Secured the purchase of a local vet hospital and turned it into a Wellness and Urgent Care Center for animals in need.

Certificate Courses:

- CPR and AED certified August 2021
- NFHS Fundamentals of Coaching July 2022
- NFHS Concussion in Sports October 2023
- Conflict of Interest Law November 2022
- FEMA Training ICS-100 and IS-00700, October 2010
- Basic Animal Emergency Services Training, October 2010 (AHA)
- Disaster Sheltering for Companion Animals, October 2010 (AHA)
- National Fundraising School, June 2008 (AHA)
- Employee Discharge and Documentation in Massachusetts, July 1999 (Lorman)
- Building an Animal Shelter, February 1999 (HSUS)
- Building an Animal Shelter That Works, February 1998 (HSUS)
- Public Relations in the Animal Shelter, September 1998 (HSUS)
- Shelter Design – Building and Renovations, February 1997 (HSUS)
- Euthanasia by Injection, November 1995 (HSUS)
- Advanced Management Strategies for Animal Care, Level 2, May 1993 (AHA)
- Management Strategies for Animal Care and Control, Level 1, November 1992 (AHA)

Affiliations:

- Humane Society of the United States
- American Humane Association
- American Society for the Prevention of Cruelty to Animals
- New England Federation of Humane Societies
- Massachusetts Animal Coalition
 - Board Member, 2016-2018, 2022-present, currently serve as secretary.
 - Membership Chair, 2016-2018
- HAVEN of Pittsfield, Massachusetts
- Rotary Club of Pittsfield
 - Vice President, 2020-2021
 - President, 2018-2019
 - Donald G. Butler Award, 2018
 - Member, 2004-present
 - Rotary Board, 2011-2013 and 2022-2024
 - Program Chair, 2006 – 2014 and 2024 to present
 - Co-Chair Rotary Park Centennial Project, 2018 – 2020
 - Paul Harris Fellowship 2024
- Massachusetts Department of Children and Families
 - Licensed Foster Parent, 2011-2016

- Community Basketball
 - Coordinator for the Berkshire County Girls Youth Basketball, 2008-2016
 - Vice-President of Golden Knight's Girls Youth Basketball Program, 2000-2021
 - Committee member for the Golden Knight's Tournament, 2000-2019
 - Coach for girls' youth basketball, 1999-2013
 - Junior Varsity and Assistant Varsity Coach for Monument Mountain Regional High School girls' basketball team, 2014-2019
 - Varsity Girls Basketball Coach Monument Mountain 2020-2024.
 - Golden Knight's Girls Youth Basketball Volunteer of the Year Award, 2006

References:

Available upon request.

PATRICK T. MCLAUGHLIN

(413) 329-1525

pmac1775@gmail.com

68 Marcella Ave
Pittsfield, MA
01201

Profile

- Excellent customer services background along with strong organizational and people skills. Able to establish trust and rapport with customers.

Experience

Commercial Distributing Co., Westfield, MA | 9/21 - Present

Account Manager

- Build relationships with on and off premise accounts to grow sales for the future
- Manage inventory and help with rotation of inventory
- Collect cash and checks for invoices due within a timely manner
- Deliver product, glassware, signage and other related point of sale or merchandise as needed

Country Club of Pittsfield, Pittsfield, MA | 8/10 - Present

Bar Back/Bartender

- Ensured bar area was fully equipped with tools and products needed for mixing beverages and serving guests for large events
- Mixed non-alcoholic and alcoholic drinks and beverages as requested by customers
- Performed opening and closing duties as assigned by supervisor or management including securing the building at the end of shift
- Maintained a secure and accurate cash drawer

Berkshire County Sheriff's Department, Pittsfield, MA | 9/19 - 9/21

Correctional Officer

- Observed and supervised inmates throughout visits, mealtimes, recreation and daily activities
- Tracked inmates through head counts, visitor logs, scheduled activities and work assignments
- Booked new inmates into the facility completing intake paperwork, fingerprints, photos and searches
- Escorted inmates to and from cells, hospitals and throughout the facility
- Prepared, processed and maintained forms, reports, logs and records pertaining to daily activities of assigned work area
- Secured the outer perimeter of the facility in an armed post, conducting logs and searches of vendors, transport vehicles and outside agencies

Commercial Distributing Co., Westfield, MA | 5/16 - 9/19

Specialty Brands Sales Representative

- Cultivated relationships with buyers in retail accounts to achieve sustainable sales
- Maintained routine communications with accounts to ensure overall satisfaction, resolve complaints and promote new offerings
- Developed a client network by identifying and pursuing new leads, attending industry events and building rapport with new and existing clients

Commercial Distributing Co., Westfield, MA | 9/13 - 4/16

Merchandiser

- Inspected product at retail accounts for quality and removed damaged, out-of-code or discontinued items
- Assembled product displays with up-to-date pricing and information to educate customers on current offerings
- Delivered promotional materials to retail locations to boost sales and visibility of brands and offerings

Georges Liquor Store, Pittsfield, MA | 4/08 – 8/13

Clerk/Key Holder

- Educated customers on current promotions for spirits, wine and beer to facilitate buying decisions
- Checked identification for proof-of-age for alcohol and tobacco sales
- Performed cash, check and credit card transactions to complete customer purchases
- Assisted management with inventory control and ordering with vendors
- Completed store closing procedures including counting cash drawers and securing the building

Education

Pittsfield High School - 2008 - Diploma

Skills

- Problem Solving
- Interpersonal Communication
- Customer Service
- Microsoft Office (Word, Powerpoint, Excel and Outlook)
- Time Management
- Adaptability



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

Peter M. Marchetti
Mayor

May 20, 2025

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

Dear Councilors:

I am submitting this communication to notify you of the appointments of Angelica Matos, Shane Steinman, and Ezakell Stone as Police Officers with the Pittsfield Police Department.

Respectfully submitted,



Peter M. Marchetti, Mayor

PMM/bmw
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

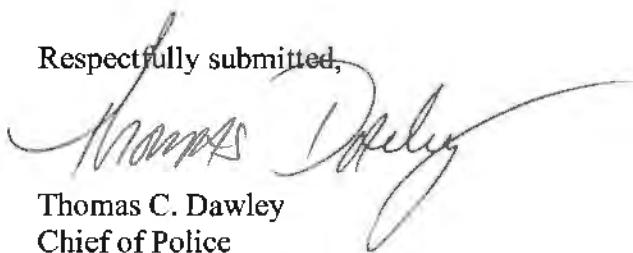
May 14, 2025

Honorable Peter Marchetti
70 Allen Street
Pittsfield, MA 01201

Dear Mayor Marchetti,

Submitted herewith for your approval and referral to the City Council are the appointments of Angelica Matos, Shane Steinman and Ezakeil Stone as Police Officers with the Pittsfield Police Department.

Respectfully submitted,



Thomas C. Dawley
Chief of Police

c: Personnel Dept

“DEDICATED TO EXCELLENCE”



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

Peter M. Marchetti
Mayor

May 20, 2025

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

Dear Councilors,

Submitted herewith for your consideration is an Order to accept a grant of funds in the amount of \$23,900.00 from the Massachusetts Executive Office of Energy and Environmental Affairs.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



CITY OF PITTSFIELD

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

May 19, 2025

The Honorable Peter Marchetti
City Hall, 70 Allen Street
Pittsfield, MA 01201

Dear Mayor Marchetti:

Enclosed is an order requesting the City Council's acceptance of a \$23,900 grant from the Massachusetts Executive Office of Energy and Environmental Affairs to conduct a study of the food system in Pittsfield.

The Community Development Office will be working with the Conway School and local partners, Roots Rising and Berkshire Bounty, to undertake a citywide food system study. The study will look at how the overall food infrastructure can better respond to community needs and will provide insight into where improvements are needed and what resources may be available to assist with implementation.

Sincerely,

Justine A. Dodds
Community Development Director

City of Pittsfield

MASSACHUSETTS

IN CITY COUNCIL

AN ORDER

AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT OF FUNDS FROM THE MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Ordered:

That the City of Pittsfield, by and through its Mayor and City Council, is hereby authorized to accept a grant of funds in the amount of Twenty-Three Thousand Nine Hundred (\$23,900.00) Dollars, from the Massachusetts Executive Office of Energy and Environmental Affairs, and that said funds may be expended pursuant to Massachusetts General Laws, Chapter 44, section 53A.

COMMONWEALTH OF MASSACHUSETTS | STANDARD CONTRACT FORM

This form is jointly issued and published by the Office of the Comptroller, the Executive Office for Administration and Finance, and the Operational Services Division as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions, the Commonwealth Terms and Conditions for Human and Social Services or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access forms at macomptroller.org/forms or mass.gov/lists/osd-forms.



CONTRACTOR INFORMATION		COMMONWEALTH INFORMATION		
Contractor Legal Name City of Pittsfield		d/b/a		
Legal Address As entered on Form W-9 or Form W-4		1 Columbus Ave, Pittsfield, MA 01201		
Contract Manager Name Justine Dodds Community Development Director		Contract Manager Name Kurt Gaertner		
Phone (413) 499-9449	Email jdodds@cityofpittsfield.org	Fax	Business Mailing Address 100 Cambridge Street, Suite 900, Boston,	MMARS Code ENV
Vendor Code VC		Billing Address If Different		
Vendor Code Address ID AD e.g. "AD001". Note: The Address ID must be set up for Electronic Funds Transfer (EFT) payments.		Phone 857-338-5935 Email kurt.gaertner@mass.gov Fax		
<input type="radio"/> NEW CONTRACT		<input type="radio"/> CONTRACT AMENDMENT		
Procurement or Exception Type (Check one option only) <input type="radio"/> Statewide Contract (OSD or an OSD-designated department.) <input type="radio"/> Collective Purchase (Attach OSD approval, scope, and budget.) <input checked="" type="radio"/> Department Procurement - Includes all Grants 815 CMR 2.00 (Attach Solicitation Notice or RFR, and Response or other procurement supporting documentation.) <input type="radio"/> Emergency Contract (Attach justification for emergency, scope, and budget.) <input type="radio"/> Contract Employee (Attach Employee Status Form, scope, and budget.) <input type="radio"/> Interim Contract with new Contractor (Attach justification for Interim Contract and updated scope/budget.) <input type="radio"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope, and budget.)		Current Contract End Date PRIOR to Amendment Amendment Type (Check one option only. Attach details of amendment changes.) <input type="radio"/> Amendment to Date, Scope, or Budget (Attach updated scope and budget.) <input type="radio"/> Interim Contract with Current Contractor (Attach justification for Interim Contract and updated scope/budget.) <input type="radio"/> Contract Employee (Attach any updates to scope or budget.) <input type="radio"/> Other Procurement Exception (Attach authorizing language/justification and updated scope/budget.)		
TERMS AND CONDITIONS				
The Standard Contract Form Instructions and Contractor Certifications and the following document are incorporated by reference into this Contract and are legally binding (Check ONE option): <input checked="" type="radio"/> Commonwealth Terms and Conditions <input type="radio"/> Commonwealth Terms and Conditions for Human and Social Services <input type="radio"/> Commonwealth IT Terms and Conditions				
COMPENSATION (Check ONE option.)				
The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.				
<input type="radio"/> Rate Contract (No Maximum Obligation). (Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)				
<input checked="" type="radio"/> Maximum Obligation Contract. Total maximum obligation for total duration of this contract (or new total if contract is being amended): 23,900				
PROMPT PAYMENT DISCOUNTS (PPD)				
Commonwealth payments are issued through Electronic Funds Transfer (EFT) 45 days from invoice receipt. See Prompt Pay Discounts Policy .				
Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within: 10 days % PPD. 15 days % PPD. 20 days % PPD. 30 days % PPD.				
If PPD percentages are left blank, identify reason: <input type="checkbox"/> Statutory/legal <input type="checkbox"/> Ready Payments (M.G.L. c. 29, § 23A) <input checked="" type="checkbox"/> Agree to standard 45-day cycle <input type="checkbox"/> Only initial payment				
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT				
Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.				
The Executive Office of Energy & Env. Affairs and the City of Pittsfield hereby contract for the Community Food System Study detailed in the attached scope of				
SUPPLIER DIVERSITY PROGRAM (SDP) PLAN				
Does the Supplier Diversity Program apply? <input type="radio"/> YES If YES, the Contractor's annual SDP commitment for this Contract is <input type="radio"/> NO If NO, and the department is an Executive Department, enter the appropriate exemption:				
ANTICIPATED START DATE (Complete ONE option only.)				
The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:				
1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.				
2. may be incurred as of 9/1 , 20 24 , a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.				
3. were incurred as of 9/1 , 20 24 , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.				
CONTRACT END DATE				
Contract performance shall terminate as of 6/30 , 20 26 , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.				
CERTIFICATIONS				
Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.				
AUTHORIZING SIGNATURE FOR THE CONTRACTOR			AUTHORIZING SIGNATURE FOR THE COMMONWEALTH	
Signature and date must be captured at time of signature.			Signature and date must be captured at time of signature.	
Signature		Date 5-20-2024	Signature	
Print Name Peter Marchetti		Print Title Manager	Print Name	
Print Title		Print Title		

ATTACHMENT A - SCOPE OF SERVICES AND ADDITIONAL TERMS AND CONDITIONS

INSTRUCTIONS: In order to ensure that the Department and the Contractor have a clear understanding of their respective responsibilities and performance expectations, the Following attachment shall contain a specific detailed description of all obligations, responsibilities and additional terms and conditions between the Contractor and the Department which do not modify the Contract boilerplate language. *Attach as many additional pages as necessary.* {See INSTRUCTIONS sheet for more information and suggested provisions to include in ATTACHMENT A.}

The Executive Office of Energy and Environmental Affairs (EEA) hereby grants the City of Pittsfield \$23,900 for the Community Food System Study proposal it submitted to the 2025 round of the Planning Assistance Grant Program. The submitted proposal is attached; the scope of work and budget contained within are hereby included in this contract by reference.

General Conditions:

- EEA funds must be utilized by June 30, 2025 and documentation regarding their use, along with final billing, is to be received no later than August 1, 2025;
- This contract terminates on June 30, 2025. Any contract amendment, including extensions, will be at the sole discretion of EEA;
- The grantee will credit EEA as a funding source in any written deliverable produced as a result of this project;
- The grantee will document the expenditure of any matching funds committed;
- The grantee will submit an electronic copy of any deliverable to EEA; and
- The grantee agrees to notify EEA about the outcomes that result from this project.

ATTACHMENT B - BUDGET AND APPROVED EXPENDITURES

{The Department and Contractor may complete this format or attach an approved alternative Budget format or invoice.}

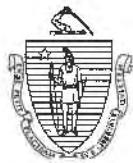
Items identified below which are not part of the Contract should be left blank.

Attach as many additional copies of this format as necessary. Maximum obligation should appear as last entry.

Contract Expenditures	Unit Rate (per unit, hour, day)	Number of Units	Other Fees or Charges (specify)	TOTAL
Planning Grant				\$23,900 (FY25)
SUBTOTAL (this page)				\$23,900

MAXIMUM OBLIGATION	\$23,900
--------------------	----------

Page 1 of 1 Budget pages
Attachment B is subject to any restrictions or additional provisions outlined in Attachment A



COMMONWEALTH OF MASSACHUSETTS

CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME :

CONTRACTOR VENDOR/CUSTOMER CODE:

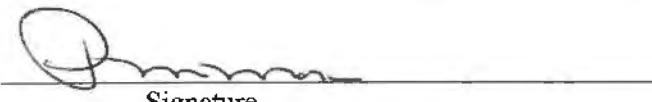
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Peter Marchetti	Mayor

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.


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

Date: 5-20-2025

Signature

Title: Mayor

Telephone:

Fax:

Email:

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May

2004



CONTRACTOR LEGAL NAME :

CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures. It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

x

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, _____ (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

_____ , 20 _____.

My commission expires on:

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____ , 20 _____.

AFFIX CORPORATE SEAL

Grant Request Form

<u>TO:</u>	Agnes Collini - City Hall Accounting Office			NEW GRANT GRANT AMENDMENT
<u>DEPARTMENT:</u>	DDC	Date:		
				Grant Period:January 2025-December 2025
FY24				
Name of Grant: Food Systme Infrastructure				

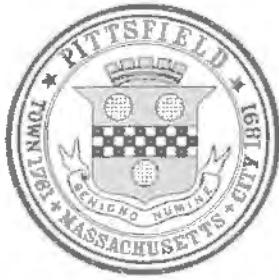
Accounting use only				
State Grant:	46000	\$ 23,900.00	Org:	
Federal Grant:	45000	\$ -	Fund	
Miscellaneous	48000	\$ -	Acct.	
Hard Match (if any)				

<i>Budget Line Item</i>	<i>Line Account #</i>	<i>Original Amount Approved</i>	<i>Amendment or Reduce Amount</i>	<i>Increase</i>	<i>New Total</i>
1) Administrators	51601			\$ -	
2) Instructional	51602			\$ -	
3) Fringe Benefits	51604			\$ -	
4) Contractual Services	52000	\$ 23,900.00		\$ 23,900.00	
5) Supplies	54227			\$ -	
6) Travel	57100			\$ -	
7) Training	52003			\$ -	
8) Equipment	58500			\$ -	
9) Other	52006			\$ -	
10)				\$ -	
11)				\$ -	
12)				\$ -	
Total		\$ 23,900.00		\$ -	\$ 23,900.00

* Please Attach all necessary documents

Signature





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

Peter M. Marchetti
Mayor

May 20, 2025

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

Dear Councilors,

Submitted herewith for your consideration is an Order to accept a grant of funds in the amount of \$50,000.00 from the Corporation for National and Community Service.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



RETIRED SENIOR VOLUNTEER PROGRAM - 16 BARTLETT AVENUE - PITTSFIELD, MA 01201
Main Office: (413) 499-9345 - Fax: (413) 442-0422 - E-mail: RSVP@cityofpittsfield.org

May 19, 2025

Honorable Peter M. Marchetti, Mayor
City of Pittsfield
70 Allen Street
Pittsfield, MA 01201

Dear Mayor Marchetti,

Submitted herewith for your consideration is an authorization requesting the City of Pittsfield/Retired and Senior Volunteer Program to accept an AmeriCorps Senior Grant from The Center for National and Community Service in the amount of \$50,000 for the reporting period of April 1, 2025-March 31, 2026. Year two of a grant covering a budget period of April 1, 2024-March 31, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Torrey".
Lisa A. Torrey
Director RSVP

Cc: Rachel Jingst, City Accountant; Matthew Kerwood, City Treasurer



RSVP Volunteers . . . Priceless!



**AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT FUNDS IN THE FORM
OF A GRANT IN THE AMOUNT OF \$50,000.00 FROM THE CORPORATION FOR
NATIONAL AND COMMUNITY SERVICE**

That the City of Pittsfield, by and through its Mayor and City Council, is hereby authorized to accept funds in the form of a grant in the amount of Fifty Two Thousand Five Hundred Dollars from The Corporation for National and Community Service, and that said funds may be expended pursuant to Massachusetts General Laws, Chapter 44, Section 53A, and in accordance with the provisions of the grant, a copy of which is attached to this Order

Notice of Grant Award**Corporation for National and Community Service**

250 E Street SW, Suite 300
 Washington, DC 20525-0001
 (202) 606-5000

Retired and Senior Volunteer Program**Grantee**

PITTSFIELD CITY OF RSVP
 16 Bartlett Ave Pittsfield MA 01201-6302

EIN: 046001408
 UEI: L645ENX1EKQ4

Award Information

Agreement No.:	24SRFMA001	Performance Period:	04/01/2024 - 03/31/2027
Amendment No.:	2	Budget Period:	04/01/2025 - 03/31/2027
CFDA No.:	94.002	Grant Year:	2

Purpose

The purpose of this award is to assist the grantee in carrying out a national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. Chapter 22).

Funding Information

Year 2	Previously Awarded This Year	This Award/Amendment	Total Current Year
Total Obligated by CNCS	\$50,000	\$0	\$50,000
Grantee's Unobligated Balance (Carryover)	\$0	\$0	\$0
Total Available	\$50,000	\$0	\$50,000

Cumulative Funding for Project Period

Total Awarded in Previous Amendments	\$102,500
Total CNCS Funds Awarded to Date	\$102,500

Funding Source and Amount

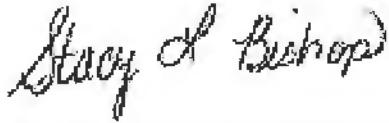
Not applicable to this award.

Award Description

This award funds the approved 2025–26 RSVP program. Your 2025–26 statutory match is 10% and your budgetary match is 74.73%.

Terms of Acceptance: By accepting funds under this grant, recipient agrees to comply with General Terms and Conditions found at <https://americorps.gov/sites/default/files/document/FY2025-General-Terms-and-Conditions.pdf> and the Program Terms and Conditions found at <https://americorps.gov/sites/default/files/document/2025-03/FY2025-RSVP-Terms-and-Conditions.pdf>. Recipient also agrees to comply with assurances and certifications made in the grant application, supporting documents, and with applicable federal statutes, regulations and guidelines.

Corporation for National and Community Service:



03/31/2025

PITTSFIELD CITY OF RSVP

Legal Applicant

Signature

Award Date

Notice of Grant Award

250 E Street SW, Suite 300
Washington, DC 20525-0001
(202) 606-5000

Retired and Senior Volunteer Program

Grantee

PITTSFIELD CITY OF RSVP
16 Bartlett Ave Pittsfield MA 01201-6302

EIN: 046001408
UEI: L645ENX1EKQ4

Award Information

Agreement No.:	24SRFMA001	Performance Period:	04/01/2024 - 03/31/2027
Amendment No.:	2	Budget Period:	04/01/2025 - 03/31/2027
CFDA No.:		Grant Year:	2

Stacy Bishop
Senior Grants Officer

Lisa Torrey
Project Director

Mary Lee
Grants Officer

Catherine Vanbrauner
Certifying Official/Executive Officer

Rachel Wirt
Program Officer

FY 2025 GENERAL GRANT AND COOPERATIVE AGREEMENT TERMS AND CONDITIONS

As of 1/20/25, these Terms and Conditions are revised pursuant to Executive Order/Executive Memoranda

By accepting funds under this award from AmeriCorps (AmeriCorps is the operating name for the Corporation for National Service), the recipient agrees to comply with, and include in all awards and subawards, these General Terms and Conditions, the program-specific terms and conditions, all applicable Federal statutes, applicable executive orders, regulations and guidelines, and any amendments thereto. The recipient agrees to operate the funded program in accordance with the approved application and budget, supporting documents, and other representations made in support of the approved application.

The term recipient is used to connote either recipient or subrecipient, as appropriate, throughout these General Terms and Conditions.

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I. CHANGES FROM THE 2024 GENERAL TERMS AND CONDITIONS

The following revisions were made to the original 2025 General Terms and Conditions:

- Introductory paragraph under document title: Added reference to "applicable executive orders"
- Section II.B.: Added the word "applicable" before executive orders
- Section IV.M.1.: Removed references to gender, gender identity, and gender expression
- Section V.: Replaced the Program Civil Rights and Non-Harassment Policy link with a link to the AmeriCorps Civil Rights webpage. (See webpage for access to the policy/statement.)

The changes listed below were the original changes noted as changes to the 2024 General Terms and Conditions:

- Replaced eGrants with AmeriCorps' Grants Management System throughout.
- Removed the following sections from these General Terms and Conditions to reduce duplication with Uniform Guidance: System for Award Management (SAM) and Universal Identifier Requirement; Transparency Act Requirements, and Award Term and Condition for Recipient Integrity and Performance Matters. The applicable citations for the removed sections were added to Section II. B.

- Section II. B. Changed Uniform Guidance updated from August 2020 to October 2024.
- Section III. Added the Award Acceptance section.
- Section IV. B. Updated single audit threshold.
- Section IV.F. Added regulation language regarding NSCHC checks and possible disallowances.
- Section IV. I. Removed notifying the Portfolio Manager upon suspicion of fraud, waste, and abuse.
- Section IV. L.2. Added the Cash Position Request.
- Section IV.L.3. Added additional information.
- Section IV. M.1. Updated the Public Notice of Non-Discrimination.
- Section IV. T. Moved Key Concepts of Financial Grants Management Training from Program specific Terms and Conditions to the General Terms and Conditions. Changed the course content to Funds Management Training for AmeriCorps Grantees and provided a new link.
- Section IV. U. Moved Fraud Awareness Training for AmeriCorps Grantees from Program Specific Terms and Conditions to the General Terms and Conditions.
- Section IV. V. Added the Internal Control Training for Grant Recipients.

II. GOVERNING AUTHORITIES

A. LEGISLATIVE AND REGULATORY AUTHORITY

This award is authorized by and subject to The National and Community Service Act of 1990, as amended, (42 U.S.C. 12501 et seq.) (NCSA) and/or the Domestic Volunteer Service Act of 1973, as amended, (42 U.S.C. 4950 et seq.) (DVSA), the Federal Grant and Cooperative Agreement Act (FGCAA), 31 U.S.C. §§6301-6308, and AmeriCorps' implementing regulations in 45 CFR Chapter XII and/or XXV. Recipients must comply with the requirements of the NCSA and/or DVSA and AmeriCorps' implementing regulations, as applicable.

B. OTHER APPLICABLE TERMS AND CONDITIONS

This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 CFR Part 200 and the agency's implementing regulation at 2 CFR Part 2205 (hereinafter, the Uniform Guidance). Award recipients must read, understand, and implement these federal regulations. 2 CFR Part 200, and the October 2024

amendments thereto are incorporated into these terms and conditions by reference.

The recipient must comply with all other applicable statutes, applicable executive orders, regulations, and policies governing the award, including, but not limited to, those included in 2 CFR Chapter 1, 2 CFR § 25.220, 2 CFR § 25.110, and 2 CFR § 170.300, as well as those cited in these General Terms and Conditions and Program-Specific Terms and Conditions, and the Assurances and Certifications. Some of these requirements are discussed in these General Terms and Conditions to provide emphasis or additional explanations to recipients. Other provisions are included in these AmeriCorps' General Terms and Conditions because they are required by specific laws or regulations.

In addition to the applicable statutes and regulations referred to above, the recipient must comply with and perform its award consistent with the requirements stated in:

1. The Notice of Grant Award and Signature Page;
2. These General Terms and Conditions;
3. The Program-Specific Terms and Conditions;
4. The Notice of Funding Opportunity;
5. The recipient's approved application (including the final approved budget, attachments, and pre-award negotiations); and
6. Grant Certification and Assurances.

C. ORDER OF PRECEDENCE

Any inconsistency in the authorities governing the Award shall be resolved by giving precedence in the following order: (a) applicable Federal statutes, (b) applicable Federal regulations, (c) Notice of Grant Award and Signature Page; (d) AmeriCorps Program Specific Terms and Conditions, (e) AmeriCorps General Terms and Conditions, (f) the Notice of Funding Opportunity, and (g) the approved Award Application including all assurances, certifications, attachments, and pre-award negotiations.

III. AWARD ACCEPTANCE

1. Recipients and subrecipients of AmeriCorps financial assistance (grants or cooperative agreements) awards must comply with the applicable

terms and conditions incorporated into their Notice of Grant Award. These terms and conditions are in addition to the assurances and certifications made as part of the award application process through submission of an application.

2. Acceptance of a financial assistance award from AmeriCorps carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Acceptance of a Federal financial assistance award from AmeriCorps means starting work, requesting payments or drawdowns, or accepting the award via electronic means. Upon accepting the award, the recipient must comply with all terms and conditions imposed upon the award by AmeriCorps and the recipient understands that acceptance of funds from AmeriCorps constitutes a consent to fulfill and comply with all terms and conditions.

IV. GENERAL TERMS AND CONDITIONS

A. RESPONSIBILITIES UNDER AWARD ADMINISTRATION

1. **Accountability of the Recipient.** The recipient has full fiscal and programmatic responsibility for managing all aspects of the award and award-supported activities, subject to the oversight of AmeriCorps. The recipient is accountable to AmeriCorps for its operation of the program and the use of AmeriCorps award funds. The recipient must expend award funds in a manner consistent with the cost principles in 2 CFR and in a reasonable manner, and it must record accurately the service activities and outcomes achieved under the award. Although recipients are encouraged to seek the advice and opinion of AmeriCorps on special problems that may arise, such advice does not diminish the recipient's responsibility for making sound judgments and does not shift the responsibility for operating decisions to AmeriCorps.
2. **Subawards.** If authorized by law and permitted by AmeriCorps, a recipient may make subawards in accordance with the requirements set forth in the Uniform Guidance. The recipient must have and implement a plan for oversight and monitoring that complies with the requirements applicable to pass through entities identified at 2 CFR § 200.332 to ensure that each subrecipient has agreed to comply, and is complying, with award requirements.

A recipient of a Federal award that is a pass-through entity has certain obligations to its subrecipients. Those requirements are located at 2 CFR § 200.208, § 200.332, § 200.339, and 2 CFR Part 200 Subpart F.

3. **Notice to AmeriCorps.** The recipient will notify the appropriate AmeriCorps Portfolio Manager immediately of any developments or delays that have a significant impact on funded activities, any significant problems relating to the administrative or financial aspects of the award, or any suspected misconduct or malfeasance related to the award or recipient. The recipient will inform the AmeriCorps Portfolio Manager about the corrective action taken or contemplated by the recipient and any assistance needed to resolve the situation. Recipients must also ensure that they comply with the mandatory reporting requirements for suspected criminal activity or fraud, waste, or abuse as specified in section IV. I.

B. FINANCIAL MANAGEMENT STANDARDS

1. **General.** The recipient must maintain financial management systems that comply with 2 CFR § 200.302(b). The recipient's financial management systems must be capable of distinguishing expenditures attributable to this award from expenditures not attributable to this award. The systems must be able to identify costs by program year and by budget category, and to differentiate between direct and indirect costs. For all recipient's financial management requirements and responsibilities, refer to Subparts D and E of 2 CFR Part 200.
2. **Allowability of Costs.** To be allowable under an award, costs must meet the criteria of 2 CFR § 200.403, which provides that costs must be necessary and reasonable for the performance of the award, must conform to limitations in the award or 2 CFR Part 200 as to types or amounts of cost items, must be consistent with policies and procedures that apply uniformly to both Federally financed and other activities of the recipient, must be adequately documented, and must not be included as a cost or used to meet cost share or matching requirements of any other Federally financed program. Furthermore, the costs must be accorded consistent treatment in like circumstances as either direct or indirect costs in order to avoid the double charging of Federal awards (see 2 CFR § 200.403(d) and § 200.412).
3. **Cost Reporting.** Recipients will report their Federal share of grant program expenditures (including indirect costs, if applicable) through AmeriCorps' Grants Management System. Recipient's financial management systems must be able to routinely produce reports which support and reconcile to the amounts drawn from the Payment Management System (PMS) and/or reported in AmeriCorps' Grants Management System. As part of closing out individual awards, recipients must ensure drawdowns reconcile to the FFR in AmeriCorps' Grants

Management System as applicable within 120 days of the end of the project period. Recipients must also ensure that the financial management systems of any subrecipients can routinely produce the same reports. As part of its ongoing fiscal oversight of recipients, AmeriCorps may select recipients to provide reports supporting their Federal cash disbursements (including supporting information for cash disbursements made by subrecipients). AmeriCorps expects recipients' and subrecipients' financial management systems to be able to produce those supporting reports on a routine basis.

4. **Audits.** Recipient organizations that expend \$1,000,000 or more in total Federal awards in a fiscal year shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. 7501, et seq., and 2 CFR Part 200, Subpart F. If the recipient expends Federal awards under only one Federal program, it may elect to have a program specific audit if it is otherwise eligible. A recipient that does not expend \$1,000,000 in Federal awards is exempt from the audit requirements for that year. However, it must continue to conduct financial management reviews of its subrecipients, and its records and its subrecipients' records must be available for review and audit in accordance with 2 CFR §§ 200.334-200.338 and §200.332(a)(5). Additionally, a recipient acting as a pass-through entity must issue management decisions for audit findings pertaining to the Federal award provided to the subrecipient as required by 2 CFR § 200.521 and ensure follow-up on audit findings in a timely manner to ensure that the subrecipient corrects any deficiencies identified in the audit.

C. CHANGES IN BUDGET OR KEY PERSONNEL

All budget and programmatic changes must comply with 2 CFR § 200.308 - Revision of budget and program plans. 2 CFR § 200.407 Prior written approval (prior approval) - provides an exhaustive list of those other items requiring AmeriCorps' advance approval.

D. BANKRUPTCY

The recipient must notify AmeriCorps if, during the term of its award, the recipient or one of its subrecipients becomes insolvent or is unable to pay its debts as they mature, or files a voluntary petition in bankruptcy or is the subject of an involuntary petition that is neither stayed nor dismissed within 60 days after the petition is filed.

E. PROHIBITED PROGRAM ACTIVITIES

The recipient must comply with, and require all subrecipients to comply with, the prohibitions on use of AmeriCorps funds applicable to their program as identified in sections 132A and 174 of the NCSA (42 U.S.C. §§ 12584a and 12634) and section 403 of the DVSA (42 U.S.C. § 5043), and provisions by Congress in annual appropriations acts. More specific guidance on these prohibitions will be provided in AmeriCorps' Program Specific Terms and Conditions and in other guidance.

F. NATIONAL SERVICE CRIMINAL HISTORY CHECK REQUIREMENTS

The National Service Criminal History Check (NSCHC) is a screening procedure established by law to protect the beneficiaries of national service. See AmeriCorps implementing regulations at [45 CFR §§ 2540.200-2540.207](#) and the [NSCHC webpage](#) for complete information and FAQs. The regulation requires recipients to conduct and document NSCHCs on specific individuals before they begin to work or serve on the AmeriCorps grant. Late, incomplete, and/or improperly documented NSCHCs can result in significant cost disallowances, where your organization will be required to repay funds to AmeriCorps.

Refer to [45 CFR §§ 2540.200-2540.201](#) for the list of entities and individuals required to comply with NSCHC. The NSCHC must be conducted, reviewed, and an eligibility determination made by the grant recipient based on the results of the NSCHC no later than the day before a person begins to work or serve on an NSCHC-required grant. An individual is ineligible to work or serve in a position specified in [45 CFR § 2540.201\(a\)](#) if the individual is registered, or required to be registered, as a sex offender or has been convicted of murder. The cost of conducting NSCHCs is an allowable expense under the award.

Unless AmeriCorps has provided a recipient with a written waiver, recipients must perform the following checks for each individual in a position specified in [45 CFR § 2540.201\(a\)](#):

1. A nationwide name-based search of the [National Sex Offender Public Website \(N5OPW\)](#); and
2. A name- or fingerprint-based check of the state criminal history record repository or agency-designated alternative for the person's state of residence and state where the person will serve/work; and
3. A fingerprint-based FBI criminal history check through the state criminal history record repository or agency-approved vendor.

One way for grant recipients or subrecipients to obtain and document the required components of the NSCHC is through the use of agency-approved vendor.

Recipients and subrecipients must retain adequate documentation that they completed all required components of the NSCHC specified in [45 CFR §§ 2540.200- 2540.207](#). Inability to demonstrate that you conducted a required criminal history check component, to include the NSOPW, as specified in the regulations, may result in sanctions including significant disallowance of costs. For details about required documentation, cost disallowance, and other enforcement actions, see the NSCHC Manual, found on the [NSCHC webpage](#).

G. THE OFFICE OF INSPECTOR GENERAL

AmeriCorps' Office of Inspector General (OIG) conducts and supervises independent audits, evaluations, and investigations of AmeriCorps' programs and operations.

Based on the results of these audits, reviews, and investigations, the OIG recommends disallowing costs and also recommends amending or adding policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in AmeriCorps' programs and operations.

The OIG conducts and supervises audits of AmeriCorps recipients, as well as legally required audits and reviews. The legally required audits include evaluating AmeriCorps' compliance with the Payment Integrity Information Act of 2019, which may result in grantees being requested to produce responsive documentation. The OIG uses a risk-based approach, along with input received from AmeriCorps management, to select recipients and awards for audit. The OIG hires independent audit firms to conduct some of its audits. The OIG audit staff is available to discuss any audit and can be reached at (202) 606-9390.

Recipients must cooperate fully with AmeriCorps requests for documentation and OIG inquiries by timely disclosing complete and accurate information pertaining to matters under investigation, audit, or review, and by not concealing information or obstructing audits, inspections, investigations, or other official inquiries.

H. RECOGNITION OF AMERICORPS SUPPORT

- 1. General Statement.** Recipients and subrecipients of federal agency AmeriCorps assistance or resources shall identify their programs, projects or initiatives as AmeriCorps or AmeriCorps Seniors programs or

projects accordingly. All agreements with subrecipients, operating sites, or service locations, related to AmeriCorps programs and initiatives must explicitly state that the program is an AmeriCorps or AmeriCorps Seniors program.

Similarly, recipients and subrecipients shall identify all national service members or volunteers serving at their programs, projects, or initiatives as either AmeriCorps members, AmeriCorps Seniors volunteers, Day of Service volunteers or where appropriate for Volunteer Generation Fund, simply "volunteers."

2. **Visual Representations and Prominent Display.** Recipients shall identify their programs, projects, or initiatives, and their members or volunteers, through the use of visual representations, including: logos; insignias; written acknowledgements, publications and other written materials; websites and social media platforms; and service gear such as clothing. All visual representations must follow current AmeriCorps branding guidelines, which include proper logo use and cobranding requirements. To provide recipients technical assistance in ensuring compliance with proper logo use and cobranding requirements, AmeriCorps provides brand guidelines, to which recipients and subrecipients should refer and follow. The brand guidelines are available at [Communication resources | AmeriCorps](#).

All recipient and subrecipient websites and social media communications shall clearly state, as appropriate, that they are an AmeriCorps recipient or funded by a grant from AmeriCorps and shall prominently display the AmeriCorps or AmeriCorps Seniors logo. Logo graphics should be embedded with a link back to the [AmeriCorps.gov](#) home page (referral link) or to an AmeriCorps program- specific web page at [AmeriCorps.gov](#). Recipients and subrecipients shall prominently display the AmeriCorps, AmeriCorps Seniors, or appropriate AmeriCorps Days of Service name and logo on all service gear and public materials, in accordance with AmeriCorps' requirements. Public materials are defined in the branding toolkit.

3. **Acknowledgement and Disclaimer on Published Materials.** The appropriate AmeriCorps or AmeriCorps Seniors logo shall be included on publications related to an award of AmeriCorps assistance or resources. An acknowledgement and disclaimer shall be displayed on all reports and other published materials based upon work supported by the award. The acknowledgement and disclaimer may contain language the same as or similar to:

This material is based upon work supported by AmeriCorps under Grant No(s) []. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, AmeriCorps. "

4. **Brand Identification through Publicity.** Recipients shall provide information or training to their AmeriCorps members, AmeriCorps Seniors volunteers, Day of Service volunteers, or Volunteer Generation Fund volunteers about how their programs, projects or initiatives are part of AmeriCorps. Recipients are strongly encouraged to place signs that include the AmeriCorps or AmeriCorps Seniors name and logo, or the appropriate AmeriCorps version of the Days of Service logo at all their service sites and may use the slogan "AmeriCorps Serving Here" or "AmeriCorps Seniors Serving Here," as appropriate.

When AmeriCorps members and programs or AmeriCorps Seniors volunteers and programs are publicized – including but not limited to public speaking opportunities, press releases, news stories, blog posts, websites, social media posts, online videos, public service announcements, paid advertising, brochures and other communications channels – individuals must be identified as AmeriCorps members or AmeriCorps Seniors volunteers, while programs should be identified as AmeriCorps or AmeriCorps Seniors programs or projects and, where possible, appropriate logos must be displayed.

5. **Alteration of Brand Identities Prohibited Without AmeriCorps Written Permission.** Recipients may not alter the AmeriCorps or AmeriCorps Seniors logos or other AmeriCorps branding and must obtain written permission from AmeriCorps before using the AmeriCorps name or logo, or the AmeriCorps Seniors name or logo on materials that will be sold. Recipients must also obtain written permission from AmeriCorps before permitting donors to use the AmeriCorps name or logo, or the AmeriCorps Seniors name or logo in promotional materials.
6. **Prohibited Use or Display of Names and Logos for Certain Activities.** The recipient or subrecipient may not use or display the AmeriCorps name or logo, or the AmeriCorps Seniors name or logo in connection with any activity prohibited by statute or regulation, including any political activities.

I. REPORTING OF FRAUD, WASTE, AND ABUSE

Recipients must contact the OIG without delay when they first suspect:

1. Any criminal activity or violations of law has occurred, such as:

- Fraud, theft, conversion, misappropriation, embezzlement, or misuse of funds or property by any person, including AmeriCorps personnel, grantees, or contractors—even if no federal funds or property was involved;
- Submission of a false claim or a false statement by any person in connection with any AmeriCorps program, activity, grant, or operations;
- Concealment, forgery, falsification, or unauthorized destruction of government or program records;
- Corruption, bribery, kickbacks, acceptance of illegal gratuities, extortion, or conflicts of interest in connection with operations, programs, activities, contracts, or grants;
- Other misconduct in connection with operations, programs, activities, contracts, or grants; or
- Mismanagement, abuse of authority, or other misconduct by AmeriCorps personnel.

2. Fraud, waste, or abuse.

- Fraud occurs when someone is intentionally dishonest or uses intentional misrepresentation or misleading omission to receive something of value or to deprive someone, including the government, of something of value.
- Waste occurs when taxpayers do not receive reasonable value for their money in connection with a government-funded activity due to an inappropriate act or omission by people with control over or access to government resources.
- Abuse is behavior that is deficient, objectively unreasonable, or improper under the circumstances. Abuse also includes the misuse of authority or position for personal financial gain or the gain of an immediate or close family member or business associate.

The OIG maintains a hotline to receive this information, which can be reached via a web-based hotline portal or by telephone at (800) 452-8210. Upon request, OIG will take appropriate measures to protect the identity of any

individual who reports misconduct, as authorized by the Inspector General Act of 1978, as amended. Reports to OIG may also be made anonymously.

The recipient should take no further steps to investigate suspected misconduct, except as directed by the OIG or to prevent the destruction of evidence or information.

J. WHISTLEBLOWER PROTECTION

1. This award and employees working on this award will be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).
2. An employee of a recipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or award, a gross waste of Federal funds, an abuse of authority (an arbitrary and capricious exercise of authority that is inconsistent with the mission of AmeriCorps or the successful performance of a contract or award of AmeriCorps) relating to a Federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award.
3. The recipient shall inform its employees and contractors in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described above and at Whistleblower Rights and Protections | AmeriCorps (americorpsoig.gov).

K. LIABILITY AND SAFETY ISSUES

The recipient must institute safeguards as necessary and appropriate to ensure the safety of members and volunteers. Members and volunteers may not participate in projects that pose undue safety risks. Any insurance costs under the award must comply with 2 CFR § 200.447, which outlines what insurance costs are allowable.

L. INFORMATION REQUESTS AND AWARD MONITORING

1. **Monitoring Activities.** AmeriCorps may conduct on-site or remote monitoring activities to review and evaluate recipient records,

accomplishments, organizational procedures, and financial control systems; to make verifications of recipient compliance with the terms of the award; to conduct interviews; to identify any practice or procedure that may require further scrutiny; and to provide technical assistance.

2. **Cash Position Request.** AmeriCorps may select a sample of award recipients to participate in an annual cash position survey request. If identified to participate in the sample, the recipient is required to respond to the survey. This is a brief survey requesting the positive, negative, or zero cash balance as of September 30 of each federal fiscal year. Organization identification, Employer Identification Number (EIN), and contact information are also required in the response to the survey request. This information is used to assist AmeriCorps with reporting expenses and advances accurately at fiscal year-end, and to ensure compliance with Generally Accepted Accounting Principles (GAAP) and Federal Accounting Standards and Advisory Board (FASAB) financial reporting standards. This information will not be used for purposes of grant monitoring or oversight.
3. **Responding to information requests.** Pursuant to 2 CFR 200.337, AmeriCorps may request documentation from recipients in order to monitor the award or to comply with other legal requirements, such as the Payment Integrity Information Act of 2019. ***Failure to make timely responses to such requests may result in award funds being placed on temporary manual hold, reimbursement only, or other remedies as appropriate.***

Grant recipients have an obligation to make proper payments, i.e. payments to the right individuals, at the right time, in the right amounts, and to document these payments in accordance with laws, regulations, and agency policy. Grant recipients identified as having improper payments must assess the root cause drivers of these payments and remediate the conditions that led to the improper payment. To address common root cause findings, grantees are required to take the Funds Management training and National Service Criminal History Check trainings. In addition to record access, grantees must retain financial records and supporting documentation pertinent to the federal award in accordance with 2 CFR 200.334.

M. NON-DISCRIMINATION PUBLIC NOTICE AND RECORDS COMPLIANCE

1. **Public Notice of Non-discrimination.** The recipient must notify members, community beneficiaries, applicants, program staff, and the public, including those with impaired vision or hearing, that it operates

its program or activity subject to the non-discrimination requirements applicable to their program found at §§ 175 and 176(f) of the NCSA or § 417 of the DVSA, and relevant program regulations found at 45 CFR Parts 2540 (AmeriCorps State and National), 2551 (Senior Companion Program), 2552 (Foster Grandparent Program), 2553 (RSVP), and 2556 (AmeriCorps VISTA). The notice must summarize the requirements, note the availability of compliance information from the recipient and AmeriCorps, and briefly explain procedures for filing discrimination complaints with AmeriCorps.

Recipients and subrecipients must also prominently post and make program participants aware of AmeriCorps' Program Civil Rights and Non-Harassment Policy which is reissued annually and available at AmeriCorps.gov.

The recipient must include information on civil rights requirements, complaint procedures and the rights of beneficiaries in member or volunteer service agreements, handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The recipient must also notify the public in recruitment material and application forms that it operates its program or activity subject to the nondiscrimination requirements. The following language should be used, in bold print: **This program is available to all, without discrimination on the basis of race, color, sex, sexual orientation, pregnancy, religion, age, national origin, genetic information, disability, military status, familial status, political affiliation, or any other characteristic protected by law.** Where a significant portion of the population eligible to be served needs services or information in a language other than English, the recipient shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

2. **Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons.** Pursuant to Executive Order (EO) 13166 – Improving Access to Services for Persons with Limited English Proficiency, recipients are required to provide meaningful access to their programs and activities by LEP persons. For more information, please see the policy guidance at 67 FR 64604.
3. **Records and Compliance Information.** The recipient must keep records and make available to AmeriCorps timely, complete, and accurate compliance information to allow AmeriCorps to determine if the recipient is complying with the civil rights statutes and implementing regulations. Where a recipient extends Federal financial assistance to

subrecipients, the subrecipients must make available compliance information to the recipient so it can carry out its civil rights obligations in accordance with the records requirements at 2 CFR §§ 200.334200.338 and § 200.331(a)(5).

4. **Obligation to Cooperate.** The recipient must cooperate with AmeriCorps so that AmeriCorps can ensure compliance with the civil rights statutes and implementing regulations. The recipient shall permit access by AmeriCorps during normal business hours to its books, records, accounts, staff, members or volunteers, facilities, and other sources of information as may be needed to determine compliance. The recipient and subrecipients must cooperate when contacted regarding investigations into allegations of discrimination including, but not limited, to providing requested documentation and making relevant officials available to provide information and/or statements.

N. IDENTIFICATION OF FUNDING

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving AmeriCorps funds included, shall clearly state— (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

O. AWARD PRODUCTS

1. **Sharing Award Products.** To the extent practicable, the recipient agrees to make products produced under the award available at the cost of reproduction to others in the field.
2. **Acknowledgment of Support.** Publications created by members, volunteers or award-funded staff must be consistent with the purposes of the award. The appropriate AmeriCorps logo shall be included on such documents. The recipient is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this award:

"This material is based upon work supported by AmeriCorps, the operating name of the Corporation for National and Community Service, under Grant No(s). []. Opinions or points of view expressed in

this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, AmeriCorps or [the relevant AmeriCorps program]."

P. SUSPENSION OR TERMINATION OF AWARD

AmeriCorps may suspend or terminate this award in accordance with 2 CFR §§ 200.200.339 and 200.340 (85 FR 49506, 49559-60) such as applicable AmeriCorps regulations and statutes. In addition, a recipient may suspend or terminate assistance to one of its subrecipients in accordance with 2 CFR §§ 200.339 and 200.340, provided that such action complies with 2 CFR § 200.341. 2 CFR § 200.340(a)(2) prohibits arbitrary termination of grant awards by AmeriCorps. As before the clarifications to 2 CFR Part 200, AmeriCorps may initiate termination for cause, or when (based on new evidence) there is a significant question about the feasibility or effectiveness of the intended objective of the award.

Q. TRAFFICKING IN PERSONS

This award is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104).

1. Provisions applicable to a recipient that is a private entity.
 - a. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:
 - (1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procure a commercial sex act during the period of time that the award is in effect; or
 - (3) Use forced labor in the performance of the award or subawards under the award.
 - b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity
 - (1) Violates a prohibition in paragraph (a.) of this award term; or
 - (2) Has an employee who violates a prohibition in paragraph (a.) of this award term through conduct that is either: (A.)

Associated with performance under this award; or (B.) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR Part 2200.

2. Provisions applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is not a private entity-
 - a. Is determined to have violated an applicable prohibition of paragraph (1)(a.) of this award term; or
 - b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph (1)(a)(i) of this award term through conduct that is -
 - (1) Associated with performance under this award; or
 - (2) Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government- wide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR Part 2200.
3. Provisions applicable to any recipient.
 - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (1)(a) of this award term.
 - b. Our right to terminate unilaterally that is described in paragraph (1) and (2) of this section:
 - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (2) Is in addition to all other remedies for noncompliance that are available to us under this award.

- c. You must include the requirements of paragraph (1)(a) of this award term in any subaward you make to a private entity.

4. Definitions. For purposes of this award term:

- a. "Employee" means either:

- (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

- b. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- c. "Private entity":

- (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR §175.25.

- (2) Includes:

- (i) A nonprofit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).
 - (ii) A for-profit organization.

- d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

R. CONFLICT OF INTEREST

You must disclose in writing any potential conflict of interest to your AmeriCorps Portfolio Manager, or to the pass-through entity if you are a subrecipient or contractor. This disclosure must take place immediately. The AmeriCorps conflict of interest policies apply to subawards as well as contracts, and are as follows:

1. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.
2. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a subaward or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.
3. If you have a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest mean that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a subaward or procurement action involving a related organization.

S. BREACHES OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

All recipients and subrecipients need to be prepared for potential breaches of Personally Identifiable Information (PII). OMB defines PII as any information about an individual, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information which is linked or linkable to an individual. All recipients and subrecipients must ensure that they have procedures in place to prepare for

and respond to breaches of PII and notify the Federal awarding agency in the event of a breach.

If your AmeriCorps grant-funded program or project creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of PII within the scope of that Federal grant award, or uses or operates a federal information system, you must establish procedures to prepare for and respond to a potential breach of PII, including notice of a breach of PII to AmeriCorps. Grantees experiencing a breach should immediately notify AmeriCorps' Office of Information Technology, and the AmeriCorps Portfolio Manager.

T. FUNDS MANAGEMENT TRAINING FOR AMERICORPS GRANTEES

All recipients and subrecipients **must** complete and retain a certificate of completion of the Funds Management Training for AmeriCorps Grantees eCourse training every year. This training will help you develop the necessary framework to manage your AmeriCorps grant in an allowable, responsible, and compliant manner. The AmeriCorps eCourse can be found at: <https://americorpsonlinecourses.litmos.com?C=12300907>.

Each grant recipient and subrecipient must identify at minimum one staff person who has some responsibility for financial grants management compliance to fulfill this requirement on behalf of the grant recipient or subrecipient. The grant recipient and subrecipient must retain the certificate of completion and assign staff to retake the course annually prior to the expiration of the certificate. Grant recipients and subrecipients must save certificates of completion from each year as grant records.

U. FRAUD AWARENESS TRAINING FOR AMERICORPS GRANTEES

All recipients and subrecipients must complete and retain a certificate of completion of the AmeriCorps Fraud Awareness Training for AmeriCorps Grantees eCourse every year to ensure that recipients and subrecipients are aware of fraud risk and controls. The AmeriCorps eCourse can be found at: <https://americorpsonlinecourses.litmos.com/course/7297781?r=False&ts=638423923369763818>

Each grant recipient and subrecipient must identify at minimum one staff person to fulfill this requirement on behalf of the grant recipient or subrecipient. The grant recipient or subrecipient must retain the certificate of completion and assign staff to retake the course annually prior to the expiration of the certificate. Grant recipients and subrecipients must save certificates of completion from each year as grant records.

V. INTERNAL CONTROL TRAINING FOR GRANT RECIPIENTS

All recipients and subrecipients must complete and retain a certificate of completion of the AmeriCorps Internal Control Training for Grant Recipients eCourse every year to ensure that recipients and subrecipients are aware of internal control responsibilities. The AmeriCorps eCourse can be found at: <https://americorpsonlinecourses.litmos.com?C=18949461>.

Each grant recipient and subrecipient must identify at minimum one staff person to fulfill this requirement on behalf of the grant recipient or subrecipient. The grant recipient or subrecipient must retain the certificate of completion and assign staff to retake the course annually prior to the expiration of the certificate. Grant recipients and subrecipients must save certificates of completion from each year as grant records.

V. Program Civil Rights and Non-Harassment Policy.



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

Peter M. Marchetti
Mayor

May 20, 2025

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

Dear Councilors,

Submitted herewith for your consideration is an Order authorizing the City of Pittsfield to grant a conservation restriction to the Berkshire Natural Resources Council, Inc. for the property located off Barker Road, and Gamwell Avenue, Pittsfield, MA.

Respectfully submitted,



Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



CITY OF PITTSFIELD

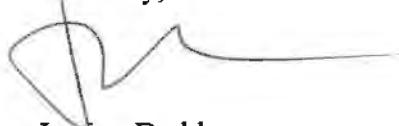
DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201

March 3, 2025

TO THE HONORABLE MAYOR:

Requested hereby is your authorization to grant a Conservation Restriction to the Berkshire Natural Resources Council, Inc. for the property located off Barker Road and Gamwell Road in Pittsfield, MA.

Sincerely,



Justine Dodds
Director

cc. City Accountant

City of Pittsfield

MASSACHUSETTS

IN CITY COUNCIL

A N O R D E R

**AUTHORIZING THE CITY OF PITTSFIELD TO
GRANT A CONSERVATION RESTRICTION TO THE BERKSHIRE NATURAL
RESOURCES COUNCIL, INC. FOR THE PROPERTY LOCATED OFF
BARKER ROAD, AND GAMWELL AVENUE,
PITTSFIELD, MA.**

Ordered:

That the City of Pittsfield, acting by and through its Mayor, City Council and Conservation Commission is hereby authorized to grant to the Berkshire Natural Resources Council, Inc. with an address of 309 Pittsfield Road, Ste. B, Lenox, MA 01240, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction on land located in the City of Pittsfield containing 52.92 acres, +/-, comprised of portions of three (3) parcels ("Premises") as described in deeds to the City of Pittsfield recorded with the Middle Berkshire Registry of Deeds at Book 7393, Page 131 and Book 7441, Page 232, substantially in accordance with the terms set forth in the attached Grant of Conservation Restriction.

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

GRANTOR: City of Pittsfield

GRANTEE: Berkshire Natural Resources Council,
Inc.

ADDRESS OF PREMISES: Off Barker Road, Velma
Avenue and Gamwell Avenue

FOR GRANTOR'S TITLE SEE: Middle Berkshire
Registry of Deeds at Book 7393, Page 131 and
Book 7441, Page 232

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

The CITY OF PITTSFIELD, a municipal corporation having a principal place of business at 70 Allen Street, City Hall, Pittsfield, Berkshire County, Massachusetts 01201, being the sole owner of the Premises as defined herein, constituting all of the owner(s) of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to BERKSHIRE NATURAL RESOURCES COUNCIL, INC. (BNRC), a charitable corporation qualified to do business in Massachusetts whose office and post office address is 309 Pittsfield Road, Ste. B, Lenox, MA 01240, their permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift in accordance with 26.U.S.C. Section 170(h), IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the City of Pittsfield containing 52.92 acres, +/-, comprised of portions of three (3) parcels ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

The fee interest in the Premises was acquired utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws, which funds were authorized for such purposes by a vote of the City of Pittsfield City Council, at a meeting on December 13, 2022 that authorized used of CPA funds, an attested copy of which vote is attached hereto as Exhibit C (the "CPA Vote"). Pursuant to Section 12(b) of Chapter 44B of the Massachusetts General Laws, the fee interest in the Premises, and therefore the management of the Premises, is under the care, custody, and control of the Conservation Commission of the City of Pittsfield.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and, available for passive outdoor recreational use, limited non-

commercial forestry use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The fee interest in the Premises was acquired utilizing, in part, assistance from the Local Acquisitions for Natural Diversity (LAND) program pursuant to Section 11 of Chapter 132A of the Massachusetts General Laws, Section 2A of Chapter 286 of the Acts of 2014, and Section 2A of Chapter 102 of the Acts of 2021 and therefore the Premises is subject to a LAND Grant Project Agreement (“Project Agreement”) recorded at the Middle Berkshire Registry of Deeds in Book 7441 Page 319.

The Conservation Values protected by this Conservation Restriction include the following:

- **Open Space**. The Premises contributes to the protection of the scenic and natural character of the City of Pittsfield and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is nearby other conserved lands, which include:
 - Clapp Park - a 43.13-acre public park owned by the City of Pittsfield.
 - Barker Road Conservation Area – a 71.24-acre public conservation area owned by the City of Pittsfield.
 - Wild Acres Conservation Area – 112.5 acres owned by the City of Pittsfield.
 - Watroba Conservation Restriction – a private conservation restriction held by The Trustees of Reservations.
 - Dubow Reserve – a 34.07-acre property owned by BNRC.
 - George L. Darey Housatonic River Wildlife Management Area – 818 acres of land within the City of Pittsfield, Town of Lenox, and Town of Lee, owned by the Commonwealth of Massachusetts Division of Fisheries and Wildlife.
- **Floodplain**. A portion of the Premises lies within the 100-year floodplain of the Southwest Branch of the Housatonic River according to FEMA Q3 Flood Zones. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events.
- **Soils and Soil Health**. The Premises includes 35 acres of Prime Forest Land and 5.2 acre of Forest Land of Statewide Importance, as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- **Wildlife Habitat**. The Premises includes areas designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “Priority Habitats of Rare and Endangered Species”, the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- **Public Access**. Public access to the Premises will be allowed for passive outdoor recreation, education, and nature study.

- Biodiversity. The Premises includes areas designated as Core Habitat, including Wetland Core, Aquatic Core, and Rare Species Core as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, published in 2022, was designed to guide strategic biodiversity conservation in Massachusetts by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Water Quality. Protection of a Core Habitat and the riparian corridor on the Premises can help maintain water quality critical to cold water fisheries and rare species habitat.
- Wetlands. The shrub swamp and wooded deciduous swamp wetlands on the Premises provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Working Forest Land. The protection of the Premises will ensure that the forests contained on the Premises will be permanently available for limited non-commercial forestry that is consistent with the Purposes.
- Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy. This Conservation Restriction advances the goals of the City of Pittsfield Open Space and Recreation Plan (2019-2026), specifically Goal 2, Objective 3 which aims to create a greenway along the West Branch of the Housatonic River by acquiring and protecting lands that connect Wahconah Park to Clapp Park and to the Pittsfield Municipal Airport to ‘provide opportunities, resources, accessibility, and quality facilities for both recreation and conservation uses’. The protection of this property also furthers the goals of the City of Pittsfield Community Preservation Act Plan (2018), which are to ‘protect, preserve and maintain natural resources to ensure an adequate amount, variety, and distribution of open space and water resources to maintain biodiversity and provide benefit to the public’.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities

or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;

2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises.
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Hunting and Trapping. Hunting and trapping on the Premises are prohibited;
12. Camping. Camping on the Premises is prohibited;
13. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;

14. **Inconsistent Uses.** Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. **Vegetation Management.** Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. **Non-native, Nuisance, or Invasive species.** Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. **Composting.** Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided such activities occur outside of a 100-foot wetland setback;
4. **Natural Habitat and Ecosystem Improvement.** With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. **Indigenous Cultural Practices.** With prior written notice to the Grantee, allowing Indigenous peoples to:
 - a. Conduct cultural land ceremonial uses. Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming; and
 - b. Harvest plant-life for traditional cultural practices, using methods which, in the sole judgment of the Grantee, ensure sustainable populations of the harvested species within the Premises, including regrowth and replanting;
6. **Archaeological Investigations.** Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only

in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;

7. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to ten (10) feet in width overall, with a treadway up to five (5) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
8. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
9. Motorized Vehicles. Using motorized mobility assistance devices by persons with mobility impairments; using motorized vehicles as necessary for engaging in Forest Management or maintenance activities as permitted herein, provided such use is approved in advance by Grantee and will have no material impact to the Conservation Values.
10. Outdoor Passive Recreational and Educational Activities. Fishing, canoeing and other non-motorized boating, swimming, hiking, horseback riding, cross-country skiing, snowshoeing, ice-skating, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational, including cycling, and educational activities. Electric bicycles that are pedal assisted battery powered, and electric mobility scooters are permitted on designated trails, provided they are managed to avoid significant impairment of the Conservation Values.
11. Creation, Expansion, and Use of Parking Areas for Motorized Vehicles. With prior written approval of Grantee, the expansion, creation, and use of up to two (2) parking areas on the Premises for the purpose of public access and use for Outdoor Passive Recreational and Educational Activities. The location of the two (2) designated parking area will be on the west side of the Premises off Barker Road. The designated parking areas must be planned and sized appropriately to accommodate permitted activities

outlined in Section B. 10 above, and must avoid significant impairment of the Conservation Values. Access to the parking areas can be made available by utilizing and improving, as necessary, the existing woods road located off of Barker Road (as documented in the Baseline Report).

12. **Forest Management.** Conducting sound silvicultural uses of the Premises, including limited non-commercial forestry use for improving forest health and wildlife habitat, or conducting other forest management activities, such as re-establishing historic woods roads, and the use of motorized vehicles, all as necessary to conduct such activities (“Forestry Activities”), provided that any Forestry Activities are carried out pursuant to a Forest Stewardship Plan (as defined below) that prioritizes the recreational and conservation benefits of the property. All Forestry Activities shall minimize disturbance to passive public recreational uses and other Conservation Values, avoid any stone structures or historical and cultural resources and shall prevent damage thereto to the extent feasible. All cutting operations shall be supervised by a licensed forester.
- a. **Requirement of a Forest Stewardship Plan.** Before any Forestry Activities occur on the Premises, Grantor shall submit a Forest Stewardship Plan to the Grantee, the Massachusetts Department of Conservation and Recreation (“DCR”) or appropriate successor agency, and to any other required state agencies for their approval. The Forest Stewardship Plan shall:
- i. be prepared by a forester licensed through DCR and shall follow the “Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans” (as such guidelines may be amended by DCR or its successor agency) and such statutes, regulations and directions in effect at the time of the approval of said Forest Stewardship Plan; and
 - ii. include provisions designed to comply with the recommended activities and guidelines and required best management practices established in the Massachusetts Forestry Best Management Practices Manual (Catanzaro, Fish & Kittredge, University of Massachusetts, Amherst & DCR; 2013) and subsequent versions as may be approved by the Massachusetts Bureau of Forest Fire Control and Forestry (“Forestry BMPs”); and
 - iii. address how the Forest Stewardship Plan complies with this Paragraph II.B.10; and
 - iv. address how the Forest Stewardship Plan complies with the Project Agreement,
 - v. including the commitment to devote the property to conservation and passive recreation purposes in perpetuity; and
 - vi. be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional Forestry Activities are desired.

- b. Tree Cutting and Removal. The Grantor may cut or remove dead, diseased, and/or dying trees or those trees deemed a safety hazard for the benefit and safety of the public and/or abutting residential lots without the need for written notice to Grantee or a Forest Stewardship Plan.
 - c. Sugaring. The collection of sap for syrup production for educational, non-commercial, and commercial use. Sap may be collected from those tree species from which the product can be derived, which includes but is not limited to maples, birches, and walnuts.
13. Temporary Structures. With prior written approval of Grantee, constructing, using, maintaining, repairing, and/or replacing temporary structures and improvements directly related to or in support of: (i) Outdoor Passive Recreational and Educational Activities authorized by Section III.B.10., including, but not limited to, a gazebo, birding blind, picnic tables and benches; or (ii) Sugaring Activities authorized by Section III.B.12.c., including, but not limited to, wildlife-friendly fencing, sap collection systems and sugarhouse. For the purposes of this Conservation Restriction, the term “temporary” shall mean any improvement without a foundation that can be constructed or removed without significant disturbance of the soil.

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;

- b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. **Grantee Review.** Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. **Resubmittal.** Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. **Enforcement.** The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. **Notice and Cure.** In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such

violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.

3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.10. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted passive recreational use by the general public for the protection of the Purposes and Conservation Values.

Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.10. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, for the purpose of enforcing this Conservation Restriction, but does not entitle Grantee, upon extinguishment, release, or termination, to any proceeds received by the Grantor from the subsequent sale, exchange or involuntary conversion of the Premises. Any proceeds that result from any such extinguishment, release, or termination will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken,

the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of

this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or

6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the City of Pittsfield City Council and Conservation Commission and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: City of Pittsfield
c/o Pittsfield Conservation Commission
70 Allen Street
Pittsfield, MA 01201

To Grantee: Berkshire Natural Resources Council, Inc.
309 Pittsfield Road, Suite B
Lenox, MA 01240

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release.

C. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

F. The following signature pages are included in this Grant:

Grant and Approval – Mayor of City of Pittsfield

Grant and Approval – Pittsfield Conservation Commission

Grantee Acceptance

Approval – Pittsfield City Council

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises with Excluded Area Sketch

Exhibit C: City Vote Authorizing the Use of CPA Funds

GRANT AND APPROVAL OF MAYOR OF CITY OF PITTSFIELD

The undersigned, Mayor of the City of Pittsfield, Massachusetts, hereby approves in the public interest and grants the foregoing Conservation Restriction to Berkshire Natural Resources Council, Inc. pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Peter M. Marchetti, Mayor of the City of Pittsfield, duly authorized

THE COMMONWEALTH OF MASSACHUSETTS

____ County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Peter M. Marchetti, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

GRANT AND APPROVAL OF PITTSFIELD CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the City of Pittsfield, Massachusetts, hereby certify that at a public meeting duly held on _____, 2024, the Conservation Commission voted to approve in the public interest and grant the foregoing Conservation Restriction to Berkshire Natural Resources Council, Inc. pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and do hereby approve in the public interest and grant the foregoing Conservation Restriction.

CITY OF PITTSFIELD CONSERVATION COMMISSION:

By: James Conant, Councilor, Chair

By: Jonathon Lothrop

By: Elizabeth M. Calebaugh

By: Stephanie Storie

By: Thomas J. Sakshaug

By: Nicole Hall

By: Franz J. Forster

THE COMMONWEALTH OF MASSACHUSETTS

_____ County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from CITY OF PITTSFIELD was accepted by BERKSHIRE NATURAL RESOURCES COUNCIL, INC. this _____ day of _____, 2025.

By: _____
Jennifer Hansell

Its: President _____, duly authorized

By: _____
Eric Katzman, Treasurer

Its: Treasurer _____, duly authorized

THE COMMONWEALTH OF MASSACHUSETTS

County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Jennifer Hansell, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Eric Katzman, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF PITTSFIELD CITY COUNCIL

We, the undersigned, being a majority of the City Council of the City of Pittsfield hereby certify that at a meeting duly held on _____, 2025, the City Council voted to approve the foregoing Conservation Restriction from City of Pittsfield to Berkshire Natural Resources Council, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

PITTSFIELD CITY COUNCIL

Peter White, President

Matthew Wrinn

Earl G. Persip, III

James Conant

Kathleen Amuso

Patrick Kavey

Alisa Costa

Dina G. Lampiasi

Kenneth G. Warren Jr.

Rhonda Serre

Brittany Simola Noto

THE COMMONWEALTH OF MASSACHUSETTS

Berkshire County, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, _____,
_____, _____, _____, _____,
_____, _____, _____, _____,
_____, _____, _____, _____, _____
and proved to me through satisfactory evidence of identification
which was _____ to be the persons whose names are signed on the
proceeding or attached document, and acknowledged to me that they signed it voluntarily for its
stated purpose.

Notary Public

My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from CITY OF PITTFIELD to BERKSHIRE NATURAL RESOURCES, INC. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of the Premises

The land in Pittsfield, Massachusetts, containing 57.462 acres, +/-, shown as "Map G6, Block 2, Lot 34", "Map G7, Block 1, Lot 20", and "Map G6, Block 2, Lot 35", on a plan of land titled "ALTA/NSPS Land Title Survey GUILD SOLAR, LLC 0 Gamwell Avenue Map G6, Block 2, Lot 35 & 34 & Map G7, Block 1, Lot 20 City of Pittsfield, Berkshire County, Commonwealth of Massachusetts", dated 1-11-2019, revised 2019-05-30, by Gerry L. Holdright, PLS, Control Point Associates, Inc, 352 Turnpike Road, Southborough, MA 01772, recorded in the Berkshire Middle District Registry of Deeds on June 29, 2023 in Plat File T-99, which land is also shown as "Site" on the Locus Map on Sheet 1 of 10 of said plan.

Excluding from the Premises, an area containing 4.54 acres, +/-, and described as follows:

Starting at a concrete bound found at the corner of Gamwell Avenue and the southwesterly corner of Lot 69 on Map H6, Block 5 in Plat File T-99 thence running the following courses:

N 11-54-02 E a distance of 5.00 feet to an iron pin; then continuing along that same bearing a distance of 175.00 feet; then N 78-05-58 W a distance of 473.00 feet; then N 11-54-02 E a distance of 210.00 feet; then N 78-05-58 W a distance of 170.00 feet; then N 11-54-02 E a distance of 80.69 feet; then N 73-04-21 W a distance of 194.54 feet; then N 58-40-21 W a distance of 438.85 feet; then N 73-52-21 W a distance of 489.53 feet; then N 16-08-54 E a distance of 22.89 feet; then N 79-33-06 W a distance of 1,758.30 feet; then S 10-26-54 W a distance of 50 feet to a capped iron pin now set; then S 79-33-06 E a distance of 1,708.30 feet; then S 16-08-54 W a distance of 22.89 feet to an iron pin; then S 73-52-21 E a distance of 489.53 feet; then S 58-40-21 E a distance of 438.85 feet; then S 73-04-21 E a distance of 194.54 feet to a capped iron pin now set; then S 11-54-02 W a distance of 80.69 feet to a capped iron pin now set; then S 78-05-58 E a distance of 50 feet to a capped iron pin now set and continuing another 120 feet along the same bearing to a capped iron pin now set; then S 11-54-02 W a distance of 210.00 feet to a capped iron pin now set; then S 78-05-58 E a distance of 463.00 feet to a capped iron pin now set; then S 11-54-02 W a distance of 130.00 feet to a capped iron pin now set; then S 78-05-58 E a distance of 60.00' to a concrete bound found and the place of beginning.

The total Premises being 52.92 acres, +/-.

EXHIBIT B

Reduced Copy of Plan of Premises with Excluded Area Sketch

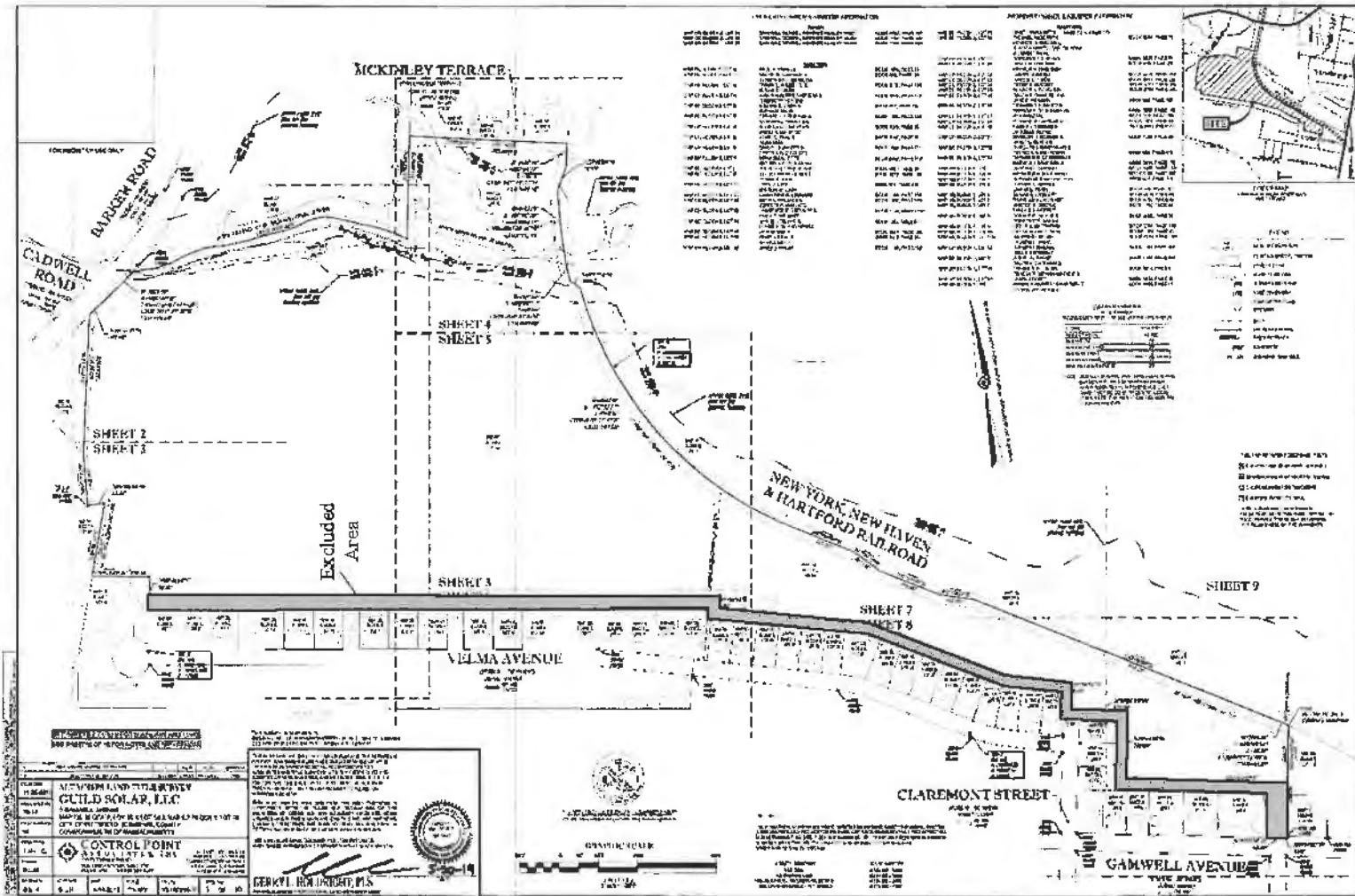


EXHIBIT C

No. 108

City of Pittsfield MASSACHUSETTS IN CITY COUNCIL AN ORDER

AN ORDER APPROVING THE FUNDING FROM VARIOUS SOURCES FOR THE PURCHASE OF THE SAW MILL SCHOOL PROPERTY

Ordered:

That the sum of \$400,000 is approved to fund the purchase of the Saw Mill School property assessor's map G7, Block 1, Lot 20, map G6, Block 2, Lot 34 and map G6, Block 2, Lot 35 as follows:

- a. Through the acceptance of a grant of funds from the Executive Office of Environmental Affairs in the amount of \$280,000 under the provisions of Massachusetts General Law Chapter 44 Section 53A
- b. An appropriation of \$50,000 from the Fiscal Year 2023 Community Preservation Act Fund-Open Space and Recreation fund balance
- c. An appropriation of \$20,000 from reserved General Fund bond premiums
- d. \$50,000 from the Conservation Trust per a vote of the Conservation Commission on December 1, 2022

IN CITY COUNCIL
December 13, 2022
Read and adopted: 7 Yeas, 1 Nays
/s/ Peter Marchetti, City Council President
/s/ Michela M. Benjamin, City Clerk

MAYOR'S OFFICE
Approved: December 14, 2022
/s/ Linda M. Tyer, Mayor

A true copy Attest:

Michela M. Benjamin
City Clerk



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

Peter M. Marchetti
Mayor

May 20, 2025

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

Dear Councilors:

Please accept a brief presentation from Downtown Pittsfield, Inc. of their Annual Review per the Scope of Service with the City of Pittsfield. A summary of their work during 2024 and projects planned for 2025 will be provided.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



Downtown Pittsfield, Inc. City Council Presentation 2025



About Us...

ABOUT DPI

SINCE 1983, DOWNTOWN PITTSFIELD, INC. HAS BEEN THE RECOGNIZED LEADER, FACILITATOR AND PRINCIPAL ADVOCATE FOR DOWNTOWN.

DPI HAS DEVELOPED STRATEGIES AND PROGRAMS, MOBILIZING RESOURCES RESULTING IN A CREATIVE, LIVELY, SUSTAINABLE ENVIRONMENT.

MISSION

THE MISSION OF DOWNTOWN PITTSFIELD, INC. IS TO STRENGTHEN AND PROMOTE DOWNTOWN PITTSFIELD, INC.'S MEMBERSHIP THROUGH ADVOCACY, COLLABORATION, AND CELEBRATION.

VISION

DOWNTOWN PITTSFIELD, INC. AND ITS MEMBERS WELCOME PEOPLE, BUSINESSES, AND EVENTS TO JOIN OUR DIVERSE, VIBRANT, AND BUSTLING DISTRICT.

About Us...

DOWNTOWN PITTSFIELD INC.

IS A NONPROFIT MEMBERSHIP ORGANIZATION, JOINING FORCES TO INCREASE ECONOMIC ACTIVITY BY PROMOTING DOWNTOWN AS A GREAT PLACE TO DO BUSINESS, OBTAIN PROFESSIONAL SERVICES, SHOP, DINE, WORK, LIVE, ATTEND EVENTS AND ENJOY RECREATIONAL ACTIVITIES.

BUSINESS OWNERS - WHOSE SUCCESS IS AIDED BY A VITAL BUSINESS ENVIRONMENT

RETAILERS AND RESTAURATEURS - RECOGNIZE A HEALTHY BUSINESS COMMUNITY WILL INCREASE SALES

CORPORATE EXECUTIVES - UNDERSTAND A PROSPEROUS DOWNTOWN WILL ATTRACT A QUALITY WORKFORCE

RESIDENTS - TAKING PRIDE IN DOWNTOWN, COMING TOGETHER TO MAKE A DIFFERENCE

CULTURAL ORGANIZATIONS - KNOW THAT A THRIVING DOWNTOWN ENHANCES THE ECONOMIC ENVIRONMENT

SOCIAL SERVICE AND NOT-FOR-PROFITS - IMPROVE THE QUALITY OF LIVES FOR OUR COMMUNITY MEMBERS

Membership

New Businesses
Entrepreneurial Membership
Framework Coworking
Members Only! e-Newsletter
Boost! Upskill Grant



Membership

New Businesses

11 New Businesses

1 Relocation to Downtown

20 New Members, with a total of over 225

Entrepreneurial Membership (NEW)

Home-based, for-profit businesses without a formal brick and mortar location

Must strengthen and add to the vitality of our Downtown.

Referral from a local business accelerator program or financial support organization

Supportive marketing and social media access

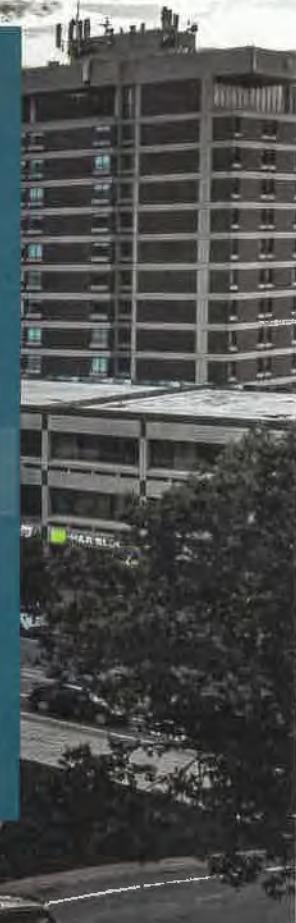
4 hours each month of meeting room space

Framework Coworking (NEW)

3 Semiprivate Offices

Flex Spaces

2 Meeting Rooms



Membership

Members Only! Newsletter

Hey Neighbor! Pay to Play Direct Marketing

Digital Workshops with Talon Media

Magnetworks Summer Hiring Special

Access Plus Fiber Internet

Berkshire Community College Workforce Conference

Downtown Resource Guide - Who to Call for Those in Need

Berkshire Talking Chronicles Radio Spots

Volunteer Opportunities

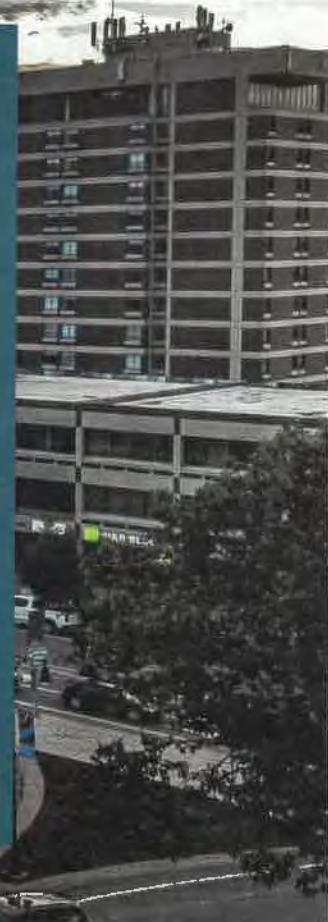
Boost! Upskill Grant

Funded by MassDevelopment

12 Existing Businesses

Technical assistance for skills such as marketing, efficiencies or growth

PLUS partnering funds from PERC



Heart of the Berkshires



Downtown Pittsfield, Inc. Website & Events Calendar

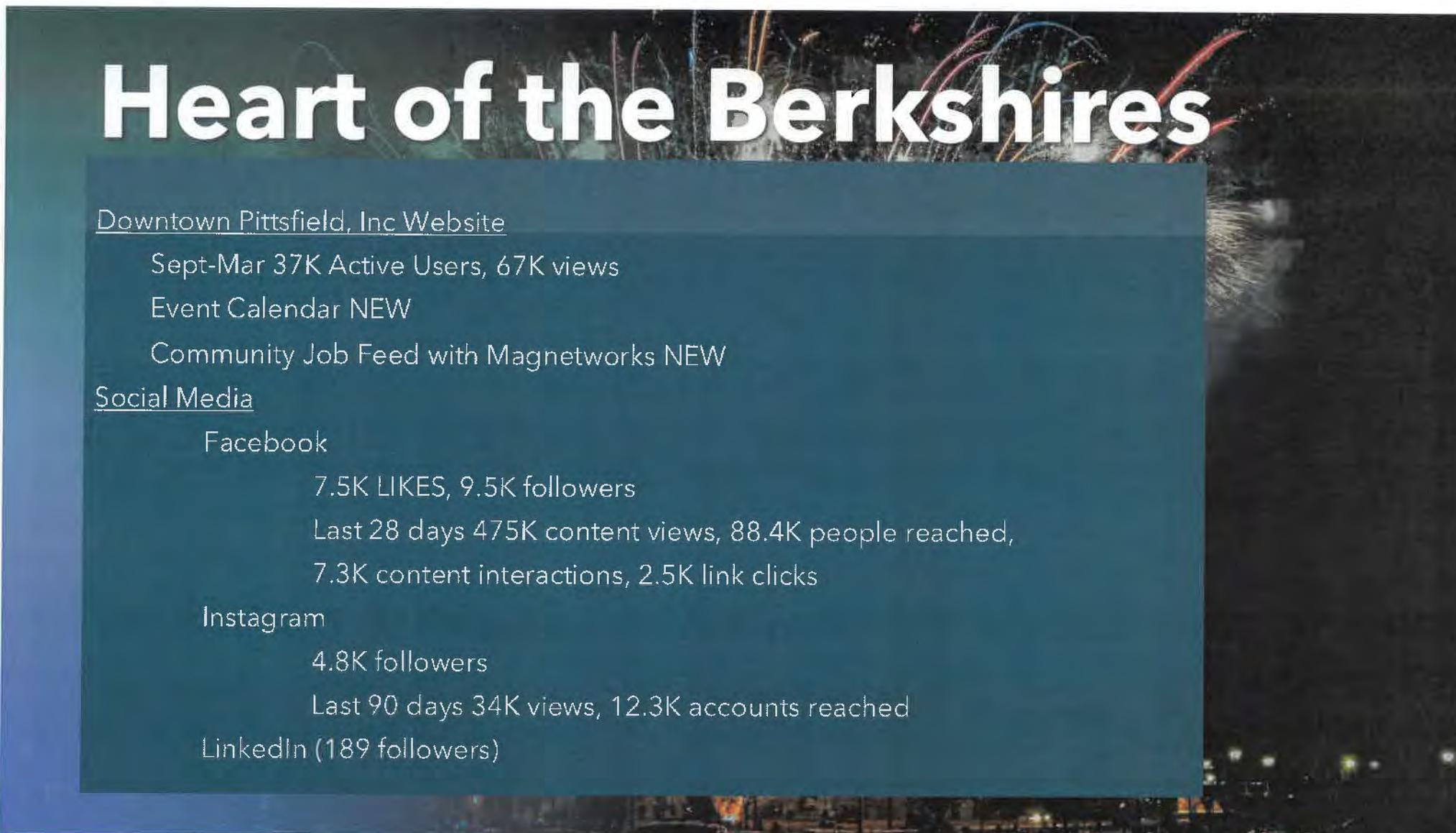
Facebook, Instagram, LinkedIn

Heart of the Berkshires e-Newsletter

LOVE Pittsfield Downtown & Beyond Guide

Hey Neighbor! Marketing Initiative

Heart of the Berkshires



Downtown Pittsfield, Inc Website

Sept-Mar 37K Active Users, 67K views

Event Calendar NEW

Community Job Feed with Magnetworks NEW

Social Media

Facebook

7.5K LIKES, 9.5K followers

Last 28 days 475K content views, 88.4K people reached,
7.3K content interactions, 2.5K link clicks

Instagram

4.8K followers

Last 90 days 34K views, 12.3K accounts reached

LinkedIn (189 followers)

Heart of the Berkshires



Heart of the Berkshires Newsletter

3.6K Subscribers, 25.7% Open Rate

LOVE Pittsfield Downtown & Beyond Guide (with the City of Pittsfield)

10,000 Copies

Distributed in 200 Berkshire County locations, NEW Saratoga Springs

TripTix Marketing

3.5K Flyers for playbills with QR Code, Promotion of Fall/Winter events

Google Ads

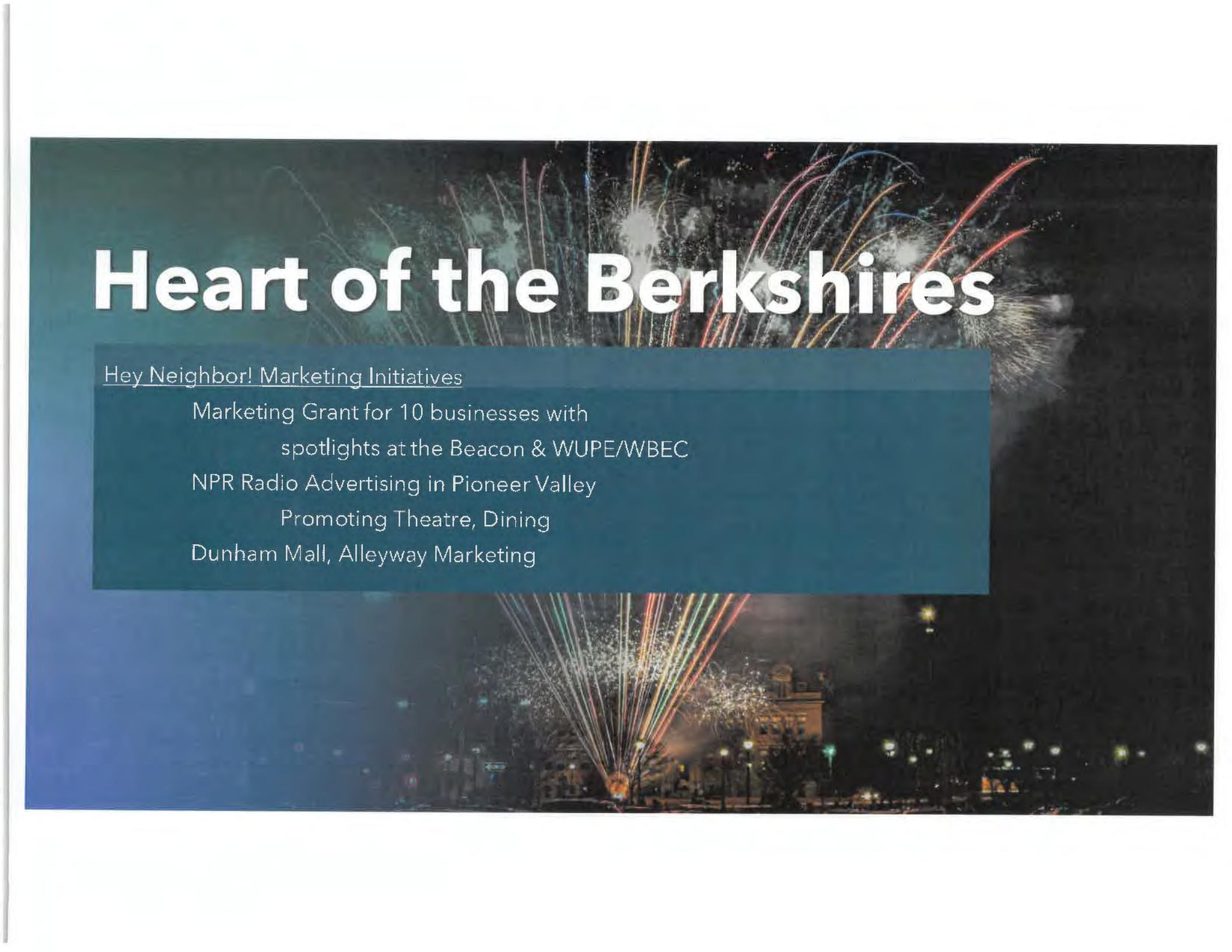
120 days, 4.75K Clicks, 101K Impressions

Across Meta Platforms

Monthly Reels for 6 Months, 93K Reach, 7.4K Clicks



Heart of the Berkshires



Hey Neighbor! Marketing Initiatives

Marketing Grant for 10 businesses with
spotlights at the Beacon & WUPE/WBEC
NPR Radio Advertising in Pioneer Valley
Promoting Theatre, Dining
Dunham Mall, Alleyway Marketing

Look & Feel of Downtown

Reimagine Dunham Mall!
Let It Shine! Public Art Partnership
Berkshire Lightscapes
Downtown Blooms
Glow Up! Grant



Look & Feel of Downtown

Reimagine Dunham Mall

Funded by Commonwealth Places Grant, Pittsfield Beautiful, Community Donations

Bistro Lights, Tables and Chairs, Picnic Tables

Trees, Flowerpots

Mosaic Mural

Banners, Bollards, Electric Source

Let It Shine! Public Art Partnership

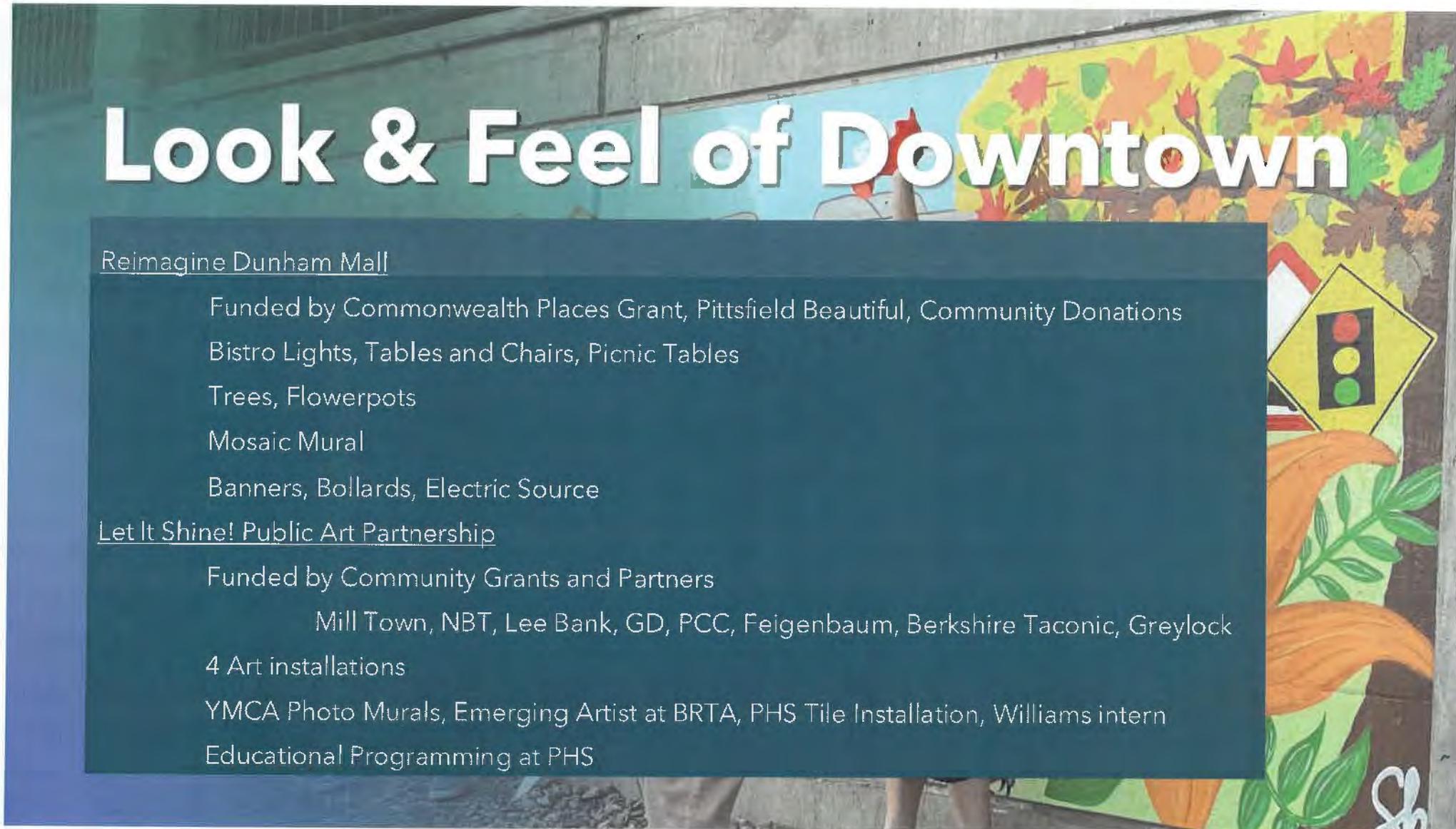
Funded by Community Grants and Partners

Mill Town, NBT, Lee Bank, GD, PCC, Feigenbaum, Berkshire Taconic, Greylock

4 Art installations

YMCA Photo Murals, Emerging Artist at BRTA, PHS Tile Installation, Williams intern

Educational Programming at PHS



Look & Feel of Downtown



Berkshire Lightscapes

Funded by Commonwealth Places Grant, Berkshire Bank, Feigenbaum

Partnered with Downtown Pittsfield Cultural Association

2 New Building - United Church of Christ, Pittsfield Masonic Temple

Downtown Blooms

Partnered with City, Pittsfield Beautiful

40 planter beds, 800 native perennial pollinators

Supported by Mill Town Foundation

35 Signs, 5 Educational Signs, 10+ Cigarette Recycling Containers

Glow Up! Grant

Funded by ARPA, Partnered with PERC

12 Businesses, Storefront improvements like signs, painting, lighting

Community

TDI Partnership
Pearl Ambassador Program
Community Branding and Wayfinding
Downtown Stakeholders Meetings
North Street Design



Community

TDI Partnership

- Small Business Growth
- Arts and Culture
- Space Activation
- Real Estate
- Leadership Development & Resident Engagement

Pearl Ambassador Program

- Funded by MassDevelopment
- Partnered with ServiceNet
- June-October
- Residents cleaning areas of Downtown for GC Stipends
- Art Project



Community

Community Branding and Wayfinding

- Funded by MassDevelopment, City Technical Assistance Program
- New Branding, Wayfinding signs
- Kiosks, Maps
- Parking Information

Downtown Stakeholders Meetings

- Partnered with City
- Quarterly Meetings
- Mayor, Chief of Police/PPD Rep, Commissioner

North Street Design

- Supporting City Initiatives
- Open Community Meetings
- Stakeholder Meetings



Celebrations

Members
Downtown
Community
Diversity
Partners



Celebrations

Members

- First Fridays Artswalk
- Shop Small Passport
- Taste of Downtown
- Winter Window-land Contest

Downtown

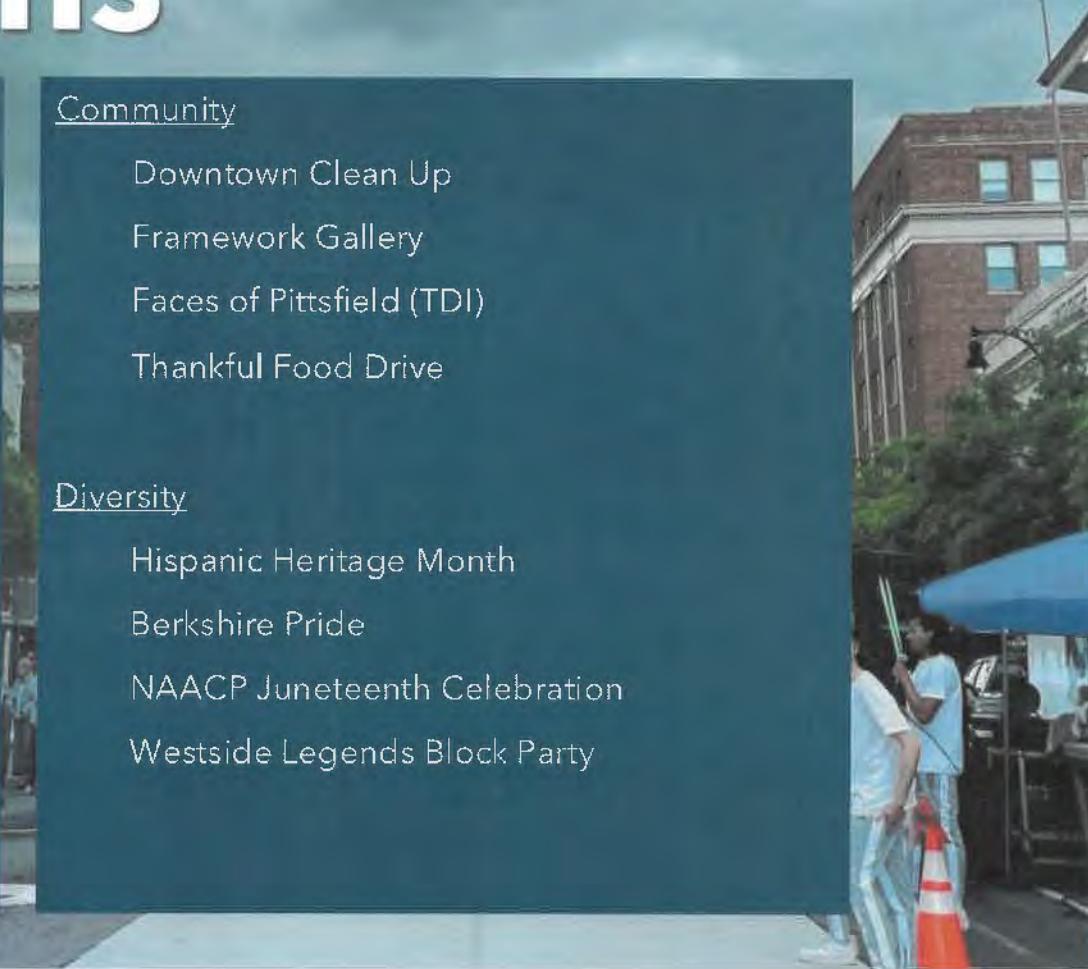
- Festive Frolic
- First Fridays at Five
- Celebrate Spring!
- Downtown Pittsfield Summer Music Series
- Dunham Mall Series – The Pitt & Rhythm Scape
- It's Alive! Halloween
- Where's Winston?

Community

- Downtown Clean Up
- Framework Gallery
- Faces of Pittsfield (TDI)
- Thankful Food Drive

Diversity

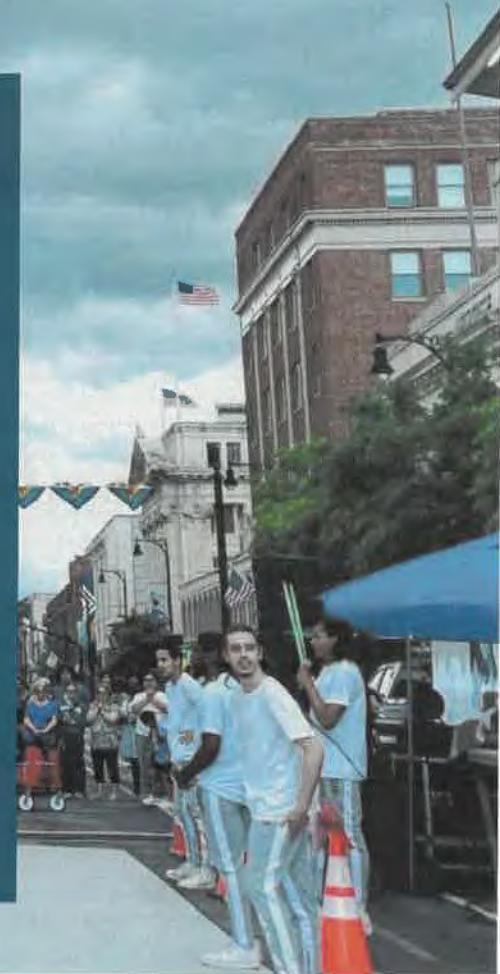
- Hispanic Heritage Month
- Berkshire Pride
- NAACP Juneteenth Celebration
- Westside Legends Block Party



Celebrations

Partners

- 10x10 Upstreet Arts Festival
- ArtWeek Berkshire
- Berkshire Athenaeum Library Month
- Berkshire Regional Planning Commission
- Berkshire Running Foundation Races
- Berkshires Jazz
- Bike Month
- Common Ground Festival
- Pittsfield Farmer's Market
- Pittsfield Fourth of July Parade
- PPD National Night Out
- Wandering Dance



First Fridays at Five





Celebrates Spring Tea Party and Paint & Sip



First Fridays Artswalk



4th of July Parade

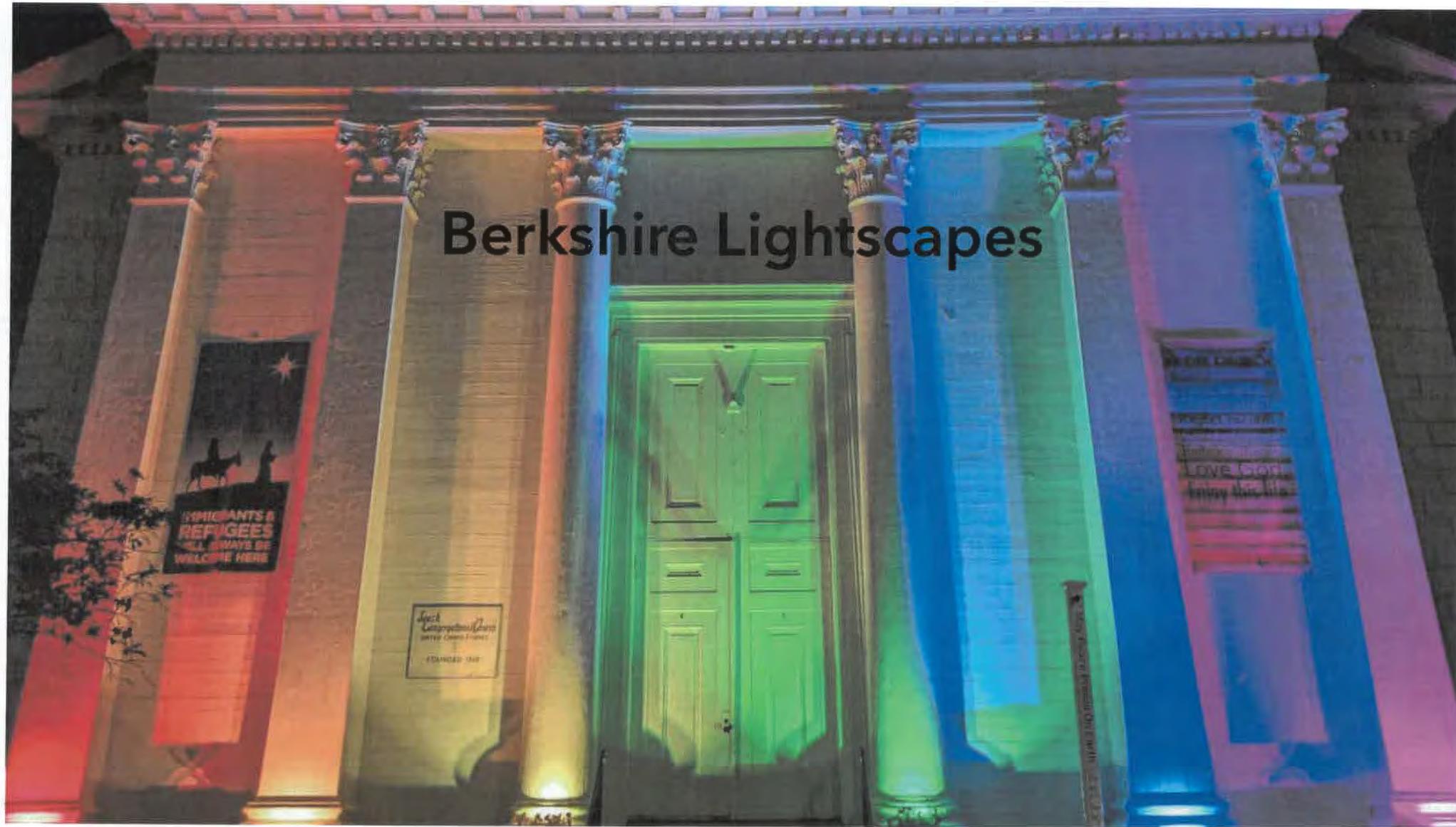
Downtown Pittsfield Summer Music Series





Ribbon Cutting at DPI New Office

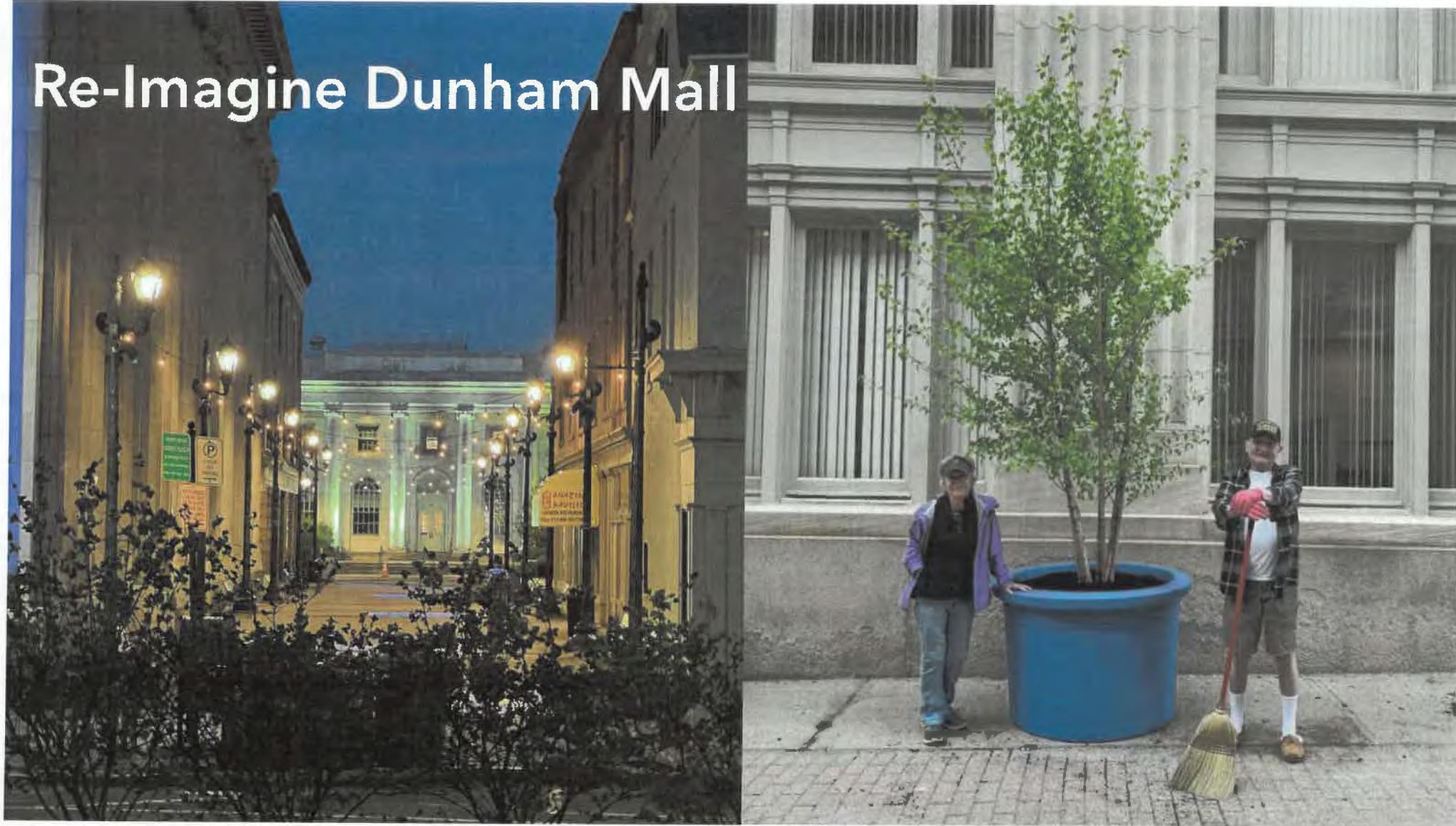
Berkshire Lightscapes



Let It Shine! Art Partnership

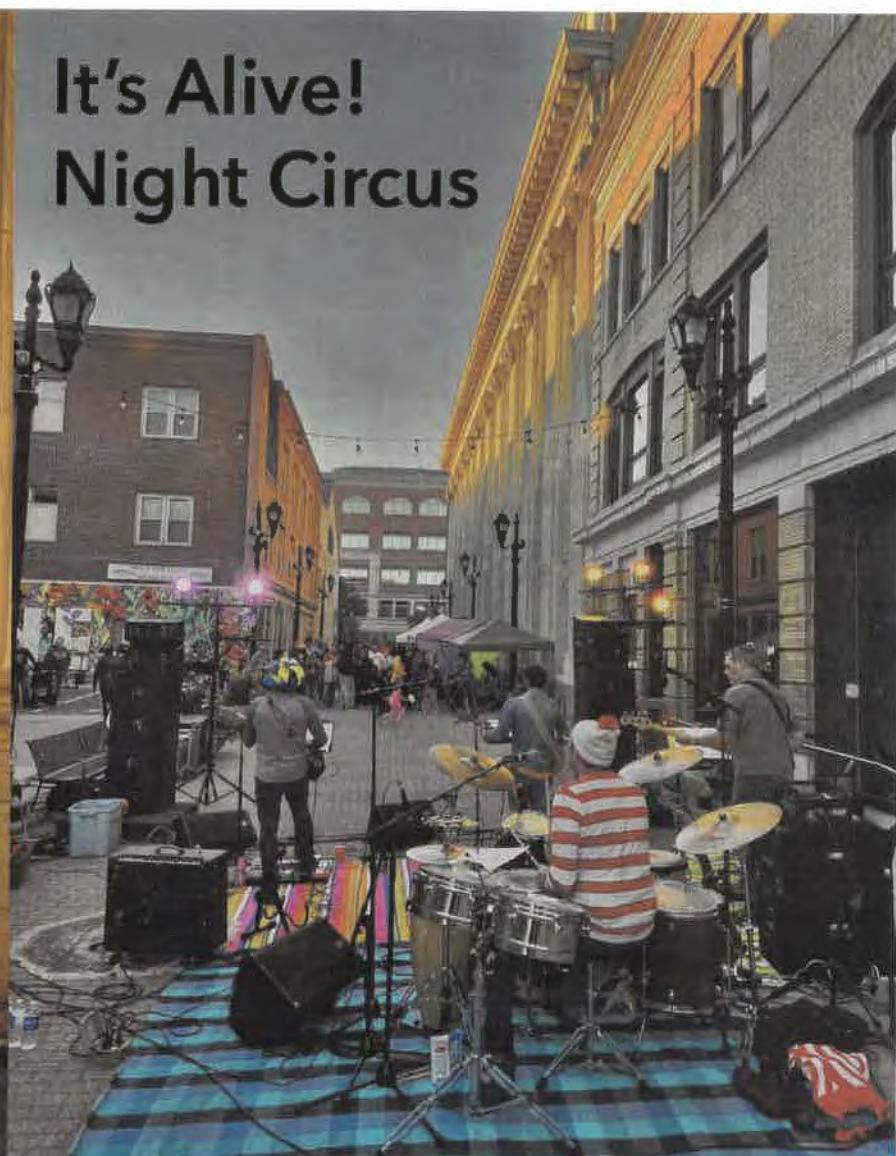


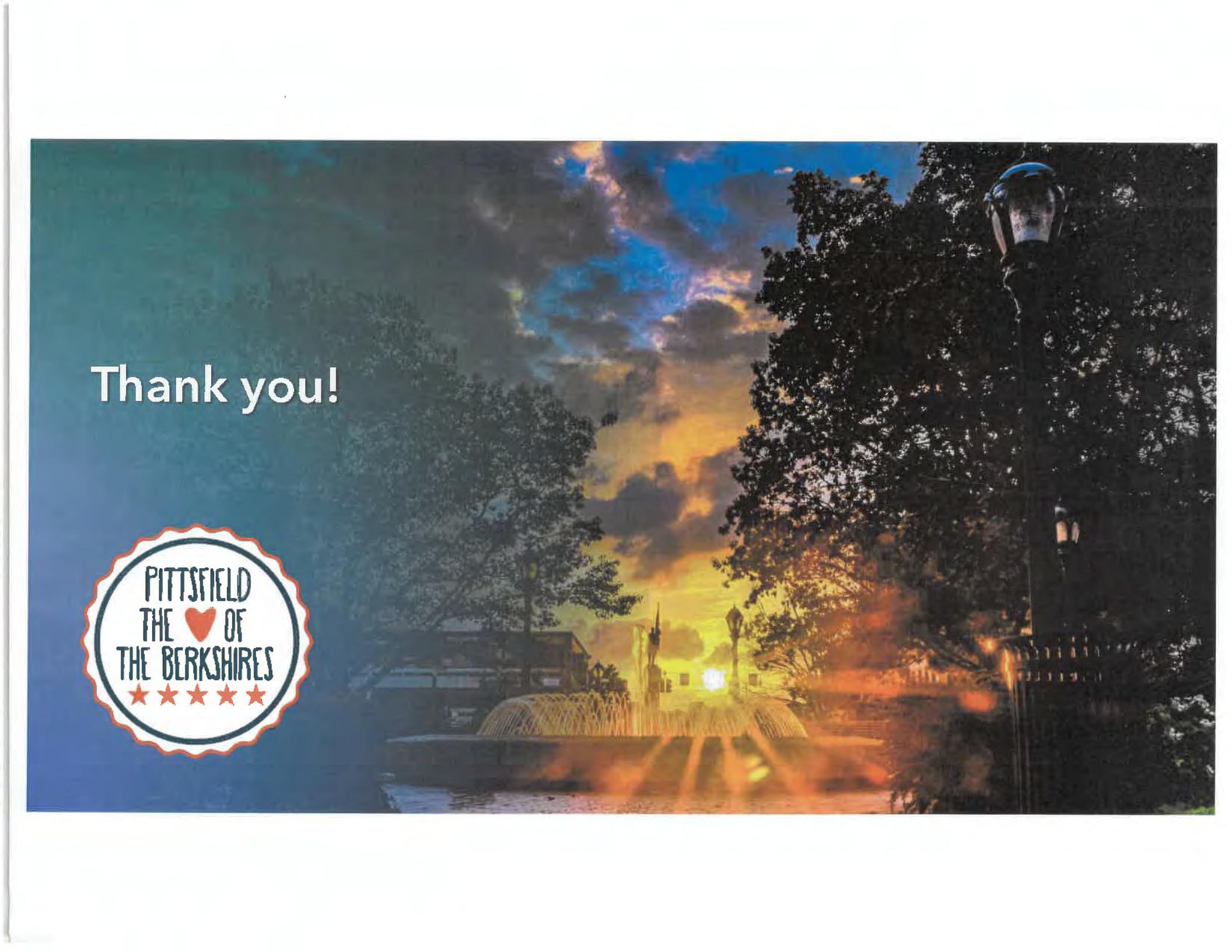
Re-Imagine Dunham Mall





It's Alive! Night Circus





Thank you!





City of Pittsfield

April 28, 2025

To the City Council of the City of Pittsfield: —

The Committee on
Ordinance and Rules Committee

to whom was referred the
A communication from the Community Development Board for
the proposed "Short Term Rentals" zoning amendment,
recommending to approve and refer to the Ordinances and Rules
Committee

having considered the same, report and recommend that

Approved as amended (adjusting the grace
period from 6 months to 9 months).

Voted unanimously 4/0
Amuso, Lampiasi, Serre, White

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dina Lampiasi".

Dina Lampiasi

Chairman

CITY OF PITTSFIELD
NOTICE OF ZONING AMENDMENT PUBLIC HEARING
PITTSFIELD CITY COUNCIL

The City of Pittsfield in accordance with the provision of M.G.L Chapter 40A, Section 5, as amended, hereby gives notice to all interested parties that a public hearing will be held on a petition to amend the City Code Chapter 23, Article 23-2 Section 2.2 "Glossary" Article 23-7 Section 7.7 "Conditional Uses Subject to Special Requirements" and Article 23-9 Section 9.203, "Requirements Home Occupations" to amend the Zoning Ordinance to allow for the operation of Short-Term Rentals. This Ordinance shall take effect nine (9) months following enactment.

The Public Hearing will be held on May 27th 2025, at 6:00PM by the City Council in the City Council Chambers at Pittsfield City Hall.

The application is on file with the Department of Community Development Office, Room 205, City Hall, and may be viewed during regular hours (Mon-Fri 8:30 a.m. to 4:00 p.m.). A copy of the proposed text is available on the City's website at following link:
https://www.cityofpittsfield.org/city_hall/community_development/planning_and_development/links_to_forms_plans_ordinances_and_regulations.php

Peter White, President
City Council

5/13/2025
5/20/2025



CLERK
CITY OF PITTSFIELD, MA

2025 MAR 21 AM 10:13

CITY OF PITTSFIELD

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

March 19, 2025

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

Re: Short-Term Rentals Proposed Zoning Amendment

Dear Councilors:

The Community Development Board held its required public hearing for the proposed “Short-Term Rentals” zoning amendment on March 18th, 2025. Following the public hearing, the Board voted unanimously (4-0) to recommend that the City Council approved the proposed amendment with multiple edits that appear in redline in the accompanying document.

Sincerely,

COMMUNITY DEVELOPMENT BOARD

Sheila B. Irvin

Sheila B. Irvin
Chair

Short Term Rentals

Proposed Zoning Amendment

Purpose:

The purpose of this ordinance is to allow residents to earn supplemental income from short term rental properties while also minimizing the risks to health and safety, provide for the orderly operation of short-term rental properties in residential neighborhoods, and to deter commercial interests from purchasing housing units with the intention of primarily using these units for short-term housing.

Definitions: (To be added to Article 23-2 Section 2.2)

Short-Term Rental: Any rental of a legal or permitted dwelling unit, or of a bedroom(s) within a dwelling unit, in exchange for payment, as residential accommodations for a duration of no more than thirty (30) consecutive days, but not at a bed-and-breakfast, hotel, motel or lodging house, or time share.

Short Term Renter: Any person or persons occupying a dwelling unit, for the purposes of a short-term rental.

Short-Term Rental Operator: An operator is anyone who operates a Short-Term Rental, including owners, lessees, sublessees, mortgage holders, licensees, or others.

Short-Term Rental Intermediary or Operator's Agent: An intermediary is anyone besides an operator who helps to arrange a property rental for an operator and collects rent. An intermediary can arrange a property rental and collect rent for any operator of a short-term rental.

An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent. An operator's agent includes a property manager, property management company, or real estate agent.

Short-Term Rental Owner: The record holder(s) of the property being used as a Short-Term Rental including a shareholder, beneficiary or member of an entity with a financial interest in the entity.

Requirements: (Will become Article 23-7 Section 7.738)

General Requirements:

1. A Short-Term Rental shall be defined as a rental property offering a consecutive stay of no more than thirty (30) days, with the exception of bed-and-breakfasts, hotels, motels and Lodging Houses or timeshares.
2. A short-term rental shall have stays accumulate no more than one hundred and fifty (150) total days per calendar year.

Short Term Rentals

Proposed Zoning Amendment

Purpose:

The purpose of this ordinance is to allow residents to earn supplemental income from short term rental properties while also minimizing the risks to health and safety, provide for the orderly operation of short-term rental properties in residential neighborhoods, and to deter commercial interests from purchasing housing units with the intention of primarily using these units for short-term housing.

Definitions: (To be added to Article 23-2 Section 2.2)

Short-Term Rental: Any rental of a legal or permitted dwelling unit, or of a bedroom(s) within a dwelling unit, in exchange for payment, as residential accommodations for a duration of no more than thirty (30) consecutive days, but not at a bed-and-breakfast, hotel, motel or lodging house, or time share.

Short Term Renter: Any person or persons occupying a dwelling unit, for the purposes of a short-term rental.

Short-Term Rental Operator: An operator is anyone who operates a Short-Term Rental, including owners, lessees, sublessees, mortgage holders, licensees, or others.

Short-Term Rental Intermediary or Operator's Agent: An intermediary is anyone besides an operator who helps to arrange a property rental for an operator and collects rent. An intermediary can arrange a property rental and collect rent for any operator of a short-term rental.

An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent. An operator's agent includes a property manager, property management company, or real estate agent.

Short-Term Rental Owner: The record holder(s) of the property being used as a Short-Term Rental including a shareholder, beneficiary or member of an entity with a financial interest in the entity.

Requirements: (Will become Article 23-7 Section 7.738)

General Requirements:

1. A Short-Term Rental shall be defined as a rental property offering a consecutive stay of no more than thirty (30) days, with the exception of bed-and-breakfasts, hotels, motels and Lodging Houses or timeshares.
2. A short-term rental shall have stays accumulate no more than one hundred and fifty (150) total days per calendar year.

3. All short-term rentals shall register with the City Clerk's Office's Health Department and with the Massachusetts Department of Revenue's (DOR) Short-Term Rental Properties list.
4. No Short-Term Rental shall occupy a dwelling unit that is classified as an affordable housing unit or any other dwelling unit that is subject to an income restriction.
5. A Short-Term Rental Owner may only own or have an interest in and register one dwelling unit to be used for short term rental within the City of Pittsfield.
6. Maximum Occupancy: Short-Term Rentals can be rented to one Short-Term Renter per 200-250 square feet of gross floor area of the rented dwelling unit or 12 Short-Term Renters, whichever is smaller.
7. Minimum Parking Requirements: There shall be one (1) onsite parking spot for every 800 square feet of gross floor area of the rented dwelling unit.
8. The Short-Term Operator shall designate a local contact who lives in either Pittsfield, or an abutting municipality in Berkshire County, who is able to make decisions regarding the Short-Term Rental property in place of the Owner or Operator.
9. Short-Term Rental properties may be subject to periodic inspections per the current state building and health code.
10. All Short-Term Rental properties must meet all requirements of the current Fire Department Safety Standards, Health Department Standards and the State Building Code.
11. All Short-Term Rental properties shall be subject to an administrative Site Plan Review conducted by the Director of the Department of Community Development or their designee. If necessary, the Site Plan shall be referred to the Community Development Board for approval.

Add to Home Occupations: 9.302(J)

To be classified as a Home Occupation, a rental period must be no less than thirty-one (31) days.



City of Pittsfield

REG'D BY CLERK
CITY OF PITTSFIELD, MA
2024 DEC 20 AM 10:20

December 20th 2024

To the City Council of the City of Pittsfield:-

The undersigned respectfully

petitions the City Council of the City of Pittsfield to amend City Code Chapter 23, Article 23-2 Section 2.2 "Glossary" Article 23-7 Section 7.7 "Conditional Uses Subject to Special Requirements" and Article 23-9 Section 9.203, "Requirements Home Occupations" to amend the Zoning Ordinance to allow for the operation of Short-Term Rentals.

Respectfully submitted,

PITTSFIELD COMMUNITY DEVELOPMENT BOARD

Sheila B. Irvin

Sheila B. Irvin
Chair



CITY OF PITTSFIELD

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

TO: Community Development Board
FROM: Department of Community Development Staff
DATE: December 17, 2024
SUBJECT: Proposed Short-Term Rental Zoning Text Amendment

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

The proposed Zoning Amendment will provide definitions of several aspects of Short-Term Rental Operation in Article 23-2 Section 2.2 and provide general requirements with the creation of Section 7.738 in Article 23-7. The proposal adopts dimensional requirements for Short-Term Rentals. The new section will require an administrative site plan review by the Director of Community Development or their designee, as a prerequisite for operation of a Short-Term Rental. The site plan review will ensure that the property meets certain dimensional requirements as defined in the proposed ordinance. Parking and occupancy limits are requirements that are outlined in the proposal. Each Short-Term Rental property may have one short-term renter per two hundred square feet of gross floor area of the rented property. Conversely, one onsite parking space will be required for every eight hundred square feet of gross floor area. Other requirements include the stipulation that any owner or operator of a Short-Term Rental may only own, operate or have an interest in one dwelling unit that is used for the purpose of Short-Term Rental in the City of Pittsfield, as well as compliance with the current State Building and Fire Department Safety Standards.

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



CITY OF PITTSFIELD

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

December 19, 2024

To the Honorable Members
Of the Pittsfield City Council

Re: A petition from the Community Development Board to amend the City Code, Chapter 23, Article 23-2 Section 2.2, Article 23-7 Section 7.7 and Article 23-9 Section 9.203 – Amend Zoning Ordinance to allow for Short-Term Rentals.

Dear Councilors:

Please be advised that on December 17, 2024, the Community Development Board voted unanimously to act as the petitioner to amend the zoning ordinance to create Section 7.738 – Short-Term Rentals within Article 23-7 Section 7.7 of the Pittsfield City Code, to define and allow for the operation of Short-Term Rentals. This Zoning Amendment will allow for Short-Term Rentals under the Pittsfield Zoning Ordinance where currently, they are not defined and are thus prohibited by the Ordinance. The Amendment creates requirements and a process within the Zoning for Short-Term Rentals to be created and operated within the City. The Zoning Amendment will also define Short-Term Rentals and various aspects of the operation of Short-Term Rentals in Article 23-2 Section 2.2 Definitions of the Zoning Ordinance. This Zoning Amendment seeks to allow for the operation and existence of Short-Term Rentals within the Pittsfield Zoning Ordinance while also providing requirements and a channel of recourse to prevent their misuse.

Enclosed please find a memorandum from staff that summarizes the amendment process, as well as the zoning amendment application and proposed zoning text.

Sincerely,

Sheila Irvin
Chair

RECEIVED CITY CLERK
CITY OF PITTSFIELD, MA

2024 DEC 20 AM 10:20

Date Received _____

By _____
(fee paid)

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

1. Amend Zoning Map _____ or; Amend text, Chapter 23, Code of Laws _____
2. Present Zoning District n/a
Zoning Requested n/a
3. Name of Petitioner City of Pittsfield Community Development Board
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413)499-9368
Signature Shel B. clam
4. Name of Agent Kevin Rayner – City Planner
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413)499-9368
Signature Kevin Rayner
5. Name of Property Owners n/a
Address _____ Telephone # _____
6. If Petitioner is not the Property Owner, attach a document indicating interest in property.
State interest: n/a
7. Legal Description: n/a
(Attach "Metes and Bounds" Description if necessary) Assessor's Map No. n/a
8. Attach map of property (drawn to scale) including streets, buildings, uses and property dimensions. n/a
9. If an amendment to the Text of Chapter 23, Code of Laws, state the nature of the amendment:
The Proposed amendment will amend Article 23-2 Section 2.2, Article 23-7 Section 7.7 and Article 23-9 Section 9.101 to define and create requirements for the operation of Short-Term Rentals.
10. Article and Section proposed to be amended: Article 23-2 Section 2.2, Article 23-7 Section 7.7, Article 23-9 Section 9.203

Community Development Board: Hearing Date _____ Recommendation _____

City Council: Hearing Date _____ Action Taken _____ Ordinance No. _____

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

SECTION I

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

Short- Term Rental: Any rental of a legal or permitted dwelling unit, or of a bedroom(s) within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not at a bed-and-breakfast home, hotel, motel or lodging house, or time share.

Short-Term Renter: Any person or persons occupying a dwelling unit, for the purposes of a short-term rental.

Operator: An operator is anyone who operates a Short-Term Rental, including owners, lessees, sublessees, mortgage holders, licensees, or others.

Intermediary or Operator's Agent: An intermediary is anyone besides an operator who helps to arrange a property rental for an operator and collects rent. An intermediary can arrange a property rental and collect rent for any operator of a short-term rental.

An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent. An operator's agent includes a property manager, property management company, or real estate agent.

Short-Term Rental Owner: The record holder(s) of the property being used as a Short-Term Rental including a shareholder, beneficiary or member of an entity with a financial interest in the entity.

SECTION II

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Accessory Uses, Section 7.738, Short-Term Rentals, shall be created as the following:

7.738 Short-Term Rentals

Requirements:

1. A Short-Term Rental shall be defined as a rental property offering a consecutive stay of no more than thirty (30) days, with the exception of bed-and-breakfasts, hotels, motels, lodging houses and timeshares.

2. A short-term rental shall have stays accumulate no more than one hundred and fifty (150) total days per calendar year.
3. All short-term rentals shall register with the City's Health Department and with the Massachusetts Department of Revenue's (DOR) Short-Term Rental Properties list.
4. No Short-Term Rental shall occupy a dwelling unit that is classified as an affordable housing unit or any other dwelling unit that is subject to an income restriction.
5. A Short-Term Rental Owner may only own or have an interest in and register one dwelling unit to be used for short term rental within the City of Pittsfield.
6. Maximum Occupancy: Short-Term Rentals can be rented to one Short-Term Renter per 200 square feet of gross floor area of the rented dwelling unit.
7. Minimum Parking Requirements: There shall be one (1) onsite parking spot for every 800 square feet of gross floor area of the rented dwelling unit.
8. The Short-Term Operator shall designate a local contact who lives in either Pittsfield, or an abutting municipality, who is able to make decisions regarding the Short-Term Rental property in place of the Owner or Operator.
9. Short-Term Rental properties may be subject to periodic inspections per the current state building and health code.
10. All Short-Term Rental properties must meet all requirements of the current Fire Department Safety Standards, Health Department Standards and the State Building Code.
11. All Short-Term Rental properties shall be subject to an administrative Site Plan Review conducted by the Director of the Department of Community Development or their designee. If necessary, the Site Plan shall be referred to the Community Development Board for approval.

SECTION III

The Code of the City of Pittsfield Chapter 23, Zoning, Article 23-9 Section 9.302 shall be amended to add Subsection J, the language of which shall be as the following:

Section 9.302(J): To be classified as a Home Occupation, a rental period must be no less than thirty-one (31) consecutive days.

SECTION IV

This Ordinance shall take effect six (6) months following its enactment.

Short-Term Rentals Proposed Regulations

BY: KEVIN RAYNER

Zoning Amendment

Outlines Physical Requirements for Short-Term Rentals such as Parking and Occupancy Requirements.

Defines Short Term Rentals and Aspects of Short-Term Rental Operation.

Creates an Administrative Site Plan Review Process

Code Change

Creates a Licensing procedure with the Licensing Board as the License Granting Authority

Creates a Registration process with the City Clerk

Outlines an enforcement and complaint procedure

Details Evidence that can be used to determine Short-Term Rental Operation

1. Zoning Site Plan Review

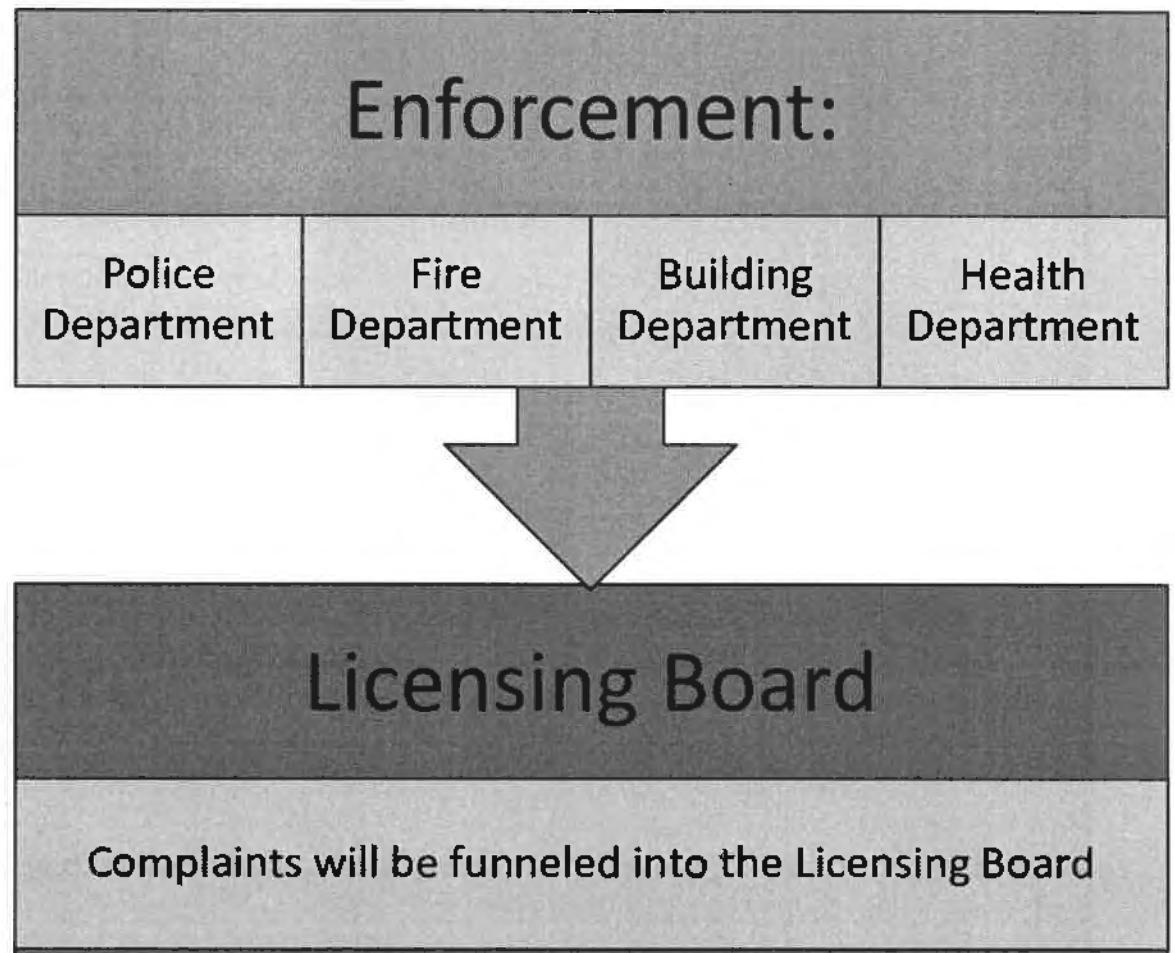
2. License Application

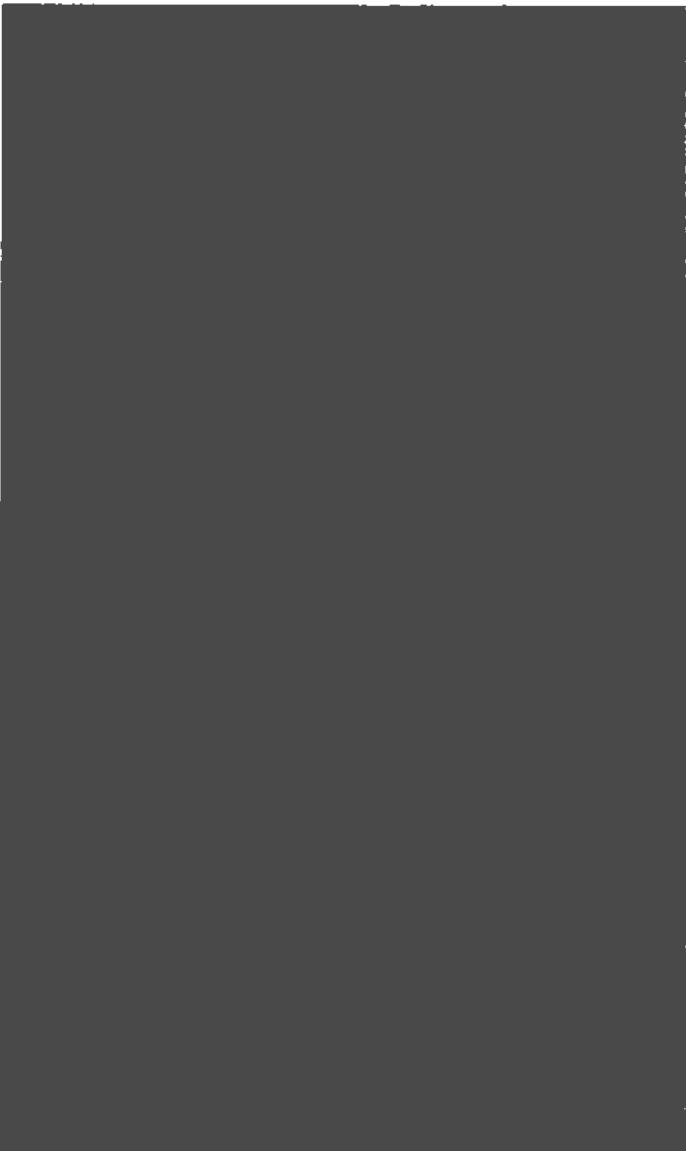
3. Sign off from Building, Fire
and Health Departments

4. Licensing Board Public
Hearing

Approval
Process

Enforcement Procedure





Thank You,

Kevin Rayner
Pittsfield City Planner
70 Allen Street, Pittsfield MA 01201
(413)499-9366
krayner@cityofpittsfield.org



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

SECTION I

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

Short-Term Rental: Any rental of a legal or permitted dwelling unit, or of a bedroom(s) within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not at a bed-and-breakfast home, hotel, motel or lodging house, or time share.

Short-Term Renter: Any person or persons occupying a dwelling unit, for the purposes of a short-term rental.

Short-Term Rental Operator: An operator is anyone who operates a Short-Term Rental, including owners, lessees, sublessees, mortgage holders, licensees, or others.

Short-Term Rental Intermediary or Operator's Agent: An intermediary is anyone besides an operator who helps to arrange a property rental for an operator and collects rent. An intermediary can arrange a property rental and collect rent for any operator of a short-term rental.

An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent. An operator's agent includes a property manager, property management company, or real estate agent.

Short-Term Rental Owner: The record holder(s) of the property being used as a Short-Term Rental including a shareholder, beneficiary or member of an entity with a financial interest in the entity.

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

SECTION II

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Accessory Uses, Section 7.738, Short-Term Rentals, shall be created as the following:

7.738 Short-Term Rentals

Requirements:

1. A Short-Term Rental shall be defined as a rental property offering a consecutive stay of no more than thirty (30) days, with the exception of bed-and-breakfasts, hotels, motels, lodging houses and timeshares.
2. A short-term rental shall have stays accumulate no more than one hundred and fifty (150) total days per calendar year.
3. All short-term rentals shall register with the City Clerk's Office and with the Massachusetts Department of Revenue's (DOR) Short-Term Rental Properties list.
4. No Short-Term Rental shall occupy a dwelling unit that is classified as an affordable housing unit or any other dwelling unit that is subject to an income restriction.
5. A Short-Term Rental Owner may only own or have an interest in and register one dwelling unit to be used for short term rental within the City of Pittsfield.
6. Maximum Occupancy: Short-Term Rentals can be rented to one Short-Term Renter per 250 square feet of gross floor area of the rented dwelling unit or to twelve (12) Short-Term Renters, whichever is smaller.
7. Minimum Parking Requirements: There shall be one (1) onsite parking spot for every 800 square feet of gross floor area of the rented dwelling unit.
8. The Short-Term Operator shall designate a local contact who lives in either Pittsfield, or in Berkshire County, who is able to make decisions regarding the Short-Term Rental property in place of the Owner or Operator.
9. Short-Term Rental properties may be subject to periodic inspections per the current state building and health code.
10. All Short-Term Rental properties must meet all requirements of the current Fire Department Safety Standards, Health Department Standards and the State Building Code.
11. All Short-Term Rental properties shall be subject to an administrative Site Plan Review conducted by the Director of the Department of Community Development or their designee. If necessary, the Site Plan shall be referred to the Community Development Board for approval.

Approved as to Form and Legality,



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

SECTION III

The Code of the City of Pittsfield Chapter 23, Zoning, Article 23-9 Section 9.302 shall be amended to add Subsection J, the language of which shall be as the following:

Section 9.302(J): To be classified as a Home Occupation, a rental period must be no less than thirty-one (31) consecutive days.

Approved as to Form and Legality,

City Solicitor

No.



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

SECTION IV

This Ordinance shall take effect nine (9) months following its enactment.

Approved as to Form and Legality,

City Solicitor

Taylor & Robert Botto
28 Wellington Ave
Pittsfield, MA 01201
Cell: 856-625-6437
Emails: robertbotto88@gmail.com | taybotto@gmail.com

April 16th, 2025

Dear Pittsfield City Council,

We are writing as Pittsfield residents, small business owners, and homeowners to express our deep concerns regarding the proposed Short-Term Rental (STR) ordinance—specifically the 150-day annual cap, the one-property ownership limit, and the blanket application of these rules across all neighborhoods and property types.

My husband and I chose Pittsfield to lay down roots and build a future. We are a young family with our first baby on the way. Like many others striving for financial stability in today's economy, in addition to our two full time jobs, we need more to sustain our rising mortgage costs, home maintenance, build for our families future, and live with rising day to day expenses. STR is our families route to additional means. We are a small business and always will be—just a local family with big dreams and humble beginnings. We are not a corporation. These proposed restrictions would make it significantly harder—if not impossible—for families like ours to grow our businesses and remain part of Pittsfield's fabric.

1. The 150-Day Limit Is Financially Devastating

Capping STR operations at 150 days per year eliminates 215 days of potential income. This places a severe burden on small-scale, owner-occupied properties like ours. With mortgage interest rates currently around 7%, our monthly costs are already high—and only increasing. For us, STR income is not passive—quite the opposite actually, where we put a lot of care and preparation into each of the stays of our unit.

2. STRs Support Essential Workers and Local Tourism

Our rental has welcomed guests from across the country, old and young alike. Including musicians, travel nurses and doctors working temporary assignments at Berkshire Medical Center. These professionals often need more than a hotel—they need a comfortable, home-like space with a kitchen and privacy. STRs meet that need while also supporting Pittsfield's downtown businesses, restaurants, and attractions, particularly during the summer tourism season.

3. The One-Property Limit Hurts Small Business Owners

The ordinance's one-property limit does not account for residents who own and live in small multi-family homes, such as duplexes. Or those that have no intentions of building an "AirBnB

Empire" but would also like to grow their family and wealth in a single city they want to support. This is a sustainable, local first, community-based model—not a commercial enterprise.

4. This Hurts, Not Helps, Struggling Neighborhoods

We live in Northeast Pittsfield. From our front porch, we can see three boarded-up homes—two of which have been vacant for over a year, and one recently listed for sale. We're also near a street that was commonly labeled as "dangerous" in local forums when we were researching where to move. Our neighborhood is not overrun by STRs; rather, they offer an opportunity to bring life and investment into neglected areas. A well-managed STR can contribute to community revitalization and improved neighborhood safety.

5. A Call for Fair, Location-Sensitive Regulation

Much of the recent public concern seems focused on lakefront and vacation properties. But Pittsfield is made up of diverse neighborhoods with different needs. A one-size-fits-all policy doesn't reflect that complexity. We respectfully urge the Council to consider regulations that distinguish between large commercial operators and small, locally based hosts like us—those who live in, care for, and invest in the communities we serve.

We see Pittsfield as a city full of promise, and we want to be part of its future. These regulations, in their current form, threaten that possibility for many responsible hosts and homeowners. We appreciate your commitment to Pittsfield and respectfully ask you to reconsider this ordinance in favor of a more balanced and community-conscious approach—one that supports local families, strengthens our economy, and allows responsible STRs to coexist within the city we all love.

Thank you for your time and thoughtful consideration.

Sincerely,

Taylor & Robert Botto



PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Springfield, Massachusetts, March 7, 2025
To the City Council of the City of Pittsfield, Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

Request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

EAST NEW LENOX ROAD: Relocate one (1) jointly owned pole numbered T.26 / E.26 on the east side of East New Lenox Road at a point approximately two thousand nine hundred twenty-four (2,924) feet northerly from the centerline of Anita Drive; and approximately one hundred ten (110) feet northerly from existing pole, T.27 / E.27; and approximately twenty-five (25) feet southerly from the pole's current location.

EAST NEW LENOX ROAD: Place one (1) jointly owned pole numbered T.28S / E.28S on the west side of East New Lenox Road at a point approximately two thousand ~~Five~~^{Seven} hundred six (2,706) feet northerly from the centerline of Anita Drive; and approximately one hundred twenty-five (125) feet southerly from existing pole, T.27 / E.27; and approximately thirty-eight (38) feet westerly from existing pole, T.28 / E.28.

Reason: MADOT is replacing the Sackett Brook Bridge. These poles are necessary to accommodate for the new bridge design; and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Wherefore your petitioners pray that after due notice and hearing as provided by law, they be granted locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. 4A0L8TJ Dated March 7, 2025.

Also, for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire and police telephone signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.

By: Albert E. Bessette, Jr.
Albert Bessette, Jr.
Manager-Right of Way

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

By Nicholas Langone
Nicholas Langone
Supervisor, Design Engineering

VERIZON NEW ENGLAND INC. & NSTAR ELECTRIC COMPANY
d/b/a Eversource Energy

CITY / TOWN: PITTSFIELD, MA

STREET: EAST NEW LENOX ROAD



PURPOSE AND DESCRIPTION:

EVERSOURCE AND VERIZON ARE REQUESTING TO RELOCATE ONE (1) JOINTLY-OWNED POLE (T26 / E26) ON THE EAST SIDE OF EAST NEW LENOX ROAD AT A POINT APPROXIMATELY TWENTY-FIVE (20) FEET SOUTHERLY OF THE EXISTING POLE'S CURRENT LOCATION. MADOT IS REPLACING THE SACKETT BROOK BRIDGE. THIS RELOCATION IS NECESSARY TO ACCOMMODATE FOR THE NEW BRIDGE DESIGN.

LEGEND

- PROPOSED JOINTLY-OWNED POLE
- PROPOSED SOLE-OWNED POLE
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE TO BE REMOVED

- HANHOLE / PEDESTAL
- MANHOLE
- UNDERGROUND CONDUIT

DRAWN BY: D. VONER

W.O. #: 4A0L8TJ

PETITION #: N/A

DISTANCES ARE APPROXIMATE
NOT TO SCALE

VERIZON NEW ENGLAND INC. & NSTAR ELECTRIC COMPANY
d/b/a Eversource Energy

CITY / TOWN: PITTSFIELD, MA

STREET: EAST NEW LENOX ROAD



PURPOSE AND DESCRIPTION:

EVERSOURCE AND VERIZON ARE REQUESTING TO PLACE ONE (1) JOINTLY-OWNED POLE (T28S / E28S) ON THE WEST SIDE OF EAST NEW LENOX ROAD AT A POINT APPROXIMATELY THIRTY-EIGHT (38) FEET WESTERLY OF EXISTING POLE, T.28 / E.28. MADOT IS REPLACING THE SACKETT BROOK BRIDGE. THIS RELOCATION IS NECESSARY TO ACCOMMODATE FOR THE NEW BRIDGE DESIGN.

LEGEND

- PROPOSED JOINTLY-OWNED POLE
- PROPOSED SOLE-OWNED POLE
- ⊗ EXISTING UTILITY POLE

- ⊗ HANDHOLE / PEDESTAL
- MANHOLE
- UNDERGROUND CONDUIT

DRAWN BY: D. VONER

W.O. #: 4A0L8TJ

PETITION #: N/A

DISTANCES ARE APPROXIMATE
NOT TO SCALE



PETITION PLAN

MUNICIPALITY

PITTSFIELD

NO.

4A0L8TJ

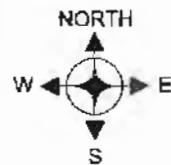
VERIZON NEW ENGLAND INC. &
NSTAR ELECTRIC COMPANY d/b/a Eversource Energy

DATE:

March 7, 2025

SHOWING

PROPOSED POLES ON EAST NEW LENOX ROAD



Canoe Meadows
250 E New Lenox Rd
Property ID:
J060004002

288 E New Lenox Rd
Property ID:
K050001004

276 E New Lenox Rd
Property ID:
K050001005

233 E New Lenox Rd
Property ID:
K050002109

279 E New Lenox Rd
Property ID:
K050002008

293 E New Lenox Rd
Property ID:
K050002006

Existing Pole
T.26 /E.26
To be Relocated
To the South

Existing Pole
T.27 /E.27

Existing Pole
T.28 /E.28

New Pole
T.28S /E.28S
To be Placed

NOT TO SCALE

LEGEND



PROPERTY LINE



EDGE OF PAVEMENT



EDGE OF ROADWAY



EXISTING JO POLE



PROPOSED JO POLE



EXISTING JO POLE TO BE REMOVED

Dear President White,

I am writing to advise you that I, as chairperson of the School Committee, received on May 14, 2025, a copy from City Clerk Michele Benjamin of the most recent petition passed by the City Council regarding school system matters. I am writing to further advise you that on Wednesday, May 14, I publicly informed the Committee that the Council has unanimously adopted a petition submitted by Councilor Earl Persip III demanding that the Committee "release the findings of the independent investigation into staff misconduct at Pittsfield High School."

I assume that this petition either supersedes or supplements the Council's earlier petition, which I received from Ms. Benjamin on April 23, "urging the Pittsfield School Committee to release a public summary of the findings from the independent investigation into staff misconduct at Pittsfield High School." As you and your Council colleagues know, the public summary process began with Mayor Marchetti's unanimously approved motion at the April 9 meeting of the School Committee, which directed that duly redacted summaries of the investigative reports be produced and disseminated publicly. Those summaries were released publicly starting on May 8. The final summary was released on May 15.

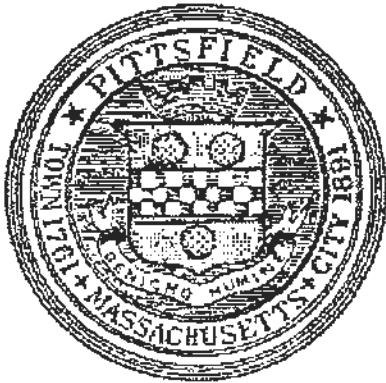
Those summaries may be accessed on the Pittsfield Public Schools' website. Pursuant to the requirement of MGL c. 66 § 10(a), a hard copy of each summary is available upon request to any interested party. Those members of the Council who have not yet had an opportunity to read the summaries should be aware that these documents report "the findings of the independent investigation into staff misconduct at Pittsfield High School."

Please accept my thanks to you and your Council colleagues for your continued interest in and support during the resolution of these matters.

William Cameron, Chair.
Pittsfield School Committee

2025 MAY 19 AM 8:56

RECEIVED BY CLERK
CITY OF PITTSFIELD, MA



The undersigned respectfully

I respectfully submit this petition requesting that the City Council go on record demanding that the Pittsfield School Committee release the findings of the independent investigation into staff misconduct at Pittsfield High School. A redacted version of the report—protecting the identities of underage witnesses and their families—must be made public to begin restoring community trust.

On April 24, the Secretary of the Commonwealth's Public Records Division ruled that the Pittsfield Public Schools failed to justify withholding the report in full and ordered that all non-exempt portions be released. The ten-day compliance period has since passed, and the district continues to withhold the report from the public.

The community deserves transparency. It is imperative that the School Committee honor both the legal directive and its responsibility to the people of Pittsfield by releasing the report without further delay.

Earl G Persip III

Councilor At-Large



The undersigned respectfully

I respectfully submit this petition requesting that the City Council go on record urging the Pittsfield School Committee to release a public summary of the findings from the independent investigation into staff misconduct at Pittsfield High School.

The community has been deeply affected by recent events, including the arrest of a school administrator on federal drug charges and subsequent allegations involving other staff members. While we understand the importance of protecting individual privacy rights, transparency is crucial in restoring public trust in our educational institutions.

At the core of this issue is trust, trust between the school district and the community it serves. The scandal at Pittsfield High School has eroded that trust severely. Students and parents have felt betrayed that school officials, who are supposed to ensure a safe learning environment, were implicated in serious misconduct. Confidence in the school's leadership and in the district's ability to police itself has been shaken.

I propose the release of an executive summary that outlines the scope of the investigation, the process undertaken, and the general conclusions reached. This summary should be crafted to respect legal and privacy considerations while providing the public with a clear understanding of the outcomes.

Such transparency will demonstrate the School Committee's commitment to accountability and help rebuild confidence among students, parents, and the broader community.

Earl G Persip III

A handwritten signature in cursive script that reads "Carl Persip III".

Councilor At- Large



City of Pittsfield

May 8, 2025

To the City Council of the City of Pittsfield:—

The Committee~~XXX~~ OF THE WHOLE:

to whom was referred the REPORT FROM THE CHARTER REVIEW COMMITTEE WITH RECOMMENDATIONS
TO UPDATE THE CITY OF PITTSFIELD CHARTER.

having considered the same, report and recommend that IT BE PRELIMINARY APPROVED AS AMENDED.

11-0.

Respectfully submitted,

Chairman.

MEMORANDUM

TO: The Honorable Members of the Pittsfield City Council

FROM: Devon W. Grierson, City Solicitor

DATE: May 20, 2025

SUBJECT: Procedures for Amending the Pittsfield City Charter and Related Matters

This memorandum responds to your recent inquiries regarding the process for amending the Pittsfield City Charter and several specific proposed changes. The following outlines the relevant legal frameworks and provides guidance on each question raised.

(1) Process of Amending the Pittsfield City Charter pursuant to G.L. c. 43B, s. 10

Massachusetts General Law Chapter 43B, § 10, provides a method for cities to amend their charters through City Council action, without the need to establish a charter commission. The general process is as follows:

- **Proposal of an Ordinance:** An amendment is initiated by a proposed ordinance presented to the City Council.
- **Public Hearing:** The City Council, or a committee designated or appointed for that purpose, must hold a public hearing on the proposed amendment. This hearing must be advertised in a local newspaper at least ten days, but no more than twenty-one days, before the hearing.
- **Council Vote (First Passage):** After the public hearing, the City Council may vote to pass the proposed ordinance. A simple majority of the entire council is typically required for this first passage.
- **Publication and Waiting Period:** The proposed amendment, as passed by the Council, must then be published. There is a waiting period to allow for the filing of a petition for a referendum.
- **Referendum Petition:** Within twenty days of the first publication of the ordinance after its passage (or, if the ordinance is passed subject to referendum, within twenty days of its passage), a petition signed by at least 15% of the registered voters of the city may be filed with the city clerk, requesting that the question of adopting the proposed amendment be submitted to the voters.
- **Council Vote (Final Passage):** If no referendum petition is filed, the City Council may, not less than twenty days after the first publication (or passage, if subject to referendum), give the ordinance its final passage by a two-thirds vote of the entire council.

- **Submission to Voters (if referendum petition filed or if Council so chooses):** If a valid referendum petition is filed, or if the Council's ordinance so provides, the question of adopting the amendment must be submitted to the registered voters of the city at the next regular city election, or at a special election called for that purpose. A majority of those voting on the question is required for approval.
- **Attorney General Review:** Once an amendment is adopted (either by final Council vote with no referendum, or by voter approval), it must be submitted to the Attorney General for review. The Attorney General reviews the amendment to ensure it is consistent with state law.
- **Filing with Secretary of the Commonwealth:** If the Attorney General approves the amendment, it is then filed with the Secretary of the Commonwealth and becomes effective according to its terms, or upon filing if no effective date is specified.

(2) Inability to Change City Council Member Terms from 2 Years to 4 Years via G.L. c. 43B, s. 10

General Laws Chapter 43B, Section 10(b) places specific limitations on the types of charter amendments that can be made through the City Council ordinance process outlined above. This section explicitly states that a city council **cannot** use this procedure to enact an amendment that changes "the composition, mode of election or appointment, or terms of office of the legislative body, the school committee, or the city manager or city mayor."

Therefore, an attempt by the City Council to change its own members' terms from two years to four years using the G.L. c. 43B, s. 10 process would be impermissible under state law.

(3) Alternatives for Amending Council Member Terms

If the City Council wishes to pursue a change in the terms of its members, there are alternative methods available:

- **Special Legislation (Home Rule Petition):** The City Council can vote to petition the State Legislature (the General Court) to enact a special law changing the terms of City Council members in Pittsfield. This process involves:
 - The City Council voting to authorize the filing of a home rule petition.
 - The petition being drafted and submitted to the General Court.
 - The petition being passed by both the House of Representatives and the Senate.
 - The Governor signing the special act into law. This process requires state-level approval and can be lengthy and subject to political considerations at the state level.
 -
- **Charter Commission:** The City can opt to establish a Charter Commission pursuant to G.L. c. 43B, ss. 3-9. This is a more comprehensive process for charter review and revision. It involves:

- A petition signed by 15% of the city's registered voters, or a two-thirds vote of the City Council, to place the question of electing a charter commission on the ballot.
- If voters approve the election of a commission, nine commissioners are elected.
- The Charter Commission studies the existing charter and can propose a revised charter or amendments to the existing charter. This can include changes to the terms of office for the City Council.
- The Commission holds public hearings throughout its process.
- The Commission's proposed new or revised charter is then submitted to the voters at a city election. If approved by a majority of voters, it becomes the new city charter. This method allows for broader public input and a more fundamental review of the city's governing document.

(4) Propriety of Changing the Charter to Make the Mayor the Chair of the School Committee and Letting the School Committee Elect Their Vice Chair and Clerk

- **Mayor as Chair of the School Committee:**
 - Many city charters, and G.L. c. 43, § 31, designate the Mayor as an ex-officio member and the chairperson of the School Committee. This is a common and legally permissible structure.
 - As the Pittsfield City Charter does not currently provide for this, an amendment to make the Mayor the chair would generally be permissible.
- **School Committee Electing Their Vice Chair and Clerk:**
 - It is a standard and legally sound practice for a governmental body like a School Committee to elect its own officers, such as a Vice Chair and Clerk, from among its members

(6) Legal Aspects of Changing the Term of School Committee Members from a Two-Year Term to a Four-Year Term

Changing the term of School Committee members from two years to four years should be able to be accomplished through a City Council ordinance under G.L. c. 43B, s. 10.

Attorney General Review: All charter amendments adopted under Section 10 are subject to review by the Attorney General (G.L. c. 43B, § 10(c)). The AG will review for conflicts with the constitution and laws of the Commonwealth. Since a proposed change to school committee term to four years is consistent with G.L. c. 43, § 31 a charter amendment pursuant to G.L. c. 43B, § 10 should be allowed. The change in terms, however, could potentially be viewed as a fundamental change to the structure of an elected body that is beyond the intended limited scope of Section 10 amendments. The AG often advises that more significant structural changes affecting elected officials are better suited for a charter commission or special act.

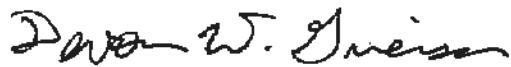
(7) Legal Aspects of Changing the Term of the City Clerk from a Two-Year Term to a Four-Year Term

G.L. c. 43B, s. 10(b) suggests that changes to the term of office of "any officer...other than" those explicitly listed *can* be made by council ordinance, *unless* another general law prohibits it or the change falls into other restricted categories. G.L. c. 41, s. 12, however, provides for a three-year term for elected city clerks.

An amendment to change the Clerk's term to a four-year term via a G.L. c. 43B, s. 10 council ordinance *may be permissible*, as the City Clerk is not one of the offices explicitly prohibited from such term changes by that section. The Attorney General would review such an amendment for consistency with all state laws.

I am available to discuss these matters further with the Council and to review any specific proposed language for charter amendments.

Respectfully submitted,



Devon W. Grierson, City Solicitor



City of Pittsfield

March 24, 2025

To the City Council of the City of Pittsfield: —

The Committee on
Ordinance and Rules Committee

to whom was referred the A report from the Charter Review Committee with
recommendations to update the City of Pittsfield Charter

having considered the same, report and recommend that

to be approved

Voted unanimously 5/0
Amuso, Kavey, Lampiasi, Serre, White

Respectfully submitted,

Dina Lampiasi

Chairman

REPORT OF COMMITTEE ON
ORDINANCES AND RULES

A REPORT FROM THE CHARTER REVIEW
COMMITTEE WITH RECOMENDATIONS TO
UPDATE THE CITY OF PITTSFIELD CHARTER

Filed
MARCH 24, 2025

IN CITY COUNCIL
APRIL 8, 2025

RECOMMENDING TO

Refer to the
Committee of the Whole

Michelle M Benjamin Clerk

CITY OF PITTSFIELD CHARTER REVIEW COMMITTEE

REPORT OF THE COMMITTEE

INTRODUCTION

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

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

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

Witnesses included:

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

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

ISSUES DISCUSSED

A. Charter Objection

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

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

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

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

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

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

B. Terms of Office

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

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

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

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

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

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

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

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

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

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

C. Finance and Fiscal Procedures

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

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

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

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

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

D. Miscellaneous Discussions

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

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

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

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

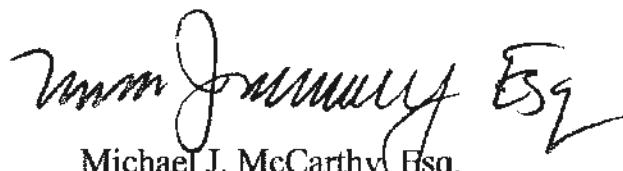
Article 7-6 requires a **City Audit**. This provision is somewhat vague. But it is clear enough to require a minimal amendment. The Committee has crafted an amendment which has been included in the red-line version of the charter, requiring a committee of the Mayor, Purchasing Agent, and City Council

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

E. Process.

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

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



Michael J. McCarthy, Esq.
Chairman.

Chapter C. The Charter, Special Acts and Acceptances

DIVISION 1. THE CHARTER

Article 1. INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1. INCORPORATION.

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

SECTION 1-2. SHORT TITLE.

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

SECTION 1-3. DIVISION OF POWERS.

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

SECTION 1-4. POWERS OF CITY.

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

SECTION 1-5. CONSTRUCTION.

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

SECTION 1-6. INTER-GOVERNMENTAL RELATIONS.

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

SECTION 1-7. DEFINITIONS.

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

CHARTER

This charter and any adopted amendments to it.

CITY

The city of Pittsfield.

CITY AGENCY

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

CITY OFFICE OR DEPARTMENT HEAD

A person having charge of a city office or department.

CITY WEBSITE

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

EMERGENCY

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

FULL CITY COUNCIL

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

FULL MULTIPLE MEMBER BODY

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

FULL SCHOOL COMMITTEE

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

INITIATIVE MEASURE

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

LOCAL NEWSPAPER

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

MAJORITY VOTE

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

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

MEASURE

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

MULTIPLE MEMBER BODY

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

ORGANIZATION OR REORGANIZATION PLAN

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

QUORUM

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

RECALL

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

REFERENDUM MEASURE

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

REMOVE FROM THE CITY or REMOVE FROM A WARD

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

VOTERS

Registered voters of the city of Pittsfield.

YEAR

A calendar year, unless otherwise specified.

Article 2. LEGISLATIVE BRANCH

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

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

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

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

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

SECTION 2-2. PRESIDENT AND VICE PRESIDENT ELECTION; TERM; POWERS.

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

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

SECTION 2-3. PROHIBITIONS.

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

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

SECTION 2-4. COMPENSATION.

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

SECTION 2-5. GENERAL POWERS.

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

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

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

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

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

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

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

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

- iii. All sessions of the city council and of every committee or subcommittee of the council shall, at all times, be open to the public, unless otherwise specified by law; and
- iv. A full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting; provided, however, that unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

SECTION 2-7. ACCESS TO INFORMATION.

- (a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.
- (b) Information Requests - The city council may require a member of a multiple-member body or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.
- (c) Mayor - The city council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting to be held not earlier than seven days from the date the mayor receives the questions. The mayor shall personally, or through a designee, attend such meeting and respond to the

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

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

SECTION 2-8. APPOINTMENTS OF CITY COUNCIL.

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

SECTION 2-9. ORDINANCES AND OTHER MEASURES.

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

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

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

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

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

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

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

SECTION 2-11. FILLING OF VACANCIES.

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

Article 3. EXECUTIVE BRANCH

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

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

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

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

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

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

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

SECTION 3-3. APPOINTMENTS BY MAYOR.

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

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

SECTION 3-4. TEMPORARY APPOINTMENTS TO CITY OFFICES.

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

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

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

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

SECTION 3-5. COMMUNICATIONS; SPECIAL MEETINGS.

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

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

SECTION 3-6. APPROVAL OF MAYOR; VETO.

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

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

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

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

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

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

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

SECTION 3-8. DELEGATION OF AUTHORITY BY MAYOR.

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

SECTION 3-9. VACANCY IN OFFICE OF MAYOR.

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

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

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

Article 4. SCHOOL COMMITTEE

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

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

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

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

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

SECTION 4-2. SCHOOL COMMITTEE CHAIR, VICE CHAIR, CLERK.

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

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

SECTION 4-3. PROHIBITIONS.

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

SECTION 4-4. COMPENSATION.

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

SECTION 4-5. SCHOOL COMMITTEE POWERS AND DUTIES.

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

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

- (a) Selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws;
- (b) Making all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; and
- (c) Adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

SECTION 4-6. FILLING OF VACANCIES.

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

Article 5. CITY CLERK

SECTION 5-1. ELECTION; TERM.

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

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

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

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

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

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

Article 6. ADMINISTRATIVE ORGANIZATION

SECTION 6-1. ORGANIZATION OF CITY AGENCIES.

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

SECTION 6-2. MERIT PRINCIPLES.

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

Article 7. FINANCE AND FISCAL PROCEDURES

SECTION 7-1. FISCAL YEAR.

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

SECTION 7-2. ANNUAL BUDGET MEETING.

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

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

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

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

SECTION 7-4. ACTION ON OPERATING BUDGET.

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

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

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

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

SECTION 7-5. CAPITAL IMPROVEMENT PROGRAM.

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

(1) A general summary of its contents;

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

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

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

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

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

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

SECTION 7-6. INDEPENDENT AUDIT.

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

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

SECTION 7-7. EXPENDITURES IN EXCESS OF APPROPRIATIONS.

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

Article 8. ELECTIONS

SECTION 8-1. PRELIMINARY ELECTIONS.

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

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

SECTION 8-2. PRELIMINARY ELECTION PROCEDURES.

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

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

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

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

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

SECTION 8-3. REGULAR CITY ELECTION.

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

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

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

SECTION 8-5. NONPARTISAN ELECTIONS.

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

SECTION 8-6. WARDS.

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

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

SECTION 8-7. APPLICATION OF STATE GENERAL LAWS.

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

Article 9. CITIZEN PARTICIPATION MECHANISMS

SECTION 9-1. CITIZEN INITIATIVE MEASURES.

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

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

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

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

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

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

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

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

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

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

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

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

YES NO

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

SECTION 9-2. CITIZEN REFERENDUM PROCEDURES.

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

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

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

SECTION 9-3. INELIGIBLE MEASURES.

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

- (a) Proceedings relating to the internal organization or operation of the city council or of the school committee;
- (b) An emergency measure adopted under the charter;
- (c) The city budget or the school committee budget as a whole;
- (d) Any appropriation for the payment of the city's debt or debt service;
- (e) An appropriation of funds to implement a collective bargaining agreement;
- (f) Proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;
- (g) Any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (h) Any proceedings providing for the submission or referral to the voters at an election; and
- (i) Resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition as determined by a majority of the City Council subject to Mayoral veto.

SECTION 9-4. RECALL.

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

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

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

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

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

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

Yes No

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

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

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

SECTION 9-5. REQUIRED VOTER PARTICIPATION.

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

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

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

SECTION 9-7. CONFLICTING PROVISIONS.

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

Article 10. GENERAL PROVISIONS

SECTION 10-1. CHARTER CHANGES.

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

SECTION 10-2. SPECIFIC PROVISION TO PREVAIL.

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

SECTION 10-3. RULES AND REGULATIONS.

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

SECTION 10-4. PERIODIC REVIEW OF ORDINANCES.

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

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

SECTION 10-5. PERIODIC REVIEW OF CHARTER.

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

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

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

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

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

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

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

SECTION 10-7. REFERENCES TO GENERAL LAWS.

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

SECTION 10-8. COMPUTATION OF TIME.

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

SECTION 10-9. OATHS OR AFFIRMATIONS FOR OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE, CITY CLERK.

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

SECTION 10-10. CERTIFICATE OF ELECTION OR APPOINTMENT.

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

SECTION 10-11. LIMITATION ON OFFICE HOLDING.

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

SECTION 10-12. FELONY CONVICTION.

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

SECTION 10-13. ENFORCEMENT OF CHARTER PROVISIONS.

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

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

Article 11. TRANSITIONAL PROVISIONS

SECTION 11-1. CONTINUATION OF EXISTING LAWS.

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

SECTION 11-2. CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

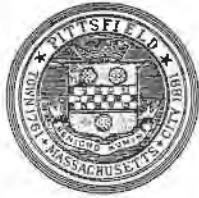
Except as specifically provided for in this charter, all city agencies shall continue to perform the duties of the agency until reelected, reappointed or until successors to the respective positions are duly appointed or elected or until the duties have been transferred and assumed by another city agency.

SECTION 11-3. TRANSFER OF RECORDS AND PROPERTY.

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

SECTION 11-4. EFFECT ON OBLIGATIONS, TAXES, ETC.

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



City of Pittsfield

April 28, 2025

To the City Council of the City of Pittsfield: —

The Committee on
Ordinance and Rules Committee

to whom was referred the

A communication from Mayor Marchetti on an Ordinance
amending City Code, Chapter 11, Licenses, Registrations and
Permits to create Chapter 11, Article VIII, Sections 11.53-11.58.

having considered the same, report and recommend that

to approve

Voted unanimously 4/0
Amuso, Lampiasi, Serre, White

Respectfully submitted,

Dina Lampiasi

Chairman



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Peter M. Marchetti
Mayor

February 18, 2025

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

Dear Councilors,

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

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

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



CITY OF PITTSFIELD

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

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

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

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

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

Taylor & Robert Botto
28 Wellington Ave
Pittsfield, MA 01201
Cell: 856-625-6437
Emails: robertbotto88@gmail.com | taybotto@gmail.com

April 16th, 2025

Dear Pittsfield City Council,

We are writing as Pittsfield residents, small business owners, and homeowners to express our deep concerns regarding the proposed Short-Term Rental (STR) ordinance—specifically the 150-day annual cap, the one-property ownership limit, and the blanket application of these rules across all neighborhoods and property types.

My husband and I chose Pittsfield to lay down roots and build a future. We are a young family with our first baby on the way. Like many others striving for financial stability in today's economy, in addition to our two full time jobs, we need more to sustain our rising mortgage costs, home maintenance, build for our families future, and live with rising day to day expenses. STR is our families route to additional means. We are a small business and always will be—just a local family with big dreams and humble beginnings. We are not a corporation. These proposed restrictions would make it significantly harder—if not impossible—for families like ours to grow our businesses and remain part of Pittsfield's fabric.

1. The 150-Day Limit Is Financially Devastating

Capping STR operations at 150 days per year eliminates 215 days of potential income. This places a severe burden on small-scale, owner-occupied properties like ours. With mortgage interest rates currently around 7%, our monthly costs are already high—and only increasing. For us, STR income is not passive—quite the opposite actually, where we put a lot of care and preparation into each of the stays of our unit.

2. STRs Support Essential Workers and Local Tourism

Our rental has welcomed guests from across the country, old and young alike. Including musicians, travel nurses and doctors working temporary assignments at Berkshire Medical Center. These professionals often need more than a hotel—they need a comfortable, home-like space with a kitchen and privacy. STRs meet that need while also supporting Pittsfield's downtown businesses, restaurants, and attractions, particularly during the summer tourism season.

3. The One-Property Limit Hurts Small Business Owners

The ordinance's one-property limit does not account for residents who own and live in small multi-family homes, such as duplexes. Or those that have no intentions of building an "AirBnB

Empire" but would also like to grow their family and wealth in a single city they want to support. This is a sustainable, local first, community-based model—not a commercial enterprise.

4. This Hurts, Not Helps, Struggling Neighborhoods

We live in Northeast Pittsfield. From our front porch, we can see three boarded-up homes—two of which have been vacant for over a year, and one recently listed for sale. We're also near a street that was commonly labeled as "dangerous" in local forums when we were researching where to move. Our neighborhood is not overrun by STRs; rather, they offer an opportunity to bring life and investment into neglected areas. A well-managed STR can contribute to community revitalization and improved neighborhood safety.

5. A Call for Fair, Location-Sensitive Regulation

Much of the recent public concern seems focused on lakefront and vacation properties. But Pittsfield is made up of diverse neighborhoods with different needs. A one-size-fits-all policy doesn't reflect that complexity. We respectfully urge the Council to consider regulations that distinguish between large commercial operators and small, locally based hosts like us—those who live in, care for, and invest in the communities we serve.

We see Pittsfield as a city full of promise, and we want to be part of its future. These regulations, in their current form, threaten that possibility for many responsible hosts and homeowners. We appreciate your commitment to Pittsfield and respectfully ask you to reconsider this ordinance in favor of a more balanced and community-conscious approach—one that supports local families, strengthens our economy, and allows responsible STRs to coexist within the city we all love.

Thank you for your time and thoughtful consideration.

Sincerely,

Taylor & Robert Botto





City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

SECTION I

Chapter 11 Article VIII Short-Term Rental Licenses

Sec.11-53 License required.

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

Sec.11.54: License application; requirements.

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

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

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

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

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

Sec. 11.55 License Issuance; fee and expiration.

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

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

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

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

Sec. 11.57 Complaint Procedure.

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

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

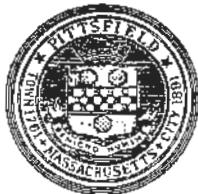
Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION II

This Ordinance shall take effect nine (9) months following its enactment.

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

May 12, 2025

To the City Council of the City of Pittsfield: —

The Committee on on Community and Economic Development

to whom was referred the a communication from Mayor Marchetti on an Order to submit the City's Community Development Five Year Consolidated Plan (2025-2029) and Annual Action Plan for the 2025 program year to the US Department of Housing and Urban Development

having considered the same, report and recommend that

Voted to approve.
Voted 5-0

Respectfully submitted,

Patrick T. Kavey

Chairman



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

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

Peter M. Marchetti
Mayor

April 15, 2025

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

Dear Councilors,

Submitted herewith for your consideration is an Order requesting authorization to submit the City's Community Development Block Grant (CDBG) Five Year Consolidated Plan (PY2025 – 2029) and Annual Action Plan for the 2025 program year to the U.S. Department of Housing and Urban Development (HUD). As has been the past practice, the Chairman of the Council's Committee on Community and Economic Development has agreed to host the required public hearing at a scheduled Committee meeting.

The Department of Community Development has provided each of you with the link to view the draft Consolidated Plan and Annual Action Plan which describe the needs and goals for the next five-year period and the proposed PY 2025 budget and activities for the CDBG funded programs.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



CITY OF PITTSFIELD

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

April 16, 2025

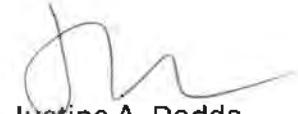
The Honorable Peter M. Marchetti
City Hall, 70 Allen Street
Pittsfield, MA 01201

Dear Mayor Marchetti:

Enclosed for transmittal to the City Council is an Order authorizing the Mayor to submit the Community Development Block Grant (CDBG) Five Year Consolidated Plan (PY2025 – 2029) and the HUD Program Year 2025 Annual Action Plan to the U.S. Department of Housing & Urban Development (HUD). The Five Year Consolidated Plan identifies needs and priorities for the next five year period. The 2025 Annual Action Plan contains the proposed fiscal year 2026 CDBG budget and specifically describes the activities on which these funds will be spent during the year beginning July 1, 2025 through June 30, 2026.

The HUD regulatory process for reviewing and approving the draft plan includes a 30-day public comment period and a public hearing. Therefore, I request that the draft Annual Action Plan be submitted to the City Council for referral to its Community and Economic Development Committee for the required public hearing. The Annual Action Plan will then be referred back to the City Council for their final review prior to being submitted to HUD.

Sincerely,



Justine A. Dodds
Director

City of Pittsfield

MASSACHUSETTS

IN CITY COUNCIL

AN ORDER

AUTHORIZING THE MAYOR TO SUBMIT THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR THE 2024-2025 PROGRAM YEAR

Ordered:

1. That the Mayor is hereby authorized to submit the Community Development Block Grant Five Year Consolidated Plan (PY2025 – 2029) and the PY 2025 Annual Action Plan for the 2025-2026 calendar year to the U.S. Department of Housing & Urban Development (HUD), and assurances contained therein; and
2. That the Mayor is directed and authorized to act in connection with the submission of the Consolidated Plan and Annual Action Plan and to provide such additional information as may be required; and
3. That in accordance with the requirements of Massachusetts General Laws, Chapter 44, Section 53A, the Director of the Department of Community Development is hereby authorized to accept said grant including payments of Program Income, if any, and shall deposit any amounts received with the City Treasurer who shall hold said amounts in separate accounts; and
4. That said grant and payments of Program Income may be expended without further appropriation, as provided for in M.G.L. Ch. 44.53A.

**COMMUNITY DEVELOPMENT BLOCK GRANT
ANNUAL ACTION PLAN
Fiscal Year 2026 BUDGET (HUD Program Year 2025)**

REVENUE ESTIMATE AT YEAR END: (Anticipated Revenues)	INCOME		Reprogrammed Funding:	
CDBG GRANT B25MC-25-0020:	\$1,250,000		Housing Rehab Loan Payments (CDBG RLF)	\$300,000
PROGRAM INCOME (RLF):	\$130,000		Small Business Loan Payments (CDBG RLF)	\$27,000
NEW CDBG TOTAL >>>>>>>>>>>>>	\$1,380,000		Section 108 Program Income	\$3,000
RLF BALANCE:			Total PY24 Program Income:	<u>\$330,000</u>
CARRYOVER FUNDS:				
PRIOR YEAR FUNDS TOTAL:	\$535,000			
	\$275,000			
	\$810,000			
TOTAL OF ALL FUNDS >>>>>>>>>	\$2,190,000.00			

EXPENSES:	TOTAL ALL FUNDING	FROM PY24 GRANT	FROM RLF	CDBG Carry Over Funds	Benefit to Low/Mod	Slums & Blight
PUBLIC FACILITIES						
Park Improvements - Durant Park	\$25,000.00			\$25,000.00	\$25,000.00	
Sidewalks	\$200,000.00	\$60,000.00		\$150,000.00	\$200,000.00	
Activity Delivery Costs	\$50,790.59	\$50,790.59			\$50,790.59	
SUBTOTAL	\$275,790.59	\$100,790.59	\$0.00	\$175,000.00	\$275,790.59	
REMOVAL OF ARCHITECTURAL BARRIERS						
Sm. Bus./Non-Profit Def Pymt Loans	\$50,000.00	\$20,000.00	\$30,000.00		\$50,000.00	
Activity Delivery Costs	\$5,000.00	\$5,000.00			\$5,000.00	
SUBTOTAL	\$55,000.00	\$25,000.00	\$30,000.00	\$0.00	\$55,000.00	
PUBLIC SERVICES						
Human Service Agency Grants	\$154,500.00	\$154,500.00			\$154,500.00	
Neighborhood Clean-ups	\$10,000.00	\$10,000.00			\$10,000.00	
Activity Delivery Costs	\$36,682.09	\$36,682.09			\$36,682.09	
SUBTOTAL	\$201,182.09	\$201,182.09	\$0.00	\$0.00	\$201,182.09	
HOUSING REHABILITATION						
Rehab Loans - Revolving Loan Fund	\$400,000.00		\$400,000.00		\$400,000.00	
Hardship & Lead Paint Removal Grants	\$195,000.00	\$70,000.00	\$75,000.00	\$50,000.00	\$195,000.00	
Handicapped Access Grants	\$50,000.00	\$25,000.00	\$25,000.00		\$50,000.00	
Affordable Housing - Rehabilitation	\$75,000.00	\$75,000.00			\$75,000.00	
Miscellaneous Rehab. Expenses	\$5,000.00	\$5,000.00			\$5,000.00	
Activity Delivery Costs	\$165,430.64	\$165,430.64			\$165,430.64	
SUBTOTAL	\$890,430.64	\$349,430.64	\$500,000.00	\$50,000.00	\$890,430.64	
ECONOMIC DEVELOPMENT						
Technical Assistance	\$100,000.00	\$50,000.00		\$50,000.00	\$100,000.00	
Loans	\$135,000.00		\$135,000.00		\$135,000.00	
E for All	\$35,000.00	\$35,000.00		\$0.00	\$35,000.00	
PERC Administrative Expenses	\$12,000.00	\$12,000.00			\$12,000.00	
Activity Delivery Costs	\$63,657.54	\$63,657.54			\$63,657.54	
SUBTOTAL	\$345,657.54	\$160,657.54	\$135,000.00	\$50,000.00	\$345,657.54	

	TOTAL NEW FUNDING	FROM PY24 GRANT	FROM RLF	CDBG Carry Over Funds	Benefit to Low/Mod	Slums & Blight
ACQ/DISP/CLEARANCE						
Vacant Building Demolitions	\$200,000.00	\$200,000.00				\$200,000.00
Activity Delivery Costs	\$45,147.19	\$45,147.19				
SUBTOTAL	\$245,147.18	\$245,147.19	\$0.00	\$0.00		
LOW/MOD & SLUMS/BLIGHT SUBTOTALS					\$1,768,060.86	\$200,000.00
TOTAL ACTIVITY DELIVERY COSTS	\$366,708.05	\$366,708.05	\$0.00	\$0.00		
PROGRAM ADMIN. & PLANNING	\$176,749.03	\$176,749.03	\$0.00	\$0.00		
TOTAL PROJECTS & ADMINISTRATION	\$2,189,957.08	\$1,249,957.08	\$665,000.00	\$275,000.00		
CONTINGENCY (UNALLOCATED FUNDS)	\$42.92	\$42.92	\$0.00	\$0.00		
GRAND TOTAL >>>>>>>>>	\$2,190,000.00	\$1,250,000.00	\$665,000.00	\$275,000.00	\$1,768,060.86	\$200,000.00

Percent Slums and Blight
Percent Low/Mod

9%
81%

Maximum Percent Public Services

Maximum = 15% (Grant + prior yr. Income)
Percent=Public Services/(Grant+Prior Yr Income)
1,250,000 + 330,000 X 15% = \$237,000
\$201,182 divided by \$1,580,000 = 13%
Over/(Under) = (\$35,818)

Maximum Percent Administration

% = (Program Adm+Planning)/(Grant+Income)
Max Admin Exp = 20% of Grant + Income
\$176,749 divided by 1,580,000 = 11%
x .2 = 316,000
Over/(Under) = (\$139,251)

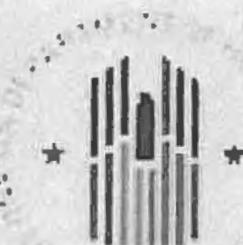
ADMINISTRATIVE BUDGET	Total	% to Projects	Act Del Costs	Program Adm
Salaries-Director & CD Manager(1.5 FTE's)	\$149,719	52.83%	\$79,102	\$70,618
Salaries - Direct (5.8 FTE's)	\$181,089	90.39%	\$172,723	\$18,368
Vacation Conversion	\$1,000	90.39%	\$904	\$96
Fringe Benefits(Pension/Health/Life/Medicare)	\$126,099	90.39%	\$113,979	\$12,120
Retire Payout (Vac, Pers, Comp)	\$0	0%	\$0	\$0
Contract Personnel/Services	\$0	0%	\$0	\$0
Professional Services	\$12,000	0%	\$0	\$12,000
Equipment Lease/Maintenance	\$6,000	0%	\$0	\$6,000
Equipment New	\$6,500	0%	\$0	\$6,500
Travel	\$2,000	0%	\$0	\$2,000
Postage	\$1,000	0%	\$0	\$1,000
Dues/Registration	\$1,500	0%	\$0	\$1,500
Advertising	\$5,000	0%	\$0	\$5,000
Printing	\$1,000	0%	\$0	\$1,000
Periodicals/Books	\$800	0%	\$0	\$800
Office Supplies	\$1,750	0%	\$0	\$1,750
Miscellaneous Expenses (Intern)	\$5,000	0%	\$0	\$5,000
Admin Cont	\$3,000	0%	\$0	\$3,000
Planning Studies	\$30,000	0%	\$0	\$30,000
TOTAL	\$543,457	0%	\$366,708	\$176,749



**DRAFT 5 YEAT CONSOLIDATE PLAN (PY25-PY29)
DRAFT ANNUAL ACTION PLAN
PY 2025 (City Fiscal Year 2026)**

**Community Development Block Grant (CDBG)
Public Hearing**

May 12, 2025
Community and Economic Development Sub-Committee



HUD CDBG National Objectives

Activities must address priority needs identified in City's 5-year Consolidated Plan

- Every activity must:
 - Be an eligible activity as defined in HUD regulations at 24 CFR 570
 - Meet one of three national objectives established by Congress:

1. Benefit to low and moderate-income persons (minimum of 70%) is established by providing services to:

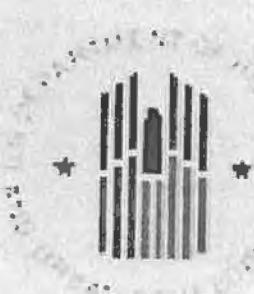
- an individual or household that meet the HUD definition of low to moderate income; or
- residents of an area that is predominately low to moderate-income based on U.S. Census data.

2. Prevent or eliminate conditions of slum and blight (maximum of 30%)

3. Meet an urgent community need that threatens health or welfare

Other Funding Rules:

- A maximum of 15% can be used for "public services"
- A maximum of 20% can be used for program administration & planning



Prior CDBG Funds Expended

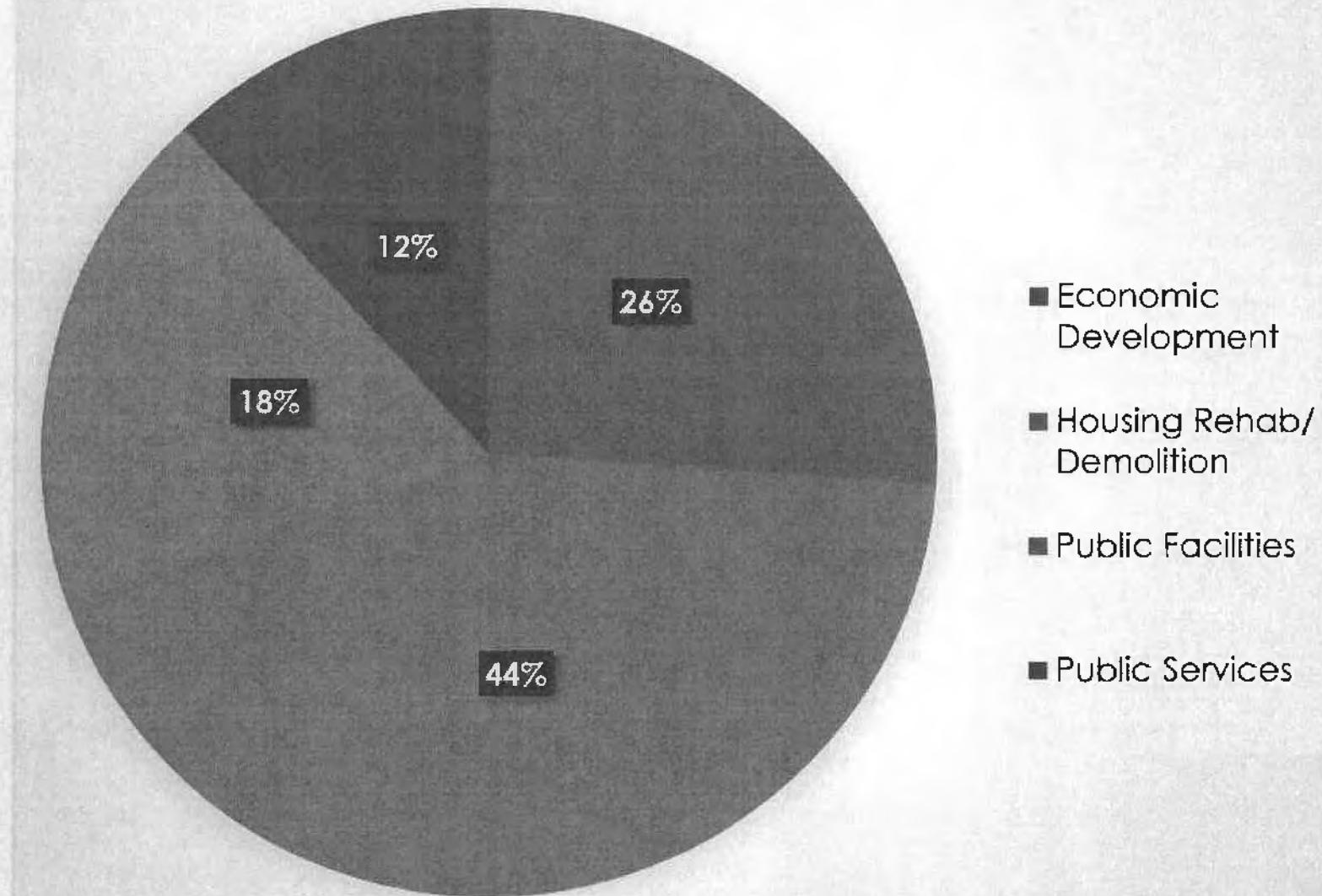
PY2023

- **Public facilities Projects**: Sidewalks, Fenn Street Shelter, Deming Park, Medical Clinic
- **Housing Rehab and Demos**- 11 units of owner occupied rehab, 69 units rental housing assisted, 3 accessible ramps, 3 buildings demolished
- **Economic Development Projects**: 6 small business assisted with technical assistance funds
- **Public Services Projects** : 14 programs assisted: 18 Degrees, Elder Services, Elizabeth Freeman Center, Brigham Center, Community Legal Aid, Roots Rising, BCRHA, etc...

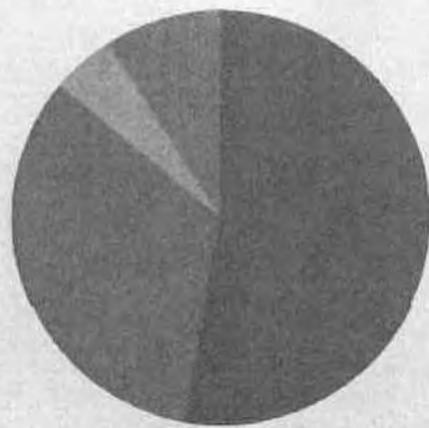
PY2024

- **Public facilities Projects**: Library Restroom ADA renovations, Sidewalk replacement around Westside
- **Housing Rehab and Demolitions**: 10 units of rehab underway or completed, 1 accessible ramp and 3 buildings demolished
- **Economic Development** 11 small business assisted with technical assistance funds
- **Public Services Projects**- 15 programs funded includes 18 Degrees, Elder Services, Elizabeth Freeman Center, Community Legal Aid, Upside413, Hearthway

FY2025 HUD PY 2024 CDBG Funding



Human Service Funds



- Homeless Services
- Neglected/ Abused Kids
- Youth Services
- Affordable Child Care
- Elder Services

Projected Revenue Sources

Fiscal Year 2026

HUD Program Year 2025

HUD annual allocation is anticipated to be approximately \$1,250,000

- The City's first (1976) CDBG allocation was \$1,342,000.
- The highest annual allocation was \$1,950,000 in 1996.
- The lowest CDBG grant allocation was \$1,118,816 in 2013.

Estimated PY 2025 Revenue Sources:

CDBG Annual Grant	\$ 1,250,000
Program Income	\$ 130,000
Revolving Loan	\$ 535,000* _{Estimated}
Carryover CDBG	\$ 275,000* _{Estimated}
TOTAL CDBG BUDGET	\$ 2,190,000



FY 2026 – HUD PY 2025 Priorities



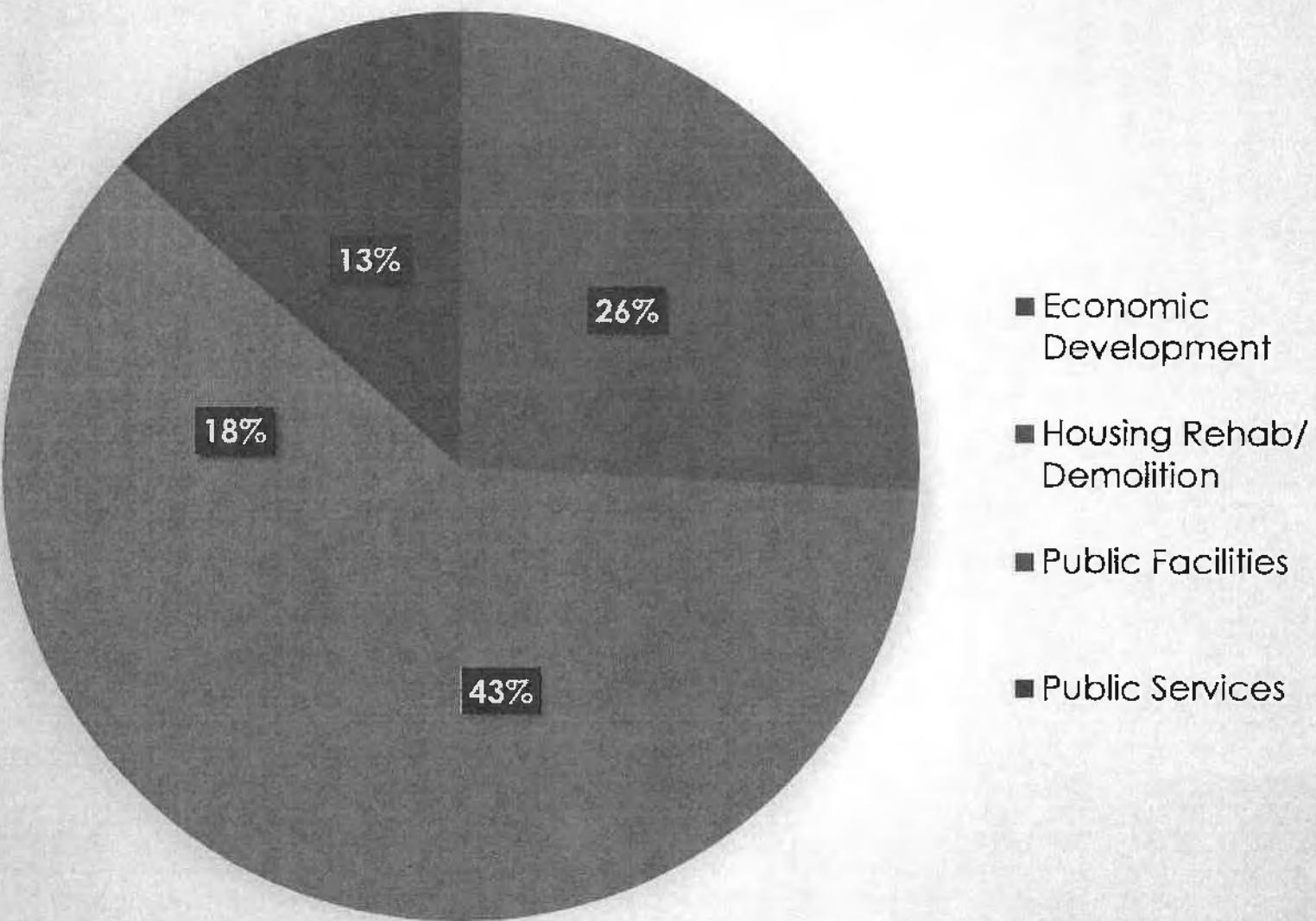
- **Top Priorities Based on Public Input:**
 - Sidewalks and Curb Cuts
 - Playground and Park Improvements
 - Demolition of Condemned Buildings
 - Human Service Funding
 - Housing Rehabilitation & Lead Paint Removal
 - Neighborhood Clean-ups
 - ADA Improvements

- **Programmed Activities:**

- Housing Rehabilitation & Lead Paint Abatement
- Demolition of Condemned Buildings
- Human Service Grant Funding
- Handicapped Accessibility Funding
- Sidewalks and Curb Cuts
- Neighborhood Clean-ups
- Economic Development including
 - the EforAll program and TA Programs



FY2026 HUD PY 2025 CDBG Funding



Summary



- **CDBG funding is an important annual funding source for the City & the community's most needy neighborhoods.**
- **The primary goals of the CDBG program set by the U.S. Department of Housing and Urban Development (HUD) and by Congress are:**
 - Provide decent, safe and sanitary housing
 - Provide a suitable living environment
 - Expand economic opportunities that primarily benefit low and moderate-income people.
- **DCD will continue to leverage CDBG funds to seek other funding sources for a wide range of community development projects.**

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Pittsfield, a Community Development Block Grant (CDBG) entitlement community since 1974, receives an annual formula allocation of CDBG funds from the U.S. Department of Housing and Urban Development (HUD). The CDBG program has three overall goals:

- To provide decent, safe, affordable housing for low- and moderate-income people, including supportive housing for people with special needs and access to job opportunities.
- To provide a suitable living environment with access to public/private facilities and services that reduces isolation of income groups, restores and preserves historic/aesthetic quality of housing and conserves energy.
- To offer expanded economic opportunities, including job creation and retention, financing and capital opportunities, and projects that promote empowerment and self-sufficiency for low-income people.

Under HUD regulations for the CDBG program, the City of Pittsfield has prepared this Consolidated Plan, which covers July 1, 2025- June 30, 2029. The Mayor of Pittsfield has designated the Department of Community Development (DCD) as the leading agency for the preparation and management of the Consolidated Plan and the City's CDBG funds.

HUD provides jurisdictions with updated Low/Mod Income Summary Data (LMISD) to assist them in making official determinations of activity compliance with the low- and moderate-income area (LMA) benefit national objective. The specific CDBG eligible census tracts and block groups in Pittsfield are listed in detail later in this report at sections SP-10 and AP-50 "Geographic Distribution". For the CDBG program, low-to-moderate income means an annual household income that is less than 80% of the area median family income (low income on the chart below), as established by HUD. The current HUD income limits for the City of Pittsfield are as follows:

Table 1 - HUD CDBG Income Eligibility Guidelines (Effective 2024)

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

As required by HUD, the Pittsfield Department of Community Development continues to incorporate HUD's performance measurement system into its Consolidated Plan and fiscal year 2025 Annual Action Plan reporting documentation. The outcome performance measurement system includes the identification of specific objectives, outcome measures, and indicators. As identified by HUD, the specific

objectives are: Suitable Living Environments, Decent Housing, and Economic Opportunities. The specific outcome categories are Accessibility/Availability, Affordability, and Sustainability.

3. Evaluation of past performance

This 5-year Consolidated Plan cycle covers HUD funding years beginning July 1, 2025, and ending June 30, 2029. Due to a number of unknowns and the uncertainty of previous years in which HUD entitlement programs have been cut, it's difficult to predict how the City will perform in achieving the goals and objectives stated in this 5-year Consolidated Plan and fiscal year 2025 Annual Action Plan. Based upon the City's track record it may be assumed that the City will meet a high number of its proposed goals. As in previous years, the City's Department of Community Development will be utilizing other federal and state grants for projects throughout the City during the upcoming 5-year Consolidated Plan cycle. Many of these other federal and state grants will leverage CDBG funds to help achieve the City's goals as stated in this Consolidated Plan. In September 2024, the City completed the Consolidated Annual Performance and Evaluation Report (CAPER) for the previous 2023-2024 (Fiscal Year 2024) program year. As is the same for this Consolidated Plan, the goals and objectives for the reporting period were based on priority needs identified in the City's 2020-2024 Consolidated Plan. Over the past four years, considerable progress was made toward accomplishing the City's five-year goals. The following tables serve to show the progress the City has made towards meeting previous Consolidated Plan goals and also serve as a standard that helped the City establish the five-year goals and objectives outlined in this document as well as an indicator of future performance:

4. Summary of citizen participation process and consultation process

The City of Pittsfield's Department of Community Development took the lead role in preparing this Consolidated Plan with the assistance of Berkshire Regional Planning Commission. Berkshire Regional Planning Commission, Hearthway (formerly Berkshire Housing Services/Development), and the Pittsfield Housing Authority provided some of the data contained in this plan. Upside413 (Formerly Berkshire County Regional Housing Authority), Berkshire Community Action Council and the 3-County Continuum of Care (CoC) provided valuable housing market information and information on homelessness.

5. Summary of public comments

The City provided two opportunities for public input on February 26th at 6:00 PM at the Berkshire Athenaeum in Pittsfield and on March 19th at 5:30 PM at Iglesia Fuente De Salvación Misionera Inc. The February meeting was attended by 23 people. The comments are summarized as follows:

- Develop more accessible affordable housing/adaptable housing for people with disabilities, funding for home safety improvements for people with disabilities. There's a long waiting list for apartments, people who are in nursing homes cannot be discharged, because they do not have the possibility of going to an affordable apartment that complies with ADA rules.
- Assistance funds for landlords to make modifications to their properties.

- Transportation has always been a challenge in Berkshire County if you don't have a car. Often, people are not able to get to med appointments, grocery shopping, etc. There is a micro transit system program, through BRPC being looked at, that hopefully bridges the holes in our transportation system. There is no transportation on Sundays; if someone that uses a wheelchair has an emergency, how do they get somewhere with no wheelchair car services?
- Funds for home modification programs, such as ramp installation, restroom improvements, etc.
- Funding for pothole repair, crosswalks, curb cuts, and sidewalks.
- Sidewalks for kids going to school. (John St. going up to Onota St. on W. Union St.)
- Funding to address access issues to city-owned buildings and public spaces. Work is currently underway in the library's bathrooms and parks. Funding to address 521CMR/ADA access issues, in the city-owned buildings, contained in the "ADA Plan".
- Increase parks and street lighting. Camaras in parks to increase safety, for example Durant Park is occupied all the time and needs to be safe. Westside Legends helped fund new equipment, took old equipment and did not put it back. There used to be volleyball and basketball courts, but not anymore.

Comment/response: Lighting would be considered an infrastructure. We are not allowed to do maintenance for the city with this funding. Replacing lights that are already there might not be eligible.

- Speed bumps: Onota St., Linden St., Dewey Ave., John St., Columbus Ave., West St. going down to college
- Services for youth/kids to get them off the streets, such as basketball programs.
- Funding to continue several programs through Human Service Agencies, social services (i.e. Elder Services, Literacy Program, programs for children, etc.)
- Services for the unhoused (bathrooms, showers, lockers, resource center, etc.). The Literacy Volunteers office is in the food section of the library. That section is unusable because of the unhoused and people with mental health problems. The Brien Cr. Sends recovery coaches, and different organizations send breakfast/lunch to the library for these people. Literacy Tutors used to meet with their students at the library, not anymore. We can't go to the children's or young adults' sections.
- Remove or relocate the cell tower due to reports of negative health impacts and issues affecting people and the quality of everyday life. Rehab our homes by removing the local frequency of radiation and restoring them to what they were pre-tower, resulting in making our homes healthy and accessible to us and our neighbors. This tower is a hazard, immediate threat to health and welfare of impacted neighbors.

No one attended the March 19th public input meeting. All comments can be found in the citizen participation attachment in this plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted.

7. Summary

This is the 51st year that the City of Pittsfield, a Community Development Block Grant (CDBG) entitlement community, will receive an annual formula allocation of CDBG funds from the U.S. Department of Housing and Urban Development (HUD) in order to meet three overall goals:

- The provision of decent, safe affordable housing and access to job opportunities for low and moderate income people including those with special needs;
- The provision of living environments that provides access to public/private facilities and services that reduces isolation of income groups; restores and preserves historic/aesthetic quality of housing and conserves energy;
- Expanded economic opportunities that include job creation, retention and opportunities that promote empowerment and self-sufficiency for low-income people.

The Consolidated Plan covers a five-year period from July 1, 2025 through June 30, 2029, and is prepared by the Department of Community Development (DCD) as the lead agency for management of the Consolidated Plan and the City's CDBG funds. The City must expend CDBG funds to benefit low-income households/persons and target CDBG funded activities to census tracts within the City where a majority of low-income households reside.

A summary of the 5-Year objectives and outcomes identified in the Plan needs assessment based on HUD's performance measurement system may be seen on the chart below.

Performance: Based on the City's track record it may be assumed that it will meet a high number of its proposed goals outlined in this 5-Year Consolidated Plan and fiscal year 2025 Action Plan. However, this will be impacted by the level of Congressional funds for the HUD entitlement programs. Many other federal and state grants will leverage CDBG funds to help the City achieve their goals.

Citizen Participation: The Pittsfield DCD conducted a series of facilitated consultation round tables with the Human Service Advisory Council, two neighborhood initiatives in the target communities. Planning documents and data reports were provided by Berkshire Regional Planning Commission, Hearthway, and Pittsfield Housing Authority. The Berkshire Community Action Council and the 3-County Continuum of Care (CoC) provided valuable housing market information and information on homelessness. The Berkshire Regional Planning Commission and the City's Department of Community Development conducted outreach and direct assistance in completing the survey in order to solicit input into the plan. These services were provided in both English and Spanish. Over 20 agencies assisted in the planning process either by responding to a series of questions, contributing to on-going collaborations, or sending a representative to a public hearing. The DCD developed and circulated a community survey to solicit input on community needs to which 95 people responded. The survey was available in both English and Spanish. The survey solicited the public's feedback regarding priority needs for Public Facilities, Community Services, Infrastructure, Special Needs Services, Business and Jobs, Neighborhood Services, and Housing, including discrimination. Key priority themes in the focus groups included: Long-term planning to engage community residents, funding for parks and green space, safety measures, activities that support youth and families, neighborhood improvement activities and housing quality and access.

This input and data was incorporated into the respective needs assessments, and formed the basis for the Annual Action and 5-year Consolidated Plans.



City of Pittsfield

.....May 21, 2025.....

To the City Council of the City of Pittsfield: —

The Committee on Committee of the Whole

to whom was referred the

A communication from Mayor Marchetti on an Order transferring and appropriating the amount of \$1,000,000.00 from overlay surplus to a capital account for improvements at Old Town Hall

having considered the same, report and recommend that

recommending to approve
10/0

Respectfully submitted,

President Peter White

Chairman



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

Peter M. Marchetti
Mayor

May 6, 2025

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

Dear Councilors,

Submitted herewith for your consideration is an Order transferring and appropriating the amount of \$1,000,000.00 from overlay surplus to a capital account for the purpose of building improvements to Old Town Hall.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure

City of Pittsfield

MASSACHUSETTS

IN CITY COUNCIL

AN ORDER

**AN ORDER TRANFERSING AND APPROPRIATING THE AMOUNT OF \$1,000,000
FROM OVERLAY SURPLUS TO A CAPITAL ACCOUNT FOR THE PURPOSE OF
BUILDING IMPROVMENTS TO OLD TOWN HALL**

Ordered:

That the sum of \$1,000,000 is transferred from Overlay Surplus and Appropriated for the purpose of building improvements to Old Town Hall



To: Matthew Kerwood
Rachel Jingst

From: Board of Assessors
Subject: Overlay Release

Date: April 10, 2025

On April 10, 2025 The Board of Assessors voted to certify \$1,000,000.00 from the overlay to be transferred to overlay surplus.

Respectfully,
Board of Assessors

A handwritten signature in black ink, appearing to read "Laura Catalano".

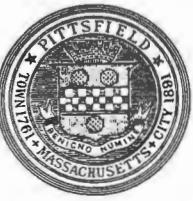
Laura Catalano, Chair, MAA

A handwritten signature in black ink, appearing to read "Kari McLain".

Kari McLain, Assessor

A handwritten signature in black ink, appearing to read "Emily Schilling".

Emily Schilling, Asst. Assessor



City of Pittsfield

March 24, 2025

To the City Council of the City of Pittsfield: —

The Committee on
Ordinance and Rules Committee

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

having considered the same, report and recommend that

to be approved

Voted unanimously 5/0
Amuso, Kavey, Lampiasi, Serre, White

Respectfully submitted,

Dina Lampiasi

Chairman



City of Pittsfield

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

January 06 20 25

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Request that the City Council act as follows:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. G. Warren Jr." The signature is fluid and cursive.

Kenneth G. Warren Jr.
Ward 1 City Councilor

ATTACHMENT

Department of Children and Families (DCF)

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

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

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

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

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

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

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

THE GARDNER NEWS

EDUCATION

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

Officials say additional step closes loophole in background check system



Stephen Landry

The Gardner News

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

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

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

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

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

Additional check closes loophole in background check system

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

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

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

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

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

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

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

Other school districts considering following Ash-West's lead

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

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

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

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

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

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

No.



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

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

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

SECTION II

This ordinance shall take effect upon enactment.



The undersigned respectfully

I respectfully submit this petition requesting that the Administration work with the City Council to create and implement a secure personal belongings locker program for individuals experiencing homelessness in the City of Pittsfield.

This program would be modeled after the *Keys to Dignity Locker Program* in Madison, Wisconsin, which provides unhoused individuals with safe, weather-resistant lockers to store essential personal items such as identification, clothing, documents, and other belongings.

A Pittsfield-based program would:

- Install secure lockers at strategic locations throughout the city, in collaboration with local businesses and nonprofit partners.
- Reduce the loss and theft of personal items, lessen the burden on public spaces, and provide a safer and more stable environment for unhoused individuals.
- Establish clear program guidelines, including prohibitions on illegal or dangerous items, and designate a responsible party or department for oversight and maintenance.
- Serve as a critical step toward supporting individuals as they seek housing, employment, and social services.

I further request that the initial funding for this program be allocated from the city's certified free cash balance. This is a responsible and compassionate use of these funds to address a pressing community need and to uphold Pittsfield's commitment to equity, dignity, and public safety.

Earl G Persip

Councilor At-Large