



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

2024 OCT -3 PM 12: 22

October 8, 2024, at 6:00 p.m.

AGENDA

1. Roll Call
2. Open microphone
3. Gallantry Star Award presented to Detective James Losaw
4. Lifesaving Award presented to Officer Simon Wineberg
5. Proclamation in honor of National Hispanic Heritage Month
6. Approval of the September 24, 2024, minutes

APPOINTMENTS

7. A communication from Mayor Marchetti appointing Theresa Apple to the Berkshire Athenaeum Trustees
8. A communication from Mayor Marchetti reappointing Melissa Scarafoni-Metcalf, Kara Graziola, Christine Gregory, and Scott Cowlin to the Council on Aging

COMMUNICATIONS FROM HIS HONOR THE MAYOR

9. A communication from Mayor Marchetti on a presentation and an update on the rollout of the new trash and recycling collection system
10. A communication from Mayor Marchetti on an Order amending the Tax Increment Financing Agreement between the City of Pittsfield and Somnath, LLC
11. A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 6, Article XIII Tax Title Agreement
12. A communication from Mayor Marchetti on an Order for a permanent taking by eminent domain of two parcels of land on Wahconah Street in connection with the Bel Air Dam
13. A communication from Mayor Marchetti on three (3) Ordinances to update City Code based on the new trash/recycling collection system: Ordinance 1; to amend Chapter 8, Ordinance 2; to amend Chapter 4 ½, and Ordinance 3; to amend chapter 10

PUBLIC HEARING

14. A public hearing on a petition to amend City Code, Chapter 23, Section 4.322(D) by updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district

REPORTS OF COMMITTEES

A Report from the Ordinances and Rules Committee

15. A Report from the Ordinances and Rules Committee on a petition from the Community Development Board to amend City Code, Chapter 23, Zoning, Article 23-4, Section 4.322(D), recommending to approve 5/0
16. Three Reports from the Ordinances and Rules Committee on a communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 16, Human Resources, Compensation Schedule: Report 1 RE: Position of the Fire Chief; Report 2 RE: Position of the City Solicitor; Report 3 RE: Position of the Deputy Commissioner Public Services & Utilities, recommending to approve all three positions 5/0
17. A Report from the Ordinances and Rules Committee on a communication from Mayor Marchetti submitting an Ordinance amending City Code, Chapter 2, Administration, Article XL, Youth Commission, recommending to approve 5/0
18. A Report from the Ordinances and Rules Committee on a communication from Mayor Marchetti to accept MGL, Chapter 59, Section 5, Clause 22I per the HERO Act, recommending to approve 5/0
19. A Report from the Ordinances and Rules Committee on a petition from Dan Miraglia requesting to change open mic from three minutes to five minutes, recommending not to approve 5/0

UNFINISHED BUSINESS

20. A communication from Solicitor Pagnotta on a communication from Director Cambi with a code enforcement update on 53 Roberts Street (*Tabled from February 27, 2024*)

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Ordinances and Rules Committee

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

Referred to the Traffic Commission

22. A petition from Councilor Wrinn requesting a stop sign at the corner of Ontario Street and Elm Street
23. A petition from Councilor Conant requesting to establish an eight feet long no parking zone in front of entry stairs at 180 Appleton Avenue

Referred to the Commissioner of Public Services

24. A petition from Patrick McLaughlin requesting to impose a 5-year moratorium/ban on cutting open and excavating newly paved roads

Pittsfield Police Department
Pittsfield, Massachusetts

Gallantry Star Award

is hereby presented to

Detective James Losaw

"For his actions on September 27, 2024, which led to the end of a dangerous high-speed pursuit and subsequent arrest of a suspect wanted for murder"

Thomas C. Dawley
Chief of Police

Pittsfield Police Department
Pittsfield, Massachusetts

Lifesaving Award

is hereby presented to

Officer Simon Wineberg

*"For his actions on July 24, 2024 where he successfully
performed the Heimlich maneuver on a choking individual"*

Thomas C. Dawley
Chief of Police

Commonwealth of Massachusetts

CITY OF



PITTSFIELD

PROCLAMATION

WHEREAS, National Hispanic Heritage Month commences on September 15th, coinciding with the Independence Day of numerous Latin American nations, followed by Mexico's Independence Day on September 16th, Chile's on September 18th, and concludes on October 15th; and

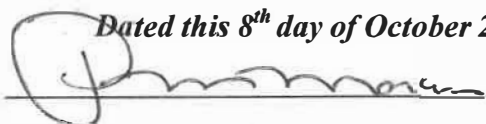
WHEREAS, the 2024 National Hispanic Heritage Month theme, "Pioneers of Change: Honoring Our Legacy, Shaping the Future," emphasizes the pivotal role that Hispanic and Latino communities play in driving progress and innovation, highlighting the importance of acknowledging and celebrating their contributions as key building blocks for a society rooted in mutual respect, appreciation, and collaboration across all races, ethnicities, and cultures; and

WHEREAS, the observation started in 1968 as Hispanic Heritage Week under President Lyndon B. Johnson and was expanded by President Ronald Reagan on August 17, 1988 to cover a 30-day period starting on September 15th and ending on October 15th; and

WHEREAS, the City of Pittsfield recognizes and celebrates the invaluable contributions of all its residents and encourages the community to honor the rich cultural heritage and accomplishments of citizens of Hispanic American descent.

NOW, THEREFORE, I, Peter M. Marchetti, Mayor of the City of Pittsfield, on behalf of its citizens and city officials, do hereby proclaim the dates of September 15th to October 15th to be Hispanic Heritage Month and call upon the residents of our beautiful city to honor, affirm and celebrate the diversity that makes us stronger.

Dated this 8th day of October 2024


The Honorable Peter M. Marchetti, Mayor of Pittsfield

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

September 24, 2024, at 6:00 p.m.

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

Present: Councilors Amuso, Bandani, Conant, Costa, Kavey, Lampiasi, Persip,
Serre, Warren, White and Wrinn

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

AGENDA

Roll Call

The microphone was open to the public.

Shannon Stevens, 136 Maddison Avenue, is concerned about an unhoused individual who has received an eviction notice. She has been in contact with ServiceNet who stated there is a waiting list. She would like to see housing prioritized.

Lucas Marion, 54 Oxford Street and Otto's Restaurant, has concerns about the parking on East Street and Wendell Avenue. As a business owner he has concerns about the end site in parking on this street. He hopes that this repair is completed in the next month not the three months requested in the permit. He cannot afford to lose out in business during the next three months and request a certified letter may have helped.

Commendation for a Life Saving Award presented to Officer Michael Doyle. Chief Dawley gave the presentation and thanked Officer Doyle for his dedication and saving the lives of seven individuals.

Approval of the September 10, 2024, minutes. *Councilor Persip made a motion to approve. Councilor Costa made a motion to amend by adding "Councilor Costa would like a column added to the report to include the reason for rescinding in the future". The motion to amend was carried by a unanimous vote of the eleven members present. The motion to approve as amended was carried by a unanimous vote of the eleven members present.*

APPOINTMENTS

A communication from Mayor Marchetti appointing Jennifer Stokes to the Homeless Advisory Committee. *Councilor Persip made a motion to approve the appointment carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti appointing Judy Gitelson to the School Building Needs Commission. *Councilor Persip made a motion to approve the appointment carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti appointing Mauer Desai and Mike Dell'Aquila to the Commission on Tourism. *Councilor Persip made a motion to approve the appointments carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti reappointing Nolan Fernandez to the Commission on Tourism. *Councilor Persip made a motion to approve the appointment carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti reappointing Thomas Sakshaug, Elizabeth Calebaugh, and Jonathan Lothrop to the Conservation Commission. *Councilor Persip made a motion to approve the appointments carried by a unanimous vote of the eleven members present.*

COMMUNICATIONS FROM HIS HONOR THE MAYOR

A communication from Mayor Marchetti on an Order accepting a grant of funds in the amount of \$50,000.00 from the Massachusetts Executive Office for Administration and Finance, Community Compact and Best Practices Grant Program. *Councilor Persip made a motion to approve the grant.* Councilor Warren asked the Mayor if this is the grant we will use to pay for the Collins Center management study. The Mayor stated that he and the Finance director met with Sarah from the Collins Center to discuss what the proposal will look like. With the amount of the grant, we will not get through all departments in the city. They will begin with the Department of Public Services and move to public works, police, fire, and then finance and administration. Councilor Warren asked if there is an estimate of cost overruns. The mayor stated they would have to build a scope of services so they could provide a cost estimate. Councilor Warren stated that we may have to consolidate for a cost savings. This will be important for the budget next year. *The motion to approve was carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Order accepting a grant of funds in the amount of \$99,972.00 from the Massachusetts Technology Collaborative, Digital Equity Implementation Grant. *Councilor Persip made a motion to approve the grant.* Councilor Lampiasi asked Director Obasohan to explain the program. Director Obasohan this grant is part of the first implementation phase that has been worked on for the past year to develop a digital equity plan to bridge the digital divide here in the city to bring internet access to the communities that do not have it. We will increase public Wi-Fi to Durant Park which will include signage to notify the public. A digital equity ambassador that will help to get the work out to the community. Councilor Lampiasi is excited about this opportunity especially for this neighborhood. Councilor Lampiasi welcomed back Chief Information Officer Zawistowski. He stated that it is good to be back. We currently have ten wireless access points and two access points in the Common with city sponsored Wi-Fi. Durant will be the second park being brought online with two access points. Money quickly runs out when installing electrical and Wi-Fi radios. They hope to have a digital navigator to assist with the maintenance network and there will be no password for the free public Wi-Fi. Councilor Amuso asked if there will be more opportunities for grants. Chief Zawistowski stated that there will be several other grant opportunities with the Digital Equity Act. Councilor Costa thanked Mr. Zawistowski for this grant and asked if it would be available for residents inside their homes. Mr. Zawistowski stated this is just for outdoor Wi-Fi access, but some residents may get a signal indoors based on the line of site and signal. Councilor Costa asked how many residents lack access to broadband. Mr. Zawistowski said that number is in the Digital Equity plan, and he believes there are about 16,000 homes eligible for the affordable connectivity plan. Councilor Serre will abstain from this vote due to an affiliation with a partner of the project. Councilor Kavey asked if there will be the possibility of other grants to expand for homes who do not have access to Wi-Fi. Mr. Zawistowski stated there will be more education opportunities through the DA's office

and throughout the third phase of the project. The City of Pittsfield is 98% served as a community and there is not much grant funding out there. The primary internet provider in the city meets the FCC requirements for broadband. *The motion was carried by a unanimous vote of the ten members present, Councilor Serre abstained.*

A communication from Mayor Marchetti on an Order accepting a grant of funds in the amount of \$15,500.00 from the Massachusetts Executive Office of Public Safety and Security, Massachusetts Emergency Management Agency. *Councilor Persip made a motion to approve the grant carried by a unanimous vote of the eleven members present.*

A communication from Mayor Marchetti on an Ordinance amending City Code, Chapter 2, Administration, Article XLII, Commission on Tourism. *Councilor Persip made a motion to refer to the Ordinances and Rules Committee carried by a unanimous vote of the eleven members present.*

PUBLIC HEARING

A public hearing on the revocation of inflammable fluid license issued under Chapter 148, Section 13. President White opened the hearing to the petitioner. Clerk Benjamin stated if any inflammable fluid license holder has not renewed, they are notified that a revocation hearing will take place. This year there was only one license holder who did not renew and voluntarily requested to have the license revoked as it is no longer used in the capacity and the business is now closed. The hearing was opened to the public to speak for or against for the first, second, and third time. No one appeared. *Councilor Persip made a motion to approve the revocation carried by a unanimous vote of the eleven members present.*

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND BOARDS

A communication from Clerk Benjamin on (2) two Orders: The first order authorizing the issuance of the warrant for the State Election to be held on Tuesday, November 5, 2024, and the second order designating polling locations, hours, and police detail for said election. *Councilor Persip made a motion to approve the first order carried by a unanimous vote of the eleven members present. Councilor Persip made a motion to approve the second order carried by a unanimous vote of the eleven members present.*

A response from Engineer Shedd on a petition from Alex Blumin requesting to install a sidewalk on the North side of Pond Street. *Councilor Persip made a motion to accept the communication and place on file carried by a unanimous vote of the eleven members present.*

The following remained tabled.

UNFINISHED BUSINESS

A communication from Solicitor Pagnotta on a communication from Director Cambi with a code enforcement update on 53 Roberts Street (*Tabled from February 27, 2024*)

At 6:35 p.m., Councilor Persip moved to adjourn, and it was carried by 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

October 1, 2024

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

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the appointment of Theresa Apple, of 854 Churchill Street, Pittsfield, MA to the Berkshire Athenaeum Trustees for a three-year term expiring October 8, 2027.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



One Wendell Avenue
Pittsfield, MA 01201
(413) 499-9480
www.pittsfieldlibrary.org

TO: Mayor Peter Marchetti

FROM: Alex Reczkowski, Library Director

DATE: 1 October 2024

RE: Appointment to Library Trustees

The Nominating Committee of the Library Trustees is recommending appointment of Theresa Apple to fill the vacancy created by the rotation of Rev. Charles Pratt from a mayoral appointment. Theresa Apple is an avid library user and a devoted trustee. This is a continuation of her corporate appointment since 2018. Her current resume is attached for your reference.

Athenaeum bylaws stipulate that "Trustees Appointed by the Mayor ... shall serve staggered three year terms and any vacancy in their class shall be filled by the mayor with the approval of the City Council."

Thank you for your consideration of the board's request.

Wonder inside.

Theresa Apple
854 Churchill St, Pittsfield, MA 01201
Email: pacuterry@aol.com | Phone: 413-464-1186

Education:

- *Pittsfield High School 1979*
- *Berkshire Community College - Associate Degree in Nursing (ADN): 1987*
- *University of Massachusetts, Amherst - Bachelor of Nursing with a Concentration in Public Health: 1996*
- *Berkshire Community College - Certificate in Allied Health, Massage Therapy: 2005*
- *Yogafit - 500-Hour Yoga Teacher Certification: March 2021*
- *American College of Sports Medicine - Certified Fitness Trainer*
- *Mindfulness-Based Stress Reduction - Certificate: April 2022*

Professional Experience:

- **Hillcrest Hospital (1980-1996)**
 - RN on Med-Surg, CCU, PACU, and McGee Units
 - Direct patient care for pre and post-operative patients, critically ill patients, Recovery Room patients in the immediate post-surgical period, and patients in addictions recovery.
- **Berkshire Medical Center (1996-present)**
 - Circulating RN in Operating Room at Level 2 and 3 trauma center
 - Circulating RN in ambulatory surgical center
 - BLS instructor for surgical services

- **Green Mountain Running Camp, Lyndon, VT (2004-2013)**
 - RN
 - Nursing care for high school-aged campers
 - Administrative coordination of medical information for campers
- **Northeast Kingdom Running Camp, Lyndon VT (2014-present)**
 - RN and Administrator
 - Immediate nursing care of middle and high school-aged campers
 - Administrative duties associated with medical records of campers
 - Yoga teacher for campers and health-related educational programs
- **Blantyre Resort, Lenox, MA (2005-2010)**
 - Massage Therapist for guests
- **Private Practice (2005-present)**
 - Massage Therapist
- **Private Practice (2018-present)**
 - Yoga Instructor
- **City of Pittsfield (2000-2020)**
 - Head Coach, Girls Cross Country Running Team
 - Teaching fundamental distance running skills
 - Managing meets and team workouts with an emphasis on conditioning and strength training
 - Conducting well-organized practices
 - Recruiting prospective runners
 - Managing equipment inventory, fundraising
 - Completing MIAA required workshops
 - Mentoring girls toward embracing healthy lifestyle practices
- **City of Pittsfield (2020-present)**
 - Assistant Girls Cross Country Coach

- **Berkshire Athenaeum, Pittsfield MA (2018-present)**
 - Board of Trustees

Achievements and Certifications:

- CNOR (Certified Nurse Operating Room) since 2012
- ACLS (Advanced Cardiovascular Life Support) Certified since 2012
- Completed 27 marathons, multiple half marathons
- 5x Boston Marathon finisher
- Participated in 200 mi relay races and multiple triathlons
- Masters National Snowshoe Racing Champion 2011

References:

Available upon request.



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

Peter M. Marchetti
Mayor

October 1, 2024

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

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following reappointments to the Council on Aging for three-year terms expiring on October 8, 2027.

Melissa Scarafoni-Metcalf	2 Gaston Drive, Pittsfield, MA
Kara Graziola	11 Adelaide Avenue, Pittsfield, MA
Christine Gregory	537 Pomeroy Avenue, Pittsfield, MA
Scott Cowlin	89 Newell Street, Pittsfield, MA

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw



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

Peter M. Marchetti
Mayor

October 2, 2024

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

Dear Councilors:

Please accept a brief presentation with an update on the rollout of the new trash and recycling collection system including a recap of the recycling toter delivery, communication overview and preview of what's ahead.

Respectfully submitted,

Peter M. Marchetti, Mayor



Toter Program Update

October 8, 2024

Overview

- Review of phase 1 of rollout
- Communication overview
- What we have learned?
- What's ahead?





Review of Phase 1

Delivery and pickup of recycling totes

Phase 1-Recycling Toters

- Delivery began around September 10
- First pickup (Friday route) 9/13
- Recycling that was missed due to a variety of reasons was picked up on 9/14
- Thursday, Wednesday and Tuesday routes have all experienced their first collection
- Monday routes had their first collection yesterday





Community Engagement & Communication

Community Meetings

Prior to acceptance of contract:

- 5/6 at Senior Center
- 5/9 at Conte Community School
- 5/21 at Herberg Middle School

After acceptance of contract:

- 8/21 at Senior Center
- 9/9 at Morningside Community School
- 9/12 at Reid Middle School
- 9/16 at Berkshire Athenaeum
(presentation provided in Spanish)
- 9/26 at Williams Elementary School
- 10/7 at Conte Community School

September 6-First Friday at Five

- Commissioner of DPS/DPU & Director of Administrative Services hosted a table to meet with residents and talk with them about the new program.

September 18-Meeting with Community Navigators

- Commissioner and Director met with Central Berkshire Habitat for Humanity team



Community Engagement



HOWTO GUIDE:

- [How to Guide \(English\)](#)
- [How to Guide \(Spanish\)](#)
- [How to Guide \(Portuguese\)](#)
- [How to Guide \(French\)](#)

New Collection System (How to Video)



RESOURCES:

[*REQUEST FORM for additional trash/recycling carts & pickup of old containers*](#)

- [Backyard Pickup Request Form](#)
- [Bulky Waste Program](#)
- [Cart Delivery and Pickup Schedule](#)
- [Cart Delivery and Pickup Schedule \(Spanish\)](#)
- [Cart Dimensions](#)
- [Carts are arriving soon mailer-August 2024 \(English\)](#)
- [Carts are arriving soon mailer-August 2024 \(Spanish\)](#)
- [Carts are arriving soon mailer-August 2024 \(Portuguese\)](#)
- [Carts are arriving soon mailer-August 2024 \(French\)](#)
- [Collection Route Map](#)
- [Frequently Asked Questions \(English\)](#)
- [FAQs \(Spanish\)](#)
- [Hazardous Waste Collection](#)
- [Recycling Calendar 2024/2025 \(English\)](#)
- [Recycling Calendar 2024/2025 \(Spanish\)](#)
- [Recycling Calendar 2024/2025 \(Portuguese\)](#)
- [Recycling Calendar 2024/2025 \(French\)](#)
- [Textile \(clothing, bedding, fabrics, etc.\) Pickup and Drop Off](#)
- [Transfer Station-Casella Facility on Hubbard Avenue](#)
- [Yard Waste Drop Off-2024](#)

Press releases:

- [Press release: City of Pittsfield shares updated delivery for toters](#)
- [Press release: City launches outreach campaign for new trash & recycling system](#)

Communication & Outreach

❖ Social Media: updated at least weekly



City Hall – City of Pittsfield



@pittsfieldmayorsoffice

- Press releases
- Print & digital ads
- Radio Ads
- Video updates w/PCTV



❖ CodeRed messages



The Berkshire Eagle



Attention Pittsfield residents!
Phase 1 of the new trash and recycling system started this week!

A large black trash bin with a blue lid. The bin has a "Cascella" logo on the front. A circular seal for the City of Pittsfield is overlaid on the bottom right of the bin. The seal features a central crest with a checkered pattern and the text "PITTSFIELD" at the top and "MASSACHUSETTS" at the bottom.

 68°
Partly Cloudy

Check out when you will receive your new trash and recycling containers at cityofpittsfield.org.
Have questions about the new system for Pittsfield? Check out cityofpittsfield.org for a list of frequently asked questions, cart placement instructions, recycling calendar, request forms and more.

[illegible]

Check out [when you will receive your new trash and recycling containers at www.cityofpittsfield.org](http://www.cityofpittsfield.org)

Have questions about the new system for Pittsfield?

Check out www.cityofpittsfield.org for a list of frequently asked questions, cart placement instructions, recycling calendar, request for ms and more.

CONTAINER DO'S  **CONTAINER** DON'TS



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames



FRONT

TOP



FRONT

TOP



No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

FRONT

TOP

FRONT

TOP

No open flames

Outreach metrics

Location based
ad targeting
(geofencing)
17,000
impressions

Facebook
8,900 video
plays

YouTube
900
impressions
with 66.88%
view rate

Print ad
60,000
subscribers

Radio ads
38,000 listeners
1,100
listeners/quarter
hour

Outreach metrics-Facebook posts

Platform	Post/Video	Comments	Reactions	Shares	Reach
Facebook 8.14	Community Meetings post	326	84	184	19,078
Facebook 8.27	Additional Cart post	168	43	104	11,073
Facebook 8.28	Delivery schedule post	77	51	108	7,291
Facebook 9.4	How to video	91	56	54	10,508 plays
Facebook 9.10	Friday route reminders	269	107	123	19,280
Facebook 9.12	Delivery schedule update	81	50	104	11,848
Facebook 9.13	Video-1st collection	296	145	78	21,483
Facebook 9.13	Reminder post	169	108	78	29,275
Facebook 9.18	Thursday route reminders	92	29	42	3,702

Phase 1-What we learned

1. Casella needed more time to deliver toters.
 - We expanded delivery window.
2. Many residents were unaware that they could use their new toter right away.
 - Added reminders via CodeRED and social media the day prior to pickup.
3. We have addresses with more or less units than we thought.
 - Working on updating our records and making changes accordingly.



Phase 1-What we learned

As of 9/30/24, we have received requests for:

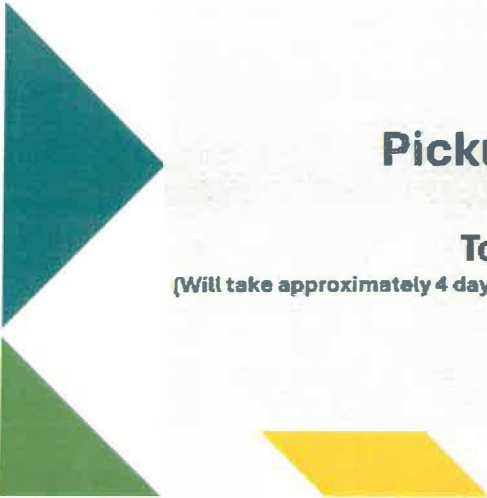
- Additional Recycling Toter – 2,229
- Additional Trash Toter – 500

We are optimistic that the 4 to 1 request for recycling toters will result in higher recycling rates. We will monitor closely as we begin to deliver trash toters.



What's ahead?

- Delivery of trash toters starts Oct. 14
- Will occur route by route, one week at a time
- Communications will continue throughout this phase

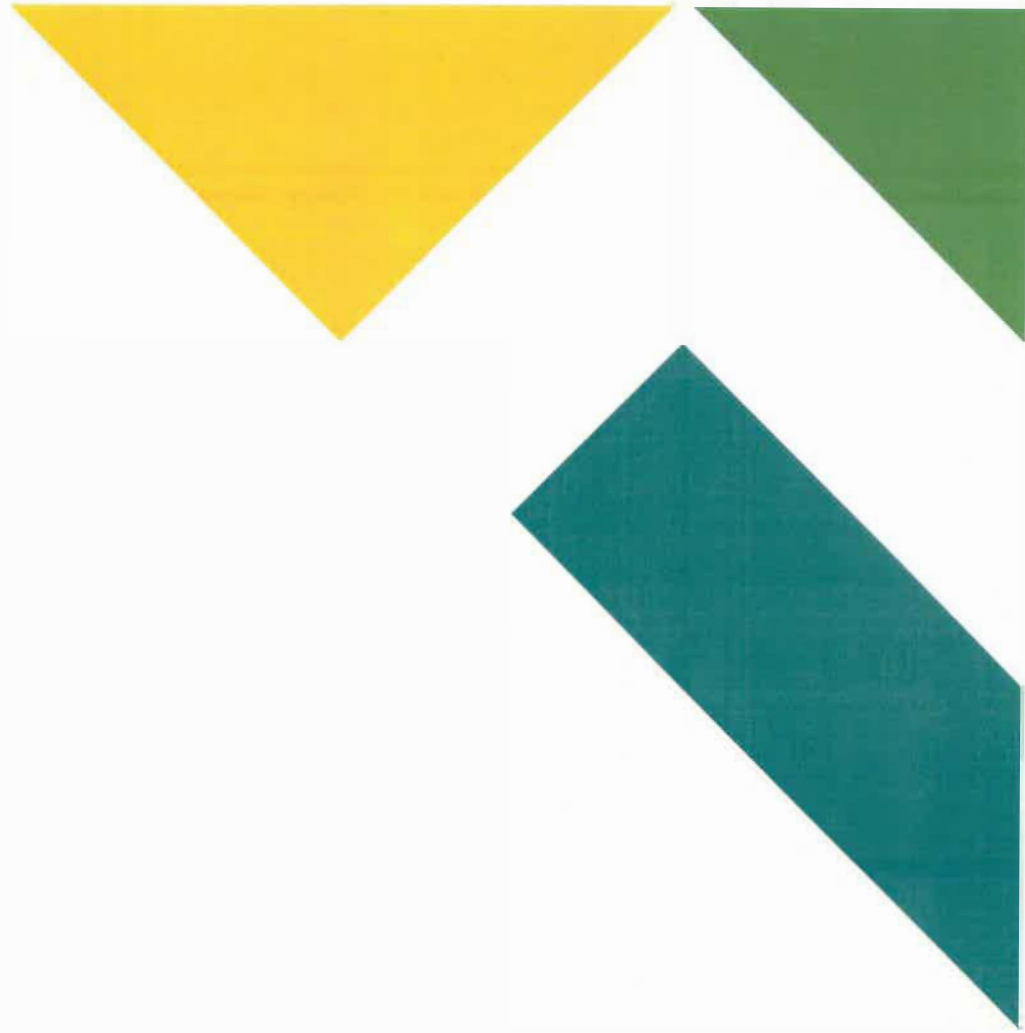


Trash					
Pickup Day (Route)	Mon	Tue	Wed	Thu	Fri
Toter Delivery Starts (Will take approximately 4 days to complete the entire route)	11/5	10/30	10/24	10/18	10/14
First Pickup	11/11	11/5	10/30	10/24	10/18

Important Reminders

- Additional toters can take up to three weeks from the date of request to be delivered.
- Toters should be placed at the curb with the wheels facing the house/building.
- Place only recycling material in the toter with the light blue lid and only trash in the toter with the black lid.
- Have an issue?
 - Call the Mayor's Office at 413.499.9321 or email mayorsoffice@cityofpittsfield.org
 - Call the DPU at 413.499.9330 or email dpw@cityofpittsfield.org

Questions?





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

Peter M. Marchetti
Mayor

October 1, 2024

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

Dear Councilors,

Submitted herewith for your consideration is an Order amending the Tax Increment Financing (TIF) Agreement between The City of Pittsfield and Somnath LLC., initially approved on May 12, 2021. Somnath LLC, represented by Mauer and Dilip Desai, was granted a TIF for the development of a 77-room Holiday Inn Express at 1055 South Street, the former site of a hotel that the owners demolished several years ago.

The Desai family are well-established in the local community and have successfully owned and operated several hotels in the city and surrounding region, including the Best Western Plus at 1350 West Housatonic Street. The City Council originally approved a six-year TIF for this project in May 2020. The new hotel will create between 25-30 jobs, with 15 full-time positions, contributing to the strengthening of the City's year-round economy.

However, the COVID-19 pandemic caused significant delays and financial strain, disrupting the project's timeline and increasing costs. In March 2022, Mr. Desai requested a two-year extension to the TIF agreement, citing higher construction costs, supply chain disruptions, and the need to secure additional financing. The project, initially budgeted at \$10 million, now exceeds \$13 million in construction costs, largely due to pandemic-related supply shortages and the increased cost of materials.

In light of these unavoidable delays, Mr. Desai is seeking an additional two-year extension to the TIF, with the hotel now expected to open in the spring of 2025 (see attached letter). I encourage the City Council to support this request, enabling the project to move forward successfully despite the challenges faced.

Respectfully submitted,



Peter M. Marchetti, Mayor

PMM/bmw
Enclosure

City of Pittsfield

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

No. _____

IN CITY COUNCIL

AN ORDER

AMENDING THE CERTIFIED PROJECT AND TAX INCREMENT FINANCING AGREEMENT OF SOMNATH, LLC.

Ordered:

WHEREAS, on May 12, 2020, Council Order, 45, the City of Pittsfield approved the application of Somnath LLC for designation as a Certified Project at 1055 South Street under the Massachusetts Economic Development Incentive Program created by Chapter 23A of Massachusetts General Laws;

WHEREAS, on March 22, 2022, Council Order 28, the City of Pittsfield approved a two year extension of this Tax Increment Financing Agreement through FY 2029 (June 30, 2029) due to construction delays caused by the COVID-19 pandemic; and

WHEREAS, Somnath LLC. have requested an additional two year extension of this Tax Increment Financing Agreement due to construction delays caused by the COVID-19 pandemic; and

WHEREAS, the City of Pittsfield has agreed to offer Somnath LLC. a two year extension to their approved a Tax Increment Financing Agreement. Said Amendment is hereby approved by the City Council;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pittsfield approves the amendment to the Certified Project of Somnath LLC. and forwards said amendment to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

FURTHER, the City Council of the City of Pittsfield authorizes the Mayor to amend the Tax Increment Financing Agreement between the City of Pittsfield and Somnath LLC. Said amendment providing for an exemption on property taxes based on the growth portion in assessed valuation of the property at 100% for the first, second, and third year and fourth year, 80% for the fifth year, 60% for the sixth year, 40% for the seventh year, 20% for the eighth year, 10% for the ninth year and 10% for the tenth year of a ten year agreement according to the requirements and regulations which govern the implementation of such Tax Increment Financing Agreements. The Agreement will be in effect as of FY 2022 (July 1, 2021-June 30, 2022) and will extend through FY 2030 (June 30, 2030).

September 19, 2024

Justine Dodds
Community Development Director
City of Pittsfield
70 Allen Street
Pittsfield, MA 01201
jdodds@cityofpittsfield.org
413-499-9368

RE: Request to extend TIF agreement in place for Somnath LLC.

Dear Ms. Dodds,

We are requesting an extension to our original TIF agreement given by the City of Pittsfield for the new build Holiday Inn Express located at 1055 South Street. We are requesting this extension as our original groundbreaking date and hotel opening date have been pushed back due to the COVID 19 Pandemic. Increased construction cost and issues with the supply chain for delivery of materials pushed the start of the construction back. We were forced to seek additional financing to begin construction which resulted in a delayed groundbreaking. The construction is now underway, and we are confident in a Spring of 2025 opening.

We are requesting an amendment to our approved TIF agreement that recognizes this change in schedule and anticipated opening in spring of 2025.

Thank you,

Mauer Desai

Mauer Desai
CEO Somnath LLC
1350 West Housatonic ST
Pittsfield, MA 01201
413-358-3621

**SECOND AMENDMENT
TAX INCREMENT FINANCING AGREEMENT
BY AND AMONG
THE CITY OF PITTSFIELD
AND
SOMNATH LLC**

AGREEMENT is made this ____ day of ____, 2024 by and among the CITY OF PITTSFIELD ("CITY") and SOMNATH LLC ("SOMNATH").

PRELIMINARY STATEMENTS

WHEREAS, SOMNATH is a Massachusetts corporation headquartered in Pittsfield; and

WHEREAS, on or about July 29, 1988 SOMNATH acquired the property known as 1055 South Street, Pittsfield, Massachusetts (the "Project Property"); and

WHEREAS, SOMNATH intends to construct a 77 room Holiday Inn Express at the Project Property (the "Construction Project"); and

WHEREAS, SOMNATH anticipates that the Construction Project will create fifteen (15) permanent full-time jobs for residents of Pittsfield and the Berkshire Economic Target Area (as defined below). The Berkshire Economic Target Area (the "ETA") is the geographic area defined as the City of Pittsfield, the Town of Lenox, the Town of Lee, the Town of Great Barrington, the Town of Sheffield, and the Town of Dalton, all located in the County of Berkshire in the Commonwealth of Massachusetts. The Construction Project will result in \$12,000,000 in investments over the next two (2) years; and

WHEREAS, on the 12th day of May, 2020, the CITY approved a Tax Increment Financing Exemption (as such term is defined below) for SOMNATH in connection with the Construction Project, in accordance with the Massachusetts Economic Development Incentive Program and M.G.L. c. 23A, §3E and M.G.L. c. 40, §59; and

WHEREAS, on March 22, 2022, Council Order 28, the City of Pittsfield approved a two year extension of this Tax Increment Financing Agreement through FY 2028 (June 30,2028) due to construction delays caused by the COVID-19 pandemic; and

WHEREAS, the CITY strongly supports increased economic development to provide additional jobs for residents of the ETA and the city, expand commercial and industrial activity within the city, and develop a healthy economy and stronger tax base; and

WHEREAS, the Construction Project is located at 1055 South Street, Pittsfield, Massachusetts, also identified as Assessor's Map H01, Block 2, Lot 001; and

WHEREAS, the Construction Project furthers the economic development goals and the criteria established for the ETA; and

WHEREAS, the assessed valuation for the Project Property for fiscal year ending June 30, 2020 was \$373,500, resulting in \$15,054 in property taxes for the CITY;

NOW THEREFORE, in consideration of the promises and the mutual obligations of the parties hereto, to amendment the following terms of the AGREEMENT:

1. The term of the approved Tax Increment Financing Exemption shall amended from eight (8) years, commencing on July 1, 2020 and expiring on June 30, 2028, to ten (10) years, commencing on July 1, 2021 and expiring on June 30, 2030.

2. The Tax Increment Financing Exemption formula for the Project Property will be calculated as prescribed by Massachusetts General Laws and regulated by the Department of Revenue, and shall apply to the incremental difference in the assessed real property tax valuation of the Project Property for the fiscal year ending June 30, 2021 (the "Base Year"), and its assessed valuation for each of the next ten (10) fiscal years.

The base valuation is the assessed value of the property in the fiscal year immediately prior to the fiscal year in which the property becomes eligible for a tax increment exemption. The base valuation of the Project Property for fiscal year ending June 30, 2021 is \$373,500 (the "Base Valuation").

The Base Valuation will be adjusted annually by an adjustment factor which reflects increased commercial and industrial property values within the community, as defined in Massachusetts General Laws. Any increase in the assessed value of the Project Property over the Base Valuation, or "increment," attributable to the renovations and/or improvements made in connection with the Construction Project is that amount eligible for exemption from taxation (the "Tax Increment Financing Exemption").

The Tax Increment Financing Exemption shall be applied in decreasing amounts in

accordance with the following schedule:

Year 1:	July 1, 2020 – June 30, 2021	100% of the increment;
Year 2:	July 1, 2021 – June 30, 2022	100% of the increment;
Year 3:	July 1, 2022 – June 30, 2023	100% of the increment;
Year 4:	July 1, 2023 – June 30, 2024	100% of the increment;
Year 5:	July 1, 2024 – June 30, 2025	80% of the increment;
Year 6:	July 1, 2025 – June 30, 2026	60% of the increment;
Year 7:	July 1, 2026 – June 30, 2027	40% of the increment;
Year 8:	July 1, 2027 – June 30, 2028	20% of the increment;
Year 9:	July 1, 2028 – June 30, 2029	10% of the increment,
Year 10:	July 1, 2029 – June 30, 2030	10% of the increment

3. The CITY is granting the Tax Increment Financing Exemption in consideration of SOMNATH's commitment to:

(a) create fifteen (15) new, permanent full-time jobs within ten (10) years, as follows:

	<u>ANNUAL</u>	<u>CUMULATIVE</u>
January 1, 2021 – December 31, 2021	0 jobs	0 jobs;
January 1, 2022 – December 31, 2022	0 jobs	0 jobs;
January 1, 2023 – December 31, 2023	0 jobs	0 jobs;
January 1, 2024 – December 31, 2024	2 jobs	2 jobs;
January 1, 2025 – December 31, 2025	6 jobs	8 jobs;
January 1, 2026 – December 31, 2026	3 jobs	11 jobs;
January 1, 2027 – December 31, 2027	1 jobs	12 jobs.
January 1, 2028 – December 31, 2028	2 job	14 jobs;
January 1, 2029 – December 31, 2029	1 job	15 jobs;
January 1, 2030 – December 31, 2030	0 job	15 jobs.

(b) invest \$13,000,000 in new construction and improvements to the Project Property, to be completed by December 31, 2025.

4. SOMNATH shall submit annual reports on job creation, retention and new investment at the Project Property to the Department of Community Development, City of Pittsfield, by March 31st of each year for which the tax benefits granted herein are enjoyed. Reports shall be submitted for the year starting January 1, 2022 and ending December 31, 2022, and each subsequent year until December 31, 2030, for the duration of the Tax Increment Financing Exemption. The annual report shall include:

(a) the number of permanent full-time jobs created and the number of people hired for the annual time period and on a cumulative basis;

(b) the value of capital improvements invested by SOMNATH in the Project Property annually and on a cumulative basis; and

(c) the number of construction jobs created by year, as applicable.

IN WITNESS WHEREOF, SOMNATH has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, the CITY has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Mayor and the President of the City Council as of the day and year first above written.

CITY OF PITTSFIELD

SOMNATH,

Peter M. Marchetti
Mayor

Printed Name _____
Its: _____

Peter White
City Council President

ESTIMATED LOCAL TAX INCENTIVE FOR Somnath LLC, Holiday Inn Express, 1055 South St

Revised 9-13-2024

ASSUMPTIONS:

Base valuation for FY 20: \$373,500 (land only)
 FY20 Tax Rate: \$40.36
 Estimated Construction Investment \$ 10,000,000
 Assume increase in assessed value of: \$6,000,000
 Personal property estimate: N/A
 Assumed annual increase in tax rate: 2.5%

		Assessed Value of Increment	Projected Tax Rate	Total Taxes on Increment Value	% of Increment Forgiven	Real Estate Taxes Forgiven	Personal Property Taxes Forgiven	Total Taxes Forgiven	% of Increment Paid	Taxes Paid Per Tax Increment Financing Plan	Taxes Paid on Base Valuation	Taxes Paid on Base & Increment
Year 1	FY21	\$0	\$39.99	\$0	100%	\$0	NA	\$0	0%	\$0	\$14,936	\$14,936
Year 2	FY22	\$0	\$39.99	\$0	100%	\$0	NA	\$0	0%	\$0	\$14,936	\$14,936
Year 3	FY23	\$0	\$39.90	\$0	100%	\$0	NA	\$0	0%	\$0	\$14,903	\$14,903
Year 4	FY24	\$0	\$39.21	\$0	100%	\$0	NA	\$0	0%	\$0	\$14,645	\$14,645
Year 5	FY25	\$342,700	\$39.61	\$13,574	80%	\$10,859	NA	\$10,859	20%	\$2,715	\$14,794	\$17,509
Year 6	FY26	\$6,000,000	\$40.60	\$243,600	60%	\$146,160	NA	\$146,160	40%	\$97,440	\$15,164	\$112,604
Year 7	FY27	\$6,000,000	\$41.62	\$249,690	40%	\$99,876	NA	\$99,876	60%	\$149,814	\$15,543	\$165,357
Year 8	FY28	\$6,000,000	\$42.66	\$255,932	20%	\$51,186	NA	\$51,186	80%	\$204,746	\$15,932	\$220,678
Year 9	FY29	\$6,000,000	\$43.72	\$262,331	10%	\$26,233	NA	\$26,233	90%	\$236,098	\$16,330	\$252,428
Year 10	FY30	\$6,000,000	\$44.81	\$268,889	10%	\$26,889	NA	\$26,889	90%	\$242,000	\$16,738	\$258,738
TOTAL				\$1,294,016		\$361,204	NA	\$361,204		\$932,812	\$138,986	\$1,071,798

NOTE: The TIF Plan provides for an adjusted assessment on the new increment of the actual assessed valuation during the term of the TIF agreement. The tax break only applies to the portion of the assessment related to any new improvements. Taxes will continue to be paid on the base valuation, the valuation in the year prior to the amended tax break schedule.



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

Peter M. Marchetti
Mayor

October 1, 2024

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

Dear Councilors,

Submitted herewith for your consideration is an Ordinance amending the City Code by striking Chapter 6, Article XIII Tax Title Agreement.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



CITY OF PITTSFIELD

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

October 2, 2024

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

Dear Mayor Marchetti:

Submitted for your consideration, is an Ordinance amending Chapter 6, Article XIII Tax Title Agreement.

As you may be aware, there were outside sections added to the recently passed State budget for fiscal year 2025 that made significant changes to the state's tax title laws. One such change were amendments to Massachusetts General Law Chapter 60 Section 62A which is a local option provision allowing communities to enter into Tax Title Payment agreements. The City accepted this section of law in 2005 and adopted an Ordinance which further amended it in 2014. The changes contained in the state budget are as follows:

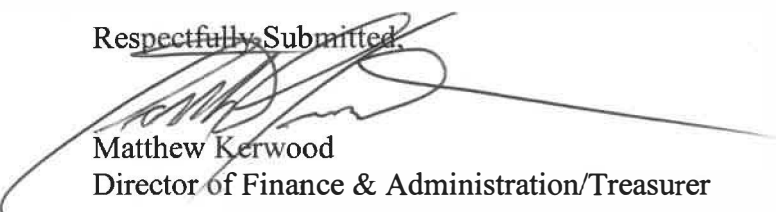
Downpayments to enter into a payment agreement is reduced from 25% to 10%

The maximum length of an agreement is increased 5 years to 10 years

The percentage of interest allowed to be waived increases from 50% to a maximum of 100% as determined by the municipality

The proposed Ordinance changes submitted for your consideration would amend the City Code to incorporate the changes made by the Legislature and signed into law by the Governor. According to the language contained in the state budget these changes are to be effective as of November 1, 2024. However, there is language in a recently filed State fiscal year 2024 supplementary budget bill that would push back the effective date to July 1, 2025, but be prepared for the November 1st date I would request that you submit this to the City Council for its consideration and approval at this time.

Respectfully Submitted,


Matthew Kerwood
Director of Finance & Administration/Treasurer



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:

That city ordinance Chapter 6, Article XIII Tax Title Agreement is hereby amended by striking the word "25%" in the second and inserting the word "10%"

That it is further amended by striking the word "five" in the third sentence and inserting the word "ten"

That it further amended by striking the word "50%" in the fourth sentence and inserting the word "100%".



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

Peter M. Marchetti
Mayor

October 1, 2024

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 for permanent taking by eminent domain of the fee simple interest of two parcels of land on Wahconah Street, in connection with the removal and demolition of Bel Air Dam, of the property owners listed below, in Pittsfield, Massachusetts.

For nearly twenty years, city staff have been concerned about the deteriorating state of the Bel Air Pond dam after the local owner withdrew from their responsibility for maintenance and upkeep. Working closely with the MA Office of Dam Safety, the city has been monitoring the structure and providing local support as needed. In 2019, an assessment of options was performed, and it was determined that the best course of action was to seek wholesale removal of the structure. In 2023, funding for removal was secured by the Commonwealth through the American Rescue Plan Act (ARPA). Design engineering has been occurring since that time and environmental permits are nearly secured for removal of the structure and approximately 35,000 cubic yards of contaminated materials.

For the project to proceed into construction, the two parcels that make up the project site must be in local control. The city is seeking to take ownership of the parcels through an eminent domain taking process. Descriptions of the parcels is detailed in the attached Order.

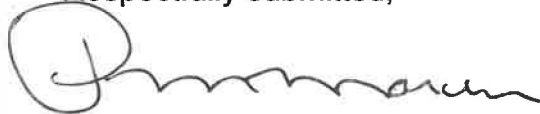
Parcel H130006020 (2.75 acres): This is a parcel that is made up of a feeder stream of the west branch of the Housatonic River and was historically the flooded mill pond created by the dam.

Parcel H120012021 (7 acres): This parcel of land is the location of the Bel Air Pond dam and former Bel Air Mill/Pittsfield Woolen Mill. The property has been vacant since the 1980's. Two of the largest mill buildings were destroyed by fire in 2001 and 2005 and the site has been vacant since that time. Debris clean up and environmental testing occurred between 2009 and 2014.

The removal of the Bel Air Pond dam and associated sediment is an important ecological restoration project for the Wahconah Street neighborhood. More importantly, failure of this high hazard potential dam could cause loss of life and substantial damage to downstream buildings, roadways, and other infrastructure.

The MA Office of Dam Safety is hoping to get the project out to public bid in late October 2024 and have a contract for the construction by the end of 2024. Work would begin in the spring with a duration of up to one year. A public meeting has been set for Wednesday October 23 at the Polish Falcons Club to detail for the community the plans for the dam and sediment removal and habitat and stream restoration. In addition, community impacts anticipated during construction and mitigation measures such as traffic changes, air quality monitoring and plans for contaminated materials will be discussed. A project website has been created and can be found at www.belairdamremoval.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Marchetti', with a large circular flourish at the beginning.

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure

City of Pittsfield

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

No. _____

IN CITY COUNCIL

AN ORDER

Ordered: PERMANENT TAKING BY EMINENT DOMAIN OF THE FEE SIMPLE INTEREST OF TWO PARCELS OF LAND ON WAHCONAH STREET, IN CONNECTION WITH THE REMOVAL AND DEMOLITION OF THE BEL AIR DAM, OF THE PROPERTY OWNERS LISTED BELOW, IN PITTSFIELD, MASSACHUSETTS

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

That the City Council of the City of Pittsfield does hereby take by eminent domain, for and in behalf of said City under the provisions of M.G.L.A. Chapter 40, Section 14, Chapter 43, Section 30 and Chapters 79 and 83, and all other acts, statutes, laws and ordinances or other parts thereof applicable thereto, and award damages for a permanent taking in fee simple for a municipal purpose, namely the removal of the so-called Bel Air Dam of Wahconah Street ("The Project"), and hereby takes in fee the parcels. The Bel Air Dam has been classified by the Commonwealth of Massachusetts as a High (Class 1) Hazard Potential Dam.

Fee Taking 1: A parcel of land supposed to be owned by James & E. H. Wilson Inc. and the City of Pittsfield. Being a portion of the premises conveyed to James & E. H. Wilson Inc. by deed dated January 9, 1922 and recorded with the Berkshire Middle District Registry of Deed in Book 408, Page 46, and shown on Pittsfield Assessors' maps as Parcel H130006020. Containing 2.75 acres more or less.

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

It is ORDERED that the City of Pittsfield award the sum of EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$8,000.00) to Estate of James Wilson and the Estate of Edward H. Wilson and/or James & E. H. Wilson Co. and the City of Pittsfield as their interest may appear for damages sustained by the owner/owners and mortgagees of record and other as requires by law, having an interest in the area or areas hereinbefore described in the taking of or

injury to his/their/its property by reason of the taking of the permanent taking in fee simple for the Project, including any improvements, trees or shrubs.

Fee Taking 2: A parcel of land supposed to be owned by Estate of J. Barrett Hollister and/or the City of Pittsfield. Being the same premises conveyed to J. Barrett Hollister by deed dated September 30, 1981 and recorded with the Berkshire Middle District Registry of Deed in Book 1050, Page 1041, and subject to a tax collectors deed dated October 17, 1994 and recorded with said Registry of Deeds in Book 1460, Page 423. Said parcel is shown as Lot No. One (1) on Plan of Bel Air Property of James & E. H. Wilson, Inc. which plan is recorded with said Registry of Deeds in Book 417, Pages 105. Said parcel is also shown on the Pittsfield Assessors' maps as Parcel H120012021. In the event of inconsistencies between the Pittsfield Assessors' map and the plan recorded in Book 417, Pages 105, the plan shall control. Containing 7.00 Acres more or less.

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

It is ORDERED that the City of Pittsfield award the sum of THIRTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$35,000.00) to the Estate of J. Barrett Hollister and/or the City of Pittsfield for damages sustained by the owner/owners and mortgagees of record and other as requires by law, having an interest in the area or areas hereinbefore described in the taking of or injury to his/their/its property by reason of the taking of the permanent taking in fee simple for the Project, including any improvements, trees or shrubs.

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

It is further ORDERED:

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

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

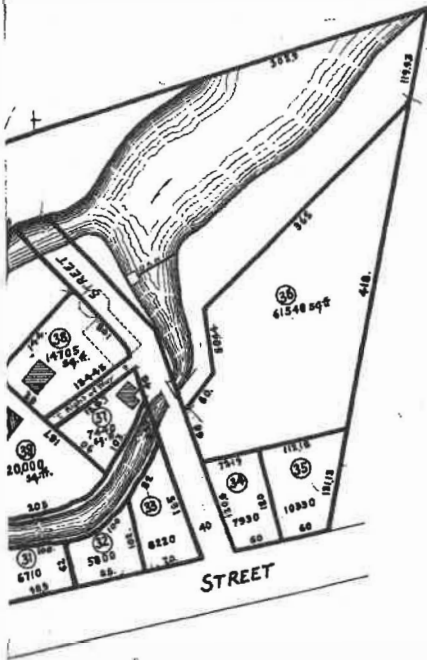
that the above referenced parcels shall be taken permanently in fee simple as of the date of recording.

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

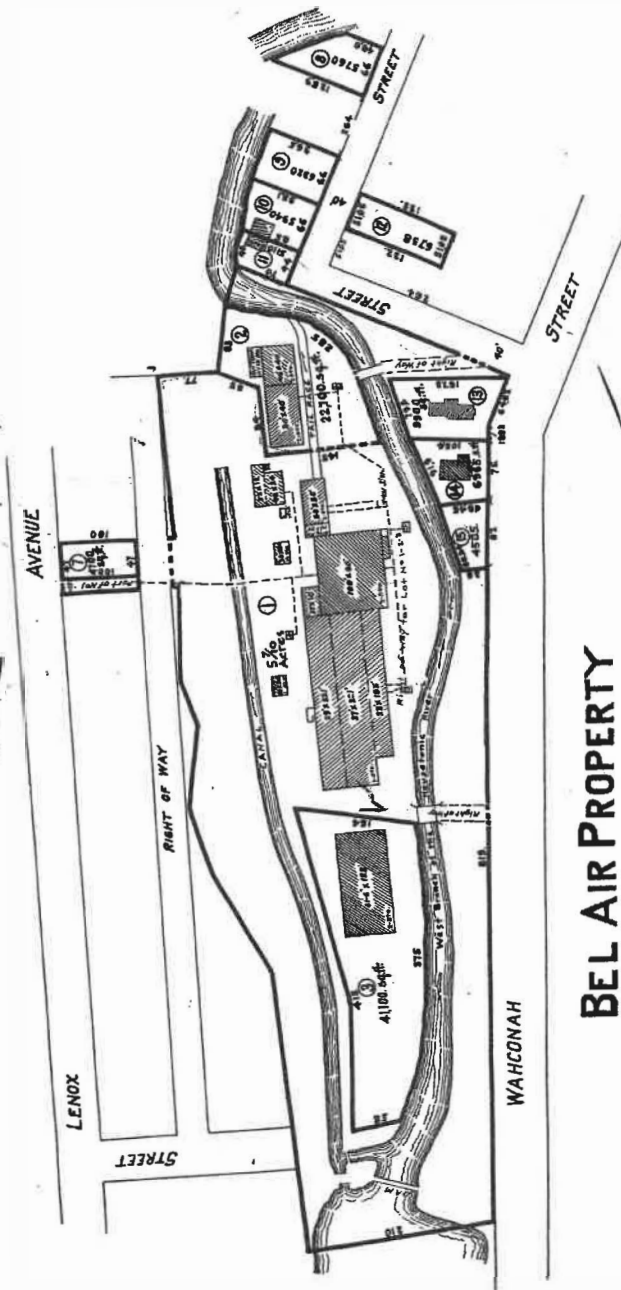
that within 30 days after the adoption of this order, the City Clerk is hereby ordered to certify and record a copy hereof in the Berkshire Middle District Registry of Deeds.

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

CONIC PROPERTY
— OF THE —
JAMES & E. H. WILSON, INC.
Pittsfield, Massachusetts.
— Nov. 1927. —

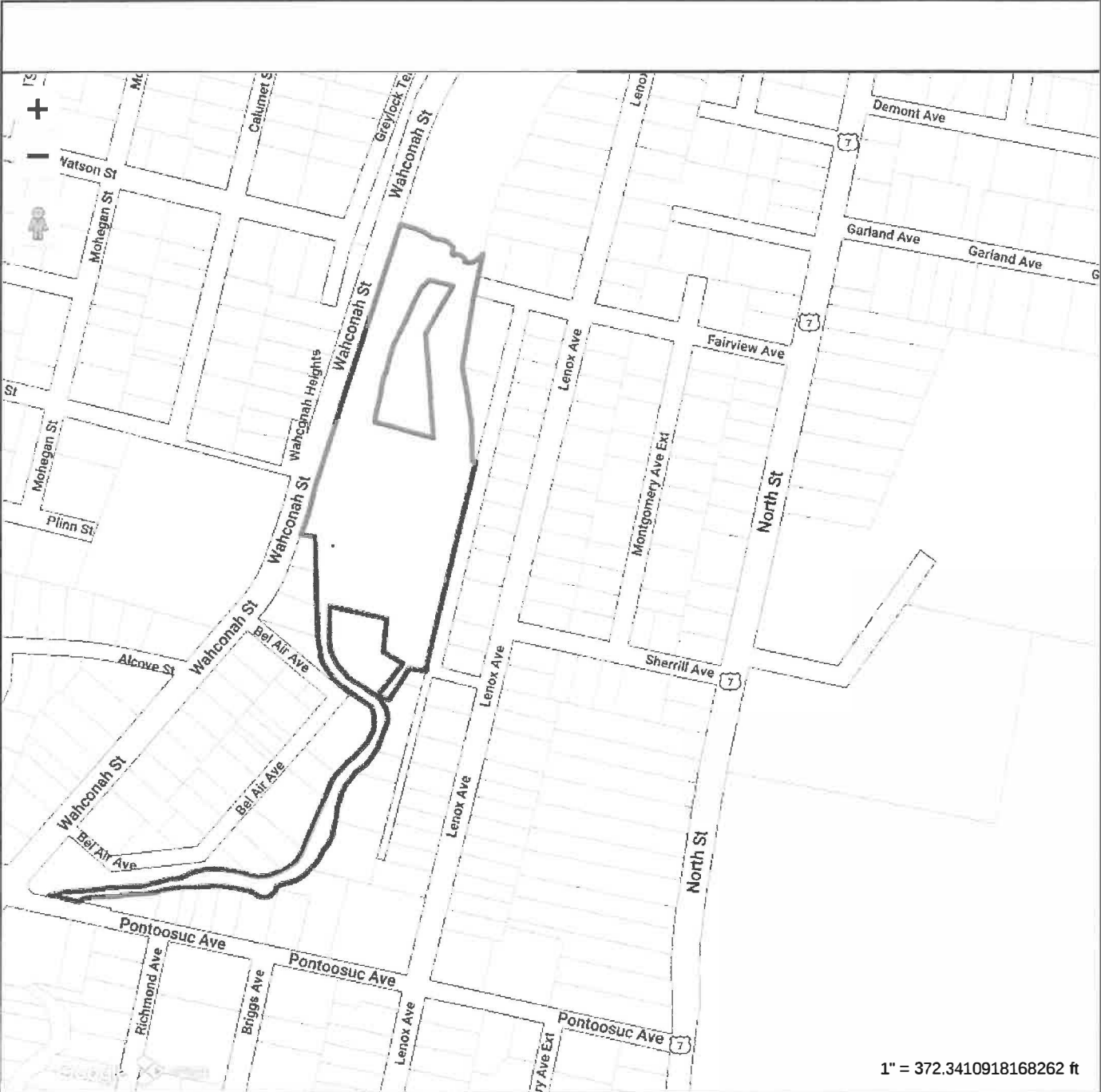


THE LOT NUMBERS BY WHICH
PROPERTY WILL BE SOLD ARE
DESIGNATED THUS (S)
THESE PLANS ARE FOR
THE PURPOSE OF AUCTION SALE
ONLY DIRECTIONS, DISTANCES
AND AREAS ARE APPROXIMATE



BEL AIR PROPERTY
— OF THE —
JAMES & E. H. WILSON, INC.
Pittsfield, Massachusetts.
— Nov. 1927. —

Berkshire ss: December 21, 1927.
At 1. P.M. Plan received for
record.
Attest: Walter S. Dineen Register.



Property Information	
Property ID	H120012021
Location	WAHCONAH ST
Owner	HOLLISTER J BARRETT



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Pittsfield, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 02/14/2024
Data updated 03/07/2023

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.



1" = 372.32267521124254 ft

Property Information

Property ID H130006020
Location WAHCONAH ST
Owner CITY OF PITTSFIELD



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Pittsfield, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 02/14/2024
Data updated 03/07/2023

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.



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

Peter M. Marchetti
Mayor

October 3, 2024

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

Dear Councilors,

Submitted herewith for your consideration are three Ordinances to update the City Code based upon the new trash and recycling collection system:

- An Ordinance to amend Chapter 8, Solid Waste Collection and Disposal
- An Ordinance to amend Chapter 4 ½, Criminal and Noncriminal Enforcement
- An Ordinance to amend Chapter 10, Junk Dealers and Waste Collectors

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/BMW
Enclosure



CITY OF PITTSFIELD

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

October 8, 2024

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your approval are changes to Chapter 8, Chapter 4-1/2 and Chapter 10 of the City Code. These updates reflect significant changes in how Pittsfield manages its waste and recycling services and are part of our ongoing efforts to modernize and improve public service delivery, aligning with the recent adoption of a uniform trash and recycling container system and automated residential curbside collection.

For approval are the following specific changes:

- Replace all of Chapter 8 – Solid Waste Collection and Disposal with the submitted revised document.
- Change Chapter 4-1/2 Section 2 to update the Chapter 8 related fines and enforcement authority for sections 8-1 thru 8-12, as well as section 8.11 (Ban on the use of Styrofoam).
- Change Chapter 10 Sections 2, 3, 4, 9, 10, 12 and 15 to align with current practices and procedures relative to permits, licenses and to update the city code as it relates to the incineration facility no longer existing in the city.

In general, key changes include the following:

Uniform Container System and Automated Service

The City has adopted a uniform container system, issuing standardized 48-gallon containers to all residents. This shift enables the transition to automated collection, which is designed to streamline operations, increase recycling, reduce labor costs, reduce overall MSW costs and improve worker safety. All waste collection will now be handled using automated trucks.

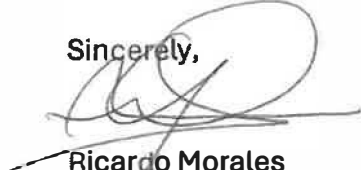
Conversion of Trash Incineration Facility

The city's trash incineration facility has been decommissioned and converted into a transfer facility for both trash and recyclables. Proposed changes to these code sections now reflect this fact.

Enforcement

To ensure compliance with the new waste management system, updates to non-criminal penalties related to solid waste violations have been incorporated. These updates aim to encourage proper disposal and recycling habits, ensuring that residents adhere to the City's waste management laws.

Sincerely,



Ricardo Morales

Commissioner

Department of Public Services & Utilities



No.

City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 8, SOLID WASTE COLLECTION AND DISPOSAL

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

The Code of the City of Pittsfield, Chapter 8, Solid Waste Collection and Disposal be deleted in its entirety and inserted with the following:

Sec. 8-1. Definitions.

BULKY WASTE

Any waste item that does not fit into the standard legal container as defined by this section. These items include but are not limited to; broken down wood furniture, upholstered chairs and couches, carpet rolls not to exceed 2 feet in diameter by feet in length, wooden posts or fencing, oversized plastic toys, and automotive tires.

COMMERCIAL & DEMOLITION WASTE

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

DESIGNATED LICENSEE

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

ELECTRONICS

Waste items that include but is not limited to; televisions, radios, stereos, computer monitors or components, fax machines, copiers, video games consoles or components

FOOD WASTE

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

LANDFILL

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

RECYCLABLE MATERIALS

Discarded nonhazardous solid waste materials of domestic origin which have the potential to be recycled and are identified, listed and accepted by the city or its agent as part of the dual stream recycling program. Items shall include but not limited to, paper products, newspapers, magazines, corrugated cardboard, ; unbroken, empty, glass bottles and containers; and clean, empty aluminum, tinned, steel or bimetal beverage or food cans and containers.

RESIDUE

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

WASTE TRANSFER STATION

A facility at which solid waste, recycling materials, bulky items and yard waste is processed for the purpose of being transported to landfills, the Materials Recycling Facility, or any other disposal facility as determined by the operator of the facility. Said facility shall serve as a residential drop-off location.

Approved as to Form and Legality,

City Solicitor

SOLID WASTE

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

VEHICLES, PRIVATE

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

Sec. 8-2. Rules and regulations governing handling, storage, etc., generally.

- (a) Subject, so far as applicable, or in case of convict, to the power of the Board of Health through its agent, the Director of Public Health, to make rules and regulations under Sections 31A and 31B of Chapter 111 of the General Laws and to the rules and regulations, made by such Commissioner thereunder, this chapter, Chapter 14 of this Code and the rules and regulations promulgated hereunder, shall regulate the collection and disposal of solid waste in the City of Pittsfield.
- (b) The Commissioner of Public Services and Utilities shall make additional rules and regulations as necessary relating to the collection and proper disposal of solid waste which are not inconsistent with this chapter or the laws of the commonwealth.
- (c) In an emergency situation caused by weather or other unforeseen circumstance, the Mayor or his/her designee who may be the Commissioner of Public Services, may exempt daily trash and/or recycling collection. Upon such emergency exemption, the Commissioner of Public Services or his/her designee shall announce the exemption through local media outlets and other manners of public outreach utilized by the city including but not limited to Code Red notifications.

Sec. 8-3. Collection generally.

- (a) Except as set forth below, the City or its agent collector shall collect all solid waste once each week and specified recyclables once each week on assigned days in accordance with the schedule of collection. The city, or its agent will not pick up any refuse or household waste which fails to comply with the provisions of this chapter or any rules or regulations established in accordance with this chapter.
- (b) The City's collection of solid waste shall be limited to residential structures containing four or fewer living units. A solid waste service charge shall be levied against the owners of four-family properties, but owner-occupied four-family properties shall be exempt from this charge. The solid waste service charge shall be adopted by the City Council.
- (c) Approved standard legal container for garbage and rubbish shall be the forty-eight gallon city provided toter and shall no weigh more than 168 pounds when filled. The cover of the toter must be reasonably closed for pick up to occur. All Weekly garbage and rubbish must fit into the city provided forty-five gallon toter. . Any and all garbage and/or rubbish not contained within a city provided toter will not be picked up by the city or its agent and shall be removed by the property owner.
- (d) Garbage and rubbish shall be prepared for collection by being drained of all waters and liquids
- (e) The City shall collect recyclables from any location, providing such recyclables are prepared and placed at the curb for collection in a city issued recycling toter. Recyclables shall be property contained in a manner and to an extent as to not create any health or other hazard, card board boxes and cartons shall be knocked down flattened or collapsed. All weekly recyclables must fit into the city provided forty-five gallon toter..
- (f) Wastes and recyclables so separated shall be properly contained in a manner and to an extent as to not create any health or other hazard and shall be placed for collection so as to be clearly identifiable to the collector.
- (g) No yard or agricultural waste consisting of leaves, grass or hedge clippings, tree branches, brush, stumps or other similar materials shall be mixed in with other solid waste in any container or bundled and placed at the curb at the same time as other solid waste for collection by the City or its agent collector.
- (h) bulky wastes, shall be collected by the City's agent collector on collection days mutually agreed upon by the city and it's agent collector. All bulky items are required to have a city issued sticker. Any item without a sticker shall not be collected.
- (i) The City shall not collect for disposal any hazardous waste, explosive waste, demolition waste, infectious waste, waste prohibited from disposal by incineration or landfill by any federal or state law or regulation, or any other special waste, which, by itself or in combination with other wastes, exists in any chemical or physical state such that particular management controls and nonstandard municipal refuse collection equipment and practices are required to prevent an adverse impact from its collection, transportation, transfer, storage, processing, treatment or disposal.
- (j) Recyclable materials properly separated and deposited for collection shall become the property of the City or its agent collector for collection and disposal to the exclusion of any other person, party or agent.

Sec. 8-4. Location, maintenance, etc., of containers.

Containers for waste and recycling shall be available for collection at the curbside, no more than five feet from edge of road, and in such places as not to constitute a nuisance. Following collection, containers shall be promptly removed from curbside but no later than 24 hours. Any container which does not conform to prescribed standards or which has defects likely to hamper collection shall be replaced promptly.50.

Sec. 8-5. Collection of animal wastes.

- (a) Private collectors of bones, fat, hides and tallow from markets and slaughterhouses shall be licensed hereunder. Such bones, fat, hides and tallow shall be carried through the streets only in covered watertight containers which shall be clean inside and out. These containers shall have tight-fitting covers.
- (b) Such private collectors shall, before engaging in such business, be licensed by the Director of Public Health and shall conduct their work so as to ensure the safe and sanitary transportation of such materials through the city. Before a license required by this section is issued by the Director of Public Health, applicants shall be required to pay to the city a fee of \$ 50 per year. Such license may be revoked by the Director of Public Health at any time if he finds that the manner of collection, transportation, storage or disposal is not in conformity with the provisions of the license.
- (c) The total number of such private collectors shall be limited by the Director of Public Health to such number as may be in the best interests of the city.
- (d) These wastes are not considered acceptable waste for disposal at the waste transfer station.
- (e) Animal carcasses within the public way shall be removed and disposed of by the Department of Public Services and Utilities

Sec. 8-10. Disposal generally.

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

Sec. 8-6. Waste materials, etc., carried in vehicles to be covered, etc.

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

Sec. 8-7. Depositing waste materials, etc., in public ways, etc.

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

Sec. 8-8 Enforcement.

- (a) The Board of Health, through its agent, shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Health Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter in accordance with applicable law.

- (b) An agent of the Board of Health may enforce this ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means. Any member of the public who observes a potential violation of this section shall be able to file a complaint with the Board of Health who shall investigate whether there is a violation of this section.
- (c) Penalties and fines for violations of this section may be enforced as follows: This section shall be enforced by the Board of Health through its agent. Whoever violates any provision of this section may be penalized by a noncriminal disposition process as provided in MGL c.40, § 21D and the City's noncriminal disposition ordinance. If noncriminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties:
 1. First offense: a written warning
 2. Second offense: a fine of \$50.
 3. Third offense: a fine of \$100.
 4. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
 5. Whoever violates any provision of this section may be penalized by virtue of a civil complaint brought in the district court.

Sec. 8-9. Maintenance of dumpsters by businesses.

This section shall apply to all businesses in the city with dumpsters.

- (a) It shall be unlawful to place or permit to remain anywhere in the city any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered metal container.
- (b) It shall be unlawful to cause or to permit to accumulate any dust, ashes, garbage, or trash that can be blown away by the wind or accessible to persons who may strew its contents, excepting in a tightly covered metal container.
- (c) Any businesses initially found violating the provisions of this section shall be ordered by the director of municipal inspections to make its dumpster secure by placing a padlock on the dumpster to prevent the strewing or blowing away of its contents. Any business that fails to comply with such an order by the director of municipal inspections under this section shall be subject to the provisions of Chapter 41/2.

Sec. 8-10 Ban on use of styrofoam.

- (a) Purpose: This section is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the City of Pittsfield.
- (b) Findings: The elimination of expanded polystyrene food containers is in the best interests of the health and welfare of City inhabitants because, in 2011, the U.S. Department of Health and Human Services, through its National Toxicology Program, has determined that styrene is reasonably anticipated to be a human carcinogen, which can leach into food and beverages via polystyrene containers.
- (c) Definitions:

BIODEGRADABLE FOOD SERVICE CONTAINER

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

DISPOSABLE FOOD SERVICE CONTAINER

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

EXPANDED POLYSTYRENE (EPS)

Polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.

FOOD ESTABLISHMENT

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

POLYSTYRENE

Expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres

(expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).

PREPARED FOOD

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

RECYCLABLE FOOD SERVICE CONTAINER

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

(d) Prohibition:

- i. A food establishment is prohibited from dispensing prepared food to customers in disposable food services containers that are made in whole or part from expanded polystyrene. This would eliminate any requirement that the product also be biodegradable and recyclable.

(e) Deferments:

- i. Upon written application, the Board of Health, after a public hearing, may defer application of this section for a food establishment for a one-year period, upon a showing by the food establishment that the conditions of this section would cause undue hardship. For purposes of this section, an "undue hardship" is a situation unique to the food establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment.
- ii. A food establishment granted a deferment by the City must reapply prior to the end of the one-year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.
- iii. A deferment granted in accordance with this section may be extended for no more than one additional one-year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.
- iv. A deferment application shall include all information necessary for the City to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.
- v. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this section.
- vi. Deferment decisions are effective immediately and final.

(f) Enforcement:

- i. An agent of the Board of Health shall inquire on an annual basis regarding any food establishment's compliance with this section as a condition for renewal of the establishment's food service permit.
- ii. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this section.
- iii. An agent of the Board of Health shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Health Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.
- iv. An agent of the Board of Health may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.
- v. Any member of the public who observes a potential violation of this section shall be able to file a complaint with the Board of Health who shall investigate whether there is a violation of this section.

- vi. Penalties and fines for violations of this section may be enforced as follows: This section shall be enforced by the Board of Health or its designee. Whoever violates any provision of this section may be penalized by a noncriminal disposition process as provided in MGL c.40, § 21D and the City's noncriminal disposition ordinance. If noncriminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties:
- a) First offense: a written warning to the food establishment which will specify the violation.
 - b) Second offense: a fine of \$25.
 - c) Third offense: a fine of \$50.
 - d) Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
 - e) Whoever violates any provision of this section may be penalized by virtue of a civil complaint brought in the district court.

Sec. 8-11 Ban on use of Single-Use Plastic Bags.

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

CHECK-OUT BAG

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

COMPOSTABLE PLASTIC BAG

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

ENFORCEMENT AUTHORITY

The Health Department.

RECYCLABLE PAPER BAG

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

RETAIL ESTABLISHMENT

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

REUSABLE BAG

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

THIN-FILM SINGLE-USE PLASTIC CHECK-OUT BAGS

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

(c) Regulated conduct:

- 1) No retail establishment shall sell or convey merchandise to consumers in thin-film single-use plastic bags. If a retail establishment provides or sells check-out bags to customers, the bags must be one of the following: recyclable paper bag; reusable check-out bag; or compostable plastic bag.
- 2) A retail establishment that provides any type of Check-out bag may sell them for no less than five cents (\$0.05) per bag. All moneys collected pursuant to this ordinance shall be retained by the retail establishment.

(d) Exemptions: Subsection (c) of this section shall not apply to the following items:

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

(e) Penalties and enforcement.

- 1) If it is determined that a violation has occurred, the Enforcement Authority shall issue a warning notice to the retail establishment for the initial violation.
- 2) If an additional violation of this section has occurred within one year after a warning notice has been issued for an initial violation, the Enforcement Authority shall issue a notice of violation and shall impose a penalty against the retail establishment.
- 3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - (a) For the first offense: \$50.
 - (b) For the second offense and all subsequent offenses: \$100. Payment of such fines may be enforced through civil action in the state District Court.
 - (c) Fines shall be cumulative, and each day on which a violation occurs shall constitute a separate offense.
- 4) Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, and City Ordinance Chapter 4 1/2 for noncriminal enforcement. This section shall be enforced by the Enforcing Authority.

(f) Hardship deferments:

- 1) A review committee shall be established to receive and review deferment request applications and to request and obtain supporting information before referring the request to the Board of Health. The review committee will consist of a member of the Board of Health or its designee, a member of the City Council, and a member of the Green Commission.
- 2) Upon written application from a retail establishment, the Board of Health, or its designee, may temporarily defer application of this section for a period of up to one year upon showing by the retail establishment that the conditions of this section would cause:
 - (a) Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to bags that are not recyclable paper bags, compostable plastic bags or reusable bags;
 - (b) Circumstances or situations unique to the retail establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right;
 - (c) Circumstances or situations where a retail establishment requires additional time in order to draw down an existing inventory of single-use plastic check-out bags;

- (d) Circumstances or situations where compliance with any section of this section would cause significant economic difficulty and/or undue hardship.
- 3) A deferment granted in accordance with this section may be extended for no more than two additional six-month periods, upon written application to the Board of Health at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justifying the deferment continue to exist.
- 4) The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health and further the interests of this section.
- 5) Deferment decisions are effective immediately and final.
- (g) Severability and ordinance numbering: Any word, term, or provision declared invalid or unenforceable for any reason may be severed from this section without affecting viability of the whole.

Sec. 8-12. Severability.

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

SECTION II

This ordinance shall take effect upon enactment. Any member of the public who observes a potential violation of this section shall be able to file a complaint with the Board of Health who shall investigate whether there is a violation of this section.



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:

That city ordinance Chapter 4 1/2 is hereby amended by deleting the following:

Solid Waste Collection and Disposal—Chapter 8, Sections through 8-14.

Enforcement officer: Commissioner of Public Utilities or designee; Police Chief or designee

Fine schedule:

First and each subsequent offense: \$300.

Each day in which any violation exists shall be deemed to constitute a separate offense.

Solid Waste Collection and Disposal—Chapter 8, through § 8-15.

Enforcement officer: Director of Public Health and Commissioner of Public Utilities

Fine schedule:

First offense: written warning.

Second offense and each subsequent offense: \$50.

Each day in which any violation exists shall be deemed to constitute a separate offense.

and inserting the following:

Solid Waste Collection and Disposal—Chapter 8, Section 8-1 through 12

Enforcement officer: Director of Public Health and Commissioner of Public Services and Utilities

Fine schedule:

First offense: written warning.

Second offense \$50

Third and each subsequent offense: \$100.

Each day in which any violation exists shall be deemed to constitute a separate offense.

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:

That city ordinance Chapter 10 is hereby amended as follows

Sec 10-2 By delating in the first sentence the word "The City Council or its designee" and inserting the following "the City Clerk and the Board of Health, or its designee"

Section 10-2 is further amended by striking the word "Council" in the second sentence and inserting the word "clerk"

Section 10-2 is further amended by striking the words "Commissioner of Public Utilities" in the second sentence and inserting the words "Board of Health".

Section 10-2 is further amended by striking the words "Commissioner of Public Utilities" in the third sentence and inserting the word "Board of Health"

Section 10-3 is deleted in its entirety

Section 10-4 is deleted in its entirety

Section 10-9 is deleted in its entirety

Section 10-10 is deleted in its entirety

Section 10-12 is amended by deleting the words "or upon Sunday"

Section 10-15 is deleted in its entirety

Approved as to Form and Legality,

City Solicitor

2024 SEP 18 PM 1:47

**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 public hearings will be held on a petition to amend Chapter 23 Section 4.322(D) of the Pittsfield City Code, by updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district. This Ordinance shall take effect immediately upon enactment.

The second required public hearing will be held on Tuesday, October 8, 2024 at 6:00 PM by the City Council, in the City Council Chambers at Pittsfield City Hall. The first required public hearing was previously held in front of the Pittsfield Community Development Board.

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

9/24/2024

10/1/2024

88547



CITY OF PITTSFIELD

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

August 7, 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 23-4 Section 4.322(D):

Dear Councilors:

Please be advised that on August 6, 2024, the Community Development Board held a public hearing on the aforementioned zoning amendment petition and voted unanimously (4-0) to recommend that the City Council approve the proposed amendment to the zoning ordinance Chapter 23, Article 23-4 Section 4.322(D) – Updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district.

Sincerely,

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

Sheila Irvin^{NJ}
Chair

SI/nj



RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA

2024 JUN -6 AM 11:33

CITY OF PITTSFIELD

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

June 5, 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 23-4 Section 4.322 – updating the use table at Section 4.322(D) to reflect the addition of the D-C-D zoning district and removal of the B-D zoning district.

Dear Councilors:

Please be advised that on June 4, 2024, the Community Development Board voted unanimously to act as the petitioner to amend the zoning ordinance to update Section 4.322(D) to properly reflect the existing zoning districts by removing the reference to the B-D district and inserting the D-C-D district in the relevant section of use table.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila Irvin".

Sheila Irvin
Chair

SI/nj



City of Pittsfield

20

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 23-4 Section 4.322(D) – Updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district

Respectfully submitted,

PITTSFIELD COMMUNITY DEVELOPMENT BOARD

Sheila B. Irvin
Chair

Date Received _____

By _____
(fee paid)

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

1. Amend Zoning Map _____ Amend text, Chapter 23, Code of Laws X

2. Present Zoning District n/a

Zoning Requested n/a

3. Name of Petitioner City of Pittsfield Community Development Board, Sheila Irvin, Chair

Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368

Signature Sheila A. Irvin

4. Name of Agent City of Pittsfield Department of Community Development

Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368

Signature _____

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 to Article 23-4.322 Wireless Communications Facilities consists of an alteration to the use table to reflect the elimination of the B-D zoning district and creation of the D-C-D zoning district

10. Article and Section proposed to be amended: Article 23-7 Section 4.322(D)

Community Development Board: Hearing Date _____ Recommendation _____

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



CITY OF PITTSFIELD

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

MEMORANDUM

TO: The City Council
FROM: Department of Community Development
DATE: June 6, 2024
SUBJECT: Amendment of Section 4.322 Wireless Communication Facilities.

The existing zoning requirements for Wireless Communication Facilities under Section 4.322 were adopted in 2019. In 2021, the City adopted the Downtown Creative District zoning amendment, creating the D-C-D and eliminating the Downtown Business (B-D) zoning district. The proposed zoning amendment is being put forward to update the table of uses within Section 4.322 to provide internal consistency and properly identify the existing zoning districts.

**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 23-4, Section 4.322(D) shall be amended by removing “B-D” and including “D-C-D” in the Zoning District row, as shown:

D. Use Table

SP = Special Use Permit N = Not Permitted ZP = Zoning Permit

Zoning District	<u>Residence Districts -R-43, R-20, R-12, R-6, R-G, R-M</u>	<u>Business Districts – B-C, B-G, B-D, C-W-S</u>	<u>Industrial Districts – I-L, I-G</u>	<u>L-D-I, B-N, D-C-D</u>
Colocation/- Combined Facility#	ZP	ZP	ZP	ZP
DAS - Attached	ZP	ZP	ZP	ZP
Antenna Replacement Facility	ZP	ZP	ZP	ZP
Dual Purpose Facility	SPR	SPR	SPR	SPR
Concealed Small Wireless Facility	SPR	SPR	SPR	SPR
Non-concealed Small Wireless Facility	SPR	SPR	SPR	SPR
DAS - Freestanding	SPR	SPR	SPR	SPR
Concealed Base Station	SPR	SPR	SPR	SPR
Non-Concealed Base Station	SPR	SPR	SPR	SPR
Tower Replacement Facility	SPR	SPR	SPR	SPR
Concealed New Tower	SP	SP	SP	SP
Non-concealed New Tower	SP	SP	SP	SP
Broadcast Tower	SP	SP	SP	SP

Eligible Collocations under 47 USC §1445 shall be administratively approved.

SECTION II

This ordinance shall take effect upon its enactment



No.

City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

SECTION I

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4.322(D) shall be amended by removing "B-D" and including "D-C-D" in the Zoning District row, as shown:

D. Use Table

SP = Special Use Permit N = Not Permitted ZP = Zoning Permit

Zoning District	<u>Residence</u> Districts -R- 43, R-20, R- 12, R-6, R-G, R-M	<u>Business</u> Districts - B-C, B-G, C-W-S	<u>Industrial</u> Districts - I-L, I-G	<u>L-D-I, B-N,</u> <u>D-C-D</u>
Colocation/-Combined Facility#	ZP	ZP	ZP	ZP
DAS - Attached	ZP	ZP	ZP	ZP
Antenna Replacement Facility	ZP	ZP	ZP	ZP
Dual Purpose Facility	SPR	SPR	SPR	SPR
Concealed Sm all Wireless Facility	SPR	SPR	SPR	SPR
Non-concealed Small Wireless Facility	SPR	SPR	SPR	SPR
DAS - Freestanding	SPR	SPR	SPR	SPR
Concealed Base Station	SPR	SPR	SPR	SPR
Non-Concealed Base Station	SPR	SPR	SPR	SPR
Tower Replacement Facility	SPR	SPR	SPR	SPR

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:

Concealed New Tower	SP	SP	SP	SP
Non-concealed New Tower	SP	SP	SP	SP
Broadcast Tower	SP	SP	SP	SP

Eligible Collocations under 47 USC §1445 shall be administratively approved.

SECTION II

This ordinance shall take effect upon its enactment

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules Committee

to whom was referred the A petition from the Community Development Board on the proposed amendment to the Zoning Ordinance, Chapter 23, article 23-4 Section 4.322 (D)

having considered the same, report and recommend that

to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



CITY OF PITTSFIELD

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

August 7, 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 23-4 Section 4.322(D):

Dear Councilors:

Please be advised that on August 6, 2024, the Community Development Board held a public hearing on the aforementioned zoning amendment petition and voted unanimously (4-0) to recommend that the City Council approve the proposed amendment to the zoning ordinance Chapter 23, Article 23-4 Section 4.322(D) – Updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district.

Sincerely,

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

Sheila Irvin^{nj}
Chair

SI/nj



41
RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2024 JUN -6 AM 11:33

CITY OF PITTSFIELD

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

June 5, 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 23-4 Section 4.322 – updating the use table at Section 4.322(D) to reflect the addition of the D-C-D zoning district and removal of the B-D zoning district.

Dear Councilors:

Please be advised that on June 4, 2024, the Community Development Board voted unanimously to act as the petitioner to amend the zoning ordinance to update Section 4.322(D) to properly reflect the existing zoning districts by removing the reference to the B-D district and inserting the D-C-D district in the relevant section of use table.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila B. Irvin".

Sheila Irvin
Chair

SI/nj



City of Pittsfield

_____ 20 _____

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 23-4 Section 4.322(D) – Updating the use table to reflect the creation of the D-C-D zoning district and removal of the B-D zoning district

Respectfully submitted,

PITTSFIELD COMMUNITY DEVELOPMENT BOARD

A handwritten signature in cursive script, reading "Sheila B. Irvin".

Sheila B. Irvin
Chair

Date Received _____

By _____
(fee paid)

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

1. Amend Zoning Map _____ Amend text, Chapter 23, Code of Laws X
 2. Present Zoning District n/a
Zoning Requested n/a
 3. Name of Petitioner City of Pittsfield Community Development Board, Sheila Irvin, Chair
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368
Signature Sheila B. Irvin
 4. Name of Agent City of Pittsfield Department of Community Development
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368
Signature _____
 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 to Article 23-4.322 Wireless Communications Facilities consists of an alteration to the use table to reflect the elimination of the B-D zoning district and creation of the D-C-D zoning district
 10. Article and Section proposed to be amended: Article 23-7 Section 4.322(D)
- Community Development Board: Hearing Date _____ Recommendation _____
- City Council: Hearing Date _____ Action Taken _____ Ordinance No. _____



CITY OF PITTSFIELD

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

MEMORANDUM

TO: The City Council
FROM: Department of Community Development
DATE: June 6, 2024
SUBJECT: Amendment of Section 4.322 Wireless Communication Facilities.

The existing zoning requirements for Wireless Communication Facilities under Section 4.322 were adopted in 2019. In 2021, the City adopted the Downtown Creative District zoning amendment, creating the D-C-D and eliminating the Downtown Business (B-D) zoning district. The proposed zoning amendment is being put forward to update the table of uses within Section 4.322 to provide internal consistency and properly identify the existing zoning districts.

**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 23-4, Section 4.322(D) shall be amended by removing “B-D” and including “D-C-D” in the Zoning District row, as shown:

D. Use Table

SP = Special Use Permit N = Not Permitted ZP = Zoning Permit

Zoning District	<u>Residence Districts -R-43, R-20, R-12, R-6, R-G, R-M</u>	<u>Business Districts – B-C, B-G, B-D, C-W-S</u>	<u>Industrial Districts – I-L, I-G</u>	<u>L-D-I, B-N, D-C-D</u>
Colocation/-Combined Facility#	ZP	ZP	ZP	ZP
DAS - Attached	ZP	ZP	ZP	ZP
Antenna Replacement Facility	ZP	ZP	ZP	ZP
Dual Purpose Facility	SPR	SPR	SPR	SPR
Concealed Small Wireless Facility	SPR	SPR	SPR	SPR
Non-concealed Small Wireless Facility	SPR	SPR	SPR	SPR
DAS - Freestanding	SPR	SPR	SPR	SPR
Concealed Base Station	SPR	SPR	SPR	SPR
Non-Concealed Base Station	SPR	SPR	SPR	SPR
Tower Replacement Facility	SPR	SPR	SPR	SPR
Concealed New Tower	SP	SP	SP	SP
Non-concealed New Tower	SP	SP	SP	SP
Broadcast Tower	SP	SP	SP	SP

Eligible Collocations under 47 USC §1445 shall be administratively approved.

SECTION II

This ordinance shall take effect upon its enactment



No.

City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

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

SECTION I

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4.322(D) shall be amended by removing "B-D" and including "D-C-D" in the Zoning District row, as shown:

D. Use Table

SP = Special Use Permit N = Not Permitted ZP = Zoning Permit

Zoning District	Residence Districts -R-43, R-20, R-12, R-6, R-G, R-M	Business Districts -- B-C, B-G, C-W-S	Industrial Districts -- I-L, I-G	L-D-I, B-N, D-C-D
Colocation/-Combined Facility#	ZP	ZP	ZP	ZP
DAS - Attached	ZP	ZP	ZP	ZP
Antenna Replacement Facility	ZP	ZP	ZP	ZP
Dual Purpose Facility	SPR	SPR	SPR	SPR
Concealed Small Wireless Facility	SPR	SPR	SPR	SPR
Non-concealed Small Wireless Facility	SPR	SPR	SPR	SPR
DAS - Freestanding	SPR	SPR	SPR	SPR
Concealed Base Station	SPR	SPR	SPR	SPR
Non-Concealed Base Station	SPR	SPR	SPR	SPR
Tower Replacement Facility	SPR	SPR	SPR	SPR

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:

Concealed New Tower	SP	SP	SP	SP
Non-concealed New Tower	SP	SP	SP	SP
Broadcast Tower	SP	SP	SP	SP

Eligible Collocations under 47 USC §1445 shall be administratively approved.

SECTION II

This ordinance shall take effect upon its enactment

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules Committee

to whom was referred the

A communication from Mayor Marchetti on an Ordinance amending the City Code, Chapter 16, Human Resources, Attachment 1, Compensation Schedules RE: Position of Fire Chief

having considered the same, report and recommend that

to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on
Ordinances and Rules Committee

to whom was referred the
A petition from Mayor Marchetti on an Ordinance amending City
Code, Chapter 16, Human Resources, Attachment 1,
Compensation Schedules, RE: Position of City Solicitor

having considered the same, report and recommend that

to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules Committee

to whom was referred the A communication from Mayor Marchetti on an Ordinance amending the City Code, Chapter 16, Human Resources, Attachment 1, Compensation Schedules RE: Deputy Commissioner Public Services & Utilities

having considered the same, report and recommend that

to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



No.

City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

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

AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 16, HUMAN RESOURCES

SECTION I

That the Code of the City of Pittsfield, Chapter 16, Human Resources be amended by deleting "attachment 1, compensation schedules", and replacing it in its entirety with the attached document.

SECTION II

Changes to ordinance shall be effective upon acceptance.



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

Peter M. Marchetti
Mayor

August 6, 2024

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

Dear Councilors,

Submitted herewith for your consideration is an Ordinance amending the City Code, Chapter 16, Human Resources, Attachment 1, Compensation Schedules. The amendments made to this ordinance include upgrading the positions of Fire Chief and City Solicitor and creating a new Deputy Commissioner position.

The position of Fire Chief is proposed to change from a grade M-11 to a grade M-12 to make the position comparable to the Police Chief position, which was upgraded from a grade M-11 to M-12 in 2023.

The position of City Solicitor is proposed to change from a grade M-9 to a grade M-10. The individual presently serving in this role has given their notice to retire which will create a vacancy. The city will begin the process to fill the vacancy by completing an RFP for a law firm and conducting a personnel search.

In addition, I intend to create a new Deputy Commissioner position within the Department of Public Services & Utilities. Last spring the city hired a consultant to explore and provide recommendations regarding ways to improve efficiency in the department including the creation of a deputy commissioner position. The Deputy Commissioner will assist the Department of Public Services & Utilities Commissioner by overseeing day-to-day operations and providing the necessary support and structure that is critically needed in this department. As a result, the department will see heightened operational efficiency, increased communication and community engagement, and better management of projects and execution of plans.

Thank you for your consideration of these requests that are crucial to ensuring the City of Pittsfield attracts and retains the most qualified and efficient individuals.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "P. Marchetti". The signature is fluid and cursive, with a large initial "P" that loops around.

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure



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



July 30, 2024

To: Mayor Peter Marchetti
From: Michael Taylor, Director of Human Resources
RE: Personnel Review Board, July 2024 Meeting

Dear Mayor Marchetti,

At your request, attached please find an amendment for chapter 16, Human Resources, attachment I. The requested changes were approved unanimously after a presentation to the Personnel Review Board on July 29, 2024.

The changes include the following:

Request to upgrade position:

- Fire Chief
- City Solicitor

Request to create new position:

- Deputy Commissioner

Thank you,

A handwritten signature in black ink, appearing to read "Michael Taylor".

Michael Taylor

City of Pittsfield

[Ord. No. 1072, 9-17-2013; Ord. No. 1080, § I, 6-10-2014; Ord. No. 1084, § I, 8-12-2014; Ord. No. 1086, § I, 10-28-2014; Ord. No. 1087, § I, 10-28-2014; Ord. No. 1089, § I, 11-25-2014; Ord. No. 1170, § I, 6-28-2016; Ord. No. 1184, § I, 4-11-2017; Ord. No. 1185, § I, 4-25-2017; Ord. No. 1194, § I, 9-12-2017; § I, 9-12-2017; Ord. No. 1196, I, 9-12-2017; Ord. No. 1197, § I, 9-26-2017; Ord. No. 1200, § I, 2-13-2018; Ord. No. 1201, § I, 2-13-2018; Ord. No. 1205, § I, 6-12-2018; Ord. No. 1208, § I, 8-14-2018; Ord. No. 1213, § I, 2-26-2019; Ord. No. 1216, § I, 3-26-2019; Ord. No. 1218, § I, 6-11-2019; Ord. No. 1224, § I, 2-25-2020; Ord. No. 1227, § I, 8-11-2020; Ord. No. 1235, § I, 3-9-2021; Ord. No. 1241, § I, 10-12-2021; Ord. No. 1242, § I, 10-12-2021; Ord. No. 1251, § I, 7-12-2022; Ord. No. 1252, § I, 8-9-2022, eff. 1-1-2023; Ord. No. 1255, § I, 9-27-2022; Ord. No. 1257, § I, 2-28-2023; Ord. No. 1270, § I, 10-10-2023; Ord. No. 1272, § I, 12-12-2023; Ord. No. 1276, § I, 5-14-2024]

Management/Department Head Classification:

Title	Salary Grade
Fire Chief	M-12
Police Chief	M-12
City Solicitor	M-10
Commissioner of Public Services and Public Utilities	M-10
Business Development Manager	M-9
Director of Community Development	M-9
Director of Finance and Administration/Treasurer	M-9
Director of Human Resources	M-9
Special Projects Manager	M-9
Assistant City Solicitor	M-8
Chief Assessor	M-8
City Engineer	M-8
Director of Building Maintenance	M-8
DPSU Business Manager	M-8
DPSU Deputy Commissioner	M-8
Building Commissioner	M-7
Chief Diversity Officer	M-7
Chief Information Officer	M-7
City Clerk	M-7
Director of Public Health	M-7
Library Director	M-7
Airport Manager	M-6
Assessor	M-6
City Accountant	M-6
City Planner	M-6
Community Development and Housing Program Manager	M-6
IT Support Specialist II	M-6
Parks, Open Space and Natural Resources Program Manager	M-6
Police Finance and Administration Manager	M-6
Public Health Nurse Manager	M-6
Purchasing Agent	M-6
Social Worker	M-6
Tax Collector	M-6
Director of Council on Aging	M-5
Director of Cultural Development	M-5
IT Business Analyst I	M-5
Director of Administration Services	M-4
Director of RSVP	M-4
Director of Veterans Services	M-4

Management Salary Schedule:

Grade	Minimum		Midpoint		Maximum
M-1	\$45,795.35	\$49,230.00	\$52,664.66	\$56,099.31	\$59,533.96
M-2	\$50,375.00	\$54,153.13	\$57,931.26	\$61,709.39	\$65,487.51
M-3	\$55,412.26	\$59,568.19	\$63,724.11	\$67,880.03	\$72,035.94
M-4	\$60,955.09	\$65,526.72	\$70,098.36	\$74,669.99	\$79,241.62
M-5	\$67,051.47	\$72,080.31	\$77,109.18	\$82,138.05	\$87,166.89
M-6	\$73,760.42	\$79,292.46	\$84,824.48	\$90,356.51	\$95,888.56
M-7	\$81,133.63	\$87,218.66	\$93,303.67	\$99,388.71	\$105,473.72
M-8	\$89,247.36	\$95,940.93	\$102,634.48	\$109,328.02	\$116,021.58
M-9	\$98,171.73	\$105,534.62	\$112,897.49	\$120,260.38	\$127,623.26
M-10	\$107,983.00	\$116,081.74	\$124,180.46	\$132,279.19	\$140,377.91
M-11	\$118,785.73	\$127,694.66	\$136,603.59	\$145,512.53	\$154,421.46
M-12	\$137,638.50	\$147,961.39	\$158,284.28	\$168,607.16	\$178,930.05
	Learning		Achieving		Exceeding

Non-Union/Non-Management Employee Classification:

Title	Salary Grade
Seasonal/Interns	1
Matrons	1
Kitchen Coordinator	2
Van Driver	2
COA Custodian	2
Activity Leader	2
COA Administrative Assistant (I)	2
COA Administrative Assistant (II)	3
RSVP Administrative Assistant	3
RSVP Volunteer Coordinator	3
Buyer	4
Executive Assistant to Police Chief	4
Outreach Program Assistant	5
Senior Day Program Coordinator	5
Assistant Clerk of Registrations/Elections	6
Executive Administrative Assistant (Police)	7
Airport Maintenance Technician	8
Deputy Purchasing Agent	9
Legal Assistant	9
Executive Assistant to Mayor	10
Administrative Coordinator	10
Human Resources Specialist	11
Grant Administrator	11
Crime Analyst	12/70
Emergency Co-Responder	12/75
Assistant Airport Manager	13

Chapter 16, Attachment 1: Human Resources Classification Compensation Schedules
Non-Union/Non-Management Employee Salary Schedule 7.1.2024

Grade 1	Hourly only								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$17.46	\$18.04	\$18.62	\$19.20	\$19.78	\$20.37	\$20.95	\$21.53	\$22.11	\$22.69

Grade 2	(37.5 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$18.62	\$19.18	\$19.75	\$20.35	\$20.96	\$21.59	\$22.23	\$22.90	\$23.59	\$24.29
\$36,309	\$37,398	\$38,520	\$39,676	\$40,866	\$42,092	\$43,355	\$44,655	\$45,995	\$47,375

Grade 3	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$20.95	\$21.58	\$22.22	\$22.89	\$23.58	\$24.28	\$25.01	\$25.76	\$26.54	\$27.33
\$38,124	\$39,268	\$40,446	\$41,659	\$42,909	\$44,196	\$45,522	\$46,888	\$48,295	\$49,743

Grade 4	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$22.11	\$22.77	\$23.46	\$24.16	\$24.89	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85
\$40,242	\$41,449	\$42,693	\$43,974	\$45,293	\$46,652	\$48,051	\$49,493	\$50,978	\$52,507

Grade 5	(37.5 Hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$22.11	\$22.77	\$23.46	\$24.16	\$24.89	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85
\$43,117	\$44,410	\$45,742	\$47,115	\$48,528	\$49,984	\$51,483	\$53,028	\$54,619	\$56,257

Grade 6	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$24.44	\$25.17	\$25.93	\$26.70	\$27.51	\$28.33	\$29.18	\$30.06	\$30.96	\$31.89
\$44,478	\$45,813	\$47,187	\$48,603	\$50,061	\$51,562	\$53,109	\$54,703	\$56,344	\$58,034

Grade 7	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$25.60	\$26.37	\$27.16	\$27.98	\$28.82	\$29.68	\$30.57	\$31.49	\$32.43	\$33.41
\$46,596	\$47,994	\$49,434	\$50,917	\$52,444	\$54,018	\$55,638	\$57,307	\$59,027	\$60,797

Grade 8	(40 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$23.27	\$23.97	\$24.69	\$25.43	\$26.20	\$26.98	\$27.79	\$28.63	\$29.48	\$30.37
\$48,412	\$49,864	\$51,360	\$52,901	\$54,488	\$56,122	\$57,806	\$59,540	\$61,326	\$63,166

Grade 9	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$26.77	\$27.57	\$28.40	\$29.25	\$30.13	\$31.03	\$31.96	\$32.92	\$33.91	\$34.92
\$48,714	\$50,176	\$51,681	\$53,231	\$54,828	\$56,473	\$58,167	\$59,912	\$61,710	\$63,561

Grade 10	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$27.93	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38	\$33.35	\$34.35	\$35.38	\$36.44
\$50,832	\$52,357	\$53,928	\$55,546	\$57,212	\$58,928	\$60,696	\$62,517	\$64,393	\$66,325

Chapter 16, Attachment 1: Human Resources Classification Compensation Schedules
Non-Union/Non-Management Employee Salary Schedule 7.1.2024

Grade 11	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$29.09	\$29.97	\$30.87	\$31.79	\$32.75	\$33.73	\$34.74	\$35.78	\$36.85	\$37.96
\$52,950	\$54,539	\$56,175	\$57,860	\$59,596	\$61,384	\$63,225	\$65,122	\$67,076	\$69,088

Grade 12/70	(35 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$31.42	\$32.36	\$33.33	\$34.33	\$35.36	\$36.43	\$37.52	\$38.64	\$39.80	\$41.00
\$57,186	\$58,902	\$60,669	\$62,489	\$64,364	\$66,295	\$68,283	\$70,332	\$72,442	\$74,615

Grade 12/75	(37.5 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$29.33	\$30.21	\$31.11	\$32.05	\$33.01	\$34.00	\$35.02	\$36.07	\$37.15	\$38.26
\$57,186	\$58,902	\$60,669	\$62,489	\$64,364	\$66,295	\$68,283	\$70,332	\$72,442	\$74,615

Grade 13	(40 hours)								
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$27.93	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38	\$33.35	\$34.35	\$35.38	\$36.44
\$58,094	\$59,837	\$61,632	\$63,481	\$65,385	\$67,347	\$69,367	\$71,448	\$73,592	\$75,799

Chapter 16, Attachment 1: Human Resources Classification & Compensation Schedules

Miscellaneous Rates

Assessors Board Chairperson	\$2,000/yr.
City Council, each member	\$8,000/yr.
City Council, President	\$10,000/yr.
City Physician	\$12,000/yr.
Clerk of the Board of Health	\$1,500/yr.
Clerk of the City Council	\$4,000/yr.
Clerk of Committees	\$2,880/yr.
Management Agency (part-time)	
Election Inspectors	
• City election	\$195
• State/federal election	\$210
Election Clerks	
• City election	\$208
• State/federal election	\$224
Election Wardens	
• City election	\$221
• State/federal election	\$238
Fence Viewer	\$400/yr.
Inspector of Animals	\$4,500/yr.
Mayor	\$119,313/yr.
<i>(Annual increases shall be adjusted in July of each year and shall be based upon the annual change in the Consumer Price Index for All Urban Consumers for the prior January.)</i>	
School Committee	\$4,000/yr.
<i>(No benefits. Mayor shall not receive compensation for their membership on the School Committee)</i>	



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



Agenda

Personnel Review Board

Monday, July 29, 2024

3PM, via Zoom

<https://us06web.zoom.us/j/88068982388>

Telephone Number: 929-205-6099

Meeting ID: 880 6898 2388

Pursuant to Governor Healey's March 29, 2023 extension of certain pandemic-inspired provisions of the Open Meeting Law, G.L. c. 30A, §18, and state and federal orders and guidance imposing strict limits on the number of people that may gather in one place, this meeting of the Personnel Review Board will be conducted exclusively via remote participation. For this meeting, members of the public who wish to participate may do so using the telephone number and meeting ID listed above. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post to the City's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

- I. Role Call
- II. Request to upgrade position:
 - a. Fire Chief
 - b. City Solicitor
- III. Request to create new position:
 - a. Deputy Commissioner



PERSONNEL REVIEW BOARD
Request for Position Change

Date: 6/27/24

1. *Department:* Pittsfield Fire Department

2. *Position Title:* Fire Chief

3. *General statement of duties and responsibilities for the current position.*

The position is responsible for planning, directing, and coordinating the activities and operations of the City's Fire Department and to ensure the effective and efficient provision of emergency and non-emergency fire services, including fire suppression, prevention, inspection, and education, and emergency medical services, emergency management, and planning.

4. *Proposed Title:* _____

5. *General statement of duties and responsibilities for the proposed position.*

6. *Current Salary per yr:* \$118,785 - \$154,421 (M-11)

7. *Proposed Salary per yr.* \$137,638 - \$178,930 (M-12)

8. *Hrs to be worked per wk.* 75 hours biweekly

9. *Work Schedule:* Monday-Friday, evenings and weekends as required.

10. *Explain the purpose for the upgrade.*

The purpose of the upgrade is to ensure internal equity with the Police Chief position, which was re-graded to M-12 in 2023. Additionally, this will help ensure the salary proposed is competitive in efforts to attract and retain highly-qualified candidates for the position, and appropriately reflect the magnitude of the position's responsibilities.

11. Is funding for this position in your current budget?

13. Please classify the current position (check all that apply):

- ☐ Non-union/Exempt
☒ Management
☐ Union Name of union _____

14. Please classify the proposed position (check all that apply):

- ☐ Non-union/Exempt
☒ Management
☐ Union Name of union _____

15. Has position been negotiated with/between union(s)? (If applicable)

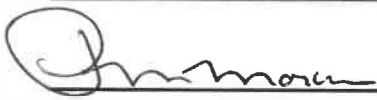
N/A

Please submit the following information with this request:

- | | |
|--------------------------------------|---|
| a. Job Description(s) | c. Salary Table |
| b. Departmental Organizational Chart | d. Any additional information deemed relevant |

Submitted By: Peter Marchetti _____

Title: Mayor _____

Signature:  _____

Mayor: _____



City of Pittsfield

Job Description

Position Title:	Fire Chief	Grade Level:	M-12
Department:	Fire	Union/FLSA:	Non-union/Exempt
Reports to:	Mayor	Date Prepared:	July 2024

Job purpose

The position is responsible for planning, directing, and coordinating the activities and operations of the City's Fire Department and to ensure the effective and efficient provision of emergency and non-emergency fire services, including fire suppression, prevention, inspection, and education, and emergency medical services, emergency management, and planning. Responsible for the development and implementation of the fire department's standard operating guidelines and the enforcement of all applicable laws, codes, and standards. Serves as the City's Emergency Management Director.

Duties and responsibilities

1. Formulates, organizes, directs, supervises and coordinates the municipal fire service for the City; ensures effective and efficient provision of emergency and non-emergency services, including but not limited to fire suppression, emergency medical services, disaster planning and implementation, hazardous material management, fire prevention and education, and emergency management programs for the City.
2. Responds to major fire scenes in order to supervise actions of the fire service personnel.
3. Prepares and disseminates news releases to the media; plans and conducts hearings or meetings on issues of public concern.
4. Prepares and submits budget requests and administers department budget.
5. Attends conferences, meetings, seminars, and training programs with regards to professional development as necessary or assigned by the Mayor
6. Provides all levels of training and refresher programs for all Firefighters, permanent and reserve, and associated program development and record keeping.
7. Interviews and selects personnel for promotion and entry-level positions; supervises personnel and conducts performance reviews annually and/or as needed, implements disciplinary action(s) when needed.
8. Supervises the requisition and purchase of equipment and supplies, and the care and maintenance of equipment, apparatus and stations.
9. Reviews & negotiates contract proposals from contractors and/or vendors; may participate in collective bargaining with the City and Firefighters union.
10. Performs other duties as assigned or required.

Qualifications

1. Must be a high school graduate, with a preferred education and graduation from a college or university in fire science, public administration, or a closely related field.
2. Ten years of outstanding experience as a Firefighter, at least five years of which shall have been in the rank of an Officer; or any combination of education and experience.
3. Knowledge of Massachusetts General Laws and state & local rules and regulations, local ordinances & bylaws that pertain to the operation of the fire department.
4. Knowledge of principles & practices of municipal fire service administration and management.
5. Ability to prepare and manage budgets; Ability to perform effective capital planning.
6. Ability to direct the operations of personnel and equipment under emergency conditions.



City of Pittsfield

Job Description

7. Ability to establish and maintain effective and harmonious relationships with subordinates, the general public, and City officials; Ability to communicate clearly and concisely in writing and orally and to speak publicly on behalf of the town in crises situations.
8. Ability to organize, assign and direct the work of subordinates.
9. Knowledge of the principles, practices and techniques of supervision (including such areas of supervisory responsibility as planning, organizing, staffing, directing and controlling).
10. Knowledge of appropriate goals, objectives, methods, procedures & techniques of public relations that pertain to the operation of a fire department.
11. Ability to choose actions appropriate to the situation; Ability to confront problems & demonstrate sound judgement, take charge and assume responsibility.
12. Ability to coordinate the efforts of others in accomplishing assigned objectives.

Working conditions *(The characteristics described here are representative of those that the employee encounters while performing the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.)*

Work is performed primarily in office, vehicles, and outdoor settings; work is performed under variable weather conditions, including temperature extremes; incumbent is exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils; the noise level in the work environment is usually quiet in office setting, and loud at an emergency scene; some work is performed in emergency and stressful situations; the fire chief is on call 24 hours a day to respond to all fires and emergency incidents.

Regularly operates motor vehicle; When in the office, operates computer and standard office equipment such as telephone, copier, and fax; when at a fire or emergency the chief may be required to operate some or all of the following equipment; light trucks, heavy equipment, various power tools, and hand tools, fire apparatus, radio, and all standard firefighting equipment. Makes frequent contact with municipal and state officials, and other fire departments, the media, insurance companies, the general public, and other town departments.

Physical requirements *(The physical demands listed here are representative of those that must be met by the employee to successfully perform the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.)*

Minimal physical effort generally required for work performed in the office. Moderate to strenuous physical effort occasionally required in the performance of work at the scene of fires or emergencies which require long periods of time walking, standing, and exerting oneself. At fires, wears full protective equipment weighing approximately 50 pounds. On occasion will be required to lift fire equipment/apparatus which may weigh up to 100 pounds. Physical agility required to access all areas of inspection and fire sites. During emergencies may be required to stoop, kneel, crouch, crawl, reach with hands and arms, climb and balance on ladders at the scene of a fire. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

Direct reports

Deputy Fire Chief(s)
Fire Captain(s)
Fire Lieutenant(s)
Firefighter(s)



City of Pittsfield

Job Description

Disclosure

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.

EEO/AA

It is the policy of the City of Pittsfield not to discriminate against any employee because of age, race, color, religion, sex, marital status, sexual orientation, gender identity or expression, national origin, disability, pregnancy, veteran status or any other federally protected class.

Approved by:	
Date approved:	<i>August 2019</i>
Reviewed:	<i>July 2024</i>



PERSONNEL REVIEW BOARD
Request for Position Change

Date: 6/27/24

1. *Department:* Solicitor's Office

2. *Position Title:* City Solicitor

3. *General statement of duties and responsibilities for the current position.*

The City Solicitor serves as the chief legal officer of the City, providing legal counsel to the Mayor, City Council, and all City departments. The City Solicitor represents the City in all legal proceedings and advises on a wide range of legal issues including municipal law, litigation, contracts, real estate, and other legal matters.

4. *Proposed Title:* _____

5. *General statement of duties and responsibilities for the proposed position.*

6. *Current Salary per yr:* \$98,171-\$127,623 (M-9)

7. *Proposed Salary per yr.* \$107,983-\$140,377 (M-10)

8. *Hrs to be worked per wk.* 70 hours biweekly

9. *Work Schedule:* Monday-Friday, evening work as needed to attend meetings.

10. *Explain the purpose for the upgrade.*

The purpose of the upgrade is to ensure the salary proposed is competitive in efforts to attract and retain highly-qualified candidates for the position, and appropriately reflect the magnitude of the position's responsibilities.

11. Is funding for this position in your current budget?

13. Please classify the current position (check all that apply):

- ☐ Non-union/Exempt
☒ Management
☐ Union Name of union _____

14. Please classify the proposed position (check all that apply):

- ☐ Non-union/Exempt
☒ Management
☐ Union Name of union _____

15. Has position been negotiated with/between union(s)? (If applicable)

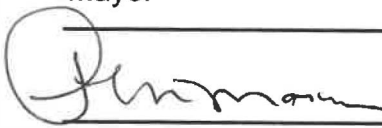
N/A

Please submit the following information with this request:

- | | |
|--------------------------------------|---|
| a. Job Description(s) | c. Salary Table |
| b. Departmental Organizational Chart | d. Any additional information deemed relevant |

Submitted By: Peter Marchetti

Title: Mayor

Signature: 

Mayor: _____

<u>Community</u>	<u>Community Title</u>	<u>Min Salary</u>	<u>Max Salary</u>	<u>Actual</u>	<u>Years of Service</u>	<u>Union (Y/N)</u>	<u>Notes (hours, contract, etc)</u>
Agawam	Solicitor	\$97,334.00	\$123,183.00	vacant		N	
Holyoke	City Solicitor	\$78,103.00	\$111,063.00	\$104,040.00	3	N	
West Springfield	Chief of Staff/Town Attorney			\$125,658.00	8	N	
Springfield	City Solicitor	\$124,501.56	\$161,913.44	\$210,000.00	>1	N	37.5 Hours
Westfield	First Assistant City Solicitor			\$105,009.00	10	N	



City of Pittsfield

Job Description

Position Title:	City Solicitor	Grade Level:	M-10
Department:	Solicitor's Office	Union/FLSA:	Non-union/Exempt
Reports to:	Mayor	Date Prepared:	July 2024

Job purpose

In accordance with the provisions outlined in City Code, Chapter 2, Article III, and under the general direction of the Mayor, the Solicitor prosecutes and defends all actions involving the City's interests and shall advise the Mayor, public officials, public school system, boards, departments, and agencies. The incumbent shall draft and/or approve legal documents, and represent the City before legislature. The Solicitor aids in the development and implementation of City policies, programs, plans, and procedures, and performs other duties as required by the Mayor or as dictated by job responsibilities.

The incumbent shall have outstanding interpersonal skills, be confident in their decision-making abilities, and overall demonstrate a solid command for the practice of municipal law.

Duties and responsibilities

1. Responsible for all legal affairs involving the City of Pittsfield; responsible for the administration of the City's law department functions as dictated by City Code, Massachusetts General Law, and Federal law.
2. Makes frequent contact with other City departments, City Councilors, public officials, other attorneys and their clients, and has occasional contact with the general public; furnishes legal advice to the Mayor, City Council, City Departments, School Department, boards, committees, etc.
3. Represents the City, its boards, agencies, departments, and officials in the prosecution of all actions and other legal proceedings and suits on its or their behalf.
4. Represents the City's interests in any matter before the Federal, Superior, Appeals, and Supreme Judicial courts, all administrative agencies of the Commonwealth and the District Court in which the interest and welfare of the City and its officials and employees may be directly or indirectly affected.
5. Attends and provides legal advice at all meetings of the City Council and meetings of other City boards and commissions as required/requested.
6. Communicates with attorneys representing private and public interest, judges, court personnel, etc.
7. Researches and renders opinions as to various legal issues which impact the City and its various boards, commissions and agencies; responsible for the preparation, filing, and provision of pleadings, discovery documents, briefs, etc. for court and administrative proceedings, as well as contracts, leases, conveyances, ordinances, deeds, and other legal documents/instruments as needed and/or requested.
8. Performs administrative tasks related to preparation of annual department budget and report; participates in department/staff meetings.
9. Prepares and approves proposed ordinances for final adoption.
10. Performs other duties as required or necessary.

Qualifications

1. Juris Doctor degree from an accredited institution
2. Ten (10) years or more of experience in the practice of law, with previous experience in municipal law required.
3. Any equivalent combination of education, training and experience, which provides the required knowledge, skills, and abilities to perform the essential functions of the job.



City of Pittsfield

Job Description

4. Licensed attorney admitted to practice in the Commonwealth of Massachusetts, as well as in federal courts.
5. Must possess extensive knowledge of municipal law, previous professional experience in the following areas: civil trial and appellate practice, administrative, environmental, zoning and land use, public sector, worker's compensation, civil service law areas.
6. Ability to organize, interpret and apply legal principles, knowledge, and judgment to complex legal problems.
7. Ability to meet and effectively deal with persons interested or involved in suits against the City; ability to deal effectively and in a collaborative manner with elected officials and other City employees.
8. Ability to plan and supervise the work of other professional staff in Law Department.
9. Excellent interpersonal skills; must be able to readily comprehend business objectives; clearly and concisely articulate legal implications, alternatives, and ramifications.
10. Must be a strong advocate on behalf of City objectives and positions; highly skilled negotiator; discerns and clarifies essential issues.

Working conditions *(The characteristics described here are representative of those that the employee encounters while performing the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.)*

This is an office-based job in a dynamic municipal building. While performing the duties of the Solicitor, the incumbent is required to: interact and communicate frequently with the public, government officials, other staff members and boards, and/or third parties transacting business with the City. Requires periodic attendance at public meetings outside of normal working hours.

Physical requirements *(The physical demands listed here are representative of those that must be met by the employee to successfully perform the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.)*

Occasional walking, standing and climbing; regularly uses computer keyboards requiring eye-hand coordination and finger dexterity; may involve travel to meetings and other communities. Must lift/push/pull up to 15lbs

Direct reports

Legal Assistant
Assistant City Solicitor

Disclosure

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.

EEO/AA

It is the policy of the City of Pittsfield not to discriminate against any employee because of age, race, color, religion, sex, marital status, sexual orientation, gender identity or expression, national origin, disability, pregnancy, veteran status or any other federally protected class.

Approved by:	
Date approved:	June 2016
Reviewed:	July 2024



PERSONNEL REVIEW BOARD
Request to Create New Position

Date: 6/27/24

1. Department: Public Services and Utilities

2. Position Title: Deputy Commissioner

3. Grade & Salary: Grade M-8, \$89,247-\$116,021

4. Hours per week: 40

5. Work Schedule: Monday-Friday, 7:30AM-4PM, occasional evening work as needed.

6. Is funding for this position in your current budget?

Currently, there is not funding the DPSU budget for this position.

7. Explain the need for the proposed position at this time.

The Deputy Commissioner shall assist the DPSU Commissioner in all aspects of operations and provide the necessary support and structure that is critically needed in this department. The position will bring heightened operational efficiency, increase community engagement, assist in executing plans and managing projects, and increase communication with other City departments and constituencies.

8. General statement of duties and responsibilities for proposed positions?

The Deputy Director assists the Director in planning, directing, and managing the operations and activities of the Public Services and Utilities Department. This role involves overseeing various divisions, ensuring the efficient delivery of public works services, and fostering a collaborative work environment. The Deputy Director is responsible for the execution of strategic initiatives, project management, and maintaining high standards of service delivery to the community.

9. How are these duties and responsibilities being performed at this time?

The Commissioner is performing these duties, with support from the division Superintendents.

10. If this position is full time, could it be changed to part time or temporary without serious consequences, or can the work be performed in fewer hours?

11. Provisions which will be made for emergency circumstances, i.e. functions that are connected with the public safety and health. Statement of emergency:

Assists in the coordination and management of emergency response efforts; Provides leadership during natural disasters, infrastructure failures, and other emergencies; Develops and implement contingency plans to ensure continuity of services.

12. Could this position be combined with another position? If so, explain. (For example, combining two part-time positions or merging with a similar position in another department)

N/A

13. If applicable: explain the possibility, as you have researched it, for contracting out the functions of this job.

N/A

14. Please classify this position (check all that apply):

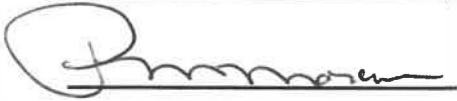
- ☐ Exempt/Non-Exempt
☒ Management
☐ Union Name of union _____
☐ Other _____

Please submit the following information with this request:

- ☒ Job Description
☒ Departmental Organizational Chart
☒ Any additional information deemed relevant

Submitted by: Peter Marchetti

Title: Mayor

Signature: 

Mayor: _____

<u>Community</u>	<u>Community Title</u>	<u>Min Salary</u>	<u>Max Salary</u>	<u>Actual</u>	<u>Years of Service</u>	<u>Union (Y/N)</u>	<u>Notes (hours, contract, etc)</u>
Longmeadow	Operations Manager	\$79,996.00	\$104,000.00	\$83,428.00	2	N	40
Westfield	Deputy Superintendent	\$83,385.00	\$93,039.00			Y	35 hours
West Springfield	Deputy Director	\$66,690.00	\$87,400.00	\$91,000.00	16 with the Town, 4 as Deputy	Y	



City of Pittsfield

Job Description

Position Title:	Deputy Commissioner	Grade Level:	M-8
Department:	Public Services and Utilities	Union/FLSA:	Non-union/Exempt
Reports to:	Commissioner	Date Prepared:	July 2024

Job purpose

The Deputy Commissioner assists the Commissioner in planning, directing, and managing the operations and activities of the Public Services and Utilities Department (DPSU). This role involves overseeing various divisions, ensuring the efficient delivery of public works services, and fostering a collaborative work environment. The Deputy Commissioner is responsible for the execution of strategic initiatives, project management, and maintaining high standards of service delivery to the community.

Duties and responsibilities

1. Assists the Commissioner in managing the daily operations of DPSU.
2. Oversees the activities of various divisions, including water, wastewater, fleet maintenance, engineering, highway, parks maintenance and traffic divisions.
3. Ensures daily activities and special projects are completed on time, within budget, and to the required quality standards.
4. Provides leadership, guidance, and support to department staff; directs DPSU division superintendents on policy, procedure and standards for implementation of projects and programs.
5. Assists the Commissioner in the development and execution of long-term strategic plans for the department.
6. Monitors progress towards strategic goals and adjusts as necessary.
7. Ensures alignment of daily operations with the city's overall objectives.
8. Manages and oversees operational tasks to ensure compliance with regulations and standards.
9. Monitors the daily operations of the department to ensure alignment with the city's overall objectives and strategic goals.
10. Coordinates with other departments, contractors, consultants, and stakeholders to ensure seamless and efficient department operations.
11. Assists in the coordination and management of emergency response efforts; Provides leadership during natural disasters, infrastructure failures, and other emergencies; Develops and implements contingency plans to ensure continuity of services.
12. Manages and oversees snow operations, including snow removal, de-icing, and ensuring safe road conditions during winter weather events.
13. Research availability of, and prepares applications for, grants for federal or state funding assistance for public works projects and programs.
14. Responds to requests from citizens, local officials, and other City staff for information in relation to specific issues or problems; initiates appropriate corrective action to resolve problems.
15. Attends public meetings on behalf of the DPSU as needed or required.
16. Performs other duties as assigned or required.



City of Pittsfield

Job Description

Qualifications

1. Bachelor's degree with specialization in public or business administration, engineering, or related field.
2. Five (5) years or more of progressively responsible experience, with a minimum of three (3) years in a supervisory position.
3. Any equivalent combinations of education, training and experience which provide the required knowledge, skills and abilities to perform the essential function of the job shall be acceptable.
4. Licenses/certifications: Valid class D driver's license required
5. Strong, effective management and leadership skills; skill in developing policies and procedures to accomplish goals and objectives; imagination, innovation and judgment relating to planning and achieving department goals.
6. Ability to plan, assign and supervise the work of groups of employees engaged in a variety of public works construction and maintenance operations
7. Establishes and maintains collaborative and harmonious working relationships with City officials and departments, state agencies and the general public; ability to deal with employees tactfully and effectively and maintain positive relations.
8. Comprehensive technical and practical knowledge of the materials, methods and techniques relative to public works projects and construction contract administration and estimations; thorough knowledge of public works financing and civil engineering practices and techniques.
9. Knowledge of federal, state and local laws, regulations and policies which govern public works facilities, operations, projects and activities.
10. Communicates effectively in written and oral form; ability to prepare in-depth reports and translate technical information into laymen's terms.
11. Proficient computer and internet skills, especially in Microsoft Office programs.

Working conditions (*The characteristics described here are representative of those that the employee encounters while performing the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.*)

Office work and field supervision required. For work outdoors, the incumbent is subject to variable weather conditions and the hazards associated with construction sites and public works projects. Occasional evening and weekend work may be necessary. Ability to respond to emergencies outside of regular working hours. While performing the duties of the Deputy Commissioner, the incumbent is required to interact and communicate frequently with the public, government officials, other staff members and boards, and/or third parties conducting business with the City.

Physical requirements (*The physical demands listed here are representative of those that must be met by the employee to successfully perform the essential functions of this job. Reasonable accommodations are considered to ensure individuals with disabilities can perform essential functions.*)

Employee is regularly required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as in picking up paper, files, and other common office objects. Must be able to traverse uneven terrain and access all areas of a construction site. May lift and/or move objects weighing up to 50 pounds. Vision and hearing at or correctable to normal ranges. Communicates verbally and in writing.



City of Pittsfield

Job Description

Direct reports

Division Superintendents and Managers

Disclosure

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.

EEO/AA

It is the policy of the City of Pittsfield not to discriminate against any employee because of age, race, color, religion, sex, marital status, sexual orientation, gender identity or expression, national origin, disability, pregnancy, veteran status or any other federally protected class.

Approved by:	
Date approved:	
Reviewed:	July 2024



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules Committee

to whom was referred the A communication from Mayor Marchetti submitting an Ordinance amending City Code, Chapter 2, Administration, Article XL, Youth Commission

having considered the same, report and recommend that

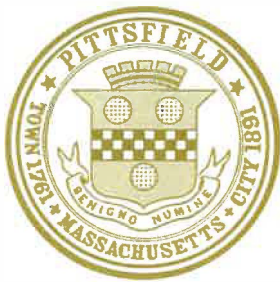
to approve

Voted unanimously 5/0

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

August 1, 2024

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

Dear Councilors,

At its April 9, 2024 meeting, the City Council voted to refer a petition from William Garritty requesting me to reactivate the city's Youth Commission. Therefore, submitted herewith for your consideration is an Ordinance amending the City Code, Chapter 2, Administration, Article XL, Youth Commission.

Respectfully submitted,

Peter M. Marchetti
Mayor

LMT/CVB

Enclosure



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 2, ADMINISTRATION, ARTICLE XL. YOUTH COMMISSION

Page 1 of 2

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

The Code of the City of Pittsfield, Chapter 2, Administration, Article XL, Youth Commission shall be amended by striking the ordinance in its entirety and replacing with the following language:

Sec. 2-225. Established; title.

There is hereby established a municipal board to be known as the "Youth Commission of the City of Pittsfield."

Sec. 2-226. Composition and appointments.

(a) In accordance with Article 2, Section 2-10, Article 3, Section 3-3 and Article 6 of the City Charter, there is hereby established a commission to be known as the "Youth Commission." The mission of the Youth Commission will be to provide an ongoing forum for communication between City government and local youth.

(b) The Youth Commission shall consist of a total of 9 voting members, who shall be Pittsfield residents ages 13 to 17, two members shall be nominated from each high school and each middle school and one shall be an at-large school student. In addition, the Recreation and Special Event Coordinator and Youth Advisor shall serve as an ex officio members of the Youth Commission. One City Councilor, appointed by the City Council President, shall serve as a liaison for the City Council. The members of the Youth Commission shall have an understanding of the needs of young people in Pittsfield, experience with youth programs or youth organizations, or involvement with school or community activities. The members shall represent the diversity of ethnicity, race, gender, sexual orientation and socioeconomic status of the people of the City and shall be residents of the City.

(c) Each member shall serve a term of one year. In the event of a vacancy, the Mayor shall appoint a successor from the school where the vacancy occurred as soon as practicable, subject to City Council approval, and said successor shall fulfill the unexpired term of the member whose seat was vacated. In accordance with Article 10, Section 10-6(a) of the City Charter, the Commission shall choose from among its member a Chairperson, Vice Chair, Secretary and any other officer it deems necessary.

(d) Members of the Commission shall not be compensated, nor shall they be reimbursed for expenses.

Approved as to Form and Legality,

City Solicitor

**AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 2,
ADMINISTRATION, ARTICLE XL. YOUTH COMMISSION
Page 2 of 2**

Sec. 2-227. Powers and duties generally.

(a) The purpose of the Youth Commission is to provide a resource for City boards and agencies in areas involving youth to advocate on behalf of youth of Pittsfield; to enable an ongoing dialogue and exchange of views among such agencies regarding issues of youth; to make recommendations to and work closely with the Mayor to further the interests of youth; to coordinate as necessary the scheduling of special events; to encourage youth to submit petitions to the City Council; and to maintain a calendar of scheduled events for the youth in the City.

(b) The Youth Commission shall respond to requests for comments and recommendations on matters referred to the Commission by the Mayor, City Council, officers, departments, agencies, boards, commissions and advisory committees of the City of Pittsfield.

(c) The Youth Commission shall assist the City Council and Mayor coordinating its recommendations to eliminate duplication in cost and effort in the community. The Youth Commission shall:

- identify the concerns and needs of the youth of Pittsfield;
- review existing social, economic, educational, and recreational programs for youth;
- develop and propose plans that support or improve such programs;
- identify opportunities to expand neighborhood youth services in conjunction with local community boards;
- make recommendations to the Mayor and City Council.

This process will allow opportunities for effective participation by youth in the governmental process, and improve the social, economic, educational, and recreational advantages of the City's youth.

Sec. 2-228. Meetings.

The Commission shall meet at least quarterly. The Chairperson of the Commission shall declare vacant the seat of any member who misses two consecutive meetings, in any one year term, without a valid reason, as determined by the Chairperson. Upon such vacancy, the Chairperson will promptly notify the Mayor so that a replacement can be appointed.

Sec. 2-229. Youth Advisor.

The Mayor shall appoint a Youth Advisor who shall serve until a successor is duly appointed or qualified. No member of the Youth Commission may be appointed to serve as Youth Advisor. The Youth Advisor shall serve unpaid and may be removed by the Mayor. The duty of the Youth Advisor is to advise the Youth Commission on matters of procedure including posting agendas in compliance with the Massachusetts Open Meeting Law, taking minutes of each meeting and to assist the Youth Commission on any other matter as requested by member(s) of the Commission.

Sec. 2-230. (Reserved)

This Ordinance shall become effective upon enactment.

Chapter 2. Administration

ARTICLE XL. YOUTH COMMISSION

Sec. 2-225. Established; title.

[Ord. No. 707, § 1, 5-28-1992; Ord. No. 929, § I, 5-25-2004; Ord. No. 1244, § I, 10-26-2021]

There is hereby established a municipal board to be known as the "Youth Commission of the City of Pittsfield."

Sec. 2-226. Composition and appointments.

[Ord. No. 707, § 1, 5-28-1992; Ord. No. 727, § 1, 11-25-1992; Ord. No. 776, § 1, 11-10-1994; Ord. No. 822, § I, 12-12-2000; Ord. No. 929, § I, 5-25-2004; Ord. No. 1108, § I, 3-10-2015; Ord. No. 1244, § I, 10-26-2021]

(a) In accordance with Article 2, Section **2-10**, Article 3, Section **3-3** and Article **6** of ~~Chapter 72 of the Acts of 2013~~the City Charter, there is hereby established a commission to be known as the "Youth Commission." The mission of the Youth Commission will be to provide an ongoing forum for communication between City government and local youth.

(b) The Youth Commission shall consist of a total of ~~15-9~~ voting members, ~~including 10-Pittsfield residents ages 13 to 22-17, two members shall be nominated from each high school and each middle school and one shall be an at-large school student. of whom shall be middle school students, two members of whom shall be high school students and two of whom will be college students, and five adults who represent a variety of interests in the community. The Recreation and Special Event Coordinator and Youth Advisor shall serve as an ex officio members of the Youth Commission. One City Councilor, appointed by the City Council President, shall serve as a liaison for the City Council.~~ The ~~members of the~~ Youth Commission shall ~~consist of individuals who~~ have an understanding of the needs of young people in Pittsfield, experience with youth programs or youth organizations, or involvement with school or community activities. The members shall represent the diversity of ethnicity, race, gender, sexual orientation and socioeconomic status of the people of the City and shall be residents of the City.

(c) Each member shall serve a term of one year. In the event of a vacancy, the Mayor shall appoint a successor ~~from the school where the vacancy occurred~~ as soon as practicable, subject to City Council approval, and said successor shall fulfill the unexpired term of the member whose seat was vacated. In accordance with Article **10**, Section 10-6(a) ~~of Chapter 72 of the Acts of 2013~~of the City Charter, the Commission shall choose from among its member a Chairperson, Vice Chair, Secretary and any other officer it deems necessary.

(d) Members of the Commission shall not be compensated, nor shall they be reimbursed for expenses.

Sec. 2-227. Powers and duties generally.

[Ord. No. 707, § 1, 5-28-1992; Ord. No. 929, § I, 5-25-2004; Ord. No. 1244, § I, 10-26-2021]

(a) The ~~function-purpose~~ of the Youth Commission ~~shall be~~ is to provide a resource for ~~all~~ City boards and agencies in areas involving ~~youth - children and adolescents~~; to advocate on behalf of ~~children youth of Pittsfield~~; to ~~effect-enable~~ an ongoing dialogue and exchange of views among such agencies regarding issues of ~~children and adolescents youth~~; to make recommendations to and work closely with the Mayor to further the interests of ~~children and adolescents youth~~; to coordinate as necessary the scheduling of special events ~~for children and adolescents~~; to encourage ~~children and adolescents youth~~ to submit petitions to the City Council; and to maintain a calendar of scheduled events for ~~children and adolescents the youth~~ in the City.

(b) The Youth Commission ~~will shall~~ respond to requests for comment and recommendation on matters referred to the Commission by ~~the Mayor, City Council~~, officers, departments, agencies, boards, commissions and advisory committees of the City of Pittsfield.

(c) The Youth Commission ~~will shall advise-assist~~ the City Council and Mayor ~~about how such in coordinating its~~ recommendations ~~could be coordinated in the community~~ to eliminate duplication in cost and effort ~~in the community~~. The Youth Commission ~~will shall~~:

- ~~identify~~ the concerns and needs of the youth of Pittsfield;
- ~~examine-review~~ existing social, economic, educational, and recreational programs for youth;
- ~~develop~~ and propose plans that support or improve such programs;
- ~~identify opportunities to expand neighborhood youth services in conjunction with local community boards~~;
- ~~and~~ make recommendations ~~thereon~~ to the Mayor and City Council.

This process will allow opportunities for effective participation by youth in the governmental process, and improve the social, economic, educational, and recreational advantages of the City's youth.

Sec. 2-228. Meetings.

[Ord. No. 707, § 1, 5-28-1992; Ord. No. 929, § I, 5-25-2004; Ord. No. 1244, § I, 10-26-2021]

The Commission shall meet ~~at least monthly~~ quarterly. The Chairperson of the Commission shall declare vacant the seat of any member who misses ~~three-two~~ consecutive meetings, in any one year term, without a valid reason, as determined by the Chairperson. Upon such vacancy, the Chairperson will promptly notify the Mayor so that a replacement can be appointed. ~~The Director of Youth Services/Activities Coordinator shall serve as an ex officio member of the Youth Commission and one City Councilor who shall serve as a liaison for the City Council.~~

~~Sec. 2-228.1. Director of Youth Services.~~

~~[Ord. No. 929, § I, 5-25-2004; Ord. No. 1142, § XLVIII, 9-29-2015; Ord. No. 1244, § I, 10-26-2021]~~

~~In accordance with Article 3, Section 3-3 and Article 6, Section 6-1 of the City Charter enacted by Chapter 72 of the Acts of 2013, the Mayor shall appoint a Director of Youth Services who shall also function as the Activities Coordinator. The Director shall serve until a successor is duly appointed or qualified. The Director may be removed by the Mayor. The Director of Youth Services will be tasked~~

generally with improving the quality of life for children, young adults, parents and families throughout the City of Pittsfield.

Sec. 2-228.2. Qualifications.

[Ord. No. 929, § 1, 5-25-2004; Ord. No. 1244, § 1, 10-26-2021]

The Director of Youth Services shall have a bachelor's degree or an equivalent combination of work experience and education, have the ability to apply for grants, and experience in preparing and managing budgets and quarterly reports.

Sec. 2-228.3. Duties of Director of Youth Services.

[Ord. No. 929, § 1, 5-25-2004; Ord. No. 1244, § 1, 10-26-2021]

- (a) Plan, organize, coordinate and promote City-wide programs and activities for all age groups.
- (b) Bridge the gap between youth and government by providing references, resources, and support to families, youth, and community organizations that are already involved in delivery of youth/family related services.
- (c) Conduct and maintain a comprehensive youth services needs assessment on a City-wide and community-wide basis.
- (d) Compile and make available data relating to youth, youth services, and recreational activities in Pittsfield on an ongoing basis.
- (e) Develop, in concert with the Mayor, the City Council, and related community agencies a strategic action plan to meet the needs of the youth of the City of Pittsfield.
- (f) Identify and secure funding that will directly benefit and support youth activities and recreation in the community.
- (g) Initiate opportunities for youth to be directly involved in City government and encouraging participation in official City functions.
- (h) Submit quarterly reports to the Mayor and City Council.
- (i) Work closely with the Chairman of the Youth Commission to facilitate ambitious and organized monthly meetings.
- (j) Identify opportunities to expand neighborhood youth services in conjunction with local community boards.
- (k) Collaborate with the Youth Commission and community boards on youth summits where groups of young people brainstorm ideas for improving quality of life in Pittsfield, debate those ideas, and create action plans to accomplish them.

~~(l) Collaborate with the Youth Commission and City Hall to create and sponsor an annual youth event focused on inspiring students to greater participation in City government.~~

~~(m) Plan and coordinate National Red Ribbon Annual Campaign with schools and agencies.~~

~~(n) Find creative ways for youth to become more involved in state and federal government affairs.~~

~~(o) Work with the Parks Department to assist the coordination and improvement of recreational programs and activities for all age groups.~~

Sec. 2-22~~98~~.4. Youth Advisor.

[Ord. No. 1138, § I, 8-11-2015; Ord. No. 1244, § I, 10-26-2021]

The Mayor shall appoint a Youth Advisor who shall serve until a successor is duly appointed or qualified. No member of the Youth Commission may be appointed to serve as Youth Advisor. The Youth Advisor shall serve unpaid and may be removed by the Mayor. The duty of the Youth Advisor is to advise the Youth Commission on matters of procedure including posting agendas in compliance with the Massachusetts Open Meeting Law, taking minutes of each meeting and to assist the Youth Commission on any other matter as requested by member(s) of the Commission.

Sec. 2-23~~02~~9. (Reserved)



City of Pittsfield

RECEIVED - CITY CLERK
CITY OF PITTSFIELD, MA

2024 APR -3 AM 9:20

April 3 20 24

To the City Council of the City of Pittsfield:-

The undersigned respectfully

A petition to respectfully ask the City Council and the Mayor to develop a plan for reactivating the city's Youth Commission and recruiting members to the commission, including looking at potential revisions to the ordinance. The voice of our youth is important to this city, and reestablishing the Youth Commission would give them a platform to share their voice to city leaders. It would also get more youth involved in city and local government, and hopefully come back to serve on a board or commission in Pittsfield or another municipality.

Respectfully submitted,
William Garrity



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on
Ordinances and Rules Committee

to whom was referred the

A petition submitted by Mayor Marchetti to provide an annual cost of living adjustment for veterans who are eligible for real estate exemptions (MGL Chapter 59 Section 5, Clause 22I per the HERO Act)

having considered the same, report and recommend that

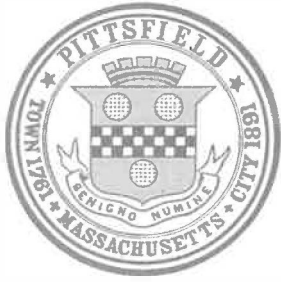
to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



15

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

Peter M. Marchetti
Mayor

September 3, 2024

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 accepting the provision of Massachusetts General Laws, Chapter 59, Section 5, Clause 22I which would provide an annual cost of living adjustment for veterans who are eligible for real estate exemptions.

As you are aware, disabled veterans are currently eligible for a series of real estate exemptions that are established by state law. Recently, the Governor signed into law the HERO Act that contains a local option provision that allows cities and towns to add an annual cost of living adjustment to these exemption amounts as determined by the Department of Revenue. The adoption of this order would make this annual adjustment available to eligible veterans within Pittsfield.

I believe that the acceptance of this order will provide additional assistance to our disabled veterans and further demonstrate the City of Pittsfield's respect and appreciation for those that have served.

Respectfully submitted,

Peter M. Marchetti, Mayor

PMM/bmw
Enclosure

City of Pittsfield

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

No. _____

IN CITY COUNCIL

AN ORDER

**Ordered: ACCEPTING THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS,
CHAPTER 59, SECTION 5, CLAUSE 22I**

That the City of Pittsfield accept Massachusetts General Laws, Chapter 59, Section 5, Clause 22I, which authorizes an annual increase in the amount of the exemption granted under Massachusetts General Laws, Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025.



City of Pittsfield

September 23, 2024

To the City Council of the City of Pittsfield: —

The Committee on
Ordinances and Rules Committee

to whom was referred the

A petition from Daniel Miraglia requesting to change the current open microphone public comment period at City Council meetings from three (3) minutes to five (5) minutes when there are twenty (20) or fewer speakers signed up to

having considered the same, report and recommend that

Not to approve

Voted unanimously 5/0

Respectfully submitted,

Dina Lampiasi

Chairman



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA

2024 AUG 14 AM 8:37

Aug 14th 20 24

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Petition to change the current open mike public comment period at city council meetings from three minutes to five minutes. IF there is 20 or more speakers signed up then the comment period shall remain at three minutes.

Daniel Miraglia
68 Ontario St
Pittsfield, MA

Daniel Miraglia 8/14/24



CITY OF PITTSFIELD

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

Tel. (413) 499-9352

solicitor@cityofpittsfield.org

February 22, 2024

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

Dear Councilors:

On February 14th, 2024, the City Council voted to refer to this office a communication from Director Cambi with a code enforcement update on 53 Roberts Street. I indicated I would review the City Code and make some recommendations for changes to the Code that would provide stronger tools with which to enforce the City Code. I will need more time to provide a comprehensive response but have outlined a summary of the various enforcement mechanism available to municipalities. I will be meeting with Director Cambi to discuss these issues prior to the next City Council meeting.

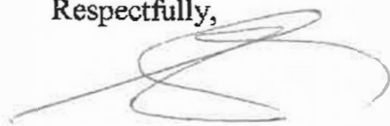
The City has 2 ways to enforce the City Code, fines set out in Chapter 4 ½ or court enforcement. Fines may be imposed under MGL Chapter 148A for state building code or state fire code violations; under MGL Chapter 40, Section 21D for general City Code violations and under MGL Chapter 40U for state housing and sanitary code violations and municipal snow and ice fines. The fines assessed under Chapter 40U, if unpaid, may be attached to an individual's real estate tax bill. Fines imposed under MGL Chapter 148A may be appealed to the Housing Court. Fines imposed under MGL Chapter 40U may be appealed to either the Housing Court or the District Court. Fines imposed under MGL Chapter 40 Section 21D are heard and enforced in District Court. If the fines under Section 21D are upheld by the District Court, but remain unpaid, the City could file a criminal complaint. This last recourse is rarely if ever used.

Violations of the state building code, state fire code and state housing and sanitary code violations can be addressed in the Housing Court. The City has been successful in Housing Court getting state housing and sanitary code violations corrected.

The City may also file a civil complaint in the Superior Court seeking an injunction ordering an individual to comply with the City Code and in the alternative seeking authorization to access the property to address and remediate the City Code violations at the individual's cost.

To address situations similar to those at 53 Roberts Street, the City may wish to consider updating its current ordinance. Councilor Conant forwarded a sample ordinance to allow gardens with native plants and has a more enforceable definition of weeds.

Respectfully,

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the left.

Stephen Pagnotta

SNP/hlg



CITY OF PITTSFIELD

HEALTH DEPARTMENT, 100 NORTH STREET, PITTSFIELD, MA 01201

February 6, 2024

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

- Current Status on 53 Robert Street Code Enforcement

Dear Councilors:

I wanted to send a communication providing an update on the status of 53 Robert St. The Health Department has an open code enforcement action on this property. There was a fallen tree on the property in the fall of 2023. An order was issued, and the owner was not responsive to the order. An interested party (relative of the owner) took the responsibility of hiring a tree contractor to remove the fallen tree and debris. That interested party plans to address the remaining violations this coming spring. They have asked for an extension in writing citing weather conditions. The Health Department has granted the extension and will follow up in the spring.

Sincerely

A handwritten signature in black ink, reading "Andy Cambi", is positioned below the word "Sincerely".

Andy Cambi
Director of Public Health



CITY OF PITTSFIELD

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

September 18, 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 23-6, "Floodplain District", with revised text that is consistent with the latest version of the State's model Floodplain Bylaw:

Dear Councilors:

Please be advised that on September 17, 2024, the Community Development Board held a public hearing on the aforementioned zoning amendment petition and voted unanimously to recommend that the City Council approve the proposed amendment to the zoning ordinance replacing the language in Chapter 23, Article 23-6 of the Zoning Ordinance with revised text that is consistent with the latest version of the State's model Floodplain Bylaw

Sincerely,

A handwritten signature in cursive script, reading "Sheila B. Irvin".

Sheila Irvin
Chair



City of Pittsfield

August 7 20 21

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 23-6, "Floodplain District", with revised text that is consistent with the latest version of the State's model Floodplain Bylaw.

Respectfully submitted,

PITTSFIELD COMMUNITY DEVELOPMENT BOARD

Sheila B. Irvin
Chair



CITY OF PITTSFIELD

DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201
TEL. (413) 499-9368 – FAX: (413) 395-0152

August 7, 2024

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

Re: Petition from the Community Development Board to amend Article 23-6 (Floodplain Ordinance) of the Zoning Ordinance

Dear Councilors:

Attached please find a petition to amend the Pittsfield Zoning Ordinance in relation to Section 6, Floodplain Ordinance.

At the August 6, 2024 Community Development Board meeting, the Board voted 4-0 to petition the City Council to amend the Pittsfield Zoning Ordinance, City Code Chapter 23, Article 23-6, "Floodplain District", with revised text that is consistent with the latest version of the State's model Floodplain Bylaw. The Massachusetts Department of Conservation and Recreation has reviewed and approved the proposed draft.

Attached please find the petition application and draft Ordinance.

Respectfully submitted,

PITTSFIELD COMMUNITY DEVELOPMENT BOARD

A handwritten signature in black ink, appearing to read "Sheila B. Irvin", is written over the printed name.

Sheila B. Irvin
Chair

ARTICLE 23-6
FLOODPLAIN DISTRICT
(Draft 07-09-2024)

SECTION 6.101 STATEMENT OF PURPOSE

The purpose of the Floodplain Overlay District is to:

- A. Ensure public safety through reducing the threats to life and personal injury;
- B. Eliminate new hazards to emergency response officials;
- C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- E. Eliminate costs associated with the response and cleanup of flooding conditions;
- F. Reduce damage to public and private property resulting from flooding waters;

6.102 ABROGATION AND GREATER RESTRICTION

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

6.103 DISCLAIMER OF LIABILITY

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

6.104 DESIGNATION OF COMMUNITY FLOODPLAIN ADMINISTRATOR

The City of Pittsfield Director of Community Development or their designee shall act as the official floodplain administrator for the City.

SECTION 6.2 DEFINITIONS

BASE FLOOD means the flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain

management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MOBILE HOME A vehicular portable completely enclosed structure built on a permanent chassis as a single unit designed for long-term occupancy as a dwelling, whether or not placed on or affixed to a foundation, with all the following characteristics:

- A. Containing sleeping accommodations and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- B. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.

NEW CONSTRUCTION Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - see **FLOODWAY**.

SPECIAL FLOOD HAZARD AREA The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH.

START OF CONSTRUCTION The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home on a foundation.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

SECTION 6.3 FLOODPLAIN DISTRICT BOUNDARIES

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Pittsfield Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated January 16, 1987, as Zone A, A1-30, and the FEMA Flood Boundary and Floodway Map dated January 16, 1987. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated January 16, 1987. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Department of Community Development, and Conservation Commission.

SECTION 6.4 USE REGULATIONS

SECTION 6.401 SITE PLAN REVIEW PROCEDURES

Any person desiring to establish, change or expand any principal permitted use or accessory use which involves or requires the construction of a new structure or the alteration, expansion, or moving of an existing structure, or the outdoor storage of materials (including earth materials) or equipment, or placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties shall submit an application for a Site Plan Review to the Community Development Board, describing, in detail, the proposed use of the property and work to be performed, accompanied by plans showing:

A. The boundaries, dimensions and the specific location of the lot in relationship to the floodway and/or base flood level.

B. Mean sea level elevation with two-foot or less contour separation for the existing and proposed land surface, and finished elevations of the basement, first floor, and/or disposal facilities.

C. Amount and location of fill to be deposited in the one-hundred-year floodplain and amount and location of compensatory storage.

SECTION 6.402 SITE PLAN REVIEW REQUIREMENTS

The Community Development Board may approve a site plan application for development in the floodplain if it finds that the proposed use is in compliance with requirements set forth below. The Community Development Board may impose such additional requirements and conditions as necessary to ensure the protection of public health, safety, and welfare. The burden of providing that the proposed use will not endanger the health, safety, and welfare shall rest upon the applicant who shall submit such engineering and hydrological data as may be required.

A. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the City's Flood Boundary & Floodway Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

D. In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

E. When floodproofing is utilized for a particular structure, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, impact and uplift forces and other factors associated with the base flood.

F. All new construction and substantial improvement of residential and nonresidential structures shall have the lowest floor, including basement and cellar, elevated to or above the base flood level.

G. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

H. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

I. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways. The Building Department may require that the applicant provide such data as necessary to complete this review.

J. All other necessary permits will have to be received from those governmental agencies from which approval is required by federal, state or local laws. The proponent must demonstrate that all necessary permits have been acquired.

SECTION 6.403 REFERENCE TO EXISTING REGULATIONS

A. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:

(1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

(2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

(3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

(4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

B. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations, additionally:

(1) The City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

(2) The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and:

(ii) such construction below the base flood level increases risks to life and property.

(3) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

C. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law and the procedure identified in Section 11 of this ordinance, and may only be granted if:

- 1) Good and sufficient cause and exceptional non-financial hardship exist;
- 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- 3) the variance is the minimum action necessary to afford relief.

SECTION 6.404 OTHER USE REGULATIONS

The Department of Public Works, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under the Zoning Bylaw, shall require that:

A. New and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems; and

B. New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into

floodwaters and on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

SECTION 6.405 EXCEPTIONS

A. The requirements of this article are not intended to govern the normal customary grading in the area of an existing or newly constructed building. Such uses include, but are not limited to, the preparation and construction of sidewalks, driveways, and patios. Such grading and earthmoving shall be approved by the Building Inspector at the time of the issuance of the building permits, provided that a plan showing proper drainage and protection of adjoining property has been submitted.

B. The requirement of this article shall not apply to any emergency projects which are certified as such by the Building Inspector.

SECTION 6.5 NOTIFICATION OF WATERCOURSE ALTERATION

6.501 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Director of Community Development or their designee shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

6.502 Requirement to submit new technical data

If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)

Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

SECTION 6.6 PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- A. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.
- D. Conservation of water, plants, wildlife.
- E. Wildlife management areas, foot, bicycle, and/or horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to the adoption of these provisions.

Date Received _____

By _____
(fee paid)

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

1. Amend Zoning Map _____ Amend text, Chapter 23, Code of Laws X
2. Present Zoning District n/a
Zoning Requested n/a
3. Name of Petitioner City of Pittsfield Community Development Board, Sheila Irvin, Chair
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368
Signature *Sheila B. Irvin*
4. Name of Agent City of Pittsfield Department of Community Development
Address 70 Allen Street, Room 205, Pittsfield, MA 01201 Telephone # (413) 499-9368
Signature _____
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 to Article 23-6 (Floodplain Ordinance) consists of the replacement of the existing Section 6. The proposed revisions bring the City's zoning ordinance into conformance with the latest version of the State's model floodplain bylaw.
10. Article and Section proposed to be amended: Article 23-6 Section 6

Community Development Board: Hearing Date _____ Recommendation _____

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



City of Pittsfield

2024 OCT -1 PM 12:41

September 30, 2024

Please accept this correspondence as a request to be presented to the City of Pittsfield traffic commission for consideration to install a stop sign at the corner of Ontario and Elm Streets due to the ongoing increase of traffic utilizing Ontario as a cut through from Elm to Newell and Newell to Elm Streets.

Ontario Street traffic and the pedestrian traffic on Elm have increased immensely in recent years. The addition of the stop sign will force drivers to observe pedestrian traffic approaching Ontario from Elm in both directions and reduce the potential for injuries.

Best,

Matt J. Wrinn

Councilor Matt Wrinn-Ward 3

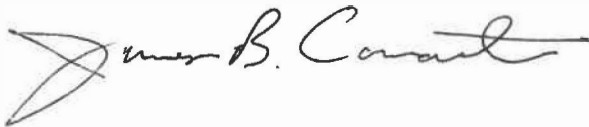
2024 SEP 30 PM 3: 20

September 24, 2024

To the City Council of the City of Pittsfield-

Request to establish an eight foot long no parking zone in front of the entry stairs located at 180 Appleton Avenue. There is no driveway entry at the home. Residents are older and need clear access to the house.

Respectfully,

A handwritten signature in dark ink, appearing to read "James B. Conant". The signature is fluid and cursive, with a large, stylized initial "J" and a long horizontal stroke at the end.

James B. Conant

Ward 4 City Councilor



City of Pittsfield

2024 OCT -2 PM 12:05

____ October 2, ____ 20 ____ 2024

To the City Council of the City of Pittsfield:—

The undersigned respectfully

request that the City of Pittsfield impose a 5-Year moratorium/ban on cutting open and excavating newly paved roads, unless required for emergencies.

Respectfully submitted,

Patrick McLaughlin
68 Marcella Ave
Pittsfield, Ma 01201