



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

2022 APR -7 AM 10:37

April 12, 2022, at 6:00 p.m.

AGENDA

1. Open microphone
2. COVID update
3. Approval of the March 22, 2022 minutes
4. Approval of the March 28, 2022 Joint Meeting minutes

APPOINTMENTS

5. A communication from Mayor Tyer reappointing Renee Dodds, Kimberly Conant, Elizabeth Filkins, and Emily Chase to the Animal Control Commission
6. A communication from Mayor Tyer reappointing Clifford Nilan, Paula Albro, Anthony DeMartino, and Simon Muil to the Parks Commission
7. A communication from Mayor Tyer appointing Bethany Persing to the Cultural Council
8. A communication from Mayor Tyer appointing Robert Malnati, Anuja Koirala, Councilor Kalinowsky, Sgt. Marc Maddalena, Tomothy Croce, and James Clark to the Taxicab Commission
9. A communication from Mayor Tyer reappointing Jennifer Kerwood to the Board of Registrars
10. A communication from Mayor Tyer appointing James Bronson and Steven Como to the Board of Registrars
11. A communication from Mayor Tyer appointing Brian Andrews, Matthew Kudlate, and Councilor Kavey to the Traffic Commission
12. A communication from Mayor Tyer appointing President Marchetti to the Homeless Advisory Committee
13. A communication from Mayor Tyer appointing Lt. Col. Thomas Grady, Dennis Powell, and Marie Richardson to the Police Advisory and Review Board
14. A communication from Mayor Tyer appointing Michele Benjamin, Esther Anderson, Rhonda Serre, Kerry Sullivan, and Jody Phillips to the Ordinance Review Committee

COMMUNICATIONS FROM HER HONOR THE MAYOR

15. A communication from Mayor Tyer notifying the Council of the appointing of Nicholas Bryant, Shaun Courtney, and Simon Wineberg as Police Officers with the Pittsfield Police Department

16. A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$2,500 from the Massachusetts Executive Office of Public Safety and Security
17. A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$543,791.95 from the Massachusetts Department of Transportation
18. A communication from Mayor Tyer submitting an Order to rescind Order No. 9 of the 1974 Series establishing the Cable Television Commission
19. A communication from Mayor Tyer submitting an Ordinance amending Chapter 2, Administration by creating Article LIII, Cable Advisory Committee
20. A communication from Mayor Tyer submitting a Traffic Order to establish one-way traffic at the following locations, School Street and Allen Street
21. A communication from Mayor Tyer submitting a Traffic Order to establish parking regulations on portions of Elm Street
22. A communication from Mayor Tyer submitting a Traffic Order to establish parking regulations on portions of Union Street
23. A communication from Mayor Tyer submitting a Traffic Order to establish parking regulations on portions of Allen Street
24. A communication from Mayor Tyer submitting a Traffic Order to establish official stop signs on Atmer Avenue
25. A communication from Mayor Tyer submitting a Traffic Order to establish official stop signs on School Street and Allen Street

UNFINISHED BUSINESS

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

REPORTS OF COMMITTEES

A report from the Ordinances and Rules Committee

27. A report from the Ordinances and Rules Committee on a petition from Councilor Maffuccio requesting to implement a dispatch fee in EMS Provider Contracts as outlined in the 2018 Efficiency Study recommending to refer to the Mayor 2/1
28. A report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to draft the ordinance amendment to reflect the abolishment of the Public Utilities Advisory Committee, recommending to refer to the Solicitor for drafting 3/0

NEW BUSINESS

29. A petition from Councilor Warren requesting to approve a resolution to support the Massachusetts Municipal Association, local elected stage legislative officials and Mayor Linda Tyer in her role as President of the Mayor's Association

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Commissioner of Public Works

30. A petition from Councilor Maffuccio requesting to describe the method used in crafting the 2022 paving list
31. A petition from Councilor Maffuccio requesting Curlew Street be placed on the in house paving list for resurfacing
32. A petition from Councilor Kronick requesting a revision to the Chapter 90 Road Paving Plan
33. A petition from Councilor Kronick requesting an explanation of natural gas line flags and dig safe markings on the property at 56 Allengate Ave
34. A petition from Councilor Kronick requesting repair to the road at the residence of 11 South Carolina Avenue

Referred to the Mayor

35. A petition from Councilor Warren requesting to approve a resolution supporting the commissioning of the submarine USS Massachusetts in Boston highlighting Pittsfield's role in its construction
36. A petition from Councilor Kalinowsky requesting an update regarding the homeless at the St. Joe shelter

Referred to the Mayor, Solicitor Paqnotta and Director Cambi

37. A petition from Councilor Warren concerning the status, effect, and options for the city regarding the Community Eco Power LLC resource recovery plant

Referred to Director Cambi and Open Space Manager McGrath

38. A petition from Councilor Kalinowsky requesting an update regarding the sewerage spilling complaints into Pontoosuc Lake

Referred to Director Cambi

39. A petition from Councilor Kronick requesting to contract with a testing company to evaluate soil samples in the vicinity of Hill 78
40. A petition from Councilor Kronick requesting the City address the trash issues at 65 Dalton Avenue

Referred to the Ordinances and Rules Committee

41. A petition from Rinaldo Del Gallo, III requesting to ban the sale of "nip bottles in the City of Pittsfield
42. A petition from Councilor Warren requesting to accept MGL Chapter 59, Section 5 Clause 22H to give a property tax exemption for the parents or guardian of a person killed while on active military duty

Referred to the Commissioner of Public Services and Superintendent Curtis

43. A petition from Councilor Kalinowsky requesting to allow parking for students attending the Adult Learning Center at 141 North Street

**PITTSFIELD CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS
March 22, 2022, at 6:00 p.m.**

2022 APR -6 PM 1:15

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

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

Absent: Councilor Lampiasi

AGENDA

The microphone was opened to the public:

Dan Miraglia, 68 Ontario Street is here in support of item 21. He discussed the metal rebar at Springside Park in hopes that they remove the hazard before someone gets hurt as it is a public safety hazard. He then discussed the damage from ATV's at Reid Middle School.

Zura Capelli, 37 Abbott Street, discussed a federal document that the City of Pittsfield is the owner of Springside Park. It has been an urban forest for 112 years. She asked if the Park Commission can confirm that there will be no environmental damage to the park. She asked to tread lightly in the forest. Photos will be on file.

Victor Capelli, 37 Abbott Street, discussed the construction of the pump park at Springside Park. He then mentioned the solution to PCB's is dilution and the pump park will disturb this dilution at the Park.

Elizabeth Klulis, 37 Abbott Street, suggested NEMBA be removed and to tread lightly in the forest. Mothers need to teach children not to destroy forest habitats. If you teach a child to ride a mountain bike you are teaching them to run down a forest.

Frank Farkas 69 Spadina Parkway is here in support of the Fair Share Amendment that will be on the ballot this fall. He hopes the Council will endorse item 17 on the agenda tonight.

Jean Kemp North Street is here in support of the Fair Share Amendment as it will bring revenue by imposing a tax for those making more than a certain amount of money annually. She is hopeful that Pittsfield will get their fair share.

Tim Wright, 40 Montgomery Avenue is in favor of item 17 the Fair Share Amendment. The wealthy have made a lot of money and inequities should be addressed.

Amelia Gilardi can no longer live at 17 Alma Street due to the cell tower. She has a dream that legislators will help them and without fear that a cell tower will not be built out side of anyone's bedroom window. She asks the council to support the Board of Health.

Courtney Gilardi, 17 Alma Street thanked the council for their support as it has been two years since the construction trucks drove up their street. She hopes to return safely to their homes and welcomed the new appointee Dr. Jeffrey Leppo.

Sheila Irvin Commonwealth Avenue is here in support of item 17 the Fair Share Amendment and asked the council to support. This will help communities with chapter 90 funds and roadway maintenance. We need the additional funds for bridges and roadways.

COVID update. President Marchetti stated that this should have come off the agenda as it will be presented at the first meeting of each month.

Approval of the March 8, 2022 minutes. *Councilor White made a motion to approve the minutes carried by a unanimous vote of all ten members present.*

Approval of the February 8, 2022 minutes. *Councilor White made a motion to approve the minutes carried by a unanimous vote of all ten members present.*

APPOINTMENTS

A communication from Mayor Tyer reappointing Kari McLain to the Board of Assessors. *Councilor White made a motion to approve the appointment carried by a unanimous vote of all ten members present*

A communication from Mayor Tyer reappointing Kimberly Loring to the Board of Health. *Councilor White made a motion to approve the appointment carried by a unanimous vote of all ten members present*

A communication from Mayor Tyer appointing Dr. Jeffrey Leppo to the Board of Health. *Councilor White made a motion to approve the appointment carried by a unanimous vote of all ten members present*

COMMUNICATIONS FROM HER HONOR THE MAYOR

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$5,840.00 from the Massachusetts Department of Transportation, Aeronautics Division. *Councilor White made a motion to accept the grant.* Councilor Kalinowsky asked Director Kerwood where the 20% city contribution will come from. Mr. Kerwood said it will come from the Airport Budget. *The motion to approve was carried by a unanimous vote of all ten members present.*

A communication from Mayor Tyer submitting an Order to amend the five-year Tax Increment Financing Agreement between the City of Pittsfield and Somnath, LLC. *Councilor White made a motion to approve the amended order.* Councilor Kalinowsky asked Mr. Coakley about the ending date in 2029. Mr. Coakley said there has been some confusion on the dates and this order will have to be amended with the correct date of 2028. He stated in 2020 he started working with Mr. Desai to build a 10 million dollar, 77 room Holiday Inn Express at 1055 South Street. In May of 2020 the council voted to approve a 6 year TIF. For the past two years there has been no construction due to COVID. Mr. Desai would like to start construction and has asked for a two year extension which will bring this to an eight year TIF. The only change is the extension of two years from FY21 to FY28. Councilor Kalinowsky stated that Somnath does not currently have an active LLC. Mr. Desai said that is news to him and he will follow up and make sure it is all set. Councilor Kalinowsky supports this but it is hard for her as we are raising taxes for our citizens. Councilor Kavey asked Director Dodds and Director Ruffer what we are currently taxing the land value at for the property. Ms. Ruffer stated that the FY22 taxes are just over \$15,000. She also

pointed out that at TIF is not a tax break it is forgiveness of potential taxes if the development goes forward. We are waiving some of the future taxes once development occurs. Councilor Kavey is in support. Councilor Warren asked Solicitor Pagnotta if we will be doing a new agreement adding the two years. Solicitor Pagnotta said that is correct. President Marchetti stated that we will not see the new agreement as the Order dictates what the agreement will be. Councilor Warren said this property has been in the family since 1988 and he is in support of this TIF. Councilor Kronick asked Mr. Desai if he had financing. Mr. Desai stated that they do have term sheet financing. Councilor Kronick asked about the dissolution of the corporation in 2019. Mr. Desai does not have the answer to this question and he will follow up with the states. Councilor Kronick asked if the property tax has been paid for the past two years. Mr. Desai stated that they have been paid. President Marchetti stated that they normally cannot amend a Mayor's order and they will take a vote provided that the amended order is produced from the Mayor's office tomorrow. *The motion to approve was carried by a unanimous vote of all ten members present.*

A communication from Mayor Tyer submitting an Order to enter into and execute an assignment and assumption of ground lease with Sub-Zero Holding Company, Inc. and Crescent Lease, LLC. *Councilor White made a motion to approve carried by a unanimous vote of all ten members present.*

A communication from Mayor Tyer submitting an Order to accept a grant of funds in the amount of \$11,768.00 from the Massachusetts Development Finance Agency on behalf of the Tyler Street Lab. *Councilor White made a motion to accept the grant carried by a unanimous vote of all ten members present.*

The following remained tabled.

UNFINISHED BUSINESS

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

REPORTS OF COMMITTEES

A report from the Ordinances and Rules Committee

A report from the Ordinances and Rules Committee on a petition from Councilor Warren requesting to amend Chapter 16 to add appointing manager approval by the City Council, recommending to file 5/0. *Councilor Warren made a motion to accept the committee report and place on file carried by a unanimous vote of all ten members present.*

A report from the Ordinances and Rules Committee on communication from Commissioner Clemons on a petition requesting to investigate claims concerning Airbnb's, recommending to refer to the Community Development Board with a response by the June meeting 5/0. *Councilor Maffuccio made a motion to accept the committee report and refer to the Community Development Board carried by a 9/0 vote with Councilor Warren out of the room.*

A report from the Ordinances and Rules Committee on communication from Attorney Pagnotta on a petition requesting the abolishment of the Planning Board and substitute the Department of Community Development as its replacement, recommending to refer to the Community Development Board 5/0. *Councilor Warren made a motion to accept the committee report and refer to the Community Development Board carried by a unanimous vote of all ten members present.*

A report from the Ordinance and Rules Committee on a petition from Councilor Conant requesting to change the abutter notification process, recommending to approve as amended and refer to the Community Development Board 5/0. *Councilor Conant made a motion to accept the committee report and refer to the Community Development Board carried by a unanimous vote of all ten members present.* Councilor White stated for the record that they are not requesting to be the petitioner on the petition.

NEW BUSINESS

A petition from Frank Farkas and residents asking the Council to endorse the resolution supporting the Fair Share Amendment. *Councilor White made a motion to approve.* Councilor White supports this as we are always looking for ways to bring in new revenue without taxing most of our citizens. Councilor Kronick asked if anyone knew the number of millionaires in Berkshire County. He guessed that there is only 18. When this money is pooled together and sent to the state how is it returned to the city? He asked if it is good policy in general to target individual groups of people. *The motion to approve was carried by a 9/1 vote with Councilor Kronick in opposition.*

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Commissioner of Public Works

A petition from Councilor Maffuccio requesting sidewalk repairs on Linden Street and placed on the sidewalk replacement list for future reconstruction

A petition from Councilor Maffuccio requesting speed bumps be installed on Constitution Road as soon as possible

Referred to the Mayor

A petition from Councilor Maffuccio requesting the American Rescue Plan Act allocate funding to replace the King Street water line

A petition from Councilor Maffuccio requesting the Mayor appoint a member of the City Council liaison to the Parks Commission

Referred to the Health Department and the Building Commissioner

A petition from Councilor Maffuccio requesting a more aggressive and proactive enforcement of the property at 94-94 Danforth Avenue

6:59 p.m. Councilor White made a motion to adjourn the City Council meeting carried by a unanimous vote of the ten members present.

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

**JOINING MEETING OF THE
PITTSFIELD CITY COUNCIL and
THE PITTSFIELD SCHOOL COMMITTEE
March 28, 2022 6:00 p.m.**

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

City Council Members present: President Marchetti, Councilors Maffuccio, Persip, Warren, Conant, White, Kalinowsky, Sherman, and Kronick.

Absent: Councilor Kavey and Lampiasi

School Committee Chair William Cameron called the Pittsfield School Committee to order at 6:02 p.m.

School members present: Mayor Linda Tyer, Dr. William Cameron, Dan Elias, Mark Brazeau, Dr. Vicki Smith, Superintendent of Schools Joseph Curtis. Sara Hathaway and Alison McGee arrived late.

Also in attendance: Director of Finance Matthew Kerwood and Thomas Scanlon of Scalon & Associates.

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

The microphone was then open to the public. No one appeared to speak on the manner put forward.

Review of the financial condition of the city in accordance with the City Charter, Section 7-2.

Director Kerwood stated that the City is required to have this joint meeting as per the City Charter as an overview of the City. The presentation would begin with an overview of the City Wide audit prepared by Tom Scanlon. Director Kerwood explained that the audit is still in draft form and is expected to be finalized later the same week. Mr. Scanlon explained that the City of Pittsfield overall audit went well. There were no difficulties in performing the audit and the City's financial reporting is good. He explained that what he means is that the expenditures and revenues are being allocated to the correct funds. Expenditures that end up on a warrant have vouchers to back them up and there are sound controls over major transactions. They proposed two adjustments to the general ledger which were very minor and considered cleanup work. He was hoping to have the draft done within a week's time. Mr. Scanlon began with the financial statement highlights. The unrestricted net position is in deficit by \$507,184,430. OPEB being \$408,000,000, and net pension liability being \$125,000,000. These are long term things to take into account when planning a City budget because it's a promise you have made to your employees. He then spoke about Fund Financial Statements. The General Fund unassigned fund balance is at \$15,663,740 which includes free cash and general stabilization. The general stabilization is at \$4,584,683 and the DPW Stabilization is at \$340,236. The total increase of the stabilization funds is \$693,063. The major driver of that was the cannabis revenue, 25% into DPW and 25% into stabilization totaling \$680,463. Free cash was another component of this. Free cash certified by DOR is \$5,150,350. The key factors – per budget vs. actual are as follows: Unexpended appropriations \$3,097,000, excess over budget – state local receipts \$961,600, and prior free cash not appropriated \$3,860,800. The city balance is the total city reserves which include free cash at \$5,150,350, DOR reductions at \$3,004,073, GAAP accruals at \$575,921, overlay

at \$2,008,477 and stabilization funds at 4,924,919 for a total of 15,633,740. The City's budget is approximately \$163 Million – Reserves approximately 9.6% and free cash stabilization at 8%. He said reserves should be at about 10-12%, and with us being at 9.6% that's higher than previous years and thinks the revenue from cannabis has been helpful to get that to rise. He then went onto explain the City's Levy Capacity. The past few years the levy ceiling always exceeds the levy limit which was worrisome. It flip flopped in 2022 so the levy ceiling exceeds the limit at approximately \$2.4 million. We have had some tremendous growth in value. He discussed other financial highlights such as ARPA which awarded the City with \$40,602,779 and other Covid grants and awards. He believes that how we use ARPA will impact the future of the City. Mr. Scanlon said that the City's collection of tax accounts is very good at a 96.8% rate. The tax title outstanding balance from June 30, 2021 balance was at \$5,800,000, which seemed a bit high. Our general ledger had minimal to no variances. Additional fund financial statements included the sewer and water and unreserved retained earnings. FY22 Estimated revenue was \$11,697,657 but compared to what was collected was about a \$4 million dollar deficit. He explained the City either needs to raise the rates or cut the budget. Mr. Scanlon ended his presentation and President Marchetti opened the floor for questions from the councilors. Councilor Persip asked Tom Scanlon if there would be any big changes from the draft form to the completed version. Tom Scanlon said he did not for see any difference with any of the numbers. Councilor Persip also asked if there was no concerns about how the City is spending the money because of the sediment that the city is not doing things correctly. Mr. Scanlon said he had no concerns with all the testing that is done through the treasures and accounting offices. He feels the City's financial reporting is very sound. The funds are continuously going into the correct accounts and revenue funds. Councilor Persip explained he wanted people to hear from Mr. Scanlon himself said that all funds were sound, stable and having great policies. Councilor Persip also asked Director Kerwood about OPEB liability. Director Kerwood would like to address OPEB better moving forward. As of now it is not negatively impacting our bond ratings. Councilor Persip also asked when the plan was to have another Tax Title Auction. Director Kerwood explained it is very labor intensive, lots of work to go into it. 2018 was successful but not as successful as we would have liked. Director Kerwood would like to encourage people get into payment plans because it is the best way to get some of these re-paid. Councilor Persip would like a list of properties and land that the city could put up for auction in the future in hopes the City could get them on the tax rolls. President Marchetti asked Chair Cameron if he would like to invite the school committee to ask any questions. Committee member Vicky Smith asked Mr. Scanlon to explain what OPEB meant. He explained it stood for Other Post-Employment Benefits, which is basically health insurance coverages. Councilor Kalinowsky asked if it would make sense that the city reel the budget back in so that we can make ourselves more financially feasible. He said he would like to see every municipality do that.

Director Kerwood took to the podium to present his portion of the city's overview. He began with the 2022 revenue highlights. The tax collection for FY22 were on target. The commitment for the year is \$94,664,472. We are on target with the tax collection. There has been 74% Real Estate tax collected and 74% of the Personal Property Tax collected this far. The local receipts were estimated at 12,854,725 and collected as of date we collected 8,998,762 close to 70% of the estimated receipts. The largest collection still out is the vehicle excise tax as the bills have recently been sent out, along with a second batch in April. Hotel/Motel collection is 73%, Meals at 61%, Marijuana 85%. Where we have not succeeded are our interest rates. Director Kerwood explained that we are not making any money on our money. Our investment income is at 7% of the estimated. Parking tickets are at 25% which shows a decrease from pre Covid, which is beginning to tick back up. FY22 Revenue Reserves in the General Stabilization Account are

at \$4,798,988. There was \$211,281 in marijuana revenue and \$3,024 from interest. The Public Works Stabilization Account is at \$551,631. \$211,281 from marijuana has also go into this along with \$133 in interest. Each stabilization account is required by law to be in their own account and earn their own interest. The remaining Free Cash balance is \$4,987,950. Some FY22 highlight expenses were accounts trending below the budgeted amount such as, unemployment insurance, police overtime, veterans assistance and general fund long term debt. The accounts that are trending above budgeted amounts are solid waste disposal and winter operations. Moving into FY23 the primary overview of our upcoming revenue comes from three places. State aid which includes unrestricted general government aid (UGGA) and Chapter 70 school funding. Local revenues which include property taxes, local receipts; fees and fines, enterprise funds; water and sewer. Grant funds we receive for things like programs and equipment. The Governor's budget is at \$65,854,696. There is a \$4.5 million increase in Chapter 70 funding totaling \$54,254,811. A \$256,207 increase in UGGA totaling \$9,745,348. The charges side totals \$7,568,024. The outgoing charges are \$3,450,329 for school choice, \$3,398,486 for charter school tuition and \$719,209 for other things such as BRTA and mosquito control. Director Kerwood then spoke about the property tax side. In FY22 one of the most substantial things that happened was the city coming out of the Levy Ceiling. Our projected FY23 levy is \$104,077,620 and the ceiling is \$106,447,930. The Levy Ceiling is above the levy limit which is exactly what we want to happen. Estimated FY23 local receipts of \$12,930,860 a slight increase from FY22 of \$85,135. Director Kerwood would like to see excise tax, hotel, motels and meals stay consistent on where they have been because we don't know what's around the corner. We would like to raise these in the future because we are in a different world. The overall estimated General Fund Revenues include State Aid - \$65,854,696. Tax Levy - \$104,077,620. Local Receipts - \$12,930,860. Free Cash appropriation to reduce the tax rate - \$750,000 for a total revenue projection of \$183,613,176. An increase of \$8,087,344 driven by the increase of Chapter 70. Some upcoming FY23 Budget Highlights are Human Capital. Collective bargaining considerations with the city union negotiations are coming up. Increases in the health insurance premium which are not as dramatic as in years past. We are in the fifth year of agreement with employee groups, a minimized by plan design and HSA contribution is at 50% for high deductible plans along with increased in pension obligations. Operational considerations with increased solid waste cost, building maintenance cost, property re-valuation and software costs. The city needs an upgrade on its accounting program and would like to keep up on cybersecurity. The Mayor will transmit the budget to the City on May 10th along with the submission of the five year capital improvement plan, council hearings conducted through May and June, with a budget approval at the June 14th meeting. President Marchetti asked the City Council if there were any questions for Director Kerwood. Councilor Warren asked what the final total number for the cannabis revenue would be. Director Kerwood said it would be \$211,000 multiplied by 4, so about \$800,000. Dr. Cameron asked if any of the members of the school committee had any questions for Director Kerwood. No questions were asked, Dr. Cameron thanked Director Kerwood for a great presentation. Councilor Sherman asked Director Kerwood about Chapter 70 funding because the numbers did not add up correctly and wanted to know if there was another miscellaneous bucket. Director Kerwood said there are some other revenue sources. Councilor Sherman also asked about property re-valuation. Director Kerwood explained it is for commercial and residential properties, we will do it FY23 and won't do again for 5 years. Councilor Persip asked if monthly reports are on the city webpage. Director Kerwood said yes, they are on the website. Councilor Persip asked about the 7% investment income and what it's projected at. Director Kerwood said it is projected at \$130,000 which we have been able to meet in years prior. He also asked Commissioner Morales and the Mayor about the Stabilization Account on Public Works and if there was any plan with the funds from

there. The Mayor explained if the city was to do anything with those funds it would come forward to the City Council and require a two-thirds vote. School Committee Member Hathaway asked if we are keeping track of capital planning and assets. Director Kerwood referred the question to Mr. Scanlon. He explained that this is part of the City's fixed assets. He explained that accounting maintains a current spread sheet on the City's buildings, vehicles and other. There were no other questions from the City Council or School Committee.

Councilor White made a motion to accept the presentation and place on file carried by a unanimous vote of all nine members present.

Dr. Cameron asked for a motion to accept the financial report. Mark Brazeau made a motion to accept the report followed by a unanimous vote of the seven members present.

7:07 p.m. Dr. Cameron asked for a motion for the school committee to adjourn carried by a unanimous vote of all seven members present.

7:08 p.m. Councilor White made a motion to adjourn the City Council meeting carried by a unanimous vote of all nine members present.

**A true record, attest:
Heather Gregory-Brazeau, Assistant City Clerk**



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

Linda M. Tyer
Mayor

April 6, 2022

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 Animal Control Commission for terms expiring as follows:

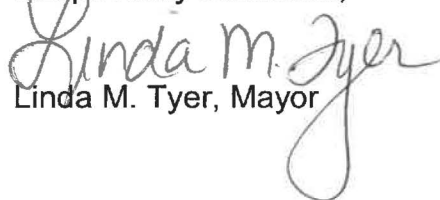
Renee Dodds, of 1525 West Housatonic Street, Pittsfield, MA 01201
(April 12, 2024)

Kimberly Conant, of 67 Potter Mountain Road, Lanesborough, MA 01237
(April 12, 2024)

Elizabeth Filkins, of 33 Merriam Street, Pittsfield, MA 01201 (April 12, 2023)

Emily Chasse, of 68 Alden Avenue, Pittsfield, MA 01201 (April 12, 2023)

Respectfully submitted,


Linda M. Tyer, Mayor



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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 Parks Commission for terms expiring as follows:

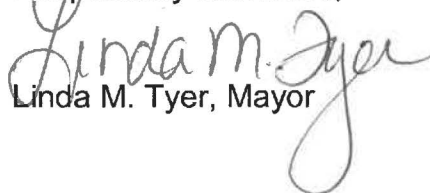
Clifford J. Nilan, of 72 Winesap Road, Pittsfield, MA 01201 (April 30, 2027)

Paula Albro, of 20 Flintstone Drive, Pittsfield, MA 01201 (April 30, 2025)

Anthony DeMartino, of 15 Juliana Drive, Pittsfield, MA 01201 (April 30, 2024)

Simon Muil, of 58 Oxford Street, Pittsfield, MA 01201 (April 30, 2023)

Respectfully submitted,


Linda M. Tyer, Mayor



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

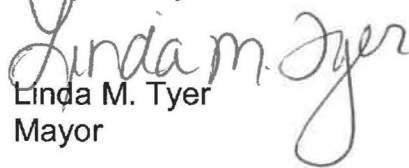
April 6, 2022

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 Bethany Persing, of 494 Tamarack Road, Pittsfield, MA to the Cultural Council for a term expiring September 8, 2023.

Respectfully submitted,


Linda M. Tyer
Mayor

Bethany Persing

494 Tamarack Road Pittsfield, MA 01201

(413) 329-2345 bethpersing@yahoo.com

EDUCATION

Westfield State University, Westfield, MA

Addiction Counselor Education Program

Concentration: *Addiction Counseling*

Licensure: CADC II, LADC I

November 2018

Springfield College, School of Social Work, Springfield, MA

Master of Social Work

Concentration: *Advanced Generalist Practice*

Licensure: LCSW

May 2013

October 2013

Westfield State University, Westfield, MA

Bachelor of Arts in Liberal Studies

May 2006

SUMMARY OF QUALIFICATIONS

- Assertive leader who is able to serve as part of a large team of professionals
- Demonstrates ability to prioritize, manage, and complete multiple tasks
- Strong written, spoken communication, and organization skills
- Proven ability to establish and maintain effective working relationships
- Demonstrates competency working with diverse population with complex needs

SOCIAL WORK EXPERIENCE

Mount Greylock Regional School District, Williamstown, MA

School Social Worker

August 2019-present

- Provide responsive services as needed to address academic, social, and emotional concerns
- Collaborate with teachers and parents to help students create plans for success
- Work collaboratively with staff members to implement curriculum and help build positive school culture
- Provide direct academic, social, and personal supportive services to students individually, in classrooms, and in groups

The Department of Children and Families, Pittsfield, MA

Adolescent Outreach Social Worker

June 2018-Aug 2019

- Provide outreach services to youth that are in DCF care and custody that encourage positive youth development and empowerment
- Implement programming that focuses on independent living skills
- Offer state and federally funded financial support to help youth in foster care to finance higher education and vocational training

Berkshire County Community Correction Center, Old Colony YMCA, Pittsfield, MA

Substance Use Case Worker

August 2016-May 2018

- Facilitate individual and group therapeutic and evidence based educational sessions with strong emphasis on holistic views
- Address the substance abuse recovery needs of parolees and probationers mandated to treatment by the criminal justice system
- Develop treatment plans that are measureable, coherent, and reflective of participants progress and development

Berkshire Children and Families, Pittsfield, MA

Early Childhood Social Worker

June 2015-Aug 2016

- Provide student support services including advisement to enrolled families, aid in problem solving and referral to community resources
- Serve as a liaison for families and students to program
- Assess participating family needs and issues as appropriate
- Work with the Department of Children and Families to collaborate on service

The Brien Center for Mental Health and Substance Abuse Services, Pittsfield, MA

Emergency Service Clinician

November 2013- Aug 2016

- Deliver individual counseling to provide brief therapeutic support to individuals in clinics, hospitals, schools or additional places within Berkshire County
- Provided diagnostic assessment to include risk assessment and level of care recommendations
- Provider referrals to community-based organizations and other sources as necessary
- Managed crisis situations and other crises as assigned

Berkshire Medical Center, Primary Care Outreach Team, Pittsfield, MA

Medical Social Worker Intern

September 2012-April 2013

- Provided brief therapeutic interventions with vulnerable and at-risk populations
- Triage patients to appropriate community-based resources
- Developed, implement, and modified treatment plans accordingly with individual clients
- Applied components of various treatment modalities including but not limited to Motivational Interviewing, Cognitive Behavioral Therapy and Strength-Based Therapy
- Worked alongside a multidisciplinary team of treatment providers

The Brien Center for Mental Health and Substance Abuse Services, Pittsfield, MA

Driver Alcohol Education Program Coordinator

September 2011- Sept 2012

Springfield College MSW Intern

September 2011-May 2012

- Managed enrollment of Substance Abuse state certified program
- Provided an educational experience related to alcohol and other drug use and the effects on driving and other life problems
- Facilitated programming to raise awareness and influence behavioral changes
- Witnessed the growth of engagement in the process of therapeutic interventions

PROFESSIONAL AFFILIATION

- National Alliance on Mental Illness (NAMI) Berkshire County
Active member: April 2021-present
- Rx for Wellbeing program at the Clark



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following appointments to the Taxicab Commission for terms expiring as follows:

Robert Malnati, 95 Commonwealth Avenue, Pittsfield, MA 01201 (April 12, 2025)

Anuja Koirala, 68 East Housatonic Street, Pittsfield, MA 01201 (April 12, 2024)

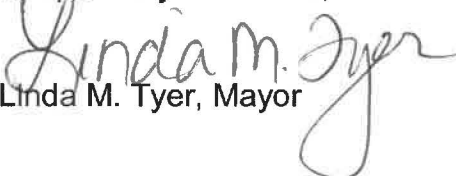
Councilor Karen Kalinowsky (as long as qualified)

Sgt. Marc Maddalena, Pittsfield Police Department (as long as qualified)

Timothy Croce, Junior Civil Engineer, DPS-Engineering Department
(as long as qualified)

James Clark, Director of the Council on Aging (as long as qualified)

Respectfully submitted,


Linda M. Tyer, Mayor

Robert Malnati - Administrator, Berkshire Regional Transportation Authority.

Robert Malnati (Bob) is the Administrator and Chief Executive Officer of the Berkshire Regional Transit Authority (BRTA). Over the past twenty years, his career has been in the public transportation sector, 12 years as Deputy Administrator and the past 8 years as Administrator.

These years of public transportation experience have provided Bob with a well-versed knowledge of the ever-changing transportation needs of Berkshire County, while understanding the difficulties of balancing logistics, funding, and consumer resources. Interaction and effective communication between the BRTA and State (MassDOT) and Federal partners (Federal Transit Administration) are coordinated by Administrator Malnati.

Bob is a passionate leader discussing fair and equitable public transit services for all Berkshire County residents and fighting for sustainable funding each year. He recognizes that public transportation is necessary for economic growth within our community. A multitude of Federal and State grants for both capital needs and operational growth have been successfully acquired. The most recent accomplishment was securing pilot evening service for the community which remained an unmet need since the inception of BRTA in 1974.

Over the years, Bob has served on numerous boards and committees including: Berkshire Metropolitan Planning Organization (MPO); Berkshire Transportation Advisory Council (TAC); Downtown Pittsfield, Inc; Berkshire Flyer Steering Committee; Massachusetts Association of Regional Transit Authorities (MARTA); Task Force on Regional Transit Authority Performance and Funding; Credit Union of the Berkshires and Greylock Federal Credit Union.

Bob is a lifelong resident of Berkshire County graduating from Taconic, Berkshire Community College, and Massachusetts College of Liberal Arts.



Anuja Koirala, AICP

Principal Transportation Planner, 2004-Present

QUALIFICATIONS SUMMARY

- Anuja's area of focus is the transportation and regional planning. She serves as a lead staff person for multiple complex transportation planning and transit projects. She is responsible for transportation planning and transit planning assistance for regional and local projects. She represents the agency and serves as a spokesperson for BRPC and its programs and policies, particularly with federal, state, regional, and local governments, agencies, and organizations for transportation and transit-related matters.
- Specific knowledge includes Regional and Corridor Transportation/ Transit Planning, Transportation Demand Modeling, and Forecasting; Geographic Information System Analysis; Transit Operations and Analysis; Mobility Studies; Access Management; Traffic Simulation and Impact Studies, Environmental Impact Studies; and Project Management.

SELECTED PROFESSIONAL EXPERIENCE

- Manages major Transportation Planning/ Transit studies in areas of regional concern; performs technical analysis, prepares technical reports, and presents technical data to Berkshire Metropolitan Planning Organization (MPO), Transportation Advisory Committee, and Public.
- Performed Corridor Studies: East Street Capacity analysis in Pittsfield, Lee Area Traffic Study, and South Street Alternatives Study in Pittsfield.
- Manages Berkshire MPO Transportation Improvement Program (TIP); conducts TIP project solicitation and public outreach, prioritizes and maintains TIP project database; and prepares annual TIP certification document for Berkshire MPO.
- Maintains and updates Berkshire Regional Travel Demand Model, performs travel demand forecasting, alternatives analysis for corridor studies, traffic circulation plans, and air quality/ transportation conformity analysis.
- Manages the regional traffic database, coordinates with a consultant on a yearly traffic counting program, performs regional traffic analysis, intersection and corridor traffic analysis, safety analysis, and congestion mitigation & air quality analysis.
- Performed Regional Bottleneck analysis – Adams: Route 8, Cheshire: Route 8, Dalton: Main St, North Adams: Eagle St, Main St & Church St, Route 2 & Price Chopper Plaza, Pittsfield: West St.
- Manages transit planning studies provides technical assistance to Berkshire Regional Transit Authority (BRTA) and Berkshire Regional Coordination Council on Transportation (BRCCOT) with transit planning and transportation coordination efforts. Co-chairs the BRCCOT. Collaborates with stakeholders on multi-modal transportation and last-mile connections in the Berkshires.
- Prepared Berkshire Regional Coordinated Public Transit – Human Services Transportation Plan, Berkshire Flyer 2.0 Seasonal Rail Feasibility Study, Berkshire County Ride Guide, BRTA Needs Assessment Study, and Southern Berkshire Community Transit Study.

EDUCATION

- University of Kentucky, Lexington, KY, 2001: Master of Science in Civil Engineering – Transportation.
- School of Planning and Architecture, New Delhi, India, 2000: Master of Planning – Transportation Planning.
- School of Planning and Architecture, New Delhi, India, 1997: Bachelor's in planning.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

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

Linda M. Tyer
Mayor

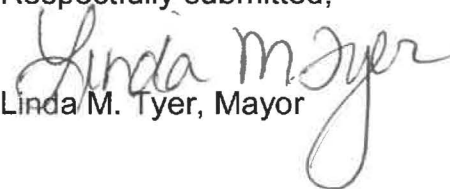
April 6, 2022

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 reappointment of Jennifer Kerwood, of 41 Commonwealth Avenue, Pittsfield, MA 01201 to the Board of Registrars for a term expiring April 1, 2025.

Respectfully submitted,


Linda M. Tyer, Mayor



THE CITY OF PITTSFIELD
OFFICE OF THE MAYOR
70 Allen Street, Pittsfield, MA 01201
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Linda M. Tyer
Mayor

April 6, 2022

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

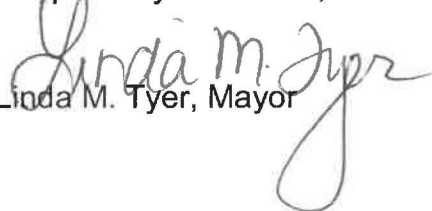
Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following appointments to the Board of Registrars for terms expiring as follows:

James Bronson, of 12 Giovina Drive, Pittsfield, MA 01201 (April 1, 2023)

Steven Como, of 97 Somerset Avenue, Pittsfield, MA 01201 (April 1, 2024)

Respectfully submitted,


Linda M. Tyer, Mayor

Steven E Como

97 Somerset Avenue, Pittsfield, MA 01201
413-499-2268 scomo97@yahoo.com

Objective

Government and Community Relations

Experience

2002 to 2018 Soldier On Leeds, Massachusetts

Executive Vice President

- Responsibilities include all governmental interactions for the agency at the local, state and Federal levels
- Community Outreach
- Grants and Foundation Development

1978 – 2002 Berkshire County Sheriff's Department Pittsfield, Massachusetts

Major

- Direct Supervision over 128 officers and 300 inmates
- Responsible for the purchasing all furniture, fixtures and equipment of a new \$32 Million, 280 bed facility
- Supervisor of the agency's training department which trained and graduated 120 Correctional Officers in preparation for opening new facility in 2001

Education

Certificate in Fund Raising – University of Massachusetts, Amherst, Massachusetts

Attended Massachusetts College of Liberal Arts and Southern Vermont College

Direct Supervision, Train the Trainer and Development of Lesson Plans – National Institute for Corrections and the Massachusetts Sheriff's Association.

Direct Supervision Symposium Jail Operations – American Jail Association

Certified Fingerprint Analyst – United States Federal Bureau of Investigation.

1985 – 1989: served as Governor Michael Dukakis' appointment to the Governor's Advisory Committee on Correction

2008 – Appointed by Pittsfield Mayor James Ruberto as his representative to the Berkshire Regional Housing Authority.

2009 – Appointed Chairman, Board of Trustees, Holyoke Soldier's Home

2011 – Member of Northwestern District Attorney's Veterans Treatment Roundtable

2017 – Appointed by Secretary David Shulkin to the United States Veteran Affairs Homeless Veterans Advisory Board

References

References are available on request

Jim Bronson
12 Giovina Drive, Pittsfield

Family: Wife Lynne, Daughters Madelyn in college and Laura attending PHS.

Professional: CEO of Frobisher Bay Holdings, LLC - Your CBD Store in Pittsfield

Former Vice-President at Sodexo, overseeing the ski portfolio. In addition to the executive position, I managed the food and beverage at Jiminy Peak.

Community: Council Chair, First United Methodist Church, Board of Directors, Fenn St, Community Development Corporation, member Rotary Club of Pittsfield, member Berkshire Business Builders, business mentor E for All, co-founder Berkshire Craft Beer Festival.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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Linda M. Tyer
Mayor

April 6, 2022

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

Dear Councilors,

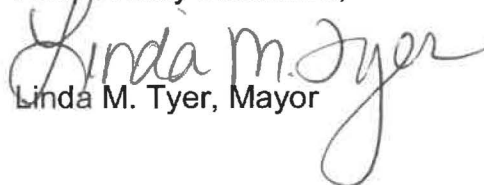
It is my sincere privilege to submit herewith for your consideration the following appointments to the Traffic Commission for terms expiring as follows:

Brian Andrews, of 18 Glenn Drive, Pittsfield, MA 01201 (April 12, 2025)

Matthew Kudlate, of 28 New Hampshire Avenue, Pittsfield, MA 01201
(June 22, 2022)

Councilor Patrick Kavey (as long as qualified)

Respectfully submitted,


Linda M. Tyer, Mayor

Brian K. Andrews
18 Glenn Dr.
Pittsfield, MA 01201
(413)499-3521

Professional Experience:

President, County Ambulance, Inc. 1982-Present; Responsible for overall executive operation of Paramedic level ambulance and chaircar service. Specifically, responsible for the administrative, training, accounts receivable and computer networking operations of the service. Developed the company's ambulance division and chaircar division formulating and approving all company standard operating guidelines.

Supervisor, Six Flags New England 2000-2009; Responsible for the planning and operations of the Health and Safety Department of a major national amusement park. Responsibilities include emergency planning related to all safety related issues.

Athletic Trainer/Coach, Pittsfield High School City of Pittsfield 1992-2007; Responsible for the safety and medical care of athletes of varsity athletic programs. Includes scheduling and/or providing medical coverage for athletic events.

Director, EMT-Intermediate Program Emergency Medical Services Management Program Springfield College 1995-2004; Responsibilities include the overall management and instruction of the curriculum of the EMT-Intermediate Program. Functions include administrative, instructional and lab supervision of the program.

Consultant/Trainer 1990-Present; Consulted and provided training services to many private and public agencies regarding EMS operations, hazardous material response and exercise design and evaluation for various emergency response scenarios including haz mat, terrorism and disaster response. Also provide consulting services for amusement park safety including AIMS International.

Conference Speaker 2005 – Present; Guest speaker/presenter at various state and national conferences.

Educational Experience:

Taconic High School: Graduate Electronic Technology program 1981

Springfield College: Paramedic Program 1993

Undergraduate School of Human Services 1998

Incident planning
Incident Command
Response to Super Terrorism
Weapons of Mass Destruction
Distraction Device Use
Oleoresin Capsicum Aerosol use
Terrorism: Threats, Tactics, Training and
Technology
Medical Management of CBRNE Events
Event Security Planning for Public Safety
Professionals
Mental Health First Aid – Adult
Mental Health First Aid – Child

Affiliations:

President, Emergency Medical Services of Berkshire County, 1995-Present

Vice-President, Western Mass Emergency Medical Services, 1995-2014

President, 2014-2018

Immediate Past President 2018-Present

Executive Committee Member, 1995-Present

Trustee Chairman, Pittsfield Lodge of Elks, 1998-2019

Board of Director, Polish Falcons Nest 580, 2017-Present

Treasurer, 2021-Present

MDPH-OEMS, Workforce Development Committee, 2017 – 2020

MDPH-OEMS, MCI Committee, 2017 – Present

Member, Berkshire Opioid Addiction Prevention Steering Committee, 2018-
Present

Board of Directors, Pittsfield Community Television 2018-Present

Member, Berkshire District Attorney Domestic Sexual Violence Task Force & Sex
Trafficking Committee, 2019-Present

Member, Berkshire District Attorney Domestic Violence Fatality Review Team
2020-Present

Board of Directors, UCP of Berkshire County 2021-Present

Member, Commonwealth of Massachusetts Commission on Methamphetamine Use, 2021-Present

Board of Directors, Massachusetts Ambulance Association 2020-Present

Workforce Development Committee, American Ambulance Association 2021-Present

Professional Standards Committee, American Ambulance Association 2021-Present

Publications

Author, COBWEB, Inc. EMS Mountain Bike Patrol Instructional Manual

Video, EMS Street Survival Series; Working Fire Video Series

Co-author, AIMS International Basic Amusement Park Ride Safety Inspection

Awards, Recognitions

Western Massachusetts Emergency Medical Services Eaton E. Freeman Award, 1997

Commendation, Pittsfield Police Department

Various Life Saving Awards, Western Massachusetts Emergency Medical Services

Volunteer of the Year, American Heart Association Berkshire County Division 2002

Berkshire Health Systems Gladys Allen Brigham Award, February 2005

Pittsfield Elks Lodge Elk of the Year, 1997

Massachusetts Elks Association Subordinate Lodge Elk of the Year, 1998

Pittsfield Elks Lodge Officer of the Year, 2010

Pittsfield Elks Lodge Distinguished Citizen of the Year, 2011

Grand Lodge Order of Elks, Grand Exalted Ruler's Making a Difference Special Citation, 2015

Western Massachusetts Emergency Medical Services Linda Moriarty EMS Lifetime Achievement Award, 2017

Grand Lodge of Elks, Elks Distinguished Citizenship Award 2021

Dear Mayor Tyer,

I'm writing to tell you about my background for consideration of my appointment to the city's traffic commission. I am 36 years old and born and raised here in Pittsfield. I was educated in Pittsfield schools attending Egremont elementary, Herberg Middle, Pittsfield High and Berkshire Community College. I served in the United States Army infantry for 3 years and was honorably discharged in 2005. I earned my emergency medical technician certificate in 2006 and was hired by the Pittsfield Fire Department as a Firefighter/EMT in 2007. After a serious and permanent injury I was forced to retire early from the fire department in 2015. After my retirement from being a firefighter I started a business selling, cleaning and repairing gravestones in our local cemeteries and is something I am still active with today.

I chose to fill this vacancy on the traffic commission to further serve my community and to actively participate in our local government. If you have any questions for me please reach out at your convenience. Thank you for your consideration in placing me in this position.

Respectfully,

Matthew Kudlate



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

Linda M. Tyer
Mayor

April 6, 2022

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 Peter Marchetti, Council President, to the Homeless Advisory Committee for a term expiring December 8, 2025.

Respectfully submitted,


Linda M. Tyer, Mayor



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

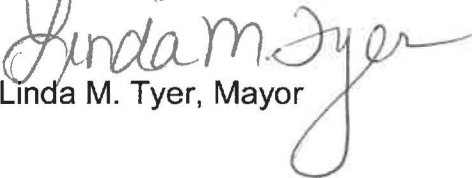
To the Honorable Members of the City Council
City of Pittsfield
70 Allen Street
Pittsfield, MA 01201

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following appointments to the Police Advisory and Review Board for terms expiring as follows:

Member Type	Name	Organization (if applicable)	Terms
Law Enforcement Experience	Lt. Col. Thomas Grady	Berkshire County Sheriff's Office	February 23, 2025
NAACP Representative	Dennis Powell	President of the Berkshire County Chapter of the NAACP	February 23, 2025
At Large	Marie Richardson	Retired PPS caseworker/social worker	February 23, 2024

Respectfully submitted,


Linda M. Tyer, Mayor



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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

Dear Councilors,

It is my sincere privilege to submit herewith for your consideration the following appointments to the Ordinance Review Committee for terms expiring as follows:

Michele Benjamin, 94 Barker Road, Pittsfield, MA 01201 (April 12, 2023)

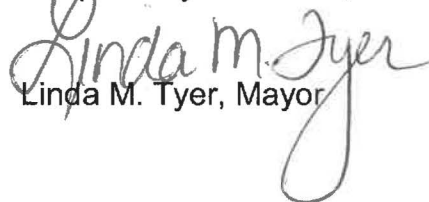
Esther Anderson, 15 Spruce Street, Pittsfield, MA 01201 (April 12, 2024)

Rhonda Serre, 5 Ridge Avenue, Pittsfield, MA 01201 (April 12, 2025)

Kerry Sullivan, 214 Melbourne Road, Pittsfield, MA 01201 (April 12, 2026)

Jody Phillips, 142 Chapel Street, Pittsfield, MA 01201 (April 12, 2027)

Respectfully submitted,


Linda M. Tyer, Mayor

Esther R. Anderson

Pittsfield, MA ~ 207.215.7444 ~ Bolen@Inbox.com

Introduction

Over 35 years of working with people as clients, customers and employees in restaurant, office, retail, and self-employment as well as being active in multiple community projects during that time, I offer a well-rounded set of skills that can be self-led as well as take direction. Having life experiences that have not always been what was originally planned has made me accept changes beyond my control and adjust as needed, with a positive attitude to continue forward growth. All of this makes me an ideal candidate for a new experience with potential for personal growth.

Community & Civic

Treasurer, Peter T. White, City Councilor	Pittsfield, MA	2019-Present
Vice President, Springside Conservancy Board	Pittsfield, MA	2016-Present
Pittsfield Parade Committee	Pittsfield, MA	2015-Present
Zoning Board of Appeals	Pittsfield, MA	2014-Present
Treasurer, Donna Todd Rivers, City Councilor (Inactive)	Pittsfield, MA	2013-Present
Secretary, Rental Housing Association, Berkshire County	Pittsfield, MA	2012-Present
Secretary, Tyler Street Business Group	Pittsfield, MA	2015-2020
Secretary, Kennebec Valley Habitat for Humanity Bd of Directors	Augusta, ME	2004-2009
Windsor Maine School Board	Windsor, ME	2005-2009
President, Lincoln County Board of Realtors	Lincoln County, ME	2007

Experience

Owner/Manager of Rental Property Pittsfield, MA 2009-Present

- Organize accounting, maintenance, contract work and overall living experience for 6-21 rental units

Back Office Associate & Kitchen Designer, Home Depot Pittsfield, MA/Augusta, ME 2007-Present

- Record, verify and prepare daily cash drawers and deposits in a time sensitive environment;
- Order supplies for store use, janitorial, and specific department needs;
- Troubleshoot and repair minor computer issues for customer and non-customer facing applications;
- Consistently meet and exceed customer expectations through identifying needs & developing solutions;
- Achieved personal regional top sales status from multiple cabinet vendors, consistently;
- Coach new hires on product knowledge, sales process, and customer service standards; and
- Coordinate with national vendor sales representatives.

Owner/Broker, Black Duck Realty Jefferson, ME 1999-2009

- Responsible for business plan design, implementation, management and growth;
- Designed and maintained company web site;
- Coordinated print and online marketing of properties for sale with photographs and property descriptions;
- Managed daily office operations with positivity, passion and enthusiasm;
- Responsible for hiring, training and managing all agents including Realtor® ethics; and
- Maintained exemplary customer service.

Vice President of Operations, Blimpie of Maine Franchising

South Portland, ME

1998-2002

Education

Associates Degree Business Marketing

American Intercontinental University

2005

Graduate Realtor Institute

2004

Maine Real Estate License/ Brokers License

November 1999/June 2003

Rhonda Serre, MBA
Communications Leader

rserre@hotmail.com
(413) 822-8568

(she/her/hers)

Experience

Communications Director, Greylock Federal Credit Union

2018 -- present: Reputation manager for \$1.3B financial services organization (B2C) operating 13 retail locations serving three states and a full-suite of digital services.

- Director in a 7-person marketing communications team responsible for paid, earned, social and owned media distribution
- Serves as spokesperson for the organization
- Primary content creator; internal and external
- Serve on enterprise committees in the area of growth, risk management, public affairs, emergency planning, and DEI.

Outreach and Advancement Director, Elder Services of Berkshire County, Inc.

2016 – 2018: Development communications leader responsible all external engagement programs for \$15+million non-profit human services organization

- Creator of a national award-winning public awareness campaign that raised community awareness, established the agency as the regional thought leader, built goodwill, and maintained a significant prospect pipeline. Earned National Mature Media campaign award
- Primary content creator and grant writer
- Directed transformation to a culture of philanthropy
- Staff member on the Board of Directors' Marketing and Fundraising Committee
- Generated non-contract and non-fee-for-service income, i.e.: grants, foundation relations, corporate sponsorship, media property advertising, and the greatest resource: individual fundraising (leadership gifts, direct mail, one-on-one, event, and social)
- Managed volunteer and cross-functional staff teams to achieve mission
- Served as spokesperson

Business Development Manager

2012 – 2014: FCM Travel Solutions / Stage and Screen Travel

Inside sales

- Repeatedly surpassed KPIs and maintained a significant pipeline
- Managed relationships to be properly positioned for RFP release opportunities
- Established significant network of colleagues in the entertainment and travel industries
- Salesforce master
- Trained and motivated development staff from multiple business segments under parent company through web conferences, live seminars and written communications

Vice President, Business Development, Western Massachusetts

2007 – 2009: MassDevelopment Finance Agency

- Established front-of-mind awareness in a new territory
- Secured \$14.8 million in investment banking activity for community development projects

Economic Development Director, Western Massachusetts

2002 – 2007: US Congressman John W. Olver: Chairman, House Appropriations subcommittee on Transportation, Housing, and Urban Development

- Fostered \$20 million in federal appropriations for local economic and community projects
- Oversaw all regional Economic Development outreach efforts
- Primary relationship manager for western Massachusetts
- Speech writer
- Analyzed project proposals and requests for funding for compliance with federal administrative and congressional compliance
- White paper development

Education

- University of Massachusetts at Amherst - Isenberg School of Management, 2009
Master of Business Administration (M.B.A.)
- The College of Saint Rose, 1996
Bachelor's Degree, Cum Laude,
Public Communications

My name is Kerry Sullivan I have been a proud Pittsfield resident and a Berkshire Athenaeum Library Card holder since 1984. I loved books then and I love them even more today.

I have always thought it important to be active in the community and I was indeed very involved during the 1980's and 1990's with the Crosby PTO, West Little League, YMCA and the Pittsfield Girls Soccer leagues as my children grew. Now I am a devoted Her/She/Gamma to two precious boys and also a very active member of South Congregational Church here in the city.

I have worked for the Town of Lenox as a paraprofessional, worked for State Representative Smitty Pignatelli (I remember when he used to be our State Rep in 5B) and for the last 7 years as the Lenox Town Clerk. I am a current Notary Public, a Justice of the Peace and I am honored to be asked to assist in this process.

JODY PHILLIPS - BIO

Jody Phillips is currently a Contract Specialist for General Dynamics Mission Systems in Pittsfield, MA. She previously served as the Pittsfield City Clerk for a total of twelve years and as Executive Assistant to Mayor Ed Reilly for six years. Jody holds a bachelor's degree in Business Administration from Massachusetts College of Liberal Arts. In addition, she is a current member of the Pittsfield Licensing Board as well as the Berkshire County Jimmy Fund Council and a former member of the Pittsfield Council on Aging and Gladys Allen Brigham Center. She also served on the previous Ordinance Review Committee.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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Linda M. Tyer
Mayor

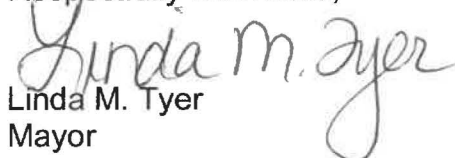
April 6, 2022

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

Dear Councilors:

I am submitting this communication to notify you that I am appointing Nicholas Bryant, Shaun Courtney and Simon Wineberg as Police Officers with the Pittsfield Police Department in accordance with Civil Service regulations.

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB



**CITY OF PITTSFIELD
POLICE DEPARTMENT**

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

OFFICE OF THE CHIEF OF POLICE

(413) 448-9717

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

March 24, 2022

Honorable Linda Tyer
70 Allen Street
Pittsfield, MA 01201

Dear Mayor Tyer,

Submitted herewith for your approval and referral to the City Council are the appointments of Nicholas Bryant, Shaun Courtney and Simon Wineberg as Police Officers with the Pittsfield Police Department.

Respectfully Submitted,

Michael J. Wynn
Chief of Police
Pittsfield Police Department

c: Personnel Dept.



THE CITY OF PITTSFIELD

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Linda M. Tyer
Mayor

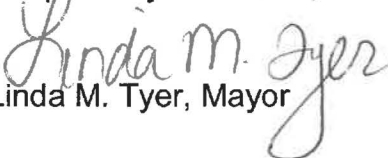
April 6, 2022

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

Dear Councilors,

Submitted herewith for your consideration is an Order to accept a grant of funds in the amount of \$2,500.00 from the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research for the purchase of an automated external defibrillator for the Pittsfield Fire Department.

Respectfully submitted,


Linda M. Tyer, Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

FIRE DEPARTMENT, 74 COLUMBUS AVENUE, PITTSFIELD, MA 01201 (413) 448-9764 FAX (413) 448-9766

April 4, 2022

Honorable- Lynda M Tyer
Mayor- City of Pittsfield
70 Allen Street
Pittsfield, MA 01201

Dear Mayor Tyer,

Submitted for your consideration, is an authorization requesting the City of Pittsfield to accept a grant of funds from the Commonwealth of Massachusetts Executive Office of Public Safety and Security.

Sincerely,

Thomas Sammons
Fire Chief

Cc: Matthew Kerwood, Finance Director
Nicole Gai, Assistant Treasurer
Allison Crespo, City Accountant

City of Pittsfield

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

No. _____

IN CITY COUNCIL

AN ORDER

**AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT OF FUNDS FROM
THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC
SAFETY AND SECURITY**

Ordered: That the City of Pittsfield, by and through its Mayor and City Council, is hereby authorized to accept a grant of funds in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) from the Commonwealth of Massachusetts Executive Office of Public Safety and Security.

Said funds may be expended pursuant to Massachusetts General Laws, Chapter 44, Section 53A, and in accordance with the provisions of the grant, a copy of which is attached to this order.



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
Office of Grants & Research
Ten Park Plaza, Suite 3720-A
Boston, Massachusetts 02116
Tel: 617-725-3301
Fax: 617-725-0260
www.mass.gov/ogr

Charles D. Baker
Governor

Terrence M. Reidy
Secretary

Kevin J. Stanton
Executive Director

Karyn E. Polito
Lieutenant Governor

March 30, 2022

Ms. Linda Tyer, Mayor
Pittsfield Fire Department
70 Allen St
Pittsfield, MA 01201

Dear Ms. Tyer,

Congratulations! I am pleased to inform you that the Pittsfield Fire Department has been selected to receive an Automated External Defibrillator (AED) Equipment award for \$2500.00 from the Office of Grants and Research (OGR).

The Office of the Comptroller has determined that this award process will not require a Commonwealth Standard Contract to be executed, therefore these funds will be directly deposited into your municipality bank account. Please note, the amount of your award was based on the AED quote submitted with your application. Placement of the AED should match the vehicle designated in your application and all goods must be purchased and received by June 30, 2022.

Each municipality is responsible for covering any costs for the AED purchase that exceed the amount awarded. Conversely, if the award amount exceeds the final cost of the AED purchase, please notify this office for further discussion.

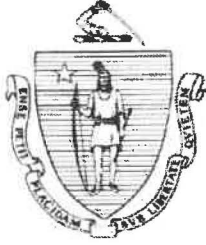
If you have any questions regarding your award, please contact your OGR grant contact, Jenny Barron at jenny.barron@mass.gov.

Again, congratulations and thank you for your continued commitment to public safety.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin J. Stanton'.

Kevin J. Stanton
Executive Director



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

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

March 30, 2022

Ms. Linda Tyer, Mayor
Pittsfield Fire Department
70 Allen St
Pittsfield, MA 01201

Dear Ms. Tyer,

Congratulations! We are pleased to inform you that the **Pittsfield Fire Department** has been awarded **\$2,500.00** in funding from the Automated External Defibrillator Equipment Program offered by the Executive Office of Public Safety and Security's Office of Grants and Research (OGR).

If you have any questions, please feel free to email your grant point of contact Jenny Barron, at jenny.barron@mass.gov.

Once again, congratulations on your award and we look forward to working with you and your municipality on this important public safety initiative.

Sincerely,

Handwritten signatures of Governor Charles D. Baker and Lieutenant Governor Karyn E. Polito.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito

Ferin, Anne

From: Elizabeth Flynn <noreply+24bfc2feb2fcfff0@formstack.com>
Sent: Thursday, January 6, 2022 10:35 AM
To: Ferin, Anne
Subject: FY2022 AED Grant Application Confirmation
Attachments: SFY22AutomatedExternalDefibrillatorAEDApplicationTemplate_Submission_909751066.pdf

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



Formstack Submission For: SFY22 Automated External Defibrillator (AED) Application Template
Submitted at 01/06/22 10:34 AM

Municipality Name:	Pittsfield
Mayor/City or Town Administrator/Select Board Chair Name:	Linda Tyer
Mayor/City or Town Administrator/Select Board Chair Contact Title:	Mayor
Mayor/City or Town Administrator/Select Board Chair Email:	ltyer@cityofpittsfield.org
Municipality Address:	70 Allen St Pittsfield, MA 01201
AED Grant Point of Contact Name (from Department selected to receive AED):	Anne Ferin
AED Grant Point of Contact Title :	Office Manager
AED Grant Point of Contact Phone Number:	(413) 448-9754

AED Grant Point of Contact Email:	aferin@cityofpittsfield.org
AED Point of Contact Fax Number:	
What public safety/ first responder department will receive the new AED? :	Fire
What public safety/ first responder vehicle will receive the new AED? For example: "Police Cruiser #A12":	Fire Engine 3
What is the make of the AED selected for purchase? For example: Zoll:	Physio Control
What is the model of the AED selected for purchase? For example: AED Plus:	Lifepak 1000
Funding Request (should equal dollar amount from attached procurement quote, but no more than \$2,500):	2500
If extra funding becomes available, would the municipality like to be considered to receive funding for a second AED?:	Yes
What public safety/ first responder department will receive the second AED? :	Fire
What public safety/ first responder vehicle will receive the second AED? For example: "Police Cruiser #A12" :	Fire Car 2
If yes, would the municipality like two of the same AEDs?:	Yes
What is the make of the second AED selected for purchase? For example: Zoll :	
What is the model of the second AED selected for purchase? For example: AED Plus:	
If you would like 2 AEDs, but not the same AEDs, please explain and include quote for second AED in Quote/Cost estimate document upload. Only 1	

document, containing both quotes, may be uploaded.:

Upload Signed Certifications/Assurances Form
(<https://www.mass.gov/service-details/justice-and-prevention-grants>):

View File

Upload your AED Procurement Quote/Cost Estimate:

View File

Please include any other AED grant-specific information that the Office of Grants and Research would find helpful when reviewing your application.:

City of Pittsfield Fire Department responds to over 4,000 EMS calls each year with a significant portion of those requiring the availability/use of up to date/properly functioning AEDs

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

70 Allen Street, Pittsfield, MA 01201

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

Linda M. Tyer
Mayor

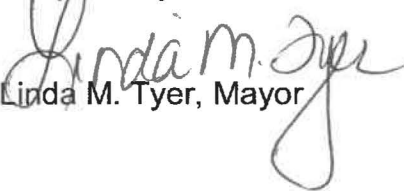
April 6, 2022

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

Dear Councilors,

Submitted herewith for your consideration is an Order to accept a grant of funds in the amount of \$543,791.95 from the Massachusetts Department of Transportation for the remaining services needed to complete the final design and construction phase for the First, North and Charles Streets intersection and signal improvements.

Respectfully submitted,


Linda M. Tyer, Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

RE: Design Agreement No. 117249: First, North, & Charles Intersection & Signal Improvements

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Submitted for your consideration is an authorization requesting that the City of Pittsfield accept the Grant and associated Design Agreement through Massachusetts Department of Transportation in the amount of \$543,791.95 for the remaining services needed to complete the final design and construction phase services of First, North, and Charles Streets Intersection and Signal Improvements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RM", with a long horizontal line extending to the left.

Ricardo Morales
Commissioner of Department of Public Services & Utilities

cc. Matthew Kerwood, Director of Finance
Allison Crespo, City Accountant

City of Pittsfield

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

IN CITY COUNCIL

AN ORDER

No. _____

**Ordered: AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT A GRANT OF FUNDS
IN THE AMOUNT OF \$543,791.95 FROM THE MASSACHUSETTS
DEPARTMENT OF TRANSPORTATION**

That the City of Pittsfield, by and through its Mayor and City Council, is hereby authorized to accept a grant of funds in the amount of five hundred forty three thousand, seven hundred ninety one dollars and ninety five cents (\$543,791.95) from the Massachusetts Department of Transportation. Said funds may be expended pursuant to Massachusetts General Laws, Chapter 44, section 53A and in accordance with the provisions of the grant, a copy of which attached to this order.

MASSDOT STANDARD CONTRACT FORM



This form is issued and published by the Massachusetts Department of Transportation (MassDOT or Department). Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract.

CONTRACTOR LEGAL NAME: CITY OF PITTSFIELD (and d/b/a):		DEPARTMENT NAME: Massachusetts Department of Transportation MMARS Department Code: DOT	
Legal Address: (W-9, W-4, T&C) 70 Allen Street, Pittsfield, MA 01201		Business Mailing Address: 10 Park Plaza, Room 6340, Boston, MA 02116	
Contract Manager: Ricardo Morales, Commissioner		Billing Address (if different):	
E-Mail: rmorales@cityofpittsfield.org		Contract Manager: Marie Rose	
Phone: 413-499-9330	Fax:	E-Mail: Marie.Rose@dot.state.ma.us	
Contractor Vendor Code: VC6000192128		Phone: 857-368-9333	Fax:
Vendor Code Address ID (e.g. "AD001"): AD_001. (Note: The Address Id Must be set up for EFT payments.)		MMARS Doc ID(s):	
		RFR/Procurement or Other ID Number:	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <i>Prior</i> to Amendment: ____, 20____. Enter Amendment Amount: \$_____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception: (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions, Contractor Certifications and the MassDOT Terms and Conditions documents are incorporated by reference into this Contract and are legally binding <input checked="" type="checkbox"/> MassDOT TERMS AND CONDITIONS <input type="checkbox"/> MassDOT IT TERMS AND CONDITIONS			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for MassDOT/Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$ <u>543,791.95</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (<u>G.L. c. 29, § 23A</u>); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) MassDOT proposes to execute Design Agreement No. 117249 with the City of Pittsfield for the remaining services needed to complete the final design of First, North, & Charles Streets – Intersection & Signal Improvements. The work covers preparing a PS&E and providing construction phase engineering services.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth and MassDOT from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>December 31, 2026</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the MassDOT Terms and Conditions http://transnet/docs/ComApp/MassDOTTermsandConditions.doc or IT Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____, Date: _____ (Signature and Date Must Be Handwritten At Time of Signature or conform to the MassDOT Electronic Signature Policy, as in effect from time to time) Print Name: _____ Print Title: _____		AUTHORIZING SIGNATURE FOR MassDOT: X: _____, Date: _____ (Signature and Date Must Be Handwritten At Time of Signature, or conform to the MassDOT Electronic Signature Policy, as in effect from time to time) Print Name: _____ Print Title: _____	

MASSDOT STANDARD CONTRACT FORM



INSTRUCTIONS

The following instructions, Contractor Certifications and the MassDOT Terms and Conditions are incorporated by reference into an executed MassDOT Standard Contract Form. Instructions are provided to assist with Completion of the MassDOT Standard Contract Form. Additional terms are incorporated by reference. Links to legal citations are to unofficial versions and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Please note that not all applicable laws have been cited.

CONTRACTOR LEGAL NAME (AND D/B/A): Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the MassDOT Terms and Conditions If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the MassDOT Terms and Conditions, which must match the legal address on the 1099l table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

Contractor Contract Manager: Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on COMMBUYS, the name of the Contract Manager must be included in the Contract on COMMBUYS.

Contractor E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

Contractor Vendor Code: The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

Vendor Code Address ID: (e.g., "AD001") The Department must enter the MMARS Vendor Code Address Id identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

COMMONWEALTH DEPARTMENT NAME: Enter the full Department name with the authority to obligate funds encumbered for the Contract.

Commonwealth MMARS Alpha Department Code: Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

Department Business Mailing Address: Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

Department Billing Address: Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

Department Contract Manager: Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

Department E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt)

through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

MMARS Document ID(s): Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

RFR/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (left side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

PROCUREMENT OR EXCEPTION TYPE: Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See the Office of the Comptroller Guidance for Vendors Policies (State Finance Law and General Requirements, Acquisition Policy and Fixed Assets) and the Operational Services Division Conducting Best Value Procurements Handbook for details.

Statewide Contract (OSD or an OSD-designated Department). Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

Collective Purchase approved by OSD. Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

Department Procurement. Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

Emergency Contract. Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

Contract Employee. Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

Other Procurement Exception. Check this option when another procurement exception exists, such as legislation with specific language naming the Contractor as a recipient of a grant or contract, an existing legal obligation, a prohibition or other circumstance that exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See Amendments, Suspensions, and Termination Policy.)

Enter Current Contract End Date: Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

Enter Amendment Amount: Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

AMENDMENT TYPE: Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached.

MASSDOT STANDARD CONTRACT FORM



Amendment to Date, Scope or Budget. Check this option when renewing a Contract or executing an Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in [801 CMR 21.07](#), incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

Interim Contracts. Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being reprocured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

Contract Employee. Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

Other Procurement Exception. Check this option when another procurement exception exists, such as legislation with specific language naming the Contractor as a recipient of a grant or contract, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

MASSDOT TERMS AND CONDITIONS

Identify whether the MassDOT [Terms and Conditions](#) (TC) or the MassDOT IT Terms and Conditions (TC-IT) is incorporated by reference into this Contract. The Comptroller Expenditure Classification Handbook identifies the applicable Commonwealth Terms and Conditions based upon the object code for the contract.

COMPENSATION

Identify if the Contract is a **Rate Contract** (with no stated Maximum Obligation) or a **Maximum Obligation Contract** (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth Bill Paying Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's and MassDOT's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under [G.L. c. 29, s. 23A](#)). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments ([G.L. c. 29, § 23A](#)); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment

cycle. Financial hardship is not a sufficient justification to accelerate cash flow for *all* payments under a Contract. Initial grant or contract payments may be accelerated for the *first* invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the [Expenditure Classification Handbook](#)) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify when obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the Effective Date (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default Effective Date (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the Settlement and Release Form when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the Effective Date for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the Effective Date under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth and MassDOT from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to [G.L. c.4, § 9](#).

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. **If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here.** A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to [G.L. c.4, § 9](#).

CONTRACTOR AUTHORIZED SIGNATORIES FOR EXECUTION

See Comptroller policies entitled Department Head Signature Authorization Policy and the Contractor Authorized Signatory Listing for policies on Contractor and Department signatures for guidance.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid

MASSDOT STANDARD CONTRACT FORM



and the Contractor may not void the Contract. **Rubber stamps, typed or other images are not acceptable.** Proof of Contractor signature authorization on a **Contractor Authorized Signatory Listing** may be required by the Department if not already on file. **Electronic or digital signatures are permitted pursuant to the MassDOT Electronic Signature Policy.**

Contractor Name /Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the **Contractor Authorized Signatory Listing.**

Authorizing Signature For Department/Date: The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date". **Rubber stamps, typed or other images are not accepted.** The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Service Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name /Title: Enter the Authorized Signatory's name and title legibly.

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

MassDOT and Contractor Ownership Rights. The Contractor certifies and agrees that MassDOT is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish rights to deliverables nor may Contractors sell products developed with MassDOT resources without just compensation. The Contract should detail all MassDOT deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

Laws and Regulations Prohibiting Discrimination and Human Trafficking. Contractors acknowledge and certify as a condition of this Contract that they are responsible for complying fully with all state and federal laws prohibiting discrimination, human trafficking, and forced labor, including but not limited to Chapter 178 of the Acts of 2011.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

Public Records and Access The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L. c. 11, s.12 for six (6) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim

confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, Executive Order 147; G.L. c. 29, s. 29F G.L. c.30, § 39R, G.L. c.149, § 27C, G.L. c.149, § 44C, G.L. c.149, § 148B and G.L. c. 152, s. 25C.

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, Including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under G.L. c. 66A; and the Massachusetts Constitution Article XVII if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15th for performance made and received (goods delivered, services completed) prior to June 30th, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15th or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth and MassDOT from further claims for these invoices. **If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.**

Payments Subject To Appropriation. Pursuant to G.L. c. 29 § 26, § 27 and § 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by G.L. c. 29, § 9C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth and MassDOT have no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to G.L. c. 7A, s. 3 and 815 CMR 9.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury: (1) tax compliance with federal tax laws; (2) tax compliance with state tax laws including, but not limited to G.L. c. 62C, G.L. c. 62C, s. 49A; reporting of employees and contractors, withholding and remitting of tax withholdings and child support; and (3) Contractor is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under G.L. c. 62E, withholding and remitting child support including G.L. c. 119A, s. 12; TIR 05-11; New Independent Contractor Provisions and applicable TIRs.

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing **at least 45 days prior** to filing for bankruptcy and/or receivership, any

MASSDOT STANDARD CONTRACT FORM



potential structural change in its organization, or if there is **any risk** to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including 31 USC 1352; other federal requirements; Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

Protection of Commonwealth Data, Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth/MassDOT data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under M.G.L. c. 93H and c. 66A and other applicable state and federal privacy requirements. The Contractor shall comply with M.G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information. The Contractor shall also ensure that any personal data or information transmitted electronically or through a portable device is properly encrypted using (at a minimum) the Commonwealth's "Cryptographic Management Standard" set forth in the Enterprise Information Security Policies and Standards published by the Executive Office for Technology, Services and Security (TSS), or a comparable Standard prescribed by the Department. Contractors with access to credit card or banking information of Commonwealth/MassDOT customers certify that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards, and shall provide confirmation compliance during the Contract. The Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth/MassDOT and provide access to any information necessary for the Commonwealth/MassDOT to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to G.L. c. 214, s. 3B.

For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, or access to MassDOT systems containing such information or data, Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read M.G.L. c. 93H and c. 66A and agrees to protect any and all personal information and personal data; and (2) has reviewed all of the Enterprise Information Security Policies and Standards published by the Executive Office for Technology Services and Security (TSS), or stricter standards prescribed by the Department. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all public authorities, executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with any pertinent security guidelines, standards, and policies; (2) comply with all Enterprise Information Security Policies and Standards published by the Executive Office for Security Services and Technology (TSS), or a comparable set of policies and standards ("Information Security Policy") as prescribed by the Department; (3) communicate and enforce such security guidelines, standards, policies and the applicable Information Security Policy among all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information and data to which the Contractor is given access by the contracting Department from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or

contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information or personal data (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting Department if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting Department to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting Department and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth and MassDOT may exercise any and all contractual rights and remedies, including without limitation indemnification under MassDOT's Terms and Conditions or IT Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A.

Corporate and Business Filings and Reports. The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and federal employment laws or regulations, including but not limited to G.L. c. 7, s. 22 (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); minimum wages and prevailing wage programs and payments; unemployment insurance and contributions; workers' compensation and insurance, child labor laws, AGO fair labor practices; G.L. c. 149 (Labor and Industries); G.L. c. 150A (Labor Relations); G.L. c. 151 and 455 CMR 2.00 (Minimum Fair Wages); G.L. c. 151A (Employment and Training); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); G.L. c. 152 (Workers' Compensation); G.L. c. 153 (Liability for Injuries); 29 USC c. 8 (Federal Fair Labor Standards); 29 USC c. 28 and the Federal Family and Medical Leave Act and M.G.L. c. 175M (Family and Medical Leave).

Federal And State Laws And Regulations Prohibiting Discrimination Contractors certify compliance with applicable state and federal anti-discrimination laws, including but not limited to the Federal Equal Employment Opportunity (EEO) Laws the Americans with Disabilities Act; 42 U.S.C Sec. 12,101, et seq., the Rehabilitation Act, 29 USC c. 16 s. 794; 29 USC c. 16. s. 701; 29 USC c. 14, 623; the 42 USC c. 45; (Federal Fair Housing Act); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); the Public Accommodations Law G.L. c. 272, s. 92A; G.L. c. 272, s. 98 and 98A, Massachusetts Constitution Article CXIV and G.L. c. 93, s. 103; 47 USC c. 5, sc. II, Part II, s. 255 (Telecommunication Act; Chapter 149, Section 105D, G.L. c. 151C, G.L. c. 272, Section 92A, Section 98 and Section 98A, and G.L. c. 111, Section 199A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD links and Resources.

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 523, if qualified through the SBPP COMMBUYS subscription process at: www.commbuys.com and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability. Contracts may not use the following limitation on liability language unless approved by legal staff at the Office of the Comptroller or Operational Services Division and it may not be used if MassDOT is using the IT Terms and Conditions. The term "other damages" in Section 11 of the MassDOT Terms and Conditions, "Indemnification," shall include, but shall not be limited to, the reasonable costs the Commonwealth/MassDOT incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth/MassDOT as a result of third party claims, provided that this in no way limits the Commonwealth's or MassDOT's right of recovery

MASSDOT STANDARD CONTRACT FORM



for personal injury or property damages or patent and copyright infringement under Section 11 or the Commonwealth's/MassDOT's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's or MassDOT's use of contractor provided products or services, loss of Commonwealth or MassDOT's records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth or MassDOT. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the Contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's or MassDOT's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the MassDOT Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. The terms of this Clarification may not be modified.

Northern Ireland Certification. Pursuant to G.L. c. 7 s. 22C for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pandemic, Disaster or Emergency Performance. In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the MassDOT even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

Attorneys. Attorneys or firms providing legal services or representing MassDOT may be subject to G.L. c. 30, s. 65, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

Subcontractor Performance. The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable Massachusetts Executive Orders, including but not limited to the specific orders listed below. A breach during the period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts. For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, they shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

Executive Order 130. Anti-Boycott. The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by G.L. c. 151E, s. 2. If there is a breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may

have, MassDOT and the Commonwealth may rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

Executive Order 346. Hiring of State Employees By State Contractors Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order; which includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth/MassDOT. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, of a state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

Executive Order 444. Disclosure of Family Relationships With Other State Employees. Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family as well as persons related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

Executive Orders 523, 526 and 565. Executive Order 523 (Establishing the Massachusetts Small Business Purchasing Program). Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478). Executive Order 565 (Reaffirming and Expanding the Massachusetts Supplier Diversity Program). All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices. The Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices. The Contractor also commits to purchase supplies and services from certified minority, women, veteran, service-disabled veteran, LGBT or disability-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons; and Contractor commits to comply with any applicable Department contractual requirements pertaining to the employment of persons with disabilities pursuant to M.G.L. c. 7 s. 61(s). These provisions shall be enforced through the contracting Department, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.



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

Linda M. Tyer
Mayor

April 6, 2022

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

Dear Councilors,

Submitted herewith for your consideration is an Order to rescind Order No. 9 of the 1974 Series of Orders establishing the Cable Television Commission.

Respectfully submitted,

Linda M. Tyer
Linda M. Tyer, Mayor

LMT/CVB
Enclosure

City of Pittsfield

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

IN CITY COUNCIL

AN ORDER

**AUTHORIZING THE CITY OF PITTSFIELD TO
RESCIND ORDER NO. 9 OF THE 1974 SERIES OF ORDERS
ESTABLISHING THE CABLE TELEVISION COMMISSION**

No. _____

Ordered:

That the City Council hereby rescinds City Council Order No. 9 of 1974 Series of orders as amended.



OFFICE OF THE MAYOR
CITY OF PITTSFIELD
MASSACHUSETTS

EVAN S. DOBELLE
MAYOR

February 8, 1974

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

Gentlemen:

Submitted herewith for your consideration is an order
establishing the Cable Television Commission.

Respectfully submitted,

A handwritten signature in cursive script, reading "Evan S. Dobelle".

Evan S. Dobelle
Mayor

No. 9

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

AN ORDER
ESTABLISHING THE CABLE TELEVISION COMMISSION

Ordered:

That there be and hereby ~~is~~ established a Cable Television Commission under the following terms and provisions:

1. TITLE - The Commission shall be known as the Cable Television Commission.
2. MEMBERSHIP & TERMS - The Commission shall consist of seven (7) persons who shall be appointed thereto by the Mayor, subject to the approval of the City Council. The members shall include one (1) member of the City Council who shall continue as a member of the commission only so long as he holds such other public office. The terms of the other members of the Commission shall be for an indefinite period of time, continuing until the Commission shall be discharged by the Mayor with the approval of the City Council.
3. VACANCIES - The vacancies in the Commission shall be filled by the Mayor forthwith in the same manner as the original appointments.
4. ORGANIZATION - The Mayor, subject to the approval of the City Council, shall designate one member of said Commission as the Chairman thereof. The Commission shall organize by selecting one of its members as Clerk, and in addition thereto it shall organize in such manner as it deems necessary for the proper exercise of its powers and discharge of its duties.
5. MEETING - The Commission shall meet as frequently and at such times and places within the City of Pittsfield, as it may deem necessary for the proper exercise of its powers and discharge of its duties.
6. QUORUM - A majority of the members of the Commission shall constitute a quorum authorized to act for and in behalf of the Commission; and a majority vote of any quorum shall be considered the vote of the Commission.
7. RECORDS - The Commission shall keep a detailed record of its acts and proceedings and upon the discharge of the Commission the records shall be filed with the City Clerk.
8. POWERS AND DUTIES - The Commission shall make a full, complete, comprehensive study investigation and survey of the present and future physical and programming needs of Cable Television in Pittsfield. The Commission shall make a preliminary report of their findings on or before April 12, 1974, and periodically thereafter as deemed advisable by said commission or upon request of the Mayor or City Council.
9. COOPERATION AND ASSISTANCE - All departments of the City of Pittsfield having information and material required by the Commission in the performance of its duties shall make the same available to the Commission, and all such departments shall cooperate with the Commission in the performance of its duties.



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

Linda M. Tyer
Mayor

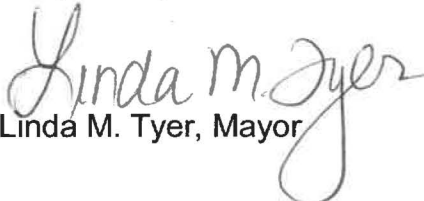
April 6, 2022

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 Chapter 2, Administration by creating Article LIII, Cable Advisory Committee.

Respectfully submitted,


Linda M. Tyer, 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 TO ESTABLISH AND CREATE A
CABLE ADVISORY COMMITTEE

(Page 1 of 2)

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

SECTION I

That the Code of the City of Pittsfield, Chapter 2, Administration be amended by adding ARTICLE LIII, to create a CABLE ADVISORY COMMITTEE, in its place, as follow:

Sec. 2-303 Establishment and title.

There is hereby established a municipal board to be known as the "Cable Advisory Committee."

Sec. 2-304 Composition and appointment.

The Cable Advisory Committee shall consist of 5 members, one of whom shall be a member of the Pittsfield City Council. In accordance with Article 2, Section 2-10, Article 3, Section 3-3 and Chapter 6 of Chapter 72 of the Acts of 2013, the Mayor shall appoint all of the members to the Cable Advisory Committee subject to City Council approval. In making appointments to the Commission, the Mayor shall seek to find members with an expertise which can contribute to the purposes for which this Commission has been established.

Sec. 2-305 Terms of members; vacancies.

Excepting the City Councilor who shall serve so long as they hold office, the terms of office of the members originally appointed to the Cable Advisory Committee shall be as follows: Two of the members so appointed shall be appointed for terms of three years; and two members for terms of two years. As the terms of the members of the original committee expire their successors shall be appointed for terms of three years each. In the event of a vacancy, the Mayor shall appoint a successor as soon as practicable, subject to City Council approval, and said successor shall fulfill the unexpired term of the member whose seat was vacated.

Sec. 2-306 Compensation of members; election of chairman and secretary.

The members of the Cable Television Committee shall, in accordance with Article 10, Section 10-6(a) of the City Charter enacted by Chapter 72 of the Acts of 2013, serve without compensation and the Committee shall choose its chairman and its secretary from among its members by a majority vote of its members. The Cable Television Committee shall keep an accurate record of all meetings held and the business transacted by the Committee.

Sec. 2-307 Function, powers, and duties.

The Committee is charged with:

- 1) Making recommendations to the Mayor concerning the Cable Television Service provider's license or license renewal.

Approved as to Form and Legality,

City Solicitor



City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
CHAPTER 2, ADMINISTRATION TO ESTABLISH AND CREATE A
CABLE ADVISORY COMMITTEE

(Page 2 of 2)

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

- 2) Providing insight into the provider's past performance and the future needs/interests of the community.
- 3) Providing advice and assistance in the negotiations for and compliance with the cable television license agreement for cable television service under the framework set forth by federal and state law.
- 4) Reviewing the cable operator's performance under the current license and determine the needs and interests of the community. The Committee shall complete this ascertainment process at least twelve months prior to the current license expiration date. The Committee will utilize the results of the ascertainment process in its review of any cable operator's proposal for a license agreement.
- 5) Upon receipt of proposals, the Committee shall act as the negotiating authority to consider: a) the operator's compliance with the terms of the existing franchise and with applicable law; b) the quality of the cable operator's service, including signal quality, response to consumer complaints, and billing practices; and c) whether the cable operator has the legal, financial and technical ability to provide the services, facilities and equipment necessary to meet the future cable-related community needs and interests, taking into account the costs of those needs.
- 6) After the license is awarded the Cable Advisory Committee monitors the agreement for compliance and assists the Mayor with consumer related issues. It shall:
 - a) Inform and educate the public about cable television service;
 - b) Assess the cable needs of the community and recommend policy changes;
 - c) Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
 - d) Report to the Mayor on company compliance with the license;
 - e) Supervise the cable operator's response to complaints;
 - f) Respond to residents' questions regarding the cable television system; and
 - g) Keep abreast of community programming issues.
 - h) Draft, for consideration by the City Council, ordinances, rules, regulations, policies and programs necessary for the implementation of Committee's recommendations.

Sec. 2-308 Meetings.

The Cable Advisory Committee shall meet as often as its business may warrant or require. Regular or special meetings may be called by the Chairman or any three members of the Committee. In accordance with Article 10, Section 10-6(b) of the City Charter enacted by Chapter 72 of the Acts of 2013, the Committee shall make rules governing its meetings.

SECTION II

Ordinance shall become effective upon enactment.

Approved as to Form and Legality,

City Solicitor



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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 a Traffic Order to establish one-way traffic at the following locations in the City:

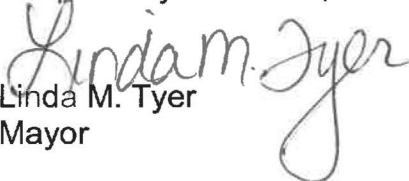
School Street:

- One-way traffic starting from intersection of North Street easterly to intersection of Allen Street.

Allen Street:

- One-way traffic starting from intersection of School Street southerly to intersection of East Street.

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order for establishing one-way traffic, at the following locations in the City:

- **School Street:**
One-way traffic starting from intersection of North Street easterly to intersection of Allen Street.
- **Allen Street:**
One-way traffic starting from intersection of School Street southerly to intersection of East Street.

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield
M A S S A C H U S E T T S

TRAFFIC ORDER

No.

IN CITY COUNCIL

AN ORDER

ESTABLISHING ONE WAY TRAVEL RESTRICTIONS

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article V, of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended as indicated herein below:

School Street – one way travel eastbound: from North Street easterly to Allen Street

Allen Street – one way travel southbound: from School Street southerly to East Street

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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 a Traffic Order to establish parking regulations on portions of the street at the following location in the City:

ELM STREET:

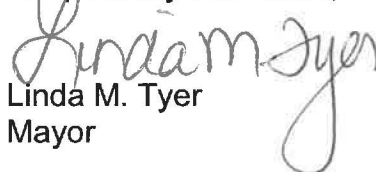
North Side:

- a no parking zone, starting from the easterly extension line of Pollock Avenue; thence continuing west to the westerly extension line of Commonwealth Avenue, replacing a parking zone

South Side:

- a no parking zone, starting from the westerly line of Pollock Avenue; thence continuing west to the easterly line of Commonwealth Avenue, replacing a parking zone

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order to establish parking regulations on portions of the street at the following location in the City:

- ELM STREET:

North Side:

- a no parking zone, starting from the easterly extension line of Pollock Avenue; thence continuing west to the westerly extension line of Commonwealth Avenue, replacing a parking zone

South Side:

- a no parking zone, starting from the westerly line of Pollock Avenue; thence continuing west to the easterly line of Commonwealth Avenue, replacing a parking zone

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield

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

TRAFFIC ORDER

No.

IN CITY COUNCIL

AN ORDER

AMENDING PARKING REGULATIONS ON NORTH AND SOUTH SIDES OF ELM STREET

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article V, of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended as indicated herein below:

ELM STREET

On the North side,

- a no parking zone, starting from the easterly extension line of Pollock Avenue; thence continuing west to the westerly extension line of Commonwealth Avenue, replacing a parking zone

On the South side,

- a no parking zone, starting from the westerly line of Pollock Avenue; thence continuing west to the easterly line of Commonwealth Avenue, replacing a parking zone

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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 a Traffic Order to establish parking regulations on portions of the street at the following locations in the City:

UNION STREET:

North side:

- a handicap parking zone, starting 45 feet westerly from North Street; thence continuing 20 feet westerly.
- a 90-minute parking zone, starting 65 feet westerly from North Street; thence continuing 53 feet westerly.

South side:

- a no parking zone, starting 30 feet westerly from North Street; thence continuing 108 feet westerly, replacing a 90-minute parking zone

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order to establish parking regulations on portions of the street at the following location in the City:

- UNION STREET:

North side:

- a handicap parking zone, starting 45 feet westerly from North Street; thence continuing 20 feet westerly.
- a 90-minute parking zone, starting 65 feet westerly from North Street; thence continuing 53 feet westerly.

South side:

- a no parking zone, starting 30 feet westerly from North Street; thence continuing 108 feet westerly, replacing a 90-minute parking zone

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield
M A S S A C H U S E T T S

TRAFFIC ORDER

No.

IN CITY COUNCIL

AN ORDER

**AMENDING PARKING REGULATIONS ON NORTH AND SOUTH SIDES OF
UNION STREET**

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article V, Sections 50 and 51 of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended as indicated herein below:

UNION STREET

On the North side,

- a handicap parking zone, starting 45 feet westerly from North Street; thence continuing 20 feet westerly.
- a 90-minute parking zone, starting 65 feet westerly from North Street; thence continuing 53 feet westerly.

On the South side,

- a no parking zone, starting 30 feet westerly from North Street; thence continuing 108 feet westerly, replacing a 90-minute parking zone

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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

Dear Councilors,

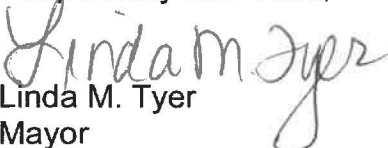
Submitted herewith for your consideration is a Traffic Order to establish parking regulations on portions of the street at the following locations in the City:

ALLEN STREET:

On the West side,

- a parking zone designated for police vehicles, starting 158 feet southerly from the west corner of Fenn Street; thence continuing 95 feet southerly, replacing a no parking zone.
- a parking zone designated for police vehicles, starting 25 feet southerly from the south corner of School Street; thence continuing 213 feet southerly, replacing a no parking zone.

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order to establish parking regulations on portions of the street at the following location in the City:

- ALLEN STREET:

On the West side,

- a parking zone designated for police vehicles, starting 158 feet southerly from the west corner of Fenn Street; thence continuing 95 feet southerly, replacing a no parking zone.
- a parking zone designated for police vehicles, starting 25 feet southerly from the south corner of School Street; thence continuing 213 feet southerly, replacing a no parking zone.

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield

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

TRAFFIC ORDER

No.

IN CITY COUNCIL

AN ORDER

DESIGNATING POLICE VEHICLE PARKING ON ALLEN STREET

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article V, Sections 50 and 51 of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended as indicated herein below:

ALLEN STREET

On the West side,

- a parking zone designated for police vehicles, starting 158 feet southerly from the west corner of Fenn Street; thence continuing 95 feet southerly, replacing a no parking zone.
- a parking zone designated for police vehicles, starting 25 feet southerly from the south corner of School Street; thence continuing 213 feet southerly, replacing a no parking zone.

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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 a Traffic Order to establish official stop signs at the following locations in the City:

ATMER AVENUE:

South side: For traffic proceeding northeasterly on Atmer Avenue at its intersection of Plumb Avenue.

North side: For traffic proceeding southwesterly on Atmer Avenue at its intersection of Plumb Avenue.

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order to establish official stop signs at the following locations in the City:

- ATMER AVENUE:

South side: For traffic proceeding northeasterly on Atmer Avenue at its intersection of Plumb Avenue.

North side: For traffic proceeding southwesterly on Atmer Avenue at its intersection of Plumb Avenue.

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield
M A S S A C H U S E T T S

TRAFFIC ORDER

No.

IN CITY COUNCIL

AN ORDER

ESTABLISHING THE LOCATION OF OFFICIAL STOP SIGNS ON ATMER AVENUE

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article IV, Section 13-33 of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended by the erection of official stop signs:

Atmer Avenue:

For traffic proceeding northeasterly on Atmer Avenue at its intersection of Plumb Avenue.

Atmer Avenue:

For traffic proceeding southwesterly on Atmer Avenue at its intersection of Plumb Avenue.

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



THE CITY OF PITTSFIELD

OFFICE OF THE MAYOR

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

Linda M. Tyer
Mayor

April 6, 2022

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

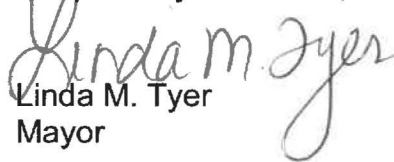
Dear Councilors,

Submitted herewith for your consideration is a Traffic Order to establish official stop signs at the following locations in the City:

School Street: For traffic proceeding easterly on School Street at its intersection of Allen Street.

Allen Street: For traffic proceeding southerly on Allen Street at its intersection of School Street.

Respectfully submitted,


Linda M. Tyer
Mayor

LMT/CVB
Enclosure



CITY OF PITTSFIELD

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

April 12, 2022

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL:

Submitted herewith for your review and approval is a traffic order to establish official stop signs at the following locations in the City:

- **School Street:** For traffic proceeding easterly on School Street at its intersection of Allen Street.
- **Allen Street:** For traffic proceeding southerly on Allen Street at its intersection of School Street.

Sincerely,

A handwritten signature in cursive script that reads "Allison McMordie".

Allison McMordie
City Engineer

City of Pittsfield

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

IN CITY COUNCIL

AN ORDER

ESTABLISHING THE LOCATION OF OFFICIAL STOP SIGNS

TRAFFIC ORDER

No.

Ordered:

Section 1

By virtue of and pursuant to the authority granted by Chapter 13, Article IV, Section 13-33 of the Code of the City of Pittsfield, it is hereby determined and ordered that all prior traffic orders pertaining to the streets or locations named herein below, as amended, are hereby further amended by the erection of official stop sign:

School Street:

For traffic proceeding easterly on School Street at its intersection of Allen Street.

Allen Street:

For traffic proceeding southerly on Allen Street at its intersection of School Street.

Section 2

That this order shall take effect upon approval by the City Council of the City of Pittsfield, seven days after publication by the City Clerk and upon erection of the official signage.



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

January 31, 2022

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

Dear Councilors:

On December 15th, 2021 the following matter was referred to this office:

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

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

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

The City Council’s role is:

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

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

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

Respectfully submitted,

Stephen N. Pagnotta
City Solicitor



City of Pittsfield

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

December 06 2021

To the City Council of the City of Pittsfield:-

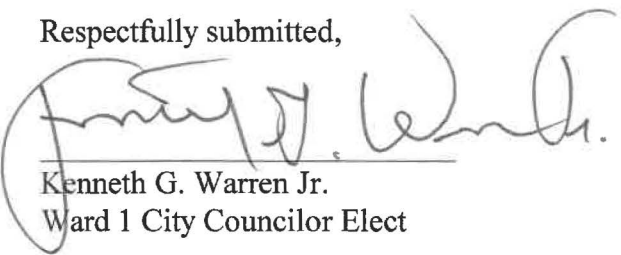
The undersigned respectfully

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

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

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

Respectfully submitted,


Kenneth G. Warren Jr.
Ward 1 City Councilor Elect



City of Pittsfield

April 6, 2022

To the City Council of the City of Pittsfield: —

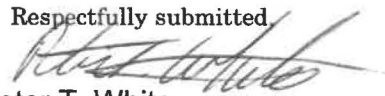
The Committee on Ordinances and Rules Committee

to whom was referred the A petition from Councilor Maffuccio requesting to implement a dispatch fee in EMS Provider Contracts as outlined in the 2018 Efficiency Study (tabled 9/20/21)

having considered the same, report and recommend that the petition be referred to the Mayor

voted 2/1

Respectfully submitted,


Peter T. White

Chairman



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2021 SEP -8 PM 12: 15

August 30 20 21

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that the City Council implement a Dispatch fee in EMS Provider Contracts as it was suggested in the 2018 City of Pittsfield Efficiency Study Review to leverage more revenue for the City, it was projected back then that the City could of had 1.1 million in revenue by 2023.

Respectfully Submitted
Councilor Anthony V Maffuccio



City of Pittsfield

April 6, 2022

To the City Council of the City of Pittsfield: —

The Committee on Ordinances and Rules Committee

to whom was referred the A petition from Councilor Warren requesting to draft the ordinance amendments to reflect the abolishment of the Public Utilities Advisory Committee

having considered the same, report and recommend that the petition be referred to the Solicitor for drafting of the Ordinance

voted 3/0

Respectfully submitted,

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

Peter T. White

Chairman



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2022 MAR -2 PM 12:17

March 01 _____ 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the City Council approve the following petition and refer to the City Solicitor and Ordinance & Rules Committee for implementation including the drafting of the appropriate changes in the ordinances including but not limited to deleting Chapter 18 ½ Public Utilities Advisory Committee, as necessary.

Petitioner requests that the City Solicitor draft the appropriate ordinance amendments to reflect the abolishment of the Public Utilities Advisory Committee.

DISCUSSION & CONCLUSION

If the Public Utilities Advisory Committee has indeed been effectively abolished then references to it in any ordinances should be amended to avoid unnecessary confusion. It is suppose to be involved in water and sewer issues and as we have seen they haven't. And indeed there is no listing for them among current boards.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth G. Warren Jr.", written over a horizontal line.

Kenneth G. Warren Jr.
Ward 1 City Councilor

AMENDING THE CODE OF THE CITY OF PITTSFIELD
CHAPTER 18 1/2, UTILITIES ADVISORY COMMITTEE

Section I

That the Code of the City of Pittsfield, Chapter 18 1/2, Public Utilities Advisory Committee shall be amended by deleting the chapter in its entirety.

Section II

This ordinance shall become effective upon enactment.

Chapter 18 1/2. Public Utilities Advisory Committee

Editor's Note: Provisions designated as Ch. 19 1/2, §§ 19 1/2-1—19 1/2-3, in § 5 of Ord. No. 601, adopted 3-2-1988, have been redesignated, with the city's consent, as Ch. 18 1/2, §§ 18 1/2-1—18 1/2-3, in order to maintain alphabetical sequence of chapters.

GENERAL REFERENCES

Administration — See Ch. 2.

Solid waste collection and disposal — See Ch. 8.

Sewers and drains — See Ch. 19.

Water — See Ch. 22.

Sec. 18 1/2-1. Established; purpose.

[Ord. No. 601, § 5, 3-2-1988]

A public utilities advisory committee is hereby established to advise the commissioner of public utilities on all matters pertaining to sewers, water, solid waste, resource recovery, and all other matters subject to the jurisdiction of the commissioner of public utilities.

Sec. 18 1/2-2. Composition; appointment; removal.

[Ord. No. 601, § 5, 3-2-1988; Ord. No. 1129, § I, 3-10-2015]

This Committee shall consist of five members. In accordance with Article 2-10, Article 3, Section 3-3 and Article 6 of Chapter 72 of the Acts of 2013, the Mayor shall appoint all five members, one of whom shall be the Director of Public Health, subject to city council approval. In accordance with Article 10, Section 10-6(a) of Chapter 72 of the Acts of 2013, the members of the Public Utilities Advisory Committee shall elect from the membership a chairperson, vice chairperson, a secretary and any other officers that the membership deems necessary. Excepting the Director of Public Health, who shall serve so long as he/she holds the office, each member shall serve a term of three years. In the event of a vacancy, the Mayor shall appoint a successor as soon as practicable, subject to city council approval, and said successor shall fulfill the unexpired term of the member whose seat was vacated. Members other than the Director of Public Health may be removed by the Mayor without cause, subject to the approval by majority vote of the city council.

Sec. 18 1/2-3. Organization.

[Ord. No. 601, § 5, 3-2-1988; Ord. No. 1156, § I, 9-29-2015]

In accordance with Article 10, Section 10-6(b) and Section 10-6(c) of the City Charter enacted by Chapter 72 of the Acts of 2013, the committee shall meet regularly once a month and on as many other occasions as the committee deems necessary. At its first meeting, the committee shall elect a chairman and a clerk. Minutes of each meeting shall be taken and preserved. Meetings may be called by the chairman acting alone, by the commissioner of public utilities acting alone, or by any two members of the committee. All members shall receive reasonable notice of any meeting.



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2022 MAR 32 AM 10: 59

March 30 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the City Council approve the following resolution to support the Massachusetts Municipal Association MMA, our local elected state legislative officials, and Mayor Linda Tyer in her role as President of the Mayor's Association. The following requests represent important needs for municipalities such as Pittsfield and include:

- Increase Unrestricted General Government Aid (UGGA) by 7.3%, or \$85.3 million
- Increase Chapter 70 Aid Minimum Aid to \$100/student
- Fully Fund School Transportation Accounts
- Fully Fund PILOT (payments in lieu of taxes for state-owned land)
- Pass a Multi-year \$300M Chapter 90 Bond Bill in addition to a separate, one-time \$100 million supplemental appropriation (which was first proposed in the Governor's FY22 supplemental budget).

and refer to Mayor Tyer for approval and implementation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ken Warren Jr.", written over a horizontal line.

Kenneth G. Warren Jr.
Ward 1 City Councilor



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2022 APR -5 AM 10:37

April 1 _____ 20 ____ 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council and Colleagues submitted a petition asking the Commissioner to come in front of the City Council at our next meeting and describe what method was used in crafting the Paving List for 2022 season as in Ward 7 these our not the priorities discussed by myself.

Respectfully Submitted
Councilor Anthony V Maffuccio



City of Pittsfield

2022 APR -6 AM 9:30

April 6 20 22

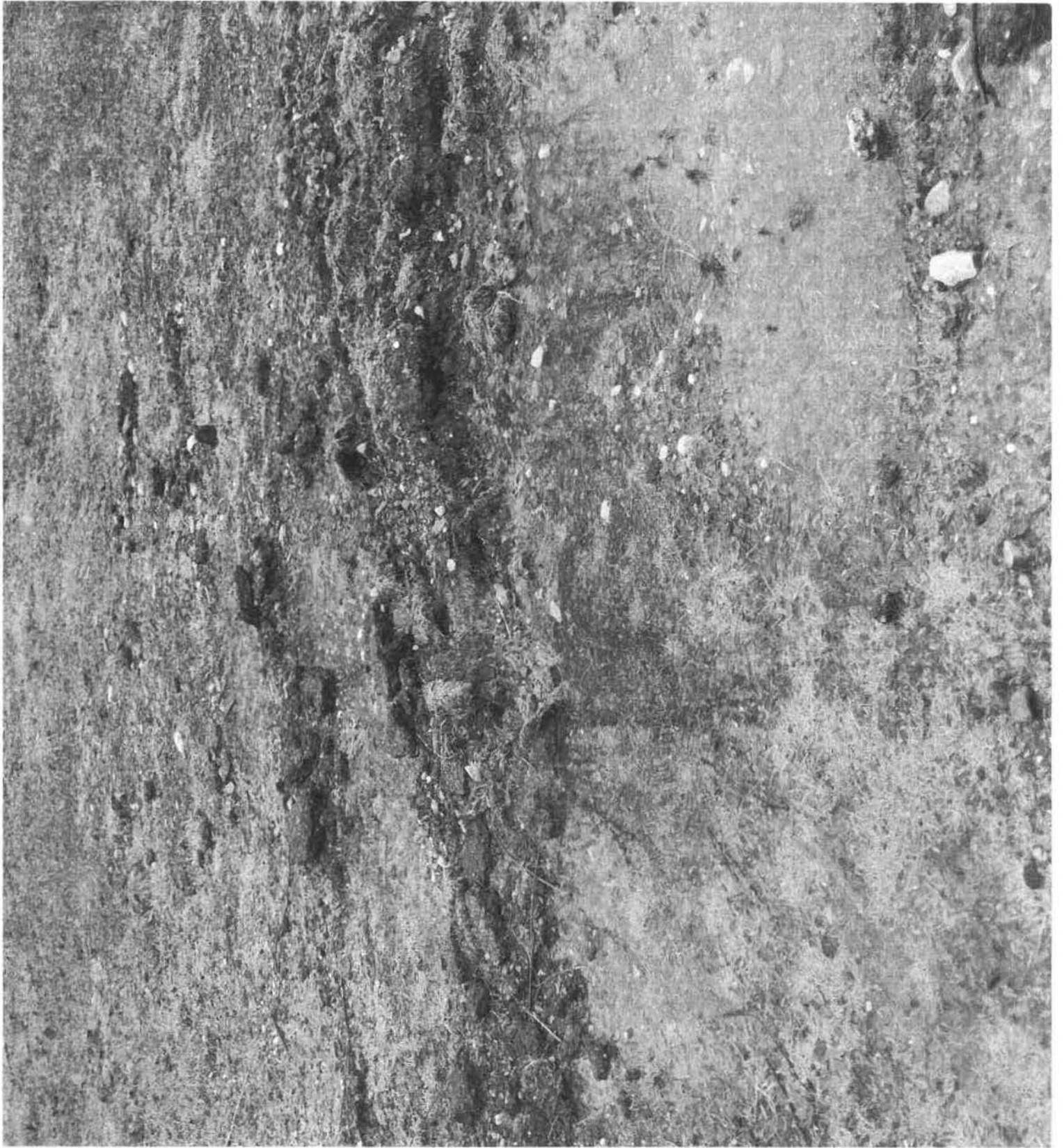
To the City Council of the City of Pittsfield:-

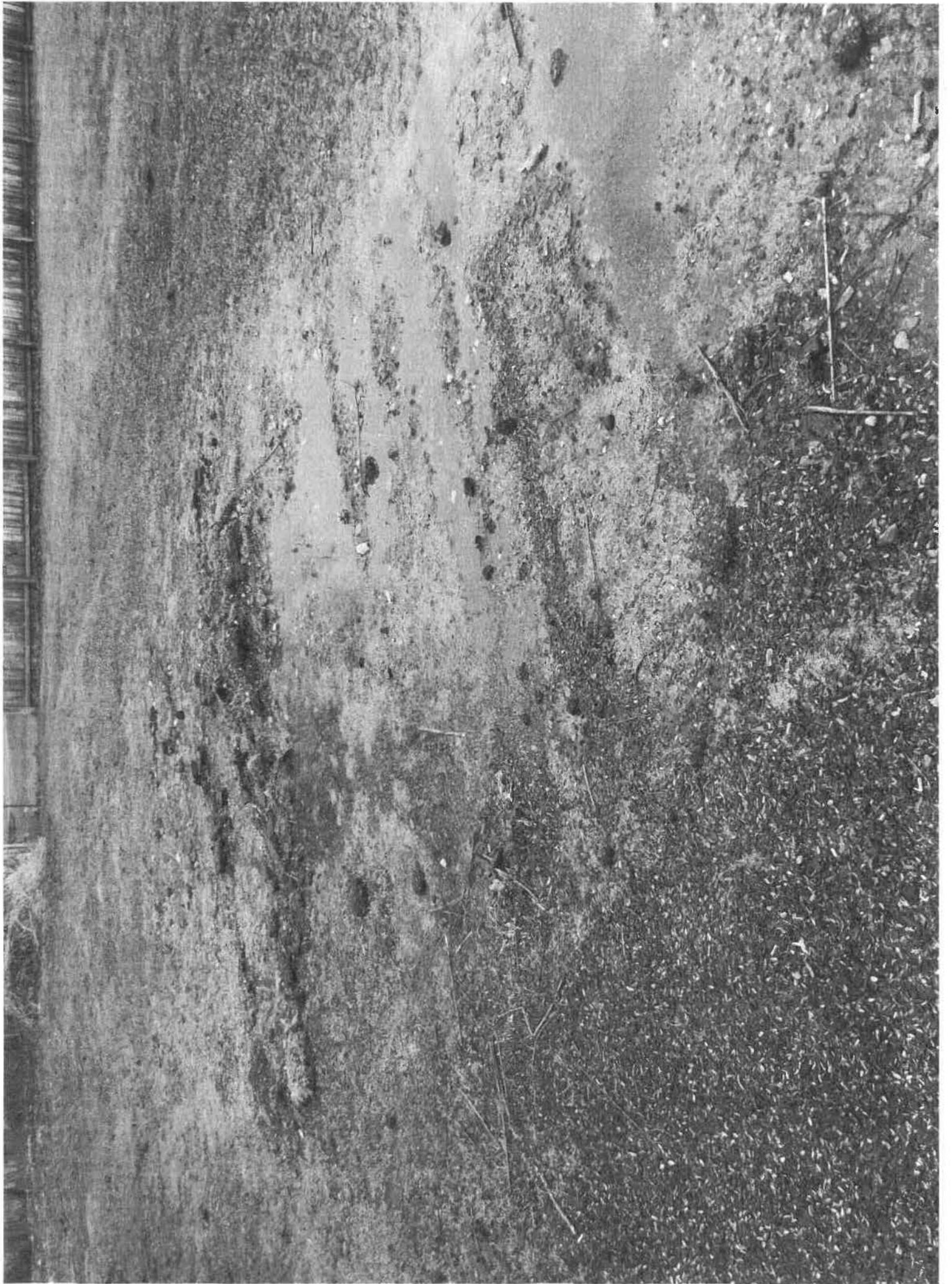
The undersigned respectfully

Honorable members of the City Council and Colleagues submitted is a petition that Curlew Street be placed on the in house paving list for resurfacing.

Respectfully Submitted,

Councilor Anthony V Maffuccio







City of Pittsfield

2022 APR -6 PM 2:30

April 5 20 22

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

The undersigned respectfully

Honorable Members of the City Council:

I request revision to the Chapter 90 Road Paving Plan. Proposed distribution of road work across the Wards is grossly unfair to residents of Ward 2.

Argument

The median allotment is 13%. Ward 2 receives only 3% of this year's bidding. In contrast, the other wards are above or within 2% of the median.

Ward 2: 3%		Observations: Ward 7 & 1 are close to median. Wards 3-6 are above. Ward 5 takes 30% for which two roads are rated qualitatively better than majority proposed
Ward 1: 12%	Ward 5: 30%	
Ward 3: 15%	Ward 6: 14%	
Ward 4: 15%	Ward 7: 11%	

Within the Ward 2 plan, **10% addresses Smith Street** which has no residences and little commercial traffic, and **50% treats East Street** which is majority commercial property serving regional Berkshire County traffic.

Residents are particularly upset that their tax dollars are not being used to repair their streets. Further, many are upset streets such as Maryland Avenue are omitted despite being 100% degraded. Maryland Avenue residential properties are being damaged by water run-off and automobiles damaged by undriveable roads.

Conclusion

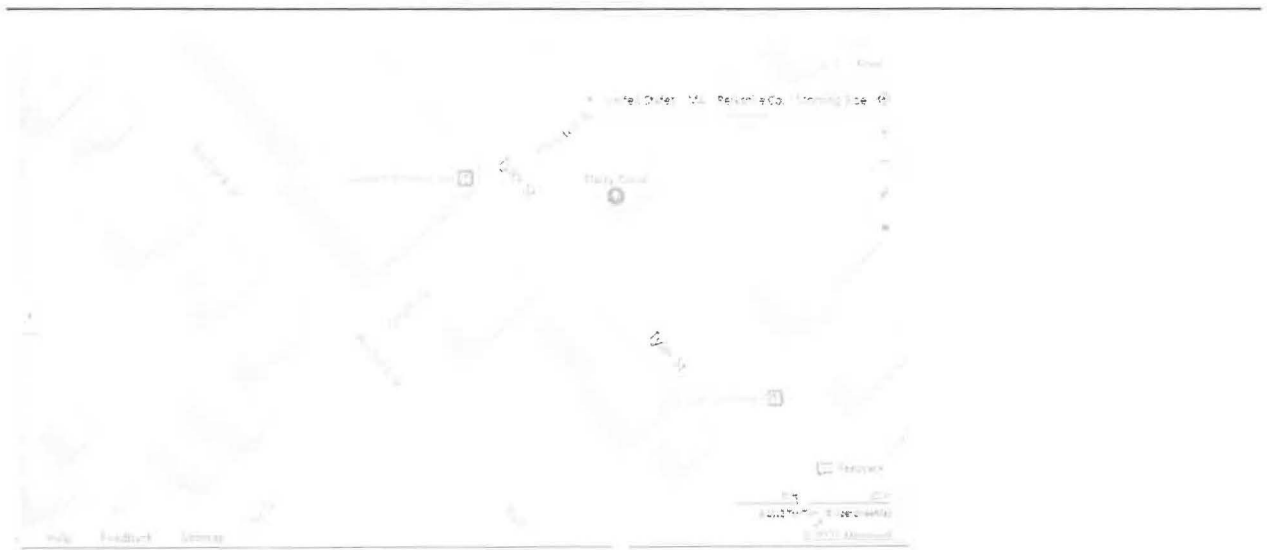
Therefore, I propose this petition be referred to a joint Public Works Committee and Public Works Department meeting for discovery and revision. Supporting data is attached.

Charles Ivan Kromich
Charles Ivan Kromich

Summary: 2022 ROADWORK PROGRAM

Councilor	Ward	Feet	% Total	Road	
				Count	% Total
War	1	6800	11.83%	4	10.26%
Kro	2	1820	3.17%	3	7.69%
She	3	8790	15.29%	7	17.95%
Con	4	8480	14.76%	6	15.38%
Kav	5	17385	30.25%	9	23.08%
Lam	6	7945	13.82%	8	20.51%
Maf	7	6250	10.88%	2	5.13%
Total		57470	100.00%	39	100.00%

Median:7945
ft



Smith Street: Not A Priority Project



CITY OF PITTSFIELD

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

2022 ROADWORK PROGRAM

Road	Length (ft)	Ward
Asci Drive	1420	1
Springside Ave (North to Brown)	2500	1
Kittredge Road	2450	1
Lawrence Road	430	1
Woodlawn Ave (Kellogg to Tyler)	720	2
Smith Street	140	2
East Street (Park Square to 4th St)	960	2,3,4,5
Pembroke Avenue	1000	3
Stratford Avenue	2760	3
Frederico Drive	1450	3
Belvidere Avenue	220	3
Longview Terrace	1700	3
Elmview Terrace	700	3
Bushey Road	2050	4
Alba Avenue	850	4
Appleton Avenue (Dawes to High)	1140	4
Alfred Drive	2140	4
Howard Street	2060	4
Reed Street	680	5
Barker Road (Barkerville Conservation Area to Cadwell)	3850	5
Greendale Avenue	800	5
Donovan Street	1450	5
Pinney Place	300	5
Tamarack Road (Dan Fox to Barker)	8125	5
Beech Grove Avenue	380	5
New West Street (South Side: West to Hurlbut)	1080	5,6
Schuyler Street	575	6
Albro Street	1050	6
Euclid Avenue	1670	6
Evelyn Park	400	6
Southern Avenue	360	6
Cecilia Terrace	810	6
Roselyn Drive	2000	6
Churchill St (Hancock to Lanesborough Town Line)	3450	7
Valentine Road (Vin Hebert to Lakewood Dr)	2800	7

Total Miles	10.32
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City of Pittsfield

2022 APR -6 PM 2:30

April 4 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Residents at 56 Allengate Avenue are concerned about recently placed natural gas line flags and dig safe pavement markings on their property and are in need of an explanation. I request for the Commissioner of Public Works to report to City Council at the April 8, 2022 meeting what is going to be built or installed there and what mechanism approved its construction if relevant.

Charles I. Kromick
Charles I Kromick



City of Pittsfield

2022 APR -6 PM 2:30

April 4 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Resident at 11 South Carolina Ave requests the city repair the rut running along the edge of the road. This rut is deep and presents a fall risk to pedestrians. Given the City has 'wait listed' this request for four years and the labor and material cost to fix it is marginal, I am requesting a prompt response to remediate this property.



Charles I Kronick
Charles I Kronick



City of Pittsfield

2022 MAR 29 PM 1:13

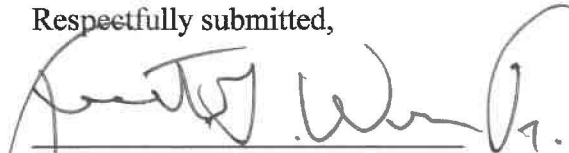
March 28 2022

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the City Council approve this resolution (which is attached herewith), based significantly on a similar one enacted by the Boston City Council, supporting the commissioning of the submarine USS Massachusetts in Boston and highlighting Pittsfield's as well as Massachusetts role in its construction,, and refer to Mayor Linda Tyler for approval and implementation.

Respectfully submitted,



Kenneth G. Warren Jr.
Ward 1 City Councilor

RESOLUTION IN SUPPORT OF THE COMMISSIONING OF THE USS MASSACHUSETTS IN BOSTON AND GENERAL DYNAMICS (PITTSFIELD) ROLE

WHEREAS: The City of Pittsfield along with others in the Commonwealth such as the City of Boston has fostered a spirit of liberty and a dedication to the duty of building and protecting the freedoms of the citizenry since colonial times; *and*

WHEREAS: That from the Commonwealth then General George Washington ordered three schooners to cruise off the coast of Massachusetts to intercept enemy supply lines, action that helped inspire the Continental Congress to form the United States Navy on October 13, 1775; *and*

WHEREAS: Massachusetts is the home of the three masted wooden hull heavy frigate, the USS Constitution, our nation's longest serving and most famous commissioned vessel; *and*

WHEREAS: The USS Constitution has recently made history in the leadership brought forward through the first women to respectively lead the Historical Ship; *and*

WHEREAS: A second ship that valiantly served our nation and bore the name USS Massachusetts from 1942 to 1947 in that time she served in all major theatres of World War II – firing the first and the last 16 inch battleship runs from her large deck guns, earning 11 battle stars for her wartime service, now serves a national museum within our Commonwealth; *and*

WHEREAS: There is to be a new USS Massachusetts, a fast attack submarine of the Virginia Class, capable of stealthily projecting power around the world to support our nation's security; *and*

WHEREAS: This submarine, the eighth to bear the name USS Massachusetts, is expected to carry-on the traditions of all previous ships named USS Massachusetts and to be supported by our citizenry as she sails in our name; *and*

WHEREAS: This submarine, as one of the Block IV Virginia Class ships, is purposefully built for the inclusion of women sailors will be a place that fosters the service and leadership of both men and women; *and*

WHEREAS: our city hosts a division of General Dynamics which is universally well-known and well-regarded for its employees and quality of work involved in the design and construction of the Navy's submarine force; *and*

NOW, THEREFORE, BE IT RESOLVED: That the Pittsfield City Council join with others support of the Commissioning of the USS Massachusetts and to promote the selection by the U.S. Secretary of the Navy of Boston, as the commissioning site of Submarine Massachusetts; *and*

BE IT FURTHER RESOLVED: That copies of this resolution be forwarded to US Congressional Representative Richard Neal, our Massachusetts State Legislative delegation, Boston Mayor Michelle Wu, the USS MASSACHUSETTS (SSN 798) Commissioning Committee, and our local General Dynamics officials.



City of Pittsfield

2022 APR -6 AM 9:30

April 6 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council I would like to submit a petition requesting Mayor Tyer and/or Service net update the council and public regarding the homeless at the St. Joe homeless shelter; the shelter being open year around, hours of operation, and an update on when the First United Methodist Church may be opening as a homeless shelter. Over the last month I have gone out and spoke to some of our homeless population; some sleeping in the doorway to the old Jim's House of Shoes and other sleeping in the parking deck on McKay St. I received numerous reports of violent fights at the shelter causing some to seek alternative places to sleep. What is the city doing about this? How can we get services into the shelter to help people with addiction, mental health issues, securing a job, assistance in obtaining an apartment or room? Some people I spoke to have addiction issues, but some just need assistance to get back on their feet. Is there anything us city councilors can do to help?

Respectfully Submitted,

Karen M Kalinowsky
City Councilor At-Large



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA

2022 MAR 32 AM 10: 58

March 30 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the City Council refer the following petition concerning the status, effect, and options for the city regarding the Community Eco Power LLC resource recovery plant to Mayor Linda Tyer, City Solicitor, & Commissioner Andy Cambi regarding their sections respectively, for a report. The report should include communication with OSHA, Executive Director Jane Winn of Berkshire Environmental Action Team (BEAT), Eva V. Tor, Deputy Regional Director of the Department of Environmental Protection Bureau of Air & Waste, and the Atty. Gen.'s Office and be submitted by our next council meeting.

Petitioner requests information regarding the following:

1. **Health Impact** - There have been indications that the operation of the plant has resulted in noncompliance with certain requirements affecting the employees and possibly residents of surrounding areas. Some of these violations have resulted in the assessment of fines. OSHA Is requiring a written response by April 4th.
2. **Status of Bankruptcy and City Legal Options** - The company's bankruptcy and its intent to sell the local facility is before the Bankruptcy Court. What are the legal implications and options for the city? What is the position of the Atty. Gen.'s Office.
3. (Related to the above) **Status of the Current Steam Agreements** - The steam agreements with third-party purchasers have been an integral component to the financial viability of this operation. There have been some speculation that these agreements are no longer going to be renewed by the third parties. This information is relevant to any action that the city takes.
4. **City Operational Plans going forward** - Clearly the City is going to have to make changes to the relationship it has with this company or its successors. That will impact on the city's finances. As we enter the budget season, the City need to be fully apprised of our options.



City of Pittsfield

March 30 2022

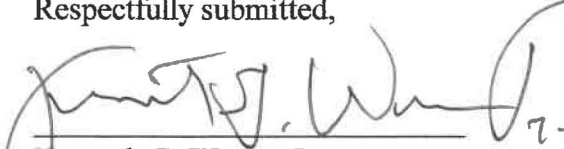
To the City Council of the City of Pittsfield:-

~~XXXXXXXXXXXXXXXXXXXX~~
~~The undersigned respectfully~~

DISCUSSION & CONCLUSION

This plant's current functioning and/or change has the potential to have significant impact on Pittsfield and its residents. The determination of this impact to the health and welfare as well as financial operations for Pittsfield residents is urgent and necessary.

Respectfully submitted,



Kenneth G. Warren Jr.
Ward 1 City Councilor



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA
2022 APR -4 AM 11:35

April 4 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council I would like to submit a petition requesting an update from Jim McGrath and Director, Andy Cambi, to the city council, regarding the complaint about sewerage spilling into Pontoosuc Lake in the area of 1450 North St. by the Pines Condominiums. There is a manhole down by the parking lot near the lake which I have received complaints from residents that sewerage comes up out of the manhole and flows into the lake. I spoke to Jim McGrath regarding this issue, and he told me he had also received complaints and would be leaving an email. In speaking to some people this does not seem to be a new issue. Because the city is looking into spending thousands of dollars on a new beach front for swimming, I believe it is important to have the water tested and the sewerage system evaluated and fixed as it is a public health issue.

Respectfully Submitted,

Karen Kalinowsky
City Councilor At-Large



City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA

2022 APR -1 PM 4: 26

March 31 20 22

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

The undersigned respectfully

Honorable Members of the City Council:

I request that the City of Pittsfield contract with a testing company to evaluate soil samples from Allendale Elementary School in vicinity of Hill 78 for PCB contamination. In particular, we request that visible organic effluences, a common occurrence there, be tested. The testing should be conducted by a laboratory experienced with PCB and other environmental contaminants and holds accreditation standards for defensibility. The testing needs to identify by a laboratory what the material is to provide a scientifically conclusive answer.

In support of this request,

Residents have reported for the last several years that oily substances are pooling in the playgrounds and soil on the Allendale schoolground. See attached photographs. I have contacted the MassDEP, and they have confirmed that those effluences exist but that they have not tested them to rule out PCB's.

Predicted Cost for testing: <\$500. See attached fee schedule from EMSL, a NELAP accredited facility which provides PCB testing, provided as an example.

Charles Kronick 3/31/2022
Charles Kronick

Addenda

PCB Testing Fee Schedule for EMSL



Polychlorinated Biphenyls (PCBs) Analysis Pricing and Sampling Guide



Pricing effective 12/31/2021

EMSL Analytical, Inc. provides PCB testing at our NELAP Accredited Environmental Chemistry Laboratory located in Elizabethtown, New Jersey. Our team of scientists have analyzed thousands of PCB samples nationwide specifically for caulking, paint chip, concrete, water, wipe and air samples. We have the experience and expertise in processing and analyzing these unique sample types to provide quality data in a responsive and cost competitive manner. Rates offered for this capability and expertise are as follows:

Analyte	Method	1 Day	2 Days	3 Days	4 Days	1 Week	2 Weeks	Sampling Guidance and Additional Information
PCB Air Sample (Low Volume Sampler)	NIOSH 5503 Modified	\$319	\$200	\$150	\$131	\$117	\$76	Filter: tube with Swinnex pre-filter; SAC product R216-39. The RL is 0.000025 mg/tube; 0.00010 mg/m ³ based on a volume of 50L. Swinnex Pre-Filters with vials cleaned at \$10 each. Order Swinnex and tubes via EMSL.
PCB Air Sample (Low Volume Sampler)	EPA TO-10A	Call	Call	\$147	\$305	\$230	\$194	20mm I.D. x 76mm Polyurethane foam (PUF) plugs; SAC product #226-92 (order direct from media supply vendor). The RL is 0.050 ug/puf and 0.050 ug/m ³ based on a volume of 1000 Liters of air. Media (PUF Cartridges) NOT included for TO-4A or TO-10A. Client to order media directly from supplier (i.e. SAC).
PCB Air Sample (High Volume Sampler)	EPA TO-4A	Call	Call	\$629	\$548	\$436	\$396	85mm I.D. x 75mm PUF; SAC #226-131 (order direct from media supply vendor). The RL is 0.050 ug/puf. The recommended flow rate and sampling time is 8 standard cubic feet per minute (0.225 STD m ³ /min) for 4-24 hrs. Media (PUF Cartridges) NOT included for TO-4A or TO-10A. Client to order media directly from supplier (i.e. SAC).
PCB Bulk Sample Caulking	EPA SW-846 1545/15400/3082A	\$364	\$271	\$236	\$200	\$167	\$117	2 oz glass jar; need a minimum of 2-10 grams of material (typically a 4 inch piece of caulk). The Target RL is 0.50 mg/kg.
PCB Bulk Sample Concrete/Paint Chips	EPA SW-846 1545/15400/3082A	\$364	\$271	\$236	\$200	\$167	\$117	2 oz glass jar; need a minimum of 10 grams (approximately) small enough to pass through a 2mm sieve. If the lab must grind or pulverize the sample, a \$25 fee per sample will be charged. The target RL is 0.50 mg/kg.
PCB Oil Sample	EPA SW-846 3580A/3082A	\$255	\$167	\$138	\$124	\$111	\$96	9-10mL collected in a 40mL glass vial with Teflon septum cap, unpreserved. The RL is 1.0 mg/kg.
PCB Soil Sample	EPA SW-846 1546/3082A	\$147	\$116	\$106	\$180	\$138	\$106	4 oz glass jar; need a minimum of 40 grams.
PCB Water Sample Groundwater and Wastewater	EPA SW-846 3510C/3082A EPA 608	\$147	\$156	\$108	\$180	\$138	\$106	2-3 liter amber glass jar (2 recommended per sample), unpreserved. The RL is 0.05 ug/L.
PCB Wipe Sample	EPA SW-846 3510C/3082A	\$147	\$116	\$108	\$180	\$138	\$106	3" x 3" sterile gauze wipe and moisture with a roll of 14 sections (having mix), then place the wipe in a 2oz glass jar. The wipe surface area should be 100 cm ² . The RL is 0.50 ug/100 cm ² .

Photographs Effluences At Allendale Elementary School





City of Pittsfield

RECEIVED-CITY CLERK
CITY OF PITTSFIELD, MA

2022 APR -1 PM 4: 25

March 31 2022

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

The undersigned respectfully

Honorable members of the City Council and Colleagues:

I submit the following petition on behalf of residents who request that the City of Pittsfield address the accumulation of trash and reported rat populations at the defunct Royal Cleaners building at 65 Dalton Ave.

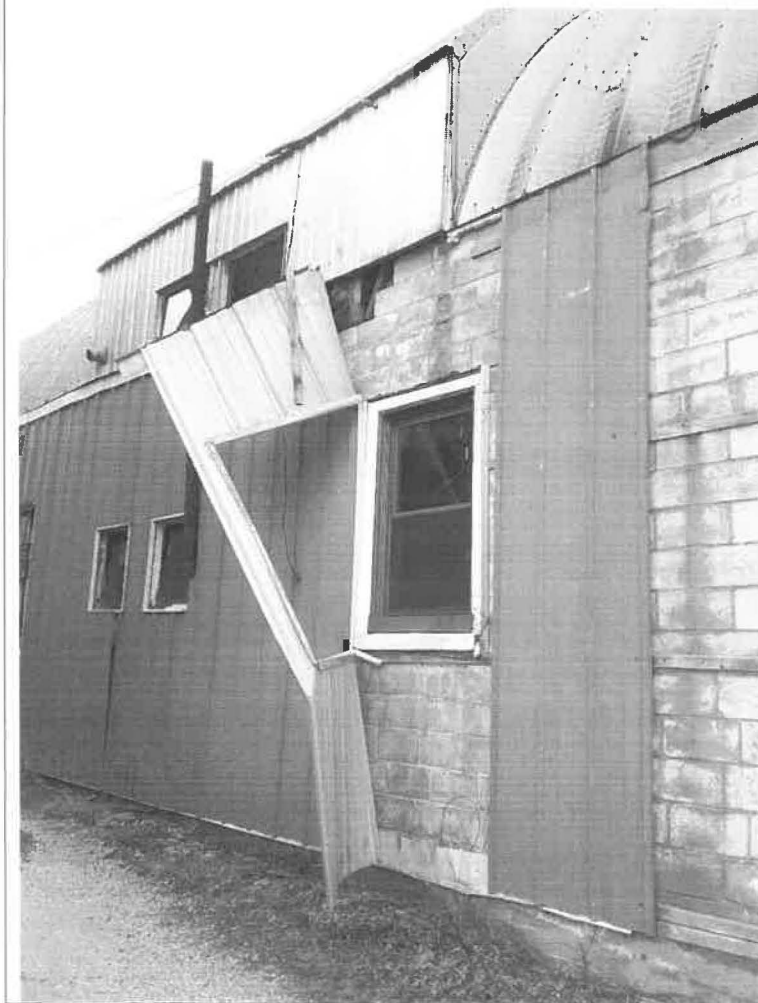
Specific complaints:

- Collection bin overflowing. There is no evidence it is active for collection
- Several vehicles which appear inoperable
- Piles of rubbish
- Siding falling off western side of building

Pictures attached.



Charles Kronick 4/1/2022
 Charles Kronick







City of Pittsfield

2022 APR -4 AM 11:47

April 1 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

I, Rinaldo Del Gallo, III, hereby petition the Pittsfield City Council to ban the sale of alcoholic beverages in what is colloquially known as “nip bottles” in the City of Pittsfield because of the pollution they cause. A number of residents of the City of Pittsfield have asked me to petition the Council because of all the discarded waste seen on our streets, sidewalks, playgrounds and green areas caused by nip bottles. According to WAMC, “Pittsfield Leaders Want State To Cap Nip Bottle Pollution,” published May 29, 2019, former Pittsfield City Councilors Kevin Morandi and Nicholas Caccamo found serious problems with nip bottles. Former counselor Caccamo said: “I was on a recent walk around the Silver Lake walking path, and just from end to end was covered in nip bottles.” Councilor Morandi also saw much in the way of discarded nip bottles.

Chelsea, Massachusetts has implemented such a ban, as has the Massachusetts towns of Falmouth and Mashpee. The Newton, Massachusetts Licensing Commission banned liquor stores and other retail businesses from selling “nips,” alcoholic beverages less than or equal to 100 milliliters, after June 30, 2022. A ban on the sale of miniature liquor bottles, known as nips, will go into effect on May 11, 2022, following Massachusetts Attorney General Maura Healey’s approval of the restriction that Wareham voters passed at the June 12, 2021 Town Meeting.

I have presented a possible ordinance based upon House Bill 7064 filed in the Rhode Island Legislature in January of 2022, but I would be amenable to any suitable ordinance that works, perhaps one modeled on the ones used by these other Massachusetts Municipalities. Please find starting on the following page a possible ordinance.

Rinaldo Del Gallo, III

AN ORDINANCE TO BAN, IN THE CITY OF PITTSFIELD, THE SALE OF MINIATURE ALCOHOLIC BEVERAGE CONTAINERS, SOMETIMES COLLOQUIALLY REFERRED TO AS "NIP BOTTLES," FOR THE BETTERMENT OF THE ENVIRONMENT

SECTION 1. Prohibition on the sale of miniature alcoholic beverage containers.

(a) As used in this section, the term "miniature alcoholic beverage container" ("container") means any sealable bottle, can, jar, or carton, which is primarily composed of glass, metal, plastic, rigid plastic, or any combination of those materials that has a capacity of not more than one hundred milliliters (100 ml) and is produced for the purpose of containing an alcoholic beverage, which containers are sometimes colloquially referred to as "nips."

(b) No person shall purchase, obtain, sell, or otherwise distribute any miniature alcoholic beverage container in the City of Pittsfield. This prohibition shall not apply to the sale or distribution of miniature alcoholic beverage containers to passengers on commercial railroad trains or commercial aircraft while operating within Pittsfield, provided that any containers so distributed shall be collected prior to passengers disembarking off the train or aircraft, regardless of whether the contents of the container are consumed or not.

SECTION 2. The purpose of this ordinance is to reduce the waste and litter caused by "nip bottles."

SECTION 3. This act shall take effect three (3) months upon passage.

SECTION 4: The enforcement agency shall be the Pittsfield Police, the Pittsfield Licensing Commission, and/or the Board of Health.

SECTION 5: The first violation shall be a warning, the second violation \$50, the third violation shall be \$150, and any subsequent violation shall be \$250. A "violation" shall constitute one sale, no matter the number of "nip bottles" sold.

SECTION 6: In addition to implementing fines as stated in Section 5, the Pittsfield Licensing Commission shall also have the power to suspend or revoke a license to sell liquor in the City of Pittsfield (regardless of type of license) for non-compliance with this ordinance in addition to implementing fines. Lenity should be shown at first, but consequences should follow for willful non-compliance after fair warning.



City of Pittsfield

2022 APR -5 PM 2:20

April 04 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Requests that the City Council accept the statute MGL Chapter 59§ 5 Clause 22H which gives a property tax exemption for the parents or guardian of a person who was killed while on active military duty sometimes referred to as "Gold Star Parents". Reference is made to the statute for the exact wording or the "Taxpayers Guide to Local Property Tax Exemptions for Veterans".

Our City should offer every benefit it is authorized to those who gave the ultimate sacrifice in the protection of our freedoms and service of our country.

This would be appropriate with the upcoming day of remembrance Memorial Day, honoring such sacrifices. As the child of a career military service member who was fortunate enough to retire after 20 years, I have some small appreciation for the sacrifices large and small that military personnel and their families make.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth G. Warren Jr.", written over a horizontal line.

Kenneth G. Warren Jr.
Ward 1 City Councilor



City of Pittsfield

RECORDED - CITY CLERK
PITTSFIELD
2022 APR -4 AM 11:35

April 4 20 22

To the City Council of the City of Pittsfield:-

The undersigned respectfully

Honorable members of the City Council I would like to submit a petition requesting the Commissioner Morales and the Superintendent Joe Curtis consider allowing parking spaces for students attending the Adult Learning Center at 141 North St. I was made aware that some students coming to the center during the day to get their GED often cannot afford to pay to park. I am asking the city if there could be some type of agreement, so students had access to 7-10 spaces in the open lot by the McKay St. deck, which at this time is mostly empty.

Respectfully Submitted,

Karen M Kalinowsky
City Councilor At-Large