

**REGULAR MEETING OF THE CITY COUNCIL  
APRIL 13, 2005 – 7:30 P.M.**

**AGENDA**

1. Open microphone

**COMMUNICATIONS FROM HIS HONOR, THE MAYOR**

2. A communication submitting an Order authorizing the Mayor to submit the Community Development Block Grant FY 2006-2010 Consolidated Plan and the FY 2006 Consolidated Plan/Action Plan
3. A communication submitting an Order appropriating the sum of f \$1,587,455.00 from surplus borrowed funds
4. A communication submitting an Order authorizing the City to accept a conveyance of a permanent sewer easement on Faucett Lane Extension from CMS Homes, Inc.
5. A communication submitting an Order authorizing the City to accept a gift of real estate on Dan Fox Drive from Patriot Suites, Inc.
6. A communication submitting an Order authorizing the City to accept a grant from the Executive Office of Public Safety for the provision of a field communications unit
7. A communication submitting a petition from the Department of Community Development to amend the City Code, Chapter 23, Zoning to establish an access management overlay district for Dan Fox Drive

**APPOINTMENTS**

8. Appointment of Susan Carmel as City Accountant
9. Appointment of Laura Mick, Matthew Billetter and Brenda Brown as members of the Pittsfield Commission on Disabilities
10. Appointment of Carol Brenner-Ford as a member of the Pittsfield Commission on Disabilities

**PUBLIC HEARINGS**

11. A public hearing on a petition from Western Massachusetts Electric Company and Verizon New England Inc. for permission to relocate one jointly owned pole on Pomeroy Avenue
12. A public hearing on a petition from Western Massachusetts Electric Company and Verizon New England Inc. for permission to place one jointly owned pole on Fairfield Street
13. A public hearing on a petition from Western Massachusetts Electric Company and Verizon New England Inc. for permission to relocate one jointly owned pole on Elizabeth Street
14. A public hearing on the application of Interprint, for a permit to store flammable fluids at its property on 101 Central Berkshire Boulevard (site plans and a fire safety analysis are available for review at the office of the City Clerk)

**COMMUNICATIONS FROM CITY OFFICERS AND BOARDS**

15. A petition from Councilor Kerwood to explore the possibility of providing wireless broadband internet service throughout the downtown and the William Stanley Business Park
16. A petition from Councilor Kerwood to amend the City Code, Chapter 24, Schedule of Fees, to include adult entertainment

17. A petition from Councilor Kerwood requesting a detailed overview of road repairs to be undertaken this construction season
18. A petition from Councilor Tyer for repair of the chain link fence at the back of Egremont School
19. A petition from Councilor Farley-Bouvier that the Council investigate the building and maintenance needs of the Eleanor Sonsini Municipal Animal Shelter
20. A petition from Jonathan Lothrop for creation of an ordinance banning the serving of alcohol in adult entertainment establishments
21. A petition from Councilors Maffuccio and Markham that the Mayor fill the vacancy of City Solicitor as soon as possible

### **REPORTS OF COMMITTEES**

#### **Reports of the Committee on Finance**

22. A report of the Committee on Finance to whom was referred an Order authorizing submission of a Special Act to the Massachusetts State Legislature relative to the supplemental reserve requirement of the City, recommending it be approved
23. A report of the Committee on Finance to whom was referred an Order authorizing an increase in the real estate tax exemption afforded to senior citizens pursuant to Massachusetts General Laws, Chapter 59, Section 5, Clause 41(c), recommending it be approved

#### **Reports of the Committee on Ordinances and Rules**

24. A report of the Committee on Ordinances and Rules on a petition from Councilor Malumphy to discuss changing residency requirements for department heads and senior managers, recommending it be amended and approved

#### **Reports of the Audit Committee**

25. A report of the Audit Committee to whom was referred the annual report of the Department of Administration and Finance, recommending it be accepted and placed on file
26. A report of the Audit Committee to whom was referred the annual report of the Fire Department, recommending it be accepted and placed on file
27. A report of the Audit Committee to whom was referred the annual report of the Municipal Data Processing Office, recommending it be accepted and placed on file
28. A report of the Audit Committee to whom was referred the annual report of the Accounting Department, recommending it be accepted and placed on file
29. A report of the Audit Committee to whom was referred the annual report of the Tax Collector's Office, recommending it be accepted and placed on file
30. A report of the Audit Committee to whom was referred the annual report of the Purchasing Department, recommending it be accepted and placed on file
31. A report of the Audit Committee to whom was referred the annual report of the Board of Assessors, recommending it be accepted and placed on file
32. A report of the Audit Committee to whom was referred the annual report of the Building Maintenance Department, recommending it be accepted and placed on file

33. A report of the Audit Committee to whom was referred the annual report of the Retired & Senior Volunteer Program, recommending it be accepted and placed on file
34. A report of the Audit Committee to whom was referred the annual report of the Personnel Department, recommending it be accepted and placed on file

#### **UNFINISHED BUSINESS**

35. A petition from Councilors Bianchi and Markham requesting the position of Artistic Director of the Berkshire Artisans be re-established and that Daniel O'Connell be retained in said position (tabled 1-25-05)
36. A petition from Councilor Maffuccio that the City Council oppose any fee for curbside trash removal (tabled 1-25-05)
37. A petition from Councilor Malumphy requesting updates from the Mayor on the School Building Needs Commission, Charter Review Commission and financial forecasting for the 2006 budget (tabled 3-22-05)

#### **NEW BUSINESS**

38. A petition from Rinaldo DelGallo, III requesting that he be allowed to represent the City with regard to issues surrounding adult entertainment in the City
39. A petition from Peter Arlos requesting the Berkshire Natural Resource Council conduct an environmental study of the proposed condominium project at Bousquet
40. A petition from Peter Arlos asking the State Treasurer to make available the formula that is used to determine the rate of reimbursement to the City for the special elections
41. A petition from Peter Arlos requesting an investigation of the feasibility of obtaining snow removal insurance
42. A petition from Peter Arlos requesting the Council ask President Bush to release some of the Country's petroleum reserves
43. A petition from Peter Arlos to the Director of the Department of Environmental Protection to extend the burning season until May 15<sup>th</sup>
44. A petition from Donna Walto requesting Downtown Inc. establish a large scale farmer's market in the downtown area

#### **ORDINANCES (final reading)**

45. An Ordinance amending the City Code, Chapter 3, Building Code, Section 3-4.9, exterior property areas

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

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

46. A petition from Councilor Vincelette for repaving of Williams Street between Holmes Road and Gravesleigh Terrace
47. A petition from Councilor Tyer for repair of the sidewalk at 87 Cambridge Avenue
48. A petition from Councilor Maffuccio that the Commissioner prepare a list of streets to be chip sealed this year and streets that were done last season

Referred to the Committee on Public Works and Utilities

49. A petition from Councilor Tyer requesting resurfacing of Longview Terrace Extension
50. A petition from Councilor Maffuccio requesting Newton Ave. and Oakhurst Ave. be placed on the chip sealing list
51. A petition from Councilor Maffuccio requesting the overlay of Pecks Road
52. A petition from Councilor Maffuccio requesting a drainage problem on Brookline Avenue be addressed
53. A petition from Councilor Maffuccio requesting the repair of an embankment at the Corner of View Street and Acorn St.
54. A petition from Councilor Maffuccio requesting repair of the sidewalks on Seymour Street

Referred to the Mayor, Traffic Commission and Public Works Committee

55. A petition from Councilor Costi for consideration of overnight resident sticker parking on all residential streets

Referred to the Community Development Board and Zoning Board of Appeals

56. A petition from Councilors Costi and Lothrop for consideration of a mandatory offer to any new development of underground utilities

Referred to the Conservation Commission and Parks Commission

57. A petition from Councilor Maffuccio requesting resolution of the drainage problems at Wahconah Park and cleaning of drainage pipes

Referred to the Board of Health

58. A petition from Councilor Maffuccio requesting the Board of Health assist with enforcement of garbage on Kent Avenue

Referred to the Community Development Board

59. A petition from the Department of Community Development to amend the City Code, Chapter 23, Zoning to establish a Downtown Arts Overlay District