

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

**AGENDA**

1. Open microphone

**COMMUNICATIONS FROM HIS HONOR, THE MAYOR**

2. A communication submitting a report of the Colonial Theatre
3. A communication submitting an Order accepting a mowing equipment grant in the amount of \$64,486.10 from the Mass. Aeronautics Commission
4. A communication submitting an Order transferring \$16,121.52 between the Contingency account and an account of the Airport
5. A communication submitting an Order authorizing the City to accept a grant of funds from Western Massachusetts Electric Company
6. A communication submitting an Order authorizing the City to retain the law firm of Lynch, Desmoine and Nylen to represent the City for interim legal services related to property assessment matters
7. A communication submitting a Traffic Order to locate stop signs at the intersection of Lincoln and Cherry Streets
8. A communication submitting information regarding proposed changes to the Willis Street Municipal Parking Lot #2
9. A communication submitting an Ordinance amending the City Code, Chapter 21, Taxicabs

**APPOINTMENTS**

10. Appointment of Diane Carlo and Gail Molari to the Board of Trustees of the Berkshire Athenaeum

**COMMUNICATIONS FROM CITY OFFICERS AND BOARDS**

11. A petition from Councilor Bianchi requesting the Council support the extension of the Miller Street sewer
12. A petition from Councilor Costi requesting the Council oppose raising excise tax on automobiles
13. A petition from Councilor Farley-Bouvier on behalf of the Animal Control Commission that the management services of the Eleanor Sonsini Municipal Animal Shelter go out to bid
14. A petition from Councilor Farley-Bouvier on behalf of the Animal Control Commission to increase fees for dog licensing
15. A petition from Councilor Farley-Bouvier requesting a needs assessment of the City's Health Department
16. A petition from Councilor Costi that employees no longer be allowed to take City vehicles home due to the high cost of fuel
17. A petition from Councilor Maffuccio that the City seek historic tax credits from the State to renovate Wahconah Park

18. A petition from Councilor Maffuccio for installation of a sign on the Mass. Turnpike indicating Wahconah Park's historical designation
19. A petition from Councilor Kerwood to amend the City Code to include a section regarding Impoundment of Vehicles
20. A petition from Councilor Kerwood that the Mayor designate the "Downtown Economic Opportunity Area" as an area eligible for the tax incentives contained in the new Urban Center Housing Tax Increment Finance Program administered by the state Department of Housing and Community Development
21. A petition from Councilor Lothrop that the Director of Community Development provide the Council with an update of the progress in reviewing the City's zoning and for a timeline of the completion of this process
22. A petition from Councilor Maffuccio for installation of signage at each entrance to the City providing directions to Historic Wahconah Park
23. A petition from Councilor Tyer requesting the US Environmental Protection Agency and Mass. Department of Environmental Protection to make a presentation regarding the Newell Street PCB clean up
24. A report of the Personnel Review Board relative to its August 30, 2005 meeting
25. A report of the Traffic Commission concerning a petition from Councilor Maffuccio requesting a "hidden driveway" sign on Pecks Road, recommending it be approved and signs installed on Pecks Road, heading west on a curve before Paul Ave.
26. report of the Traffic Commission concerning a petition from Councilor Maffuccio for "Slow Children" signs on Hancock Road, recommending it be approved and signs installed
27. A report of the Traffic Commission concerning a petition from Councilor Tyer for installation of "Watch Children" signs at the intersection of Elm St. and Dexter St., recommending it be approved and signs installed
28. A report of the Traffic Commission concerning a petition from Councilor Tyer for installation of "Watch Children" signs at the intersection of Newell St. and Michigan Ave., recommending it be approved and signs installed
29. A report of the Traffic Commission concerning a petition from Councilor Lothrop for improved signage to indicate US Route 20 from Park Square, west, recommending it be filed
30. A report of the Traffic Commission concerning a petition from Peter Arlos to provide sound signals on traffic lights in the busiest sections of the City, recommending it be filed
31. A report of the Traffic Commission concerning a petition from former Councilor Guzzo for flashing lights at the intersection of Linden St. and Dewey Ave., recommending it be filed
32. A report of the Traffic Commission concerning a petition from former Councilors Scapin and Councilor Vincelette for a traffic signal at South St. and Henry Ave., recommending it be filed
33. A report of the Traffic Commission concerning a petition from Councilor Kerwood for repainting of crosswalks on Elm St. and installation of a pedestrian light near Harry's Supermarket, recommending it be filed

34. A report of the Traffic Commission concerning a petition from Councilor Maffuccio for installation of a right turn only lane on both sides of the Seymour Street/Wahconah Street intersection and Seymour St./Charles Street intersection, recommending it be filed
35. A report of the Traffic Commission concerning a petition from Councilor Maffuccio requesting a speed study on Linden St. and Columbus Ave., recommending it be approved and referred to the Department of Community Development
36. A report of the Traffic Commission concerning a petition from Councilor Costi requesting a three-way stop at the intersection of Lincoln and Cherry Streets, recommending it be amended to a four-way stop sign and approved and signs installed

#### **REPORTS OF COMMITTEES**

37. A report of the Committee on Ordinances and Rules concerning an Ordinance amending the City Code, Chapter 16, Personnel, Section 16-12(a), Exempt Employee Pay Scale
38. A report of the Committee on Ordinances and Rules concerning an Ordinance amending the City Code, Chapter 16, Personnel, Section 16-12(a), Management Pay Scale to delete the position of Deputy Director of Community Development, Grade 9, and replacing it with Community Development and Housing Program Administrator
39. A report of the Committee on Ordinances and Rules concerning an Ordinance amending the City Code, Chapter 16, Personnel, Section 16-12(a), Management Pay Scale
40. A report of the Committee on Ordinances and Rules concerning an Ordinance amending the City Code, Chapter 16, Personnel, Section 16-12(a), changing the grade of Accountant, Assessor, Purchasing Agent, Tax Collector, Director of Maintenance and Assistant City Solicitor
41. A report of the Committee on Ordinances and Rules concerning an Ordinance amending the City Code, Chapter 11, Licenses, Registrations and Permits, adding Article VII, Special Liquor Licenses

#### **UNFINISHED BUSINESS**

42. 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 3-2-05, 5-24-05; 8-9-05)
43. A petition from Councilor Lothrop requesting an update from the City Solicitor, or a designee, regarding prohibiting alcohol sales within adult entertainment establishments (tabled 6-14-05)
44. An ordinance amending the City Code, Chapter 11, Licenses, with regard to door-to-door solicitations
45. A petition from Peter Arlos requesting the Council support legislation to allow children of illegal immigrants to attend state public colleges (8-9-05)

#### **NEW BUSINESS**

46. A petition from Rinaldo DelGallo, III, for an ordinance eliminating or limiting powers of eminent domain of the Pittsfield Economic Development Authority
47. A petition from Rinaldo DelGallo, III to censure Councilors Kerwood and Lothrop for not allowing him to speak at Ordinances and Rules about his petition regarding adult entertainment setbacks
48. A petition from Rinaldo DelGallo, III that the Council adopt a resolution making a declaration against discrimination based upon race, gender or other immutable characteristics when voting or when supporting candidates
49. A petition from Rinaldo DelGallo, III to amend the Council rules to take roll call votes on paper

50. A petition from Rinaldo DelGallo, III to allow petitioners to speak on petitions referred to committees or subcommittees
51. A petition from Rinaldo DelGallo, III to adopt a private property protection and governmental accountability act
52. A petition from Rinaldo DelGallo, III that the Council ask PEDA to televise its meetings
53. A petition from Rinaldo DelGallo, III that the Council ask PEDA to tape its meetings
54. A petition from Rinaldo DelGallo, III to have local permits available in a central location
55. A petition from Rinaldo DelGallo, III to establish a 75-day maximum on the permitting process
56. A petition from Rinaldo DelGallo, III to establish guidelines for creation of tax incentives to be determined by the City Council
57. A petition from Rinaldo DelGallo, III for a sign in front of the Colonial Theatre that it is under construction
58. A petition from various citizens in opposition to the increases in BRTA fares
59. A petition from Terry Kinnas that the Council supports another tax-free weekend for each quarter of the year
60. A petition from Terry Kinnas requesting a year-to-date report from Jobs for Pittsfield
61. A petition from Peter Arlos that the Council expresses its support for Attorney General Reilly in his campaign to lower car insurance rates
62. A petition from Peter Arlos that the Council vote to ask the Mayor to issue an executive order to institute a policy for cancer screenings for municipal employees
63. A petition from Peter Arlos to contact Pfizer drug company so Pittsfield can participate in the company's effort to help smokers quit
64. A petition from Rinaldo DelGallo, III that the Council adopt a resolution relative to school safety and bullying
65. A petition from Rinaldo DelGallo, III for a public hearing on school bullying
66. A petition from Rinaldo DelGallo, III that the Council adopt a safe schools act
67. A petition from Betty Lawrence, et al, regarding blocking of the entrance to Union Court and for repainting of the "no parking" signs at this location
68. A petition from Peter Arlos that the Council support the effort in the state legislature to waive the state's 21 cents per gallon gasoline tax until December 31, 2005

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

*Referred to the Traffic Commission*

69. A petition from Councilor Costi for installation of a stop sign at the intersection of Connecticut Ave. and Benedict Road

70. A petition from Councilor Maffuccio to convert the fire lane behind Joe's Lunch Box on North Street to a loading zone
71. A petition from Councilor Maffuccio for a "right turn only sign" at the northbound intersection of Valentine Road and Pecks Road
72. A petition from Councilor Maffuccio for "no turn on red" signs at the intersection of Seymour St. and Linden St.
73. A petition from Councilor Maffuccio for a speed study on Pecks Road and enforcement of speeding
74. A petition from Councilor Lothrop for installation of a four-way stop at the intersection of Elizabeth St. and Henry Ave.

Referred to Department of Public Works

75. A petition from Councilor Maffuccio for repair of the driveway apron at 338 Onota St.
76. A petition from Councilor Maffuccio to add Oakhurst Ave and Grant St. to the chip sealing list
77. A petition from Councilor Maffuccio for repair of safety problems on Pinehurst Ave.
78. A petition from Councilor Maffuccio that the Commissioner of Public Works and Utilities pursue collection of the bond from the street sweeping company for poor performance
79. A petition from Councilor Maffuccio for installation of a guardrail on Pecks Road in the vicinity of Paul Avenue
80. A petition from Councilor Maffuccio requesting the status of the Hancock Road reconstruction

Referred to the Committee on Ordinances and Rules

81. A petition from Councilor Maffuccio to update trash collection regulations requiring residents to place trash in containers
82. A petition from Councilor Maffuccio to define tag sales and flea markets in the City Code

Referred to the Finance Committee

83. A petition from Councilor Maffuccio for an investigation regarding allocation of funds for equipment for the school grounds crew

Referred to the Community Development Board

84. A petition from Rinaldo DelGallo, III to amend the residential setback requirements for adult entertainment establishments to 410 feet
85. A petition from Rinaldo DelGallo, III to amend the residential setback requirements for adult entertainment to 700 feet and allow said establishments only in general industrial zones

Referred to the Parks Commission

86. A petition from Councilor Maffuccio for tree trimming and removal of bushes at the southern side of Wahconah Park
87. A petition from Councilor Maffuccio to replace fences behind businesses on Wahconah St. with bollards
88. A petition from Councilor Maffuccio for an update on the possibility of campsites at Burbank Park
89. A petition from Councilor Maffuccio for a sign at the entrance to Wahconah Park indicating its historical designation

Referred to the Health Department

90. A petition from Councilor Maffuccio that the Board of Health addresses a rodent problem at 257-259 Robbins Ave.

Referred to the Chief of Police and Animal Control Commission

91. A petition from Councilor Maffuccio for attention to an animal cruelty complaint at 24 Southern Ave.

**PLACED ON FILE**

92. A response from the White House regarding the Country's petroleum reserves
93. A response from Representative Guyer regarding a petition concerning an increase in the minimum wage
94. A response from Senator Nuciforo regarding a petition concerning an increase in the minimum wage
95. A response from MassHighway concerning funding for a traffic signal at the intersection of North and Wahconah Streets
96. A response from Representative Guyer regarding a petition concerning Mass. Tax forms including an option for a donation to the mass. Military fund
97. Annual report of the Building Maintenance Department
98. Annual report of the Council on Aging
99. Annual report of the City Solicitor's office
100. Annual report of the Municipal Airport
101. Annual report of the Retired & Senior Volunteer Program
102. Annual report of the Board of Health
103. Annual report of the Community Development Board
104. Annual report of the Department of Finance/Treasurer
105. Annual report of the Accounting Department
106. Annual report of the Board of Assessors
107. Annual report of the Tax Collector
108. Annual report of the Data Processing Department
109. Annual report of the Purchasing Department
110. Annual report of the Department of Public Works and Utilities
111. Annual report of the Police Department
112. Annual report of the Department of Community Services/Parks and Recreation
113. Annual report of the Licensing Board
114. Annual report of the Office of Cultural Development
115. Annual report of the Berkshire Athenaeum
116. Annual report of the Conservation Commission
117. Annual report of Veteran's Services
118. Annual report of the Fire Department