

**REGULAR MEETING OF THE CITY COUNCIL
AUGUST 9, 2005 – 7:30 P.M.**

AGENDA

1. Open microphone

COMMUNICATIONS FROM HIS HONOR, THE MAYOR

2. A communication submitting an Order appropriating \$129,866 from various School Department Accounts to Accounts in the Parks Department and Unclassified Account
3. A communication submitting an Ordinance amending the Exempt Employee Pay Scale in Sec. 16-12(a) of the City Code on Personnel
4. A communication submitting an Ordinance further amending the City Code of the City of Pittsfield, Chapter 16, Personnel by deleting the position of Deputy Director of Community Development, Grade 9, and replacing it with Community Development and Housing Program Administrator, Grade 7
5. A communication submitting an Ordinance amending the Management Employee Pay Scale in Sec. 16-12(a) of the City Code on Personnel
6. A communication submitting an Ordinance amending the grade of Accountant, Assessor, Purchasing Agent, Tax Collector, Director of Maintenance, and Assistant City Solicitor in Sec. 16-12(a) of the City Code on Personnel

APPOINTMENTS

7. Appointment of Remo DelGallo and Judith Katz to the Community Development Board
8. Appointment of Albert A. Ingegner, III and Ben J. Kaplan to the Board of Appeals
9. Appointment of J. Dalton Couig, Jr., to the Resource Recovery Committee
10. Appointment of Jason A. Breault to the Resource Recovery Committee
11. Appointment of James Marby, Rudolph J. Mantegari and Kevin Magner to the Airport Commission
12. Appointment of Carol Lew to the Animal Control Commission

PUBLIC HEARINGS

13. A public hearing on an application from Hollywood Video for a Secondhand Dealer's License for its store at 690 Merrill Road
14. A public hearing on an application from Hollywood Video for a Secondhand Dealer's License for its store at 455 Dalton Avenue

COMMUNICATIONS FROM CITY OFFICERS AND BOARDS

15. A petition from Councilors Kerwood and Markham to amend the City Code, Chapter 14, Miscellaneous Offenses, Section 14-17
16. A report of the Personnel Review Board relative to its July 13, 2005 meeting
17. A petition from Councilors Bianchi and Maffuccio requesting that the City Council go on record petitioning the Federal Drug Enforcement Administration to establish a field office in the City of Pittsfield

REPORTS OF COMMITTEES

18. A report of the Committee on Ordinances and Rules on a petition from Councilor Lothrop to amend the setback requirements for adult entertainment establishments to 400 feet, recommending that it be approved and the City Council be the petitioner
19. A report of the Committee on Ordinances and Rules on a petition from Councilor Lothrop to amend setback requirements for adult entertainment establishments to 390 feet, recommending that it be filed
20. A report of the Committee on Ordinances and Rules on a petition from Rinaldo DelGallo III to amend the setback requirements for adult entertainment establishments to 410 feet, recommending that it be filed
21. A report from the Committee on Ordinance and Rules on a petition from Councilor Tyer that the City Solicitor reviews laws pertaining to door-to-door solicitation, recommending that it be approved as amended
22. A report from the Committee on Ordinance and Rules on a Petition from Councilor Costi that the City Council considers a way to take a roll call vote simultaneously, recommending that it be approved as amended
23. A report from the Committee on Ordinance and Rules on a petition from Donna Walto that the City Council votes to delay any action to discontinue curbside trash collection for certain residential buildings until abuses in the system are addressed, recommending that it be referred to the Department of Community Development and the Board of Health
24. A report from the Committee on Ordinances and Rules on a Petition from Donna Walto to amend the City Code, Section 177.1(a) to include the explicit prohibition of drinking alcoholic beverages in city public buildings, recommending that it be filed
25. A report from the Committee on Ordinances and Rules on a petition from Councilor Tyer that the City Solicitor, Licensing Board and Committee on Ordinances and Rules review the application requirements for an Adult Entertainment License, recommending that it be filed
26. A report from the Committee on Public Works and Utilities on a Petition from Councilor Costi for the consideration of overnight resident sticker parking on all residential streets, recommending that it be filed
27. A report from the Committee on Public Works and Utilities on a petition from Councilor Maffuccio asking the status of sweeping unaccepted streets and if the City's sweeper could be used on those streets, recommending that it be approved and referred to Commissioner Collingwood
28. A report from the Committee on Public Works and Utilities on a petition from Councilor Kerwood to explore if modifications can be made to the intersection of Elm and Williams Streets to reduce the impact of the home located at 720 Williams Street, recommending that it be approved and referred to Commissioner Collingwood
29. A report from the Committee on Public Works and Utilities on a petition from Councilor Maffuccio for a ban on large trucks on New Road, recommending that it be approved and referred to Commissioner Collingwood
30. A report from the Committee on Public Works and Utilities on a petition from Councilor Maffuccio requesting a curb cut replacement program be put in place, recommending that it be approved and referred to Commissioner Collingwood

31. A report from the Committee on Public Works and Utilities requesting a street sweeping list from the Commissioner of Public Works, recommending that it be filed
32. A report from the Traffic Commission on a Communication from Mayor Ruberto submitting parking changes for North Street, recommending that it be approved
33. A report from the Traffic Commission on a petition from Councilors Maffuccio and Costi requesting overnight sticker parking in designated areas, recommending that it be approved
34. A report from the Traffic Commission to whom was referred a Communication from Mayor Ruberto submitting a Traffic Order to change parking on Pearl Street, recommending that it be approved
35. A report from the Traffic Commission to whom was referred a petition from Councilors Bianchi and Maffuccio for installation of Watch Children Signs on Cascade Street recommending that it be approved and signs be installed on Cascade Street near the CYC Camp
36. A report from the Traffic Commission to whom was referred a petition from Councilor Maffuccio for replacement of No Parking signs on the north side of Madison Avenue from Seymour Street to North Street, recommending that it be approved and signs be replaced
37. A report from the Traffic Commission to whom was referred a petition from Councilor Maffuccio requesting the installation of a Watch for Children sign on Chatham Street, recommending that it be approved and signs be installed
38. A report from the Traffic Commission to whom was referred a petition from Councilor Costi requesting a speed study of the downtown Business District on North Street from Park Square to Berkshire Medical Center, recommending that it be approved and the study be done
39. A report from the Traffic Commission to whom was referred a petition from Councilor Malumphy that the speed limit on Holmes Road, from the Pittsfield/Lenox town line to the northern end in the vicinity of Canoe Meadows, remain consistent at 35 mph, recommending it be filed
40. A report from the traffic Commission to whom was referred a petition from Councilor Markham requesting signs to control the speed and flow of traffic in the area of Walden Lane, recommending it be filed

UNFINISHED BUSINESS

41. 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)
42. 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)

NEW BUSINESS

43. A petition from Rinaldo DelGallo, III requesting the Council vote on petitions referred by it when no response has been received
44. A petition from Rinaldo DelGallo, III requesting the Council amend Council Rule 29 regarding referral responses from the Mayor
45. A petition from Rinaldo DelGallo, III requesting the Council to amend Council Rule 29 regarding referral response from committees

46. A petition from Rinaldo DelGallo, III requesting censure of Councilor Kerwood for comments made against him and to have the Pittsfield Economic Development Authority report at every meeting
47. A petition from Rinaldo DelGallo, III requesting admonishment of the Council President for not intervening regarding comments made by Councilor Kerwood against him
48. A petition from Rinaldo DelGallo, III requesting the City to list available commercial property on its website
49. A petition from Rinaldo DelGallo, III to amend the zoning ordinance to allow adult entertainment only in a general industrial zone with a 700 ft. residential setback requirement
50. A petition from Rinaldo DelGallo, III requesting the Council to invite Ms. Kitty Lichtenstein to come before it and explain her wishes for use of the Lichtenstein Center
51. A petition from Rinaldo DelGallo, III that the Council ask the Pittsfield Economic Development Authority when its 2004 financial statement will be forthcoming
52. A petition from Rinaldo DelGallo, III requesting amendment of requirements for the position of Director of the Pittsfield Economic Development Authority
53. A petition from Rinaldo DelGallo, III requesting amendment of the residency requirement for the position of Director of the Pittsfield Economic Development Authority
54. A petition from Rinaldo DelGallo, III requesting amendment of the requirement for the position of Director of the Pittsfield Economic Development Authority to include experience in developing industrial parks
55. A petition from Peter Arlos requesting the Council support legislation to allow children of illegal immigrants to attend state public colleges
56. A petition from Peter Arlos requesting the Council commend Gene Nadeau for his service on the Parks Commission
57. A petition from Peter Arlos requesting the Council ask the Mayor to direct the Chief of Police to open a police substation in the area north of the YMCA on North Street
58. A petition from Peter Arlos requesting the Council ask Representative Speranzo to support returning \$1 million in anti-teen pregnancy funding to the legislative-approved budget
59. A petition from Peter Arlos requesting the Council vote to hold a First Night this year and ask the Colonial Theatre staff to organize and run it
60. A petition from Donna Walto that the City Council vote to endorse the efforts by the MA Legislature to raise the minimum wage in MA to \$7.50 in 2006 and \$8.25 in 2007
61. A petition from Donna Walto that the City Council vote to ask the School Committee to investigate the seeming failure to take proper precautions relating to the removal of asbestos tiles at Crosby School while children were attending programs at the school
62. A petition from Donna Walton that the City Council vote to hold the payment of the City's \$1 million contribution to the Colonial Theatre until the problems in it's management are stabilized
63. A petition from Donna Walto requesting that the City Council vote asking the Liechtenstein Center for the Arts be returned to its original mission as a center for the arts enabling the citizens of Pittsfield to actively participate in the appreciation of art

64. A petition from Terry Kinnas that the City Council and the Mayor to ensure that the Human Rights Commission is staffed and meets as per City Code

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Traffic Commission

65. A petition from Councilor Tyer requesting that a "Watch Children" sign be installed at the intersection of Newell Street and Michigan Avenue
66. A petition from Councilor Tyer requesting a "Watch Children" sign be installed at the intersection of Elm Street and Dexter Avenue

Referred to Department of Public Works

67. A petition from Councilor Tyer requesting that the timing of the pedestrian light at the intersection of Newell Street and East Street be adjusted to allow for more crossing time
68. A petition from Councilor Tyer requesting that the pot hole in front of 25 Dan Avenue be repaired
69. A petition from Councilor Tyer requesting that the sidewalks on Adelaide Avenue be repaired or replaced

Referred to the Director of Community Service

70. A petition from Councilor Tyer requesting that the tree stumps at the entrance of Marchisio Park be removed and the area be graded

PLACED ON FILE

71. Annual report of the City Clerk's Office
72. Response from Senator Kennedy to a petition opposing the closing of the Internal Revenue Service in Pittsfield
73. A response from the BRTA to a petition regarding a change in fares for riders
74. A response from the Department of Telecommunications and Energy to a petition regarding information on rates for natural gas in Massachusetts
75. A response from Representative Guyer to a petition asking him to support repeal of the law exempting telecommunications companies from paying certain property taxes