



City of Haverhill
City Council Minutes

Tuesday, August 19, 2014 at 7:00 PM
City Council Chambers, Room 202

Present – President Michitson, Councillors Scatamacchia, Barrett, Macek, Ryan, Sullivan, Daly O’Brien, McGonagle and LePage.
City Clerk – Linda L. Koutoulas

1. Approval of records of the previous meeting

The minutes were approved.

2. Assignment of the minutes review for the next meeting

Councillor LePage was assigned the minutes.

3. Communications from the Mayor

No Schedule

4. Utility Hearing(s) and Related Order(s)

Hearing was held on Document 83, a petition from Verizon New England and Mass Electric Company of North Andover for joint pole location on Salem st; Plan 744. With Joseph Gleason from Mass Electric appearing in favor and Joseph Arsenault in opposition. Hearing was closed.

ON MOTION OF COUNCILLOR MACEK TO HAVE UTILITY REPRESENTATIVE SPEAK WITH THE NEIGHBORS AND POSTPONE TO SEP 16, 2014

POSTPONED TO SEP 16, 2014 Yeas 9, Nays 0 83

ORDERED: Order grant permission to Verizon NE and Mass Electric Company for joint pole location on Salem st; Plan 744 (see document for complete text)

POSTPONED TO SEP. 16, 2014 Yeas 9, Nays 0 83B

5. Appointments

Confirming Appointments:

No Schedule

Non-confirming Appointments

Brenda Rozzi to the Recycling Advisory Committee

PLACED ON FILE 81P

Councillor Sullivan, Bill Pillsbury & Orlando Pacheco to the Ornstein Property Review Committee

PLACED ON FILE 81Q

Resignations:

No Schedule

6. Petitions

Petitions:

No Schedule

Applications:

One Day Liquor Licenses

Patricia Miller, for wedding at Winnekenni Castle, Saturday, September 13, 5:00PM to 10:00PM

GRANTED Yeas 8, Abstain 1 (Sullivan) 57E

Nathan Rowe, for wedding at Winnekenni Castle, Saturday, September 20, 4:00PM to 11:00PM

GRANTED Yeas 8, Abstain 1 (Sullivan) 57EE

Applications for Permit

Application was received from David LaBrode requesting to hold 29th Annual Bobby Bell 5-Mile Road Race and Joyce Moriarty Memorial Fitness Walk beginning at Lasting Room, 122 Washington st; and proceeding thru several City streets and ending at the Lasting Room; on Sunday, October 12; beginning at 10:30 AM with road race starting at 11:00AM

GRANTED Yeas 9, Nays 0 17I

Application from David A Mottola for handicap parking sign at 46 Oak ter
REFERRED TO PLANNING

Yeas 9, Nays 0 5L

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Tag Days

Exchange Club, October 25 & 26

GRANTED Yeas 9, Nays 0 23P

Annual License Renewals

Hawker or Peddler Engaged in Door to Door Sales:

Power Home Remodeling Group: Free estimates for windows and roofing, throughout the City;

Monday – Friday; 10:00AM to 6:00PM from the following:

GRANTED	Steven Johnson	4P
GRANTED	Dillon Foley	4Q
GRANTED	Brian Powers	4R
GRANTED	Luke Reynolds	4S
GRANTED	Tyler O'Toole	4T

ON MOTION OF COUNCILLOR MACEK TO GRANT ABOVE LICENSES FOR 30 DAYS

PASSED Yeas 9, Nays 0

PASSED AS AMENDED Yeas 8, Nays 1 (Ryan)

Drainlayer 2014 License

Michael McCarthy

GRANTED Yeas 9, Nays 0 6Z

7. Hearings and Related Orders:

Document 43

Petition was received from John H Pearson Jr for Magnum Partners LLC requesting City accept Perspective dr and Magnavista dr; part of Magnavista subdivision; as public way with a favorable recommendation from Planning Board and Planning Director and related communication from Robert Moore Jr, Environmental Health Technician.

PETITIONER WAS NOT PRESENT

POSTPONED TO SEP 2, 2014 Yeas 9, Nays 0 43

Document 43-B

ORDERED: That Perspective dr be accepted as a public way (see document for complete text)

POSTPONED TO SEP 2, 2014 Yeas 9, Nays 0 43B

Document 43-BB

ORDERED: That Magnavista dr be accepted as a public way (see document for complete text)

POSTPONED TO SEP 2, 2014 Yeas 9, Nays 0 43BB

8. Motions and Orders

ORDERED: That in accordance with General Laws, Chapter 44, Section 64, authorize the payment of bill(s) of the previous years and further authorize the payment from current year departmental appropriations as follows:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
American Alarm Inc	\$ 234.00	Building Maintenance	
Moore Staffing Services	1,314.44	Human Resources	
Moore Staffing Services	1,324.11	Human Resources	
Nutter McClennen & Fish LLP	11,600.63	Law Department	
Nutter McClennen & Fish LLP	7,775.79	Law Department	
View Point Solutions Inc	8,500.00	Information Technology	
View Point Solutions Inc	3,200.00	Information Technology	

PASSED Yeas 9, Nays 0 89

ORDERED: That the City Council of the City of Haverhill declare several parcels on Crescent rd and Boxford rd surplus and available for sale (see document for complete text)

REFERRED TO NATURAL RESOURCES & PUBLIC PROPERTY

COMMITTEE Yeas 9, Nays 0 47DD

ORDERED: That the City Council authorizes the Purchasing Department to proceed with final disposition of several obsolete surplus vehicles (see document for complete text)

PASSED Yeas 9, Nays 0 47D

COUNCILLOR SCATAMACCHIA LEFT THE CHAMBERS

ORDERED: That the City Council authorizes Purchasing Department to proceed with final disposition of list obsolete surplus goods (see document for complete text)

PASSED Yeas 8, Absent 1 (Scatamacchia) 47E

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Ordinances (File 10 Days)

- MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Parking
(768 Main st – Delete Parking spaces) (see document for complete text)
PLACED ON FILE for at least 10 days 34D

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Parking
(768 Main st – Establish “Resident Parking Only” spaces) (see document for complete text)
PLACED ON FILE for at least 10 days 34E

MUNICIPAL ORDINANCE CHAPTER 191
An Ordinance Relating to Peddling and Soliciting; amend Article IV. Peddlers and Hawkers,
Transient Vendors and Fixed Location Vendors; Chpt 191-11. Permitted fixed locations;
exceptions; add at end of subsection A. Permitted locations: “Food Trucks of any size may be
allowed at all permitted fixed locations with approval from the City Council”
(see document for complete text)
PLACED ON FILE for at least 10 days 90

9. Unfinished Business of preceding Meetings

Document 11-I
MUNICIPAL ORDINANCE CHAPTER
An Ordinance Relating to Salaries Citizen Center
(see document for complete text)
PASSED Yeas 8, Absent 1 (Scatamacchia) 11I

Document 38-E
ORDERED: That the City Council appropriates Three Hundred Twenty-Five Thousand Dollars (\$325,000) to pay costs of making roof repairs to the skating rink, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

FURTHER ORDERED: That in connection with the issuance of bonds or notes of the City pursuant to this Order, the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the “Commonwealth”) to qualify under Chapter 44A of the General Laws any and all bonds of the City issued pursuant to this order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

PASSED Yeas 8, Absent 1 (Scatamacchia) 38E

Document 38-F
ORDERED: That the City appropriates Three Hundred Sixty-Three Thousand One Hundred Dollars (\$363,100) to pay additional costs of design of the Route 97 improvement reconstruction project, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

FURTHER ORDERED: That in connection with the issuance of bonds or notes of the City pursuant to this Order, the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the “Commonwealth”) to qualify under Chapter 44A of the General Laws any and all bonds of the City issued pursuant to this order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

PASSED Yeas 8, Absent 1 (Scatamacchia) 38F

COUNCILLOR SCATAMACCHIA RETURNED TO CHAMBERS

Document 16-E
Mayor Fiorentini submitted a petition to lay out the Bradford Rail Trail pursuant to Haverhill Ordinances Chapter 222 with a favorable recommendation from Planning Board after Hearing.
PRESIDENT MICHITSON OPENED THE PUBLIC HEARING.
ANDREW HERLIHY, DIVISION DIRECTOR OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM OUTLINED THE PATH OF THE RAIL TRAIL AND ALL THE WORK THAT HAS BEEN DONE TO DATE. HE REFERENCED A LETTER FROM MAYOR FIORENTINI APPOINTING ATTORNEY JASON A. PANOS FROM THE FIRM OF KOPELMAN AND PAIGE AS SPECIAL ASSISTANT CITY SOLICITOR AS CITY SOLICITOR COX MAY HAVE A CONFLICT OF INTEREST.

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ON MOTION OF COUNCILLOR MACEK TO APPOINT ATTORNEY PANOS AS SPECIAL ASSISTANT CITY SOLICITOR

PASSED Yeas 9, Nays 0 81T

DANIELLE SMIDA, 17 LEXINGTON AVE, INTRODUCED HERSELF AND STATED THAT SHE HAS BEEN INVOLVED WITH THE RAIL TRAIL COMMITTEE FOR A NUMBER OF YEARS AND WAS IN FAVOR OF THE PROJECT. NO ONE WAS OPPOSED.

HEARING CLOSED 16E

ATTORNEY JASON A. PANOS OF KOPELMAN AND PAIGE, 101 ARCH ST, BOSTON, INTRODUCED HIMSELF AND PRESENTED THE FOLLOWING ORDERS:

ORDERED: BRADFORD RAIL TRAIL LAYOUT AND ACCEPTANCE

That the City Council of the City of Haverhill on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 82, Section 21 and 35A of the Massachusetts General Laws, as amended, the City of Haverhill General Ordinance Chapter 222, and of any and every other power and authority which is hereunto in any way enabling, lays out and accept as a rail trail, and adopts an Order of Layout for Bradford Rail Trail upon the parcels of land comprising the layout shown on a plan in five (5) sheets, depicting the layout of the right of way, which plan is entitled "Compiled Layout Plan For Acceptance Located in the City of Haverhill, County of Essex, Massachusetts To Be Used For Tail Trail Purposes" dated June 24, 2014, revised on August 14, 2014, and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752. (see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE BRADFORD RAIL TRAIL LAYOUT & ACCEPTANCE

PASSED Yeas 9, Nays 0 91

ORDERED: CITY OF HAVERHILL ORDER OF LAYOUT BRADFORD RAIL TRAIL

Whereas, it appears that public convenience and necessity require the laying out of a public rail trail pursuant to Massachusetts General Laws Chapter 82, Section 35A to be known as "Bradford Rail Trail" as depicted on a plan in five (5) sheets, depicting the layout of the right of way, entitled "Compiled Layout Plan For acceptance Located in the City of Haverhill, County of Essex, Massachusetts To Be Used For Tail Trail Purposes" dated June 24, 2014, revised on August 14, 2014, and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 (the "Plan"). (see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE CITY OF HAVERHILL ORDER OF LAYOUT BRADFORD RAIL TRAIL

PASSED Yeas 9, Nays 0 91A

ORDERED: Acquisition of Land and Permanent Easement for Rail Trail

That the City Council of the City of Haverhill on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 82, Section 21 and 35A of the Massachusetts General Laws, as amended, the City of Haverhill General Ordinance Chapter 222, and of any and every other power and authority which is hereunto in any way enabling, adopts an Order of Taking to acquire, for transportation and rail trail purposes, together with the attendant customary uses, as set forth in the Order of Taking, the fee ownership and easement interests in the parcels of land shown on the plan, in five (5) sheets, showing the layout of the right of way, entitled "Compiled Layout Plan For Acceptance Located in the City of Haverhill, County of Essex, Massachusetts To Be Used For Tail Trail Purposes" dated June 24, 2014, revised on August 14, 2014, and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752, as specified in the Order of Taking.

No damages are awarded, the Owners of said property having waived their respective rights to an appraisal and compensation. (see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE ACQUISITION OF LAND AND PERMANENT EASMENT FOR RAIL TRAIL

PASSED Yeas 9, Nays 0 91B

ORDER OF TAKING

At a regularly convened meeting of the City Council of the City of Haverhill held the 19th day of August, 2014, it was voted and ordered:

The City Council of the City of Haverhill duly elected, qualified, and acting as such, on behalf of the City and by virtue of an in accordance with the authority of the provisions of Chapter 82, Section 21 and 35A and Chapter 79 of the Massachusetts General Laws, as amended, the City of Haverhill General Ordinance Chapter 222, the City Council Resolve adopted August 19, 2014, a certified copy of which is attached hereto as Exhibit A and recorded herewith, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City, for rail trail corridor purposes, including bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, which may

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include motorized handicapped access, together with the attendant customary uses, including but not limited to the construction, operation, maintenance, repair, and replacement of footways and bicycle paths, drainage and other utilities, and for all uses and appurtenances related thereto, the fee ownership and easement interests, as specified in Schedule A, in, over, under, through, across, upon and along certain parcels of land specified in Schedule A and shown on the attached plan, in five (5) sheets, showing the layout of a rail trail right of way, which plan is entitled "Compiled Layout Plan For Acceptance Located in the City of Haverhill, County of Essex, Massachusetts To Be Used For Rail Trail Purposes" dated June 24, 2014, revised on August 14, 2014, and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 and recorded herewith (hereinafter "the Plan") as set forth more fully herein. (see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE ORDER OF TAKING

PASSED

Yeas 9, Nays 0

91C

ORDERED: Acquisition of Temporary and Permanent Easements

That the City Council of the City of Haverhill, by virtue of and in accordance with the authority of the provisions of Chapter 79 of the Massachusetts General Laws, as amended, the City of Haverhill General Ordinance Chapter 222, and of any and every other power and authority which is hereunto in any way enabling, adopts an Order of Taking to acquire temporary and permanent easements for transportation and rail trail purposes, together with the attendant customary uses as set forth in the Order of Taking, upon the permanent and temporary easement areas described in Exhibit A to the Order of Taking, and as shown in the locations depicted on a plan entitled: "Permanent and Temporary Easement Plan for the Bradford Rail Trail in the City of Haverhill, Essex County, Massachusetts", dated August 14, 2014 as revised, prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 (2 sheets).

No damages are awarded, the Owners of said property having waived their respective rights to an appraisal and compensation. (see document for complete text)

ON MOTION OF COUNCILLOR RYAN TO APPROVE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS

PASSED

Yeas 9, Nays 0

91D

ORDERED: Transfer of Custody of Property from City Treasurer/Tax Collector

That the City Council of the City of Haverhill hereby transfers the care, custody, management and control from the Treasurer/Tax Collector or other board, commission or officer having custody of:
(see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE TRANSFER OF CUSTODY OF PROPERTY FROM CITY TREASURER/TAX COLLECTOR

PASSED

Yeas 9, Nays 0

91E

ORDERED: Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

That the City Council of the City of Haverhill hereby authorizes the Mayor, or his designated representative, to acquire land or interests in land or portions thereof, on behalf of the City, for general municipal purposes, which may include, without limitation, for transportation purposes and recreational rail trail purposes, which trail may be laid out pursuant to Chapter 82, Sections 21 and 35A of the Massachusetts General Laws and for all purposes related and ancillary thereto as follows:

1.a fee, leasehold interest or easement in land of the Massachusetts Electric Company more particularly described in Deed of Boston and Maine Railroad dated December 21, 1962 and recorded with the Essex South District Registry of Deeds in Book 5034, Page 319 (see document for complete text)

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE ACQUISITION OF INTEREST IN LAND IN FEE OR BY LEASE EASEMENT OR AGREEMENT

PASSED

Yeas 9, Nays 0

91F

ORDERED: Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

That the City Council of the City of Haverhill hereby authorizes the Mayor, or his designated representative, to acquire by gift or purchase, a fee, leasehold interest or easement in land or a portion thereof of the Massachusetts Bay Transportation Authority described in Release Deed from Boston and Maine Railroad dated February 22, 2012 and recorded with the Essex South District Registry of Deeds in Book 31299, Page 33, on behalf of the City, for transportation purposes, which may include recreational trail purposes, which trail may be laid out as a rail trail in accordance with the provisions of Chapter 82, Section 35A of the Massachusetts General Laws, and all purposes related and ancillary thereto, on such terms and conditions, and for such term of years if a lease, as the Mayor deems in the best interest of the City, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing.

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE ACQUISITION OF INTEREST IN LAND IN FEE OR BY LEASE EASEMENT OR AGREEMENT

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PASSED Yeas 9, Nays 0 91G

ORDERED: An order to lay out and establish a non-vehicular passageway between the Basiliere Bridge and South Elm Street, commonly referred to as the so-called "Bradford Rail Trail", in accordance with City Code Chapter 222 as depicted on the Bradford Rail Trail Project Layout Map (see document for complete text)

PASSED Yeas 9, Nays 0 16EE

10. Communications and Reports from City Officers and Employees
No Schedule

MONTHLY REPORTS

Abatement report was received from Board of Assessors for month of July

PLACED ON FILE 14H

Communications from Councillors

Communication was received from Councillor McGonagle requesting a discussion regarding feasibility of extending Farmer's Market hours to help families affected by the Market Basket situation.

LETTER TO FARMER'S MARKET 55T

Communication was received from President Michitson requesting to address comprehensive vision, plan and process – critical information for City Council to determine needs/gaps, solutions and spending priorities for Haverhill.

PRESIDENT MICHITSON GAVE A BRIEF POWERPOINT PRESENTATION. LETTER TO MAYOR & REFERRED TO ADMINISTRATION & FINANCE COMMITTEE 55U

Communication was received from President Michitson requesting a discussion regarding a dangerous sidewalk in front of 29 Fernwood av.

LETTER TO PUBLIC WORKS 55V

Communication was received from Councillor Sullivan requesting to introduce Tom Lyons, organizer of the Steve Lyons Memorial Rock Out Cookout to be held at Winnekenni Castle on Saturday, August 23rd, requesting to put up to 10 signs on public property promoting the event.

TOM LYONS STATED THAT THE INTENT OF THE COOKOUT IS TO PROMOTE ARTS AND MUSIC IN THE MERRIMACK VALLEY. ON MOTION OF COUNCILLOR SULLIVAN TO ALLOW 10 SIGNS PROMOTING THE EVENT TO BE PLACED ON PUBLIC PROPERTY.

GRANTED Yeas 9, Nays 0 55W

Communication was received from Councillor Sullivan requesting a discussion regarding a Junior Park Ranger Summer Program at various parks in Haverhill.

COUNCILLOR SULLIVAN STATED THAT HE WOULD LIKE THE CITY TO ESTABLISH A JUNIOR PARK RANGER SUMMER PROGRAM AT SWASEY PARK, RIVERSIDE PARK, WINNEKENNI PARK, PLUG POND TO PUT TEENAGERS TO WORK AND POSSIBLY EXPAND TO OTHER PARKS

LETTER TO MAYOR & REFERRED TO PUBLIC SAFETY COMMITTEE 55X

11. Resolutions and Proclamations
No Schedule

12. Council Committee Reports and Announcements

Councillor LePage presented the Minutes of the Administration and Finance Committee meeting held on August 7, 2014 concerning Ordinance re: Zoning, Amend City Code, Ch. 255, Table of Use & Parking Regulations Page 8; to allow Medical Marijuana Dispensary/Treatment centers to be located only in our business parks. Six potential zoning locations were reviewed: Broadway Business Park, Ward Hill Business Park, Hale Street Industrial area, Hilldale Avenue Industrial area, Route 125 retail area near Plaistow NH line, and Junction of Route 495 and Route 110 area. The Committee requested to have copies of the maps sent to Police, Fire, Board of Health, Building Inspector, Economic Developing & Planning Board for review and input.

MINUTES ACCEPTED AND PLACED ON FILE 39J

There was a brief discussion about the Healthy Pharms application. On motion of Councillor LePage to send a letter to Mass. Department of Public Health and the Attorney General's office as a follow up to City Council's letter of retraction of the letter signed by former Council President and inquire about scoring.

ON MOTION OR COUNCILLOR LEPAGE TO SEND LETTER TO MASS DEPARTMENT OF HEALTH & ATTORNEY GENERAL. Yeas 9, Nays 0

Meeting adjourned at 9:20 o'clock P.M. Yeas 9, Nays 0

Attest: Linda Koutoulas, City Clerk