



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, January 3, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

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1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING
2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING
3. COMMUNICATIONS FROM THE MAYOR
4. UTILITY HEARING(S) AND RELATED ORDER(S)
5. APPOINTMENTS
  - 5.1. **Confirming Appointments:**  
Haverhill Cultural Council  
*Karren Kelly McCabe* Attachment
  - 5.2. **Non-Confirming Appointments:**  
Downtown & Waterfront Master Planning Committee  
*Patrick C. Hayes* Attachment
6. PETITIONS
  - 6.1. **Applications for Drainlayer Licenses 2012:**
    - Rocci Deluca Jr
    - Thomas B Hodgson
    - William A. Smith
  - 6.2. Petition from Attorney Gary S. Sackrider for applicant Ken Stoll of White Cedar, LLC requesting Special Permit Modification for project granted in 2005 at 68-74 River st; to modify the 2005 parking arrangements  

**(Hearing Jan 31 2012)**  
Attachment
7. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES
  - 7.1. Communication from Councillor William J. Macek requesting a discussion regarding the proposed monument square traffic divider/island
8. HEARING(S) AND RELATED ORDER(S)
9. UNFINISHED BUSINESS OF PRECEDING MEETINGS
  - 9.1. **Document 57-D/11, Adjustment to COLA Base:**
    - 9.1.1. Document 57-D/11, Order Council accept provisions of Chapter 188, Section 19 off the Acts of 2010 regarding Adjustment to COLA Base  

**(Vetoed by Mayor)**  
Attachment



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, January 3, 2012 at 7:00 PM**  
**City Council Chambers, Room 202**

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- 9.1.2. Communication from Mayor Fiorentini regarding Veto message concerning Document 57-D/11, Adjustment to COLA Base  
[Attachment](#)
- 9.2. Document 36-C/11, Loan Order: Appropriate \$5,092,803 for Green School Repairs  
(Filed 12/21/11)  
[Attachment](#)
- 9.3. Document 97-T/11, Communication from Councillor Scatamacchia requesting a discussion regarding parking on River st  
[Attachment](#)
- 9.4. Document 101-B/11, Ordinance re: Parking, Delete Handicap Parking, 3 Temple st  
(Filed 12/21/11)  
[Attachment](#)
- 9.5. Document 101-C/11, Ordinance re: Parking, 7 New Hampshire av, Add 1 Handicap Parking Space  
(Filed 12/21/11)  
[Attachment](#)
- 9.6. Document 118/11, Communication from Michael K Stankovich, Director of Public Works & John Petis, City Engineer– South Prospect st-Status report, return to two-way traffic  
[Attachment](#)
- 9.7. Document 119/11, Ordinance re: Parks and Recreation; Amend Chapter 11 Article II, Sections 4 through 8 of the City Code  
(Filed 12/21/11)  
[Attachment](#)
- 10. MOTIONS, ORDERS AND RESOLUTIONS**
- 10.1. **Ordinance: Public Construction Projects:**
- 10.1.1. Ordinance re: Public Construction Projects; Delete Chapter 132 in its entirety  
(File 10 days)  
[Attachment](#)
- 10.1.2. Related communication from Mayor Fiorentini, re: local Residency Requirement  
[Attachment](#)
- 11. COUNCIL COMMITTEE REPORTS**
- 12. COMMITTEE STUDY LISTS**
- 12.1. Documents referred to Committee Study  
[Attachment](#)
- 13. ADJOURN**



JAMES J. FIORENTINI  
MAYOR

**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
WWW.CI.HAVERHILL.MA.US

December 28, 2011

City Council President Michael Hart  
& Members of the City Council

**RE: Haverhill Cultural Council**

Dear Council President & Members of the City Council:

I hereby appoint Karren Kelly McCabe of 40 Locke St. to the Haverhill Cultural Council.

This is a confirming appointment which takes place upon confirmation and expires on January 10, 2015.

Very truly yours,

  
James J. Fiorentini  
Mayor

JJF/lk

Cc: Leota Sarrette  
Karren McCabe

# ***A Lady For All Seasons***

**Karren Kelly McCabe**

**927 Hamel Mill Lofts**

**40 Locke Street**

**Haverhill, MA 01830**

**(978) 914-6679**

**[emccabe@gornerstones.com](mailto:emccabe@gornerstones.com)**

***Artist, Sculptor, Author,***

***Gardener and Garden Designer,***

***Web Applications Developer,***

***Fundraiser and Charity Volunteer,***

***Mother and Grandmother***

**A.B. Medical Journalism, University of Minnesota**

**Multiple Awards for Design and Development of Urban Gardens –  
City of Boston**

**Designer and Gardener – Sea Circle Gardens, Navy Yard Gardens,  
Charlestown, MA**

**Rooftop Container Gardener – Brookline and Boston, MA**

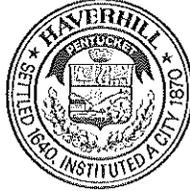
**Floating Garden – M.V. *Esperance***

**Garden Club of America Annual Beautification Award  
Awarded by Victoria Saltonstall, Chairperson**

**Boston Greenspace Alliance Gardening Award**

**Member, Haverhill Garden Club**

**Volunteer – Creative Haverhill**



JAMES J. FIORENTINI  
MAYOR

CITY OF HAVERHILL  
MASSACHUSETTS

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
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December 29, 2011

City Council President Michael Hart  
& Members of the City Council

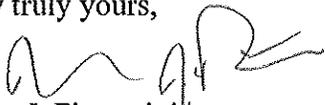
**RE: Patrick C. Hayes – Downtown and Waterfront Master Planning Committee**

Dear Council President & Members of the City Council:

I hereby appoint Patrick C. Hayes of 15 Overlook Circle, Bradford, to the Downtown and Waterfront Master Planning Committee.

This is a non-confirming appointment which will take place immediately.

Very truly yours,

  
James J. Fiorentini  
Mayor

JJF/lk

cc: Patrick Hayes  
William Pillsbury

CITY OF HAVERHILL

DATE 12/12/11

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a license for

DRAINLAYER

Drainlayer's Name Rocci Delucia Jr.  
PRINTED

Signature *Rocci Delucia Jr.*

Home Address:

Street 116 Ballard Lane PO box \_\_\_\_\_

City/Town Salem State NH Zip Code 03079

Tel No. 603-974-1580 Cell No. \_\_\_\_\_

Business Name Frank Delucia + Sons, Inc.

Business Address:

Street 119 Newton Rd. Rear PO Box \_\_\_\_\_

City/town Plaistow State NH Zip Code 03865

Tel No. 603-974-1580 FAX No. 603-974-2553

New/Renewal (circled) Fee 100. -

In Municipal Council,

20

Attest:

APPROVED *[checkmark]*

DENIED \_\_\_\_\_

CITY CLERK

*[Signature]*  
CITY ENGINEER

*JH BARR* on file

# CITY OF HAVERHILL

DATE 12/1/11

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a license for

## DRAINLAYER

Drainlayer's Name THOMAS B. HODGSON  
PRINTED

Signature 

Home Address:

Street 31 SPAULDING COURT PO box \_\_\_\_\_

City/Town TEWKSBURY State MA Zip Code 01876

Tel No. (978) 851-4694 Cell No. (978) 815-4847

Business Name LIVINGSTONE DEVELOPMENT CORP

Business Address:

Street 1501 MAIN ST. UNIT 4 PO Box 50

City/town TEWKSBURY State MA Zip Code 01876

Tel No. (978) 640-1611 FAX No. (978) 640-1611

New/Renewal  Fee \$100.

In Municipal Council,

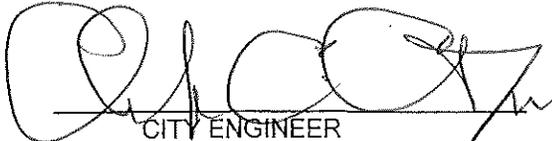
20

Attest:

APPROVED 

DENIED \_\_\_\_\_

CITY CLERK

  
CITY ENGINEER

*All bonds on file*

CITY OF HAVERHILL

DATE 12/8/11

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a license for

DRAINLAYER

Drainlayer's Name William A Smith Signature William A Smith  
PRINTED

Home Address:

Street 51 Hyatt Ave PO box \_\_\_\_\_

City/Town Bradford State MASS Zip Code 01835

Tel No. 978 994 9868 Cell No. \_\_\_\_\_

Business Name Smith Sons Plumbing + Heating

Business Address:

Street 230 Elm St PO Box \_\_\_\_\_

City/town North Reading State MASS Zip Code 01864

Tel No. 978 994 9868 FAX No. 978 807 1905

New/Renewal Renewal Fee \$ 100

In Municipal Council, \_\_\_\_\_ 20

Attest

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

[Signature]  
CITY ENGINEER

All BONDS on file

**\*\*Maps on file  
in Clerk's Office\*\***

Gary S. Sackrider  
Attorney at Law  
6 Harris Street  
Newburyport, Massachusetts 01950

Tel: 978-352-2741  
Email: sackrider@verizon.net

6.2  
Hearing January 31  
2012

December 6, 2011

Michael J. Hart, President  
Haverhill City Council  
4 Summer Street  
Haverhill, Massachusetts 01830

RE: Special Permit Modification for 68-74 River Street

Dear Mr. President and Members of the City Council:

I represent Ken Stoll of White Cedar, LLC. In 2005, the Haverhill City Council granted a special permit on the application of River Rock Realty Trust for use changes at 68-74 River Street in Haverhill, Massachusetts. (See Certificate of Decision attached.) The original application called for the creation of 10 residential units and a parking deck. The work on the primary structure is almost totally complete. However, it has recently been determined that the construction of the parking deck is not economically feasible.

White Cedar, LLC (or its nominee) has a written agreement to purchase 68-74 River Street, (Assessor's Map 501, Block 227, Lots 2 & 3) with certain contingencies. White Cedar, LLC (or its nominee) also has a written agreement with contingencies to purchase from the City of Haverhill a near by vacant lot (Assessor's Map 500, Block 228, Lot 6) consisting of 6,295 square feet. Title for both parcels is intended to be taken in the name of SFRE, LLC, if all of the contingencies can be worked out. The primary contingency is to obtain approval from the Haverhill City Council to modify its 2005 decision so as to allow:

- (a) the applicant to modify the 2005 parking conditions so that the parking deck will not be constructed and instead, the land upon which the garage was to be located and the off-site land located approximately 600 feet away at 210-218 Washington Street will be substituted to meet the parking requirements and
- (b) the modified special permit is to be granted in the name of SFRE, LLC.

The 2005 plan and approval called for 15 spaces of off street parking. The proposed modification would provide 21 spaces of off street parking.

For your review, I am attaching a copy of a plan prepared by Robert M. Grasso of Engineering Land Services, L.C. showing the off site parking on 210-218 Washington Street, as well as at 68-74 River Street.

The property at 68-74 River Street borders the Merrimack River and both properties are located within the CG zoning district. The existing structure is a 4 story, brick building consisting of 10 residential units.

We believe that the proposed changes will not be detrimental to the public good nor derogate from the intent and purposes of the zoning by-laws for several reasons:

- (a) The total number of off street parking spaces would be 21;
- (b) A city owned property (on Washington Street) would be returned to productive use and added to the tax base.
- (c) This currently vacant building would no longer be an attraction for vandals or trespassers who might use it for illegal purposes;
- (d) The neighborhood's view of the river from River Street would be open and not obstructed by a parking deck; and
- (e) There will be fewer water drainage issues to address.

We request that you grant this modification of your 2005 decision and allow SFRE, LLC to proceed to convert these essentially unused properties into productive properties. This would serve the best interests of the community as a whole.

Yours truly,



Gary S. Sackrider

27  
75



2006010900244 Bk:25268 Pg:509  
01/09/2006 11:49:00 OTHER Pg 1/27

RECEIVED

2005 SEP 28 A 11:04

CITY OF HAVERHILL  
MASSACHUSETTS

CITY CLERKS OFFICE  
HAVERHILL, MASS.

CERTIFICATION OF DECISION

I, the City Clerk of the City of Haverhill, hereby certify that the City Council NOTICE OF DECISION on the application of:

River Rock Realty Trust Alan Aulson "River Rock Condominiums"

APPLICANT & OWNER (IF DIFFERENT)

for a special permit to: Build condos - convert 4 comm units to residential

at: 68-74 River st -Assessors Map 501, Block 227, Lots 2 & 3 has been filed with this

STREET NAME and NUMBER

office on: September 28 2005 and that  
DATE OF FILING

- (1)  Twenty (20) days have elapsed from the date the Decision was filed and no appeal notice to the District or Superior Court has been received by this office.
- (2)  If an appeal had been taken, notice has been received that said appeal has been dismissed or denied.
- (3)  The application was denied.

As a condition of the Special Permit becoming effective, the applicant must record this NOTICE OF DECISION and CERTIFICATION OF DECISION at the Registry of Deeds as required and in compliance with Chapter 40A of the M.G.L. and to file evidence with the City Clerk attesting that said NOCTICE OF DECISION and CERTIFICATION OF DECISION have been duly recorded as cited above.

Upon receipt by the City Clerk of evidence that the NOTICE OF DECISION AND CERTIFICATION OF DECISION of the City Council has been duly recorded and indexed in the Grantor Index under the name of the Owner of Record (registered land to be noted on the Owner's Certificate of Title) and the Essex County South District Registry of Deeds, such evidence will be placed on file in the office of the City Clerk.

A fee of ten dollars (\$10.00) has been paid by the applicant and a copy of this Certification will be kept on file with the City Clerk.

December 27 2005  
Date

*M. G. Toomey*  
City Clerk

#3

NO ENV.

RECEIVED



75

2005 MAY 31 P 2:10

CITY OF HAVERHILL  
BOARD OF APPEALS FOR ZONES  
CITY HALL - 4 SUMMER STREET

CITY CLERKS OFFICE  
HAVERHILL, MASS.

2005063000310 Bk:24493 Pg:  
06/30/2005 10:17:00 OTHER Pg

NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED OF THE DECISION OF THE BOARD OF APPEALS ON THE APPLICATION OF:  
RIVER ROCK REALTY TRUST

APPLICANT AND (OWNER IF DIFFERENT)

68-74 RIVER STREET 501 227 02 & 03  
SITE LOCATION AND ASSESSOR'S MAP, BLOCK, PARCEL NUMBER (S)

Which was filed with the Board on March 31, 2005  
As signified by the City Clerk's date stamp.

The BOARD, as authorized by §15, Chapter 40A of the M.G.L. held a PUBLIC HEARING on:  
May 18, 2005

DATE OF HEARING (CONTINUANCE IF APPLICABLE)

The BOARD'S DECISION by vote (0 GRANT/DENY) said application is as follows:  
RECORD OF PROCEEDINGS: SEE BELOW MOTION\*: DOUGLAS

STIPULATION (S): \_\_\_\_\_

SECOND: KISSEL

VOTE ON MOTION WITH/WITHOUT STIPULATIONS:

BOARD	YES	NO	ABSTAIN	ABSENT	NOT SITTING
CHAIRPERSON MCGUIRE	/				
MEMBER SMITH				✓	
MEMBER PISTONE, SR.	/				
MEMBER SWARTZ	/				
MEMBER DOUGLAS	/				
ASSOC. MEMBER KISSEL	✓				
ASSOC. MEMBER SCALESE					

THE BOARD CITES THE FOLLOWING AS REASON (S) FOR ITS DECISION:

Applicant seeks to construct parking deck to provide for adequate on-site parking for units in conformance with §255 - 41. Parking deck of adequate size cannot meet side yard setback requirement, 4' where 20' required in CG Zone. The ZBA voted 5-0 to grant the petition. The ZBA found the provisions of §255-75 C. (1) through (5) were met. There was no opposition to this petition.

KENNETH A. STOLL  
SFRE, LLC AND WHITE CEDAR, LLC  
PO BOX 181  
SWAMPSCOTT, MA. 01907

Tel: 781-595-0100  
Email: [impactproperty@comcast.net](mailto:impactproperty@comcast.net)

December 20, 2011

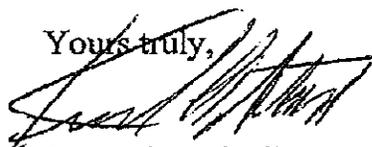
Michael J. Hart, President  
Haverhill City Council  
4 Summer Street  
Haverhill, Massachusetts 01830

RE: Special Permit Modification for 68-74 River Street

Dear Mr. President and Board Members:

In regards to the above noted modification I hear by waive the sixty-five day hearing requirement.

Yours truly,



Kenneth A. Stoll

## CITY COUNCIL

MICHAEL J. HART  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
WILLIAM H. RYAN  
MICHAEL P. YOUNG  
DAVID E. HALL  
COLIN F. LEPAGE  
MARY ELLEN DALY O'BRIEN  
SVEN A. AMIRIAN  
WILLIAM J. MACEK



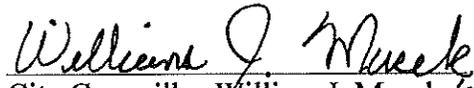
**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978-374-2328  
FACSIMILE: 978-374-2329  
www.ci.haverhill.ma.us  
E-Mail: citycncl@cityofhaverhill.com

December 29, 2011

Mr. President and Members of the City Council:

Councillor William J. Macek wishes to discuss the proposed Monument Square traffic divider/island.

  
City Councillor William J. Macek *WJM*

DOCUMENT 57-D

CITY OF HAVERHILL

In Municipal Council December 20 2012

ORDERED:

That the City Council of the City of Haverhill accept the provisions of Chapter 188, Section 19, of the Acts of 2010 which would increase the cost of living adjustment base in \$1,000 increments each for FY 13, FY 14 and FY 15 such that any cost of living adjustment granted by the Haverhill Retirement Board will be based upon \$13,000 for FY 13, \$14,000 for FY 14 and \$15,000 for FY 15.

Accept Acts  
C.F.R. CODE

PASSED

Attest: Mary G. Terry

City Clerk

~~APPROVED~~

1970  
John A. F...  
Mayor

1970 - John A. F...  
Veto message to Folker

William J. Klueber  
*Chairman*  
Charles Benevento  
James P. Cleary, III  
Donald J. Shea  
Lewis F. Poore, Jr.  
*Members*



Telephone: (978) 374-2358  
Facsimile: (978) 374-2353

## Haverhill Retirement Board

4 Summer Street • Room 303  
Haverhill, MA 01830-5843

December 15, 2011

Honorable President and Members  
of the Haverhill City Council  
4 Summer St., Room 206  
Haverhill, MA 01830

RE: Chapter 32 §103 (j), added by Chapter 188 of the Acts of 2010, an Act Relative to Municipal Relief §18 (d) and §19 (j) Increase to the maximum base amount of which the cost-of-living adjustment is calculated

Dear Ladies and Gentlemen:

We respectfully request that the City Council consider the acceptance of Chapter 32 §103 (j), added by Chapter 188 of the Acts of 2010, as described in §18 (d) and §19 (j).

The acceptance of § 103 (j) of Chapter 32 would increase the maximum base amount on which the cost-of-living adjustment is calculated, in multiples of \$1,000.00.

The base amount of COLA is presently \$12,000.00, meaning that a three-percent increase to any retiree receiving in excess of \$12,000.00 is still \$360.00 annually. The last change made to the maximum base of COLA was July 1, 1998. The additional \$1,000.00 annual increase to the base would add \$30.00 annually to any retiree at or over the maximum base. The median pension in the City of Haverhill is \$16,600.00 annually.

At the December 14, 2010 Haverhill Retirement Board Meeting, a motion was made to increase the COLA base in increments of \$1,000.00 each year, over the next three years, thus, by the year 2014 (FY'15) the base will be \$15,000.00, with the assessment to begin FY'13 (effective 7/1/12). The vote was unanimous and motion passed.

Kathy Riley of the Segal created an appropriation table showing the approved funding schedule with the added costs. These figures are based on an actuarial earning as of 1/1/10 and do not reflect the Acts of 2010 relative to Municipal Relief and Pension Reform signed into law November, 2011. Enclosed please find a copy of this table for your review.

Sincerely,

  
Kathleen Gallant  
Administrator

Enclosures:  
cc: Mayor James J. Fiorentini

**Chapter 188 of the Acts of 2010**  
**Municipal Relief Act Sections Other Than ERI**  
**Sections 16, 17, 18, 19 and 71**

**SECTION 16.** Paragraph (f) of subdivision (3) of section 21 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

An actuarial valuation of each system shall be conducted biennially and experience investigations shall be conducted every 6 years. Actuarial valuation reports and experience studies shall be conducted in such manner as the commissioner of administration, upon advice of the actuary, shall consider appropriate.

**SECTION 17.** The first paragraph of subdivision (1) of section 22D of said chapter 32, as amended by section 18 of chapter 21 of the acts of 2009, is hereby further amended by inserting after the first sentence, as so appearing, the following sentence:-

A funding schedule established under this section shall provide that the payment in any year of the schedule is not less than 95 per cent of the amount appropriated in the previous fiscal year.

**SECTION 18.** Said chapter 32 is hereby further amended by inserting after section 22E the following section:-

Section 22F. (a) A system, other than the state employees' retirement system and the teachers' retirement system, which conducts an actuarial valuation of the retirement system as of January 1, 2009, or later, may establish a revised retirement system funding schedule, subject to the approval of the actuary, which reduces the unfunded actuarial liability of the system to zero not later than June 30, 2040, as long as: (1) the payment in a year under the revised schedule or a subsequent schedule is not less than the payment in a prior fiscal year under the then current schedule until the system is fully funded; and (2) the increase in the amortization component of the appropriations required by the schedule from year to year does not exceed 4 per cent and is so designed that the funding schedule and any updates to it reduce the unfunded actuarial liability of the system to zero on or before June 30, 2040.

(b) If an updated actuarial valuation allows for the development of a revised schedule with reduced payments, the revised schedule shall be adjusted to reduce the unfunded liability of the system to zero by an earlier date to the extent required to ensure that the appropriation required for a particular year under the new schedule shall not be less than the amount identified for that year under the prior schedule established under this section.

(c) If a schedule established under this section would result in an appropriation in the first fiscal year of the schedule that is greater than 8 per cent more than the appropriation in the previous fiscal year, the requirement of clause (2) of subsection (a) may be adjusted with the approval of the public employee retirement administration commission.

(d) Systems may establish a schedule under this section that provides for an increase in the maximum base amount on which the cost-of-living adjustment is calculated pursuant to section 103, in multiples of \$1,000. Acceptance of this subsection shall be in accordance with paragraph (j) of section 103.

**SECTION 19.** Section 103 of said chapter 32, as so appearing is hereby amended by adding the following paragraph: -

(j) Notwithstanding paragraph (a), the board of any system that establishes a schedule pursuant to section 22D or 22F, may increase the maximum base amount on which the cost-of-living adjustment is calculated, in multiples of \$1,000. Each increase in the maximum base amount shall be accepted by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, "legislative body" shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a district, the district members, and, in the case of an authority, the governing body. In the case of a county or region, acceptance shall be by the county or regional retirement board advisory council at a meeting called for that purpose by the county or regional retirement board that shall notify council members at least 60 days before the meeting. Upon receiving notice, the treasurer of a town belonging to the county or regional retirement system shall make a presentation to the town's chief executive officer, as defined in paragraph (c) of subdivision (8) of section 22, regarding the impact of the increase in the cost-of-living adjustment base, the failure of which by a treasurer shall not impede or otherwise nullify the vote by the advisory council. Acceptance of an increase in the maximum base amount shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept an increase in the maximum base amount may not be revoked.

**SECTION 71.** The first actuarial valuation to be conducted pursuant to the second paragraph of paragraph (f) of subdivision (3) of section 21 chapter 32 of the General Laws, as appearing in section 16, shall be completed by January 1, 2011, or by January 1 of the third year following the last actuarial valuation of the system, whichever first occurs.



THE SEGAL COMPANY  
 116 Huntington Avenue 8th Floor Boston, MA 02116-5744  
 T 617.424.7336 F 617.424.7390 www.segalco.com

Kathleen A. Riley, FSA, MAAA, EA  
 Senior Vice President and Actuary  
 kriley@segalco.com

## MEMORANDUM

**To:** Retirement Board  
 Haverhill Retirement System

**From:** Kathleen A. Riley

**Date:** November 23, 2011

**Re:** Funding Schedule with COLA

As requested, we have shown the estimated cost of increasing the COLA base to \$13,000 effective July 1, 2012, to \$14,000 effective July 1, 2013 and to \$15,000 effective July 1, 2014.

The following table shows the total appropriation before and after the increases:

<b>Fiscal Year Ended June 30</b>	<b>Appropriation from 2010 Valuation Report</b>	<b>Increase COLA base to \$13,000</b>	<b>Increase COLA base to \$14,000</b>	<b>Increase COLA base to \$15,000</b>	<b>Total</b>
2011	\$11,322,708				\$11,322,708
2012	12,341,752				12,341,752
2013	13,402,512	\$171,533			13,574,045
2014	14,065,903	178,394	\$177,613		14,421,911
2015	14,737,072	185,693	184,881	\$184,470	15,292,115
2016	15,423,405	193,291	192,446	192,019	16,001,161
2017	16,127,761	201,200	200,322	199,877	16,729,160
2018	16,851,986	209,434	208,521	208,058	17,477,999
2019	17,539,619	218,006	217,056	216,575	18,191,256
2020	18,255,368	226,929	225,941	225,441	18,933,679
2021	19,000,384	236,219	235,191	234,671	19,706,464
2022	19,775,866	245,889	244,820	244,280	20,510,855
2023	20,583,062	255,956	254,845	254,282	21,348,146

Benefits, Compensation and HR Consulting Offices throughout the United States and Canada



Founding Member of the Multinational Group of Actuaries and Consultants, a global affiliation of independent firms

<b>Fiscal Year Ended June 30</b>	<b>Appropriation from 2010 Valuation Report</b>	<b>Increase COLA base to \$13,000</b>	<b>Increase COLA base to \$14,000</b>	<b>Increase COLA base to \$15,000</b>	<b>Total</b>
2024	21,423,275	266,437	265,281	264,696	22,219,688
2025	22,297,855	277,347	276,145	275,537	23,126,884
2026	23,208,214	288,706	287,455	286,823	24,071,198
2027	24,155,817	300,530	299,230	298,572	25,054,149
2028	25,142,193	312,840	311,488	310,804	26,077,324
2029	26,168,927	325,655	324,249	323,537	27,142,369
2030	27,237,680	338,997	337,534	336,794	28,251,006
2031	28,350,173	352,886	351,365	350,596	29,405,020
2032	29,508,199	367,346	365,764	364,964	30,606,273

Please refer to our valuation report dated December 6, 2010 for the data, assumptions and plan of benefits underlying these calculations.

This report was prepared in accordance with generally accepted actuarial principles and practices at the request of the Board to assist in administering the Retirement System.

The measurements shown in this actuarial valuation may not be applicable for other purposes. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period); and changes in plan provisions or applicable law.

The actuarial calculations were directed under my supervision. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein. To the best of my knowledge, the information supplied in this actuarial valuation is complete and accurate. Further, in my opinion, the assumptions as approved by the Board are reasonably related to the experience of and the expectations for the Plan.

We look forward to reviewing these results with you.

cc: Kathi Gallant

7531826v1/01200.024

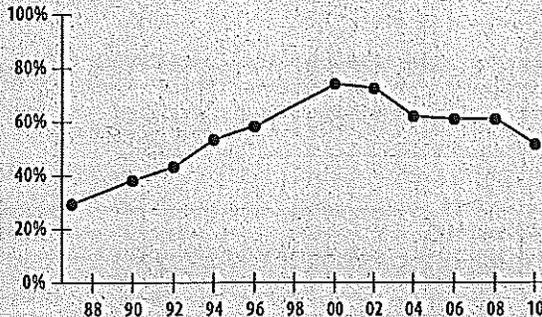
# Haverhill

4 Summer Street  
Room 303  
Haverhill, MA 01830  
Phone 978-374-2358  
Fax 978-374-2353

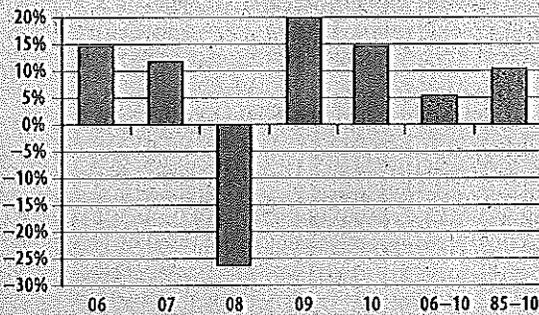
**Board Members**  
William J. Klueber (Chairperson),  
Charles Benevento, James P. Cleary, III,  
Lewis F. Poore, Jr., Donald J. Shea

**Board Administrator**  
Kathleen Gallant  
**Board Meeting**  
Varies

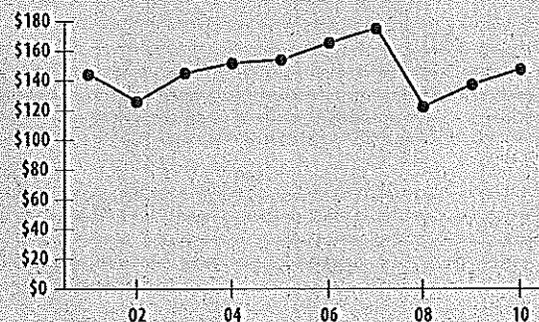
**Funded Ratio (1987-2010)**



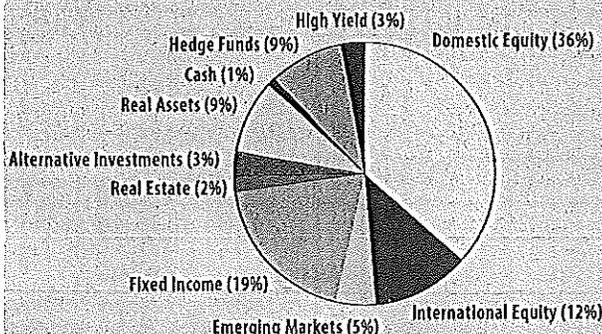
**Investment Return (2006-2010, 5 Year and 26 Year Averages)**



**Asset Growth (2001-2010) (Market Value in Millions)**



**Asset Allocation (12/31/10)**

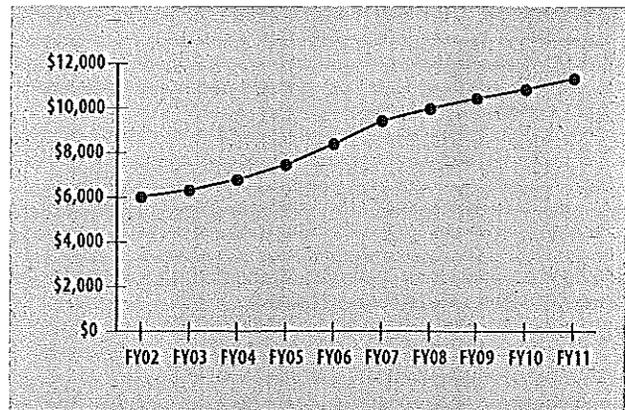


## ACTUARIAL

• Funded Ratio	51.4%
• Date of Last Valuation	01/10
• Actuary	Segal
• Assumed Rate of Return	8.25%
• Funding Schedule	4.0% Increasing
• Year Fully Funded	2032
• Unfunded Liability	\$138.2 M
• Total Pension Appropriation (Fiscal 2011)	\$11.3 M

	Active	Retired
• Number of Members	876	1,094
• Total Payroll/Benefit	\$35.8 M	\$20.8 M
• Average Salary/Benefit	\$40,900	\$19,000
• Average Age	48	NA
• Average Service	12.8 years	NA

## 10-YEAR HISTORY OF APPROPRIATIONS (IN THOUSANDS)



## AUDIT

Date of Last Audit	11/25/08
Period Covered	01/01/05-12/31/07

	2007	2006	2005
Annual Receipts	\$32.34 M	\$34.76 M	\$26.21 M
Annual Disbursements	\$23.24 M	\$23.65 M	\$22.92 M

## EARNED INCOME OF DISABILITY RETIREES (2009)

Number of Disability Retirees	117
Number Who Reported Earnings	19
Number of Excess Earners	0
Total Amount of Refund Due	\$0

▶ 2010 Return	14.64%
▶ 2010 Target	8.25%
▶ 2010 Market Value	\$147.4 M
▶ 2006-2010 (Annualized)	5.37%
▶ 1985-2010 (Annualized)	10.46%



JAMES J. FIORENTINI  
MAYOR

**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
WWW.CI.HAVERHILL.MA.US

December 28, 2011

City Council President Michael J. Hart

& Members of the City Council

**RE: Veto message concerning Adjustment to COLA Base**

Dear Mr. President and City Council Members:

I hereby veto document number 57-D passed by the City Council at the December 20, 2011 meeting.

The document passed by the Council is not a cost of living adjustment. It was a change in how future cost of living adjustments are calculated. The document passed by the council was to adopt a new state law changing the method by which future cost of living increases are calculated-- called a change in the COLA (cost of living adjustment) base.

I am sympathetic to this concept. However, it is not clear that we can afford to adopt this new law, at least at this time. Further study is needed before adopting this legislation in any form. If further study changes the numbers, we can revisit this issue.

For now, this step is not sustainable in the long term and we cannot take it, as much as we would all like to do so.

I urge you to sustain this veto and allow me to continue to work with the council and the retirement board on this important issue. During this time, retirees will continue to receive cost of living increases voted by the retirement board. Retirees have received an average of 3% per year cost of living increases over the past several years, and just received a new 3% cost of living increase effective July 1 of this past year. They will continue to receive that. Vetoing this legislation does not affect that cost of living increase: it does affect the manner in which future cost of living increases are calculated.

## **Background Information**

The COLA base adjustment was before the City Council their last meeting. This item came from the Retirement Board not the Mayor's office.

Currently, retirees receive a COLA or cost of living adjustment when voted by the Retirement Board and the Council, based upon a certain base salary. Not every dollar of a pension is subject to a cost of living adjustment, only the first \$12,000 of the pension. This number is called the “COLA base.”

The COLA Base adjustment, (hereinafter “COLA adjustment”) is the result of local option legislation passed by the Massachusetts legislature. It allows cities and towns to adjust the COLA base upwards from \$12,000. The higher the COLA base, the higher the cost of living adjustment, and the greater the cost to the pension system.

The order which was before the City Council called for increasing the COLA base in yearly increments from \$12,000 to \$15,000 over a period of three years. If a City adopts the new legislation, it is not required to increase the COLA base to the \$15,000 maximum. We are still researching what other cities and towns have done, and will have more information on this at the time of the council hearing or before. From what we are able to ascertain today, it does not appear that many cities have increased their COLA base, and those that have, with a few notable exceptions, have not increased it to \$15,000.

*This change to the COLA is not sustainable either this coming year or in the long term.*

## Cost of Increasing the COLA Base

As you can see from the attached spreadsheet, the cost of adopting this legislation is \$171,533 in next year’s budget. We have not set next year’s budget, and do not know if this is sustainable or not, but at first glance it appears that it is not. We know that we already face an estimated \$3- \$3.6 million deficit in the upcoming budget. This would add to the deficit. This change to the COLA is not sustainable either this coming year or in the long term.

In two years, the annual yearly cost rises if \$356,000. In three years, the cost rises to \$556,000. In eighteen years, the current actuarial study shows that the annual yearly cost of this

*“Over a twenty year period, the cost of this “adjustment” is a cumulative total of over \$14 million.”*

“adjustment” rises to \$1 million per year. This is a much more significant impact to our budget than many of the items that we have spent months, together, debating and deserves a much more detailed analysis than was presented to the council at the meeting.

Here are the numbers, as we know them today, on the impact on the pension. The total yearly increase column highlighted in yellow, not available to the council in their packet, is the total amount that the pension appropriation must increase each year to meet this change in the COLA base. (These numbers are all actuarial estimates, and could change depending upon the new actuarial study and depending upon the portfolio returns. The last column is the total cost adding

up the appropriations on a year by year basis. Over a twenty year period, the cost of this “adjustment” is a cumulative total of over \$14 million.

Fiscal Year Ended June 30	Appropriation from 2010 Valuation Report	Increase COLA base to \$13,000	Increase COLA base to \$14,000	Increase COLA base to \$15,000	Total	Total yearly increase	Cumulative
2011	\$ 11,322,708				\$ 11,322,708		
2012	12,341,752				12,341,752		
2013	13,402,512	\$ 171,533			13,574,045	\$ 171,533	
2014	14,065,903	178,394	\$ 177,613		14,421,910	\$ 356,007	\$ 527,540
2015	14,737,072	185,693	184,881	\$ 184,470	15,292,116	\$ 555,044	\$ 1,082,584
2016	15,423,405	193,291	192,446	192,019	16,001,161	\$ 577,756	\$ 1,660,340
2017	16,127,761	201,200	200,322	199,877	16,729,160	\$ 601,399	\$ 2,261,739
2018	16,851,986	209,434	208,521	208,058	17,477,999	\$ 626,013	\$ 2,887,752
2019	17,539,619	218,006	217,056	216,575	18,191,256	\$ 651,637	\$ 3,539,389
2020	18,255,368	226,929	225,941	225,441	18,933,679	\$ 678,311	\$ 4,217,700
2021	19,000,384	236,219	235,191	234,671	19,706,465	\$ 706,081	\$ 4,923,781
2022	19,775,866	245,889	244,820	244,280	20,510,855	\$ 734,989	\$ 5,658,770
2023	20,583,062	255,956	254,845	254,282	21,348,145	\$ 765,083	\$ 6,423,853
2024	21,423,275	266,437	265,281	264,696	22,219,689	\$ 796,414	\$ 7,220,267
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2028	25,142,193	312,840	311,488	310,804	26,077,325	\$ 935,132	\$ 10,745,744
2029	26,168,927	325,655	324,249	323,537	27,142,368	\$ 973,441	\$ 11,719,185
2030	27,237,680	338,997	337,534	336,794	28,251,005	\$ 1,013,325	\$ 12,732,510
2031	28,350,173	352,886	351,365	350,596	29,405,020	\$ 1,054,847	\$ 13,787,357
2032	29,508,199	367,346	365,764	364,964	30,606,273	\$ 1,098,074	\$ 14,885,431

## Our Responsibility to Maintain a Fiscally Stable Pension Plan

I agree with the sentiment that we need to take care of our retirees. Retirees will continue to receive cost of living increases as voted by the Retirement Board, and this veto does not change that.

The most important thing we can do for retirees is to make certain that the retiree and pension plan is fiscally stable. Adding \$14 million in costs to the pension system, and increasing the yearly assessment by up to \$1 million per year will jeopardize our ability to provide our retirees with what they deserve: a stable pension system for the foreseeable future.

*“The most important thing we can do for the retiree is to make certain that the retiree and pension plan is fiscally stable.”*

The Retirement Board member who as at the Council meeting indicated that the actuarial study which was attached to the council minutes did not include the results of the recent pension reform law. I agree with him on this issue. That new law may lower the long term costs of this legislation, but more study is needed to determine that.

I suggest to the Council, and will suggest to the Retirement Board, that a new actuarial study be done showing the cost once the pension reform bill is taken into effect. The actuary hired by the retirement board to do the initial study indicated that sometime next year they will be better able to determine the effects of the new pension reform law. This matter can be reconsidered once we know the true cost.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James J. Fiorentini', written in a cursive style.

**James J. Fiorentini, Mayor**

Previous years' Cost of Living Increases Granted to Retirees

Year	Base	% Cost of Living Increase
1971	6000	
1981	7000	
1985	8000	
1986	9000	
1987	9000	3%
1988	9000	4%
1989	9000	0%
1990	9000	0%
1991	9000	0%
1992	9000	5%
1993	9000	0%
1994	9000	3%
1995	9000	0%
1996	9000	3%
1997	9000	0%
1998	12000	2.1%
1999	12000	3%
2000	12000	3%
2001	12000	3%
2002	12000	3%
2003	12000	3%
2004	12000	3%
2005	12000	3%
2006	12000	3%
2007	12000	3%
2008	12000	3%
2009	12000	3%
2010	12000	3%
2011	12000	3%
2012	12000	3% July

**Total yearly  
increase**

<b>Fiscal Year Ended June 30</b>	<b>Appropriation from 2010 Valuation Report</b>	<b>Increase COLA base to \$13,000</b>	<b>Increase COLA base to \$14,000</b>	<b>Increase COLA base to \$15,000</b>	<b>Total</b>		<b>Cumulative</b>
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2032	29,508,199	367,346	365,764	364,964	30,606,273	\$ 1,098,074	\$ 14,885,431

36-C/11



DOCUMENT 36-C / 11

## CITY OF HAVERHILL

In Municipal Council December 20 2011

## ORDERED:

That the city appropriates the sum of Five Million Ninety-Two Thousand Eight Hundred Three Dollars (\$5,092,803) to pay costs of :

- (i) roof replacement at the Tilton Elementary School, located at 70 Grove Street and at the Walnut Square Elementary School, located at 645 Main Street and
- (ii) window replacement at the Consentino Middle School, located at 685 Washington Street and at the John G Whittier Middle School, located at 256 Concord Street and
- (iii) boiler replacement at the Consentino Middle School, located at 685 Washington Street and at the Walnut Square Elementary School, located at 645 Main Street;

including the payment of all feasibility study and any other costs associated therewith (collectively, the "Projects"), which proposed Projects would materially extend the useful life of the school buildings described above and preserve assets that otherwise are capable of supporting the required educational program, said sum to be expended under the direction of the Superintendent; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy-one and ninety-two hundredths percent (71.92%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts set forth in the Project Funding Agreement or Agreements that may be entered into by the City and the MSBA in connection with the Projects.

FURTHER ORDERED: That in connection with the issuance of bonds or notes of the City pursuant to the 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.

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk

Loan Order  
File 10 days



JAMES J. FIORENTINI  
MAYOR

**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
WWW.CI.HAVERHILL.MA.US

December 16, 2011

City Council President Michael J. Hart  
& Members of the City Council

**RE: Green School Repairs**

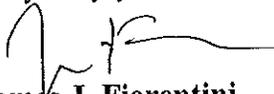
Dear Mr. President and City Council Members:

Enclosed, please find a loan authorization order for green school repairs. This must be placed on file for two weeks at which time I recommend approval.

I am presenting this to the Council at this time as there is urgency in this matter as the State must receive the Council's approval on this order by January 13<sup>th</sup>. I wanted the Council to have time to review this order. It is imperative that we do not delay in moving it forward.

I will have more information shortly and be before the Council at that time.

Very truly yours,

  
**James J. Fiorentini**  
Mayor

JJF/lk

Encl.

# Haverhill Public Schools



## MEMORANDUM

To: James F. Scully, Superintendent  
FROM: Kara M. Kosmes, Asst. Supt. for Finance and Operations *om*  
DATE: August 15, 2011  
RE: Recommendation for Green School Repair Projects

---

Haverhill received approval for each of the eight Green Repair projects that were submitted to MSBA.

CSS Architects has projected the estimated total cost for all eight projects at \$6,917,654.

The total amount of the grant awarded to Haverhill by the MSBA is \$4,829,530, which is \$2,088,034 less than the total estimated cost for all projects.

Therefore, we will be unable to complete all eight Green Repair projects and remain within the budget set by MSBA.

Based on our discussion, and the amount of funding available, we are recommending approval of the projects identified in tiers one and two of the attached listing.

Thank you.

Green Repair Project Cost Estimates

		Project Cost	State Share (72%)	City Share (28%)	
Tier One	Consentino	\$ 1,650,058	\$ 1,188,042	\$ 462,016	Windows, Boiler
	Tilton	\$ 1,040,385	\$ 749,077	\$ 291,308	Roof
	Whittier	\$ 1,308,206	\$ 941,908	\$ 366,298	Windows
Tier Two	Walnut Square	\$ 1,094,154	\$ 787,791	\$ 306,363	Roof, Boiler
		<u>\$ 5,092,803</u>	<u>\$ 3,666,818</u>	<u>\$ 1,425,985</u>	
Tier Three	Greenleaf	\$ 561,362	\$ 404,181	\$ 157,181	Roof
	Hunking	\$ 1,263,489	\$ 909,712	\$ 353,777	Windows
		<u>\$ 1,824,851</u>	<u>\$ 1,313,893</u>	<u>\$ 510,958</u>	
Total All Projects		<u>\$ 6,917,654</u>	<u>\$ 4,980,711</u>	<u>\$ 1,936,943</u>	
Max State Grant			\$ 4,829,530		

# Massachusetts School Building Authority

Steven Grossman  
*Chairman, State Treasurer*

Katherine P. Craven  
*Executive Director*

July 27, 2011

The Honorable James Fiorentini, Mayor  
City of Haverhill  
4 Summer Street, Room 100  
Haverhill, MA 01830

Re Haverhill Public Schools, Caleb Dustin Hunking Middle School  
Consentino Middle School  
Greenleaf Elementary School  
John G. Whittier Middle School  
Tilton Elementary School  
Walnut Square Elementary School

  
Dear Mayor Fiorentini:

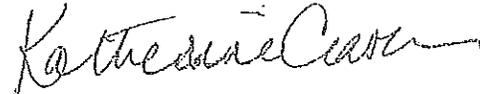
I am pleased to report that the Board of the Massachusetts School Building Authority ("MSBA") voted to approve the Proposed Green Repair Project ("Proposed Project") for the City of Haverhill to replace the roofs at the Greenleaf Elementary School and the Tilton Elementary School; to replace the windows at the Caleb Dustin Hunking Middle School and the John G. Whittier Middle School; to replace the roof and boilers at the Walnut Square Elementary School; and, to replace the windows and boilers at the Consentino Middle School.

The Board approved a total estimated maximum grant of \$4,829,530 for the Proposed Project. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the District, in accordance with the MSBA's regulations, policies, and guidelines. The final total grant amount may be an amount less than \$4,829,530.

Pursuant to the terms of the MSBA's Green Repair Program, the District has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, type, scope, and timeline of the Proposed Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the District will execute a Project Funding Agreement that will set forth the terms and conditions pursuant to which the District will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the District will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the Proposed Project for the City of Haverhill to replace the roofs at the Greenleaf Elementary School and the Tilton Elementary School; to replace the windows at the Caleb Dustin Hunking Middle School and the John G. Whittier Middle School; to replace the roof and boilers at the Walnut Square Elementary School; and, to replace the windows and boilers at the Consentino Middle School and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Sincerely,



Katherine Craven  
Executive Director

Cc: Senator Steven Baddour  
Representative James Lyons  
Representative Harriett Stanley  
Representative Brian Dempsey  
James Scully, Superintendent, Haverhill Public Schools  
Jon K. Lemieux, Owner's Project Manager, Vertex Construction Services, Inc.  
John Savasta, Designer, CSS Architects Incorporated  
*File Letters 10.2*

City of Haverhill, Massachusetts  
 \$462,016 General Obligation Bonds, Dated December 15, 2011  
 Consentino - Tier 1  
 Interest estimated at 3.25%

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2011	-	-	-	-	-
06/15/2012	-	-	7,507.76	7,507.76	-
06/30/2012	-	-	-	-	7,507.76
12/15/2012	27,016.00	3.250%	7,507.76	34,523.76	-
06/15/2013	-	-	7,058.75	7,058.75	-
06/30/2013	-	-	-	-	41,592.51
12/15/2013	25,000.00	3.250%	7,058.75	32,058.75	-
06/15/2014	-	-	6,662.50	6,662.50	-
06/30/2014	-	-	-	-	38,731.25
12/15/2014	25,000.00	3.250%	6,662.50	31,662.50	-
06/15/2015	-	-	6,256.25	6,256.25	-
06/30/2015	-	-	-	-	37,918.75
12/15/2015	25,000.00	3.250%	6,256.25	31,256.25	-
06/15/2016	-	-	5,850.00	5,850.00	-
06/30/2016	-	-	-	-	37,106.25
12/15/2016	25,000.00	3.250%	5,850.00	30,850.00	-
06/15/2017	-	-	5,443.75	5,443.75	-
06/30/2017	-	-	-	-	35,293.75
12/15/2017	25,000.00	3.250%	5,443.75	30,443.75	-
06/15/2018	-	-	5,037.50	5,037.50	-
06/30/2018	-	-	-	-	35,481.25
12/15/2018	25,000.00	3.250%	5,037.50	30,037.50	-
06/15/2019	-	-	4,631.25	4,631.25	-
06/30/2019	-	-	-	-	34,668.75
12/15/2019	25,000.00	3.250%	4,631.25	29,631.25	-
06/15/2020	-	-	4,225.00	4,225.00	-
06/30/2020	-	-	-	-	33,856.25
12/15/2020	25,000.00	3.250%	4,225.00	29,225.00	-
06/15/2021	-	-	3,818.75	3,818.75	-
06/30/2021	-	-	-	-	33,043.75
12/15/2021	25,000.00	3.250%	3,818.75	28,818.75	-
06/15/2022	-	-	3,412.50	3,412.50	-
06/30/2022	-	-	-	-	32,231.25
12/15/2022	25,000.00	3.250%	3,412.50	28,412.50	-
06/15/2023	-	-	3,006.25	3,006.25	-
06/30/2023	-	-	-	-	31,418.75
12/15/2023	25,000.00	3.250%	3,006.25	28,006.25	-
06/15/2024	-	-	2,600.00	2,600.00	-
06/30/2024	-	-	-	-	30,608.25
12/15/2024	20,000.00	3.250%	2,600.00	22,600.00	-
06/15/2025	-	-	2,275.00	2,275.00	-
06/30/2025	-	-	-	-	24,875.00
12/15/2025	20,000.00	3.250%	2,275.00	22,275.00	-
06/15/2026	-	-	1,950.00	1,950.00	-
06/30/2026	-	-	-	-	24,225.00
12/15/2026	20,000.00	3.250%	1,950.00	21,950.00	-
06/15/2027	-	-	1,625.00	1,625.00	-
06/30/2027	-	-	-	-	23,575.00
12/15/2027	20,000.00	3.250%	1,625.00	21,625.00	-
06/15/2028	-	-	1,300.00	1,300.00	-
06/30/2028	-	-	-	-	22,925.00
12/15/2028	20,000.00	3.250%	1,300.00	21,300.00	-
06/15/2029	-	-	975.00	975.00	-
06/30/2029	-	-	-	-	22,275.00
12/15/2029	20,000.00	3.250%	975.00	20,975.00	-
06/15/2030	-	-	650.00	650.00	-
06/30/2030	-	-	-	-	21,625.00
12/15/2030	20,000.00	3.250%	650.00	20,650.00	-
06/15/2031	-	-	325.00	325.00	-
06/30/2031	-	-	-	-	20,975.00
12/15/2031	20,000.00	3.250%	325.00	20,325.00	-
06/30/2032	-	-	-	-	20,325.00
<b>Total</b>	<b>\$462,016.00</b>	<b>-</b>	<b>\$149,240.52</b>	<b>\$611,256.52</b>	<b>-</b>

Yield Statistics

Bond Year Dollars.....	\$4,592.02
Average Life.....	9.939 Years
Average Coupon.....	3.2500000%
Net Interest Cost (NIC).....	3.3707354%
True Interest Cost (TIC).....	3.4002491%
Bond Yield for Arbitrage Purposes.....	3.2500011%
All Inclusive Cost (AIC).....	3.4002491%

IRS Form 8038

Net Interest Cost.....	3.2500000%
Weighted Average Maturity.....	9.939 Years

File | New 03 Project 1 | 11-04-21 Haverhill Project

City of Haverhill, Massachusetts  
 \$291,308 General Obligation Bonds, Dated December 15, 2011  
 Tilton - Tier 1  
 Interest estimated at 3.25%

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2011	-	-	-	-	-
06/15/2012	-	-	4,733.76	4,733.76	-
06/30/2012	-	-	-	-	4,733.76
12/15/2012	16,308.00	3.250%	4,733.76	21,041.76	-
06/15/2013	-	-	4,468.75	4,468.75	-
06/30/2013	-	-	-	-	26,510.51
12/15/2013	15,000.00	3.250%	4,468.75	19,468.75	-
06/15/2014	-	-	4,225.00	4,225.00	-
06/30/2014	-	-	-	-	23,693.75
12/15/2014	15,000.00	3.250%	4,225.00	19,225.00	-
06/15/2015	-	-	3,981.25	3,981.25	-
06/30/2015	-	-	-	-	23,206.25
12/15/2015	15,000.00	3.250%	3,981.25	18,981.25	-
06/15/2016	-	-	3,737.50	3,737.50	-
06/30/2016	-	-	-	-	22,718.75
12/15/2016	15,000.00	3.250%	3,737.50	18,737.50	-
06/15/2017	-	-	3,493.75	3,493.75	-
06/30/2017	-	-	-	-	22,231.25
12/15/2017	15,000.00	3.250%	3,493.75	18,493.75	-
06/15/2018	-	-	3,250.00	3,250.00	-
06/30/2018	-	-	-	-	21,743.75
12/15/2018	15,000.00	3.250%	3,250.00	18,250.00	-
06/15/2019	-	-	3,006.25	3,006.25	-
06/30/2019	-	-	-	-	21,256.25
12/15/2019	15,000.00	3.250%	3,006.25	18,006.25	-
06/15/2020	-	-	2,762.50	2,762.50	-
06/30/2020	-	-	-	-	20,768.75
12/15/2020	15,000.00	3.250%	2,762.50	17,762.50	-
06/15/2021	-	-	2,518.75	2,518.75	-
06/30/2021	-	-	-	-	20,281.25
12/15/2021	15,000.00	3.250%	2,518.75	17,518.75	-
06/15/2022	-	-	2,275.00	2,275.00	-
06/30/2022	-	-	-	-	19,793.75
12/15/2022	15,000.00	3.250%	2,275.00	17,275.00	-
06/15/2023	-	-	2,031.25	2,031.25	-
06/30/2023	-	-	-	-	19,306.25
12/15/2023	15,000.00	3.250%	2,031.25	17,031.25	-
06/15/2024	-	-	1,787.50	1,787.50	-
06/30/2024	-	-	-	-	18,818.75
12/15/2024	15,000.00	3.250%	1,787.50	16,787.50	-
06/15/2025	-	-	1,543.75	1,543.75	-
06/30/2025	-	-	-	-	18,331.25
12/15/2025	15,000.00	3.250%	1,543.75	16,543.75	-
06/15/2026	-	-	1,300.00	1,300.00	-
06/30/2026	-	-	-	-	17,643.75
12/15/2026	15,000.00	3.250%	1,300.00	16,300.00	-
06/15/2027	-	-	1,056.25	1,056.25	-
06/30/2027	-	-	-	-	17,356.25
12/15/2027	15,000.00	3.250%	1,056.25	16,056.25	-
06/15/2028	-	-	812.50	812.50	-
06/30/2028	-	-	-	-	16,658.75
12/15/2028	15,000.00	3.250%	812.50	15,812.50	-
06/15/2029	-	-	568.75	568.75	-
06/30/2029	-	-	-	-	16,381.25
12/15/2029	15,000.00	3.250%	568.75	15,568.75	-
06/15/2030	-	-	325.00	325.00	-
06/30/2030	-	-	-	-	15,893.75
12/15/2030	10,000.00	3.250%	325.00	10,325.00	-
06/15/2031	-	-	162.50	162.50	-
06/30/2031	-	-	-	-	10,487.50
12/15/2031	10,000.00	3.250%	162.50	10,162.50	-
06/30/2032	-	-	-	-	10,162.50
<b>Total</b>	<b>\$291,308.00</b>	<b>-</b>	<b>\$96,050.02</b>	<b>\$387,388.02</b>	<b>-</b>

Yield Statistics

Bond Year Dollars.....	\$2,956.31
Average Life.....	10.148 Years
Average Coupon.....	3.2500003%
Net Interest Cost (NIC).....	3.3582458%
True Interest Cost (TIC).....	3.3973247%
Bond Yield for Arbitrage Purposes.....	3.2500001%
All Inclusive Cost (AIC).....	3.3973247%

IRS Form 8038

Net Interest Cost.....	3.2500003%
Weighted Average Maturity.....	10.148 Years

File | Haverhill Proposed 11-03-21 Haverhill Report

City of Haverhill, Massachusetts  
 \$366,298 General Obligation Bonds; Dated December 15, 2011  
 Whittier - Tier 1  
 Interest estimated at 3.25%

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2011	-	-	-	-	-
06/15/2012	-	-	5,952.34	5,952.34	-
06/30/2012	-	-	-	-	5,952.34
12/15/2012	21,298.00	3.250%	5,952.34	27,250.34	-
06/15/2013	-	-	5,606.25	5,606.25	-
06/30/2013	-	-	-	-	32,856.59
12/15/2013	20,000.00	3.250%	5,606.25	25,606.25	-
06/15/2014	-	-	5,281.25	5,281.25	-
06/30/2014	-	-	-	-	30,887.50
12/15/2014	20,000.00	3.250%	5,281.25	25,281.25	-
06/15/2015	-	-	4,956.25	4,956.25	-
06/30/2015	-	-	-	-	30,237.60
12/15/2015	20,000.00	3.250%	4,956.25	24,956.25	-
06/15/2016	-	-	4,631.25	4,631.25	-
06/30/2016	-	-	-	-	29,567.50
12/15/2016	20,000.00	3.250%	4,631.25	24,631.25	-
06/15/2017	-	-	4,306.25	4,306.25	-
06/30/2017	-	-	-	-	28,937.50
12/15/2017	20,000.00	3.250%	4,306.25	24,306.25	-
06/15/2018	-	-	3,981.25	3,981.25	-
06/30/2018	-	-	-	-	28,267.50
12/15/2018	20,000.00	3.250%	3,981.25	23,981.25	-
06/15/2019	-	-	3,656.25	3,656.25	-
06/30/2019	-	-	-	-	27,637.50
12/15/2019	20,000.00	3.250%	3,656.25	23,656.25	-
06/15/2020	-	-	3,331.25	3,331.25	-
06/30/2020	-	-	-	-	26,987.50
12/15/2020	20,000.00	3.250%	3,331.25	23,331.25	-
06/15/2021	-	-	3,006.25	3,006.25	-
06/30/2021	-	-	-	-	26,337.50
12/15/2021	20,000.00	3.250%	3,006.25	23,006.25	-
06/15/2022	-	-	2,681.25	2,681.25	-
06/30/2022	-	-	-	-	25,687.50
12/15/2022	20,000.00	3.250%	2,681.25	22,681.25	-
06/15/2023	-	-	2,356.25	2,356.25	-
06/30/2023	-	-	-	-	25,037.50
12/15/2023	20,000.00	3.250%	2,356.25	22,356.25	-
06/15/2024	-	-	2,031.25	2,031.25	-
06/30/2024	-	-	-	-	24,387.50
12/15/2024	20,000.00	3.250%	2,031.25	22,031.25	-
06/15/2025	-	-	1,706.25	1,706.25	-
06/30/2025	-	-	-	-	23,737.50
12/15/2025	15,000.00	3.250%	1,706.25	16,706.25	-
06/15/2026	-	-	1,462.50	1,462.50	-
06/30/2026	-	-	-	-	18,168.75
12/15/2026	15,000.00	3.250%	1,462.50	16,462.50	-
06/15/2027	-	-	1,218.75	1,218.75	-
06/30/2027	-	-	-	-	17,681.25
12/15/2027	15,000.00	3.250%	1,218.75	16,218.75	-
06/15/2028	-	-	975.00	975.00	-
06/30/2028	-	-	-	-	17,193.75
12/15/2028	15,000.00	3.250%	975.00	15,975.00	-
06/15/2029	-	-	731.25	731.25	-
06/30/2029	-	-	-	-	16,706.25
12/15/2029	15,000.00	3.250%	731.25	15,731.25	-
06/15/2030	-	-	487.50	487.50	-
06/30/2030	-	-	-	-	16,218.75
12/15/2030	15,000.00	3.250%	487.50	15,487.50	-
06/15/2031	-	-	243.75	243.75	-
06/30/2031	-	-	-	-	15,731.25
12/15/2031	15,000.00	3.250%	243.75	15,243.75	-
06/30/2032	-	-	-	-	15,243.75
<b>Total</b>	<b>\$366,298.00</b>	<b>-</b>	<b>\$117,204.68</b>	<b>\$483,502.68</b>	<b>-</b>

Yield Statistics

Bond Year Dollars.....	53,606.30
Average Life.....	9.845 Years
Average Coupon.....	3.2499999%
Net Interest Cost (NIC).....	3.3718551%
True Interest Cost (TIC).....	3.4013767%
Bond Yield for Arbitrage Purposes.....	3.2500001%
All Inclusive Cost (AIC).....	3.4013767%

IRS Form 8038

Net Interest Cost.....	3.2499999%
Weighted Average Maturity.....	9.845 Years

File | Haverhill Proposals | 11-09-11 Haverhill Report

City of Haverhill, Massachusetts  
 \$306,363 General Obligation Bonds, Dated December 15, 2011  
 Walnut Square - Tier 2  
 Interest estimated at 3.25%

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2011	-	-	-	-	-
06/15/2012	-	-	4,978.40	4,978.40	-
06/30/2012	-	-	-	-	4,978.40
12/15/2012	21,363.00	3.250%	4,978.40	26,341.40	-
06/15/2013	-	-	4,631.25	4,631.25	-
06/30/2013	-	-	-	-	30,972.65
12/15/2013	15,000.00	3.250%	4,631.25	19,631.25	-
06/15/2014	-	-	4,387.50	4,387.50	-
06/30/2014	-	-	-	-	24,018.75
12/15/2014	15,000.00	3.250%	4,387.50	19,387.50	-
06/15/2015	-	-	4,143.75	4,143.75	-
06/30/2015	-	-	-	-	23,531.25
12/15/2015	15,000.00	3.250%	4,143.75	19,143.75	-
06/15/2016	-	-	3,900.00	3,900.00	-
06/30/2016	-	-	-	-	23,043.75
12/15/2016	15,000.00	3.250%	3,900.00	18,900.00	-
06/15/2017	-	-	3,656.25	3,656.25	-
06/30/2017	-	-	-	-	22,556.25
12/15/2017	15,000.00	3.250%	3,656.25	18,656.25	-
06/15/2018	-	-	3,412.50	3,412.50	-
06/30/2018	-	-	-	-	22,068.75
12/15/2018	15,000.00	3.250%	3,412.50	18,412.50	-
06/15/2019	-	-	3,168.75	3,168.75	-
06/30/2019	-	-	-	-	21,581.25
12/15/2019	15,000.00	3.250%	3,168.75	18,168.75	-
06/15/2020	-	-	2,925.00	2,925.00	-
06/30/2020	-	-	-	-	21,093.75
12/15/2020	15,000.00	3.250%	2,925.00	17,925.00	-
06/15/2021	-	-	2,681.25	2,681.25	-
06/30/2021	-	-	-	-	20,605.25
12/15/2021	15,000.00	3.250%	2,681.25	17,681.25	-
06/15/2022	-	-	2,437.50	2,437.50	-
06/30/2022	-	-	-	-	20,118.75
12/15/2022	15,000.00	3.250%	2,437.50	17,437.50	-
06/15/2023	-	-	2,193.75	2,193.75	-
06/30/2023	-	-	-	-	19,631.25
12/15/2023	15,000.00	3.250%	2,193.75	17,193.75	-
06/15/2024	-	-	1,950.00	1,950.00	-
06/30/2024	-	-	-	-	19,143.75
12/15/2024	15,000.00	3.250%	1,950.00	16,950.00	-
06/15/2025	-	-	1,706.25	1,706.25	-
06/30/2025	-	-	-	-	18,656.25
12/15/2025	15,000.00	3.250%	1,706.25	16,706.25	-
06/15/2026	-	-	1,462.50	1,462.50	-
06/30/2026	-	-	-	-	18,168.75
12/15/2026	15,000.00	3.250%	1,462.50	16,462.50	-
06/15/2027	-	-	1,218.75	1,218.75	-
06/30/2027	-	-	-	-	17,681.25
12/15/2027	15,000.00	3.250%	1,218.75	16,218.75	-
06/15/2028	-	-	975.00	975.00	-
06/30/2028	-	-	-	-	17,193.75
12/15/2028	15,000.00	3.250%	975.00	15,975.00	-
06/15/2029	-	-	731.25	731.25	-
06/30/2029	-	-	-	-	16,706.25
12/15/2029	15,000.00	3.250%	731.25	15,731.25	-
06/15/2030	-	-	487.50	487.50	-
06/30/2030	-	-	-	-	16,218.75
12/15/2030	15,000.00	3.250%	487.50	15,487.50	-
06/15/2031	-	-	243.75	243.75	-
06/30/2031	-	-	-	-	16,731.25
12/15/2031	15,000.00	3.250%	243.75	15,243.75	-
06/30/2032	-	-	-	-	15,243.75
<b>Total</b>	<b>\$306,363.00</b>	<b>-</b>	<b>\$102,551.80</b>	<b>\$408,944.80</b>	<b>-</b>

Yield Statistics

Bond Year Dollars.....	\$3,156.36
Average Life.....	10.303 Years
Average Coupon.....	3.2500001%
Net Interest Cost (NIC).....	3.3564746%
True Interest Cost (TIC).....	3.3959067%
Bond Yield for Arbitrage Purposes.....	3.2500001%
All Inclusive Cost (AIC).....	3.3959067%

IRS Form 8038

Net Interest Cost.....	3.2500001%
Weighted Average Maturity.....	10.303 Years

File 1 Haverhill Proposed # 11-02-21 Haverhill Project

## CITY COUNCIL

MICHAEL J. HART

PRESIDENT

ROBERT H. SCATAMACCHIA

VICE PRESIDENT

WILLIAM H. RYAN

MICHAEL P. YOUNG

DAVID E. HALL

COLIN F. LEPAGE

MARY ELLEN DALY O'BRIEN

SVEN A. AMIRIAN

WILLIAM J. MACEK



9.3

## CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204

4 SUMMER STREET

TELEPHONE: 978-374-2328

FACSIMILE: 978-374-2329

www.ci.haverhill.ma.us

E-Mail: citycncl@cityofhaverhill.com

December 5, 2011

TO: Mr. President and Members of the City Council:

Councillor Scatamacchia would like to discuss parking on River Street.

*Robert H. Scatamacchia*  
City Councillor Robert H. Scatamacchia

IN CITY COUNCIL: December 13 2011

TABLED TO JANUARY 3 2012

Attest:

---

City Clerk



DOCUMENT 101-B

**CITY OF HAVERHILL**

In Municipal Council December 13 2011

Chapter 240

ORDERED:

**An Ordinance Relating to Parking  
(3 Temple Street—Delete Handicap Parking)**

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended, by deleting the following:

LOCATION	REGULATION	HOURS/DAYS
<b><u>3 Temple Street</u></b>		
In front of No. 3 Temple Street except for 1-24 hour handicap parking space at No. 3	No Parking	24 Hours

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk

CITY COUNCIL

MICHAEL J. HART  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
WILLIAM H. RYAN  
MICHAEL P. YOUNG  
DAVID E. HALL  
COLIN F. LePAGE  
MARY ELLEN DALY O'BRIEN  
SVEN A. AMIRIAN  
WILLIAM J. MACEK



CITY OF HAVERHILL  
HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204  
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FACSIMILE: 978-374-2329  
www.ci.haverhill.ma.us  
E-Mail: citycncl@cityofhaverhill.com

December 6, 2011

TO: Mr. William Pillsbury, Jr.  
Planning Director and Grants Coordinator

RE: **Delete Handicap Ordinance – 3 Temple Street**

Dear Mr. Pillsbury:

At the City Council meeting held on November 29, 2011 the following item was placed on the agenda by Councillor Hall:

- Doc. #97-P - Request for removal of a handicap parking space at 3 Temple St.

The Council would appreciate it if you would prepare the necessary ordinance and place it on the next Council agenda. Thank you for your assistance.

Sincerely,

Michael J. Hart, President  
Haverhill City Council

MJH/bsa

c: Mayor James J. Fiorentini  
City Councillors  
Police Officer Edward Watson



# Haverhill

Economic Development and Planning  
Phone: 978-374-2330 Fax:978-374-2315  
wpillsbury@cityofhaverhill.com

December 6, 2011

Michael Hart, Council President  
& City Council Members  
City Hall—Room 204  
City of Haverhill

**RE: REQUEST TO DELETE THE HANDICAP PARKING SPACE  
At No. 3 Temple Street**

Dear Council President Hart & City Councilors:

As per your request dated, December 6, 2011 and per the communication dated 11/22/11 from Councilor Hall, I am submitting a Municipal Ordinance to delete the handicap parking space at the location of No. 3 November 22 Temple Street.

Sincerely,

William Pillsbury, Jr.  
Director of Economic  
Development & Planning

WP/lw

CITY COUNCIL

MICHAEL J. HART  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
WILLIAM H. RYAN  
MICHAEL P. YOUNG  
DAVID E. HALL  
COLIN R. LEPAGE  
MARY ELLEN DALY O'BRIEN  
SVEN A. AMIRIAN  
WILLIAM J. MACEK



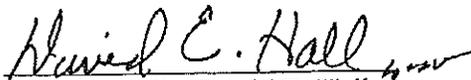
CITY OF HAVERHILL  
HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978-374-2328  
FACSIMILE: 978-374-2329  
www.ci.haverhill.ma.us  
E-Mail: citycncl@cityofhaverhill.com

November 22, 2011

TO: Mr. President and Members of the City Council:

Councillor David E. Hall requests the removal of a handicap parking space at 3 Temple Street as it is no longer needed.

  
City Councillor David E. Hall

101-C



DOCUMENT 101-C

**CITY OF HAVERHILL**

In Municipal Council December 20 2011

ORDERED:

**An Ordinance Relating to Parking  
7 New Hampshire Avenue—Add 1 Handicap Parking Space**

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by adding the following:

LOCATION	REGULATION	HOURS/DAYS
<u>7 New Hampshire Avenue</u>	No Parking	24 Hours
Add one space in front of # 7 New Hampshire Ave except for 1-24 hour handicap parking space at #7 New Hampshire Avenue		

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor  
William D. Cox

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

Economic Development and Planning  
Phone: 978-374-2330 Fax: 978-374-2315  
wpillsbury@cityofhaverhill.com

December 16, 2011

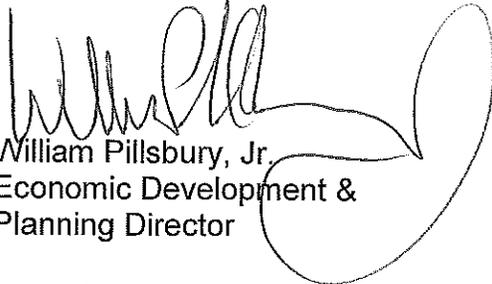
Michael J. Hart, Council President  
& City Council Members  
City Hall—Room 204  
City of Haverhill

**RE: REQUEST TO ADD A HANDICAP PARKING SPACE AT  
Number 7 New Hampshire Avenue**

Dear Council President Hart & Councilors:

As per your request to establish handicap parking at 7 New Hampshire Ave dated 12/15/11 which was approved and submitted by Chief DeNaro at the December 6, 2011 City Council meeting, I am submitting a Municipal Ordinance that will allow for HANDICAP PARKING in front of Number 7 New Hampshire Avenue.

Sincerely,



William Pillsbury, Jr.  
Economic Development &  
Planning Director

WB/lw

CITY COUNCIL

MICHAEL J. HART  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
WILLIAM H. RYAN  
MICHAEL P. YOUNG  
DAVID E. HALL  
COLIN F. LEPAGE  
MARY ELLEN DALY O'BRIEN  
SVEN A. AMIRIAN  
WILLIAM J. MACEK



RECEIVED  
DEC 15 2011

Econ Devlp & Planning  
& B.O.A.

CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978-374-2328  
FACSIMILE: 978-374-2329  
www.ci.haverhill.ma.us  
E-Mail: citycncl@cityofhaverhill.com

December 15, 2011

TO: Mr. William Pillsbury  
Planning and Development Director

RE: Document to Establish Handicap Parking Ordinance – 7 New Hampshire Ave.

Dear Mr. Pillsbury:

At the City Council meeting held on December 6, 2011, the following request a for handicap parking space was approved and submitted by Chief DeNaro:

- Doc. 28-Y – 7 New Hampshire Avenue

Would you kindly prepare the proper documents and place it on the next Council agenda for action. Thank you for your continued cooperation, consideration and assistance. It is appreciated.

Sincerely yours,

Michael J. Hart, President  
Haverhill City Council

MJH/bsa

encl.

c: Mayor James J. Fiorentini  
City Councillors  
Police Officer Edward Watson



# Haverhill

Department of Public Works  
 500 Primrose Street  
 Haverhill, MA 01830  
 Phone: 978-374-2360  
 Fax: 978-374-2362  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)

Michael K. Stankovich  
 Director of Public Works  
[mstankovich@cityofhaverhill.com](mailto:mstankovich@cityofhaverhill.com)

Date: December 16, 2011

To: Mayor James J. Fiorentini

From: Michael K. Stankovich, Director of Public Works  
 John Pettis, City Engineer

Re: **South Prospect Street - Status Report, return two-way traffic**

On November 1, 2011 the City Council voted to return South Prospect Street to two-way traffic within sixty days. Immediately after the vote, DPW contacted MassDOT about this directive. MassDOT responded by indicating that since Route 125 is not a State Highway, normally the City would be able to make intersection changes under MGL Ch. 85. However, the issue is more about the fact that Rte. 125 is under construction by MassDOT and the design of the intersection of Route 125 at South Prospect is for a one-way. Further they said that this change would require a redesign of the intersection which brings up several questions such as:

- Which entity pays for the re-design; and
- Will it negatively impact the "Level of Service" of the intersection; and
- Are there additional construction costs, etc.?

A meeting was held in early November at MassDOT's Route 125 Reconstruction project field office to discuss the required changes at Route 125/South Prospect Street intersection. MassDOT's Project Consultant VHB has since developed a plan indicating the necessary revisions, including added signal head and pavement markings changes, and MassDOT is evaluating for inclusion in the Route 125 Reconstruction project.

A subsequent meeting was held at City Hall with VHB to discuss the South Prospect Street/South Elm Street/South Pleasant Street intersection. This action is required due to the impacts of returning two way traffic to this intersection area. VHB has since provided us with a scope to do minimal necessary traffic analysis and to provide a construction plan for the reconstruction of the intersection with safety improvements. Based on their analysis, VHB will be looking to advance one of their two initial concepts. Note that one of their two sketches is very similar to an intersection improvement sketch Councilor Amirian provided from an independent civil engineer. We anticipate the construction cost to be higher than the \$36,000 estimate that accompanied that sketch, as drainage improvement necessitated by adjusted curb lines, and handicap ramps per code when upgrading an intersection, will be required.

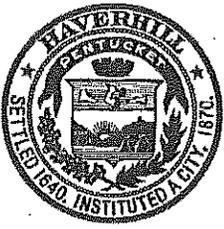
IN CITY COUNCIL: December 20 2011

On motion of Councillor Macek to postpone implementation to January 5 2012 and also to POSTPONE AGENDA ITEM TO JANUARY 3 2012

MOTIONS PASSED and  
 POSTPONE AGENDA ITEM TO JANUARY 3 2012

Attest:

City Clerk



# Haverhill

---

Department of Public Works  
500 Primrose Street  
Haverhill, MA 01830  
Phone: 978-374-2360  
Fax: 978-374-2362  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)

Michael K. Stankovich  
Director of Public Works  
[mstankovich@cityofhaverhill.com](mailto:mstankovich@cityofhaverhill.com)

As stated previously, the improvements at the Route 125/South Prospect Street intersection are at MassDOT for review, a process that typically takes a month or two. As the safety improvements cannot be accomplished during the winter, and as a funding source for the improvements at the South Prospect Street/South Elm Street/South Pleasant Street intersection has not been identified, it is recommended that the change to two-way traffic be delayed until spring 2012.

If we can be of any further assistance regarding this matter please contact us.



## CITY OF HAVERHILL

In Municipal Council December 20 2011

~~000000~~

### MUNICIPAL ORDINANCE

### CHAPTERS 11, 32 & 70

### AN ORDINANCE RELATING TO PARKS AND RECREATION

**BE IT ORDAINED** by the City Council of the City of Haverhill that Chapter 11, Article II, Sections 4 through 8 of the Code of the City of Haverhill, as amended, being and is hereby deleted in its entirety and the following is inserted in place thereof:

#### **“Article II. Parks, Playgrounds and Recreation Commission**

##### **§ 11-4. Creation; appointment; term.**

There is hereby established the Parks and Recreation Commission. The Commission shall consist of seven members to be appointed by the Mayor for one-year terms from the time of their appointment or until their successors are qualified. Any vacancy occurring in the Commission shall be filled for the balance of the term by the Mayor. In making appointments to the Commission, the Mayor shall make every effort to appoint persons whose interests are to promote and carry on recreational and park activities, as well as to promote the management, equipment, care and improvement of the City’s park and recreational areas. Members of the Commission shall be removed by the Mayor as provided under the Charter.

##### **§ 11-5. Chairperson.**

The Mayor shall designate a member of said Commission to serve as Chairperson for a one-year period, effective upon said designation and until a new Chairperson is designated.

##### **§ 11-6. Powers and duties.**

A. The Commission is hereby empowered, subject to the approval of the Mayor, to make rules relative to the performance of the duties of the Commission and the carrying out of its functions, but such rules shall not take effect until they have been examined by the City Solicitor and approved by him with respect to their legality. The Commission shall have all powers and duties as established by MGL c. 45 regarding parks.

119

B. The Commission shall have the following powers and duties in addition to those powers and duties as established by MGL c. 45:

(1) Control of Winnekenni Park, including the right to regulate the use of park grounds and facilities and repair and maintain any buildings thereon, exclusive of residential buildings. Nothing in this article shall supersede the existing responsibilities of the Winnekenni Foundation with reference to the castle.

(2) Control and jurisdiction over the Saltonstall Lake (Plug's Pond) swimming area.

(3) The right to charge user fees where permitted by law.

(4) To establish a revolving fund as provided under MGL c. 44, § 53D, said section hereby being accepted insofar as necessary to comply with the intent of this article.

**§ 11-7. Care, repair and maintenance of park and recreational areas.**

The care, repair and maintenance of any of the parks, playgrounds, playfields, swimming areas, and any other areas used for recreational activities shall be the responsibility of the Department of Public Works.

**§ 11-8. Director; Permits for sports or games.**

The Mayor shall have control and management of the Parks and Recreation Commission. The Recreation Director shall regulate and coordinate all functions reasonably related to the duties and responsibilities of the Parks and Recreation Commission. Permits for sports, games or other activities on all public playgrounds or parks shall be issued by the Recreation Director."

Further,

By deleting the following words in **§ 32-26. Natural Resources Division/Responsibility for parks and playgrounds:** "The Division of Natural Resources through its Director shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Recreation Commission.", and, by inserting the following words at the end of **§70-132. Officers and Employees/Director of Recreation:** "The Director of Recreation shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Parks and Recreation Commission."

APPROVED AS TO LEGALITY:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days

Attest:

\_\_\_\_\_  
City Clerk



JAMES J. FIORENTINI

MAYOR

December 16, 2011

**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
WWW.CI.HAVERHILL.MA.US

City Council President Michael J. Hart  
& Members of the City Council

**RE: Parks, Playgrounds and Recreation Commission**

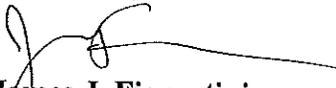
Dear Mr. President and City Council Members:

Enclosed, please find an ordinance relating to the Parks, Playgrounds and Recreation commission.

I am amending the old ordinance to address the current needs of our parks, playgrounds and recreation areas and expand the mission of the commission.

This order must be placed on file for 10 days at which time I recommend approval.

Very truly yours,



**James J. Fiorentini**  
Mayor

JJF/lk

Encl.

# CURRENT VERSIONS OF CITY CODE

## ARTICLE II

### Recreation Commission (§ 11-4 — § 11-8)

[Adopted as part of Ch. 2 of the 1963 City Code (Ch. 2, Art. XIX, of the 1980 Code)]

#### § 11-4 Creation; appointment; term.

[Amended 7-10-2007 by Doc. 76]

There is hereby established the Recreation Commission. The Commission shall consist of seven members to be appointed by the Mayor. Annually thereafter, in the month of March he shall appoint Commissioners to succeed those whose terms shall expire on the following September 30, and who shall hold office for the term of three years from October in the year in which they are appointed, or until a successor is chosen. Any vacancy occurring in the Commission shall be filled for the balance of the term by the Mayor. In making appointments to the Commission, the Mayor shall make every effort to appoint persons whose interests are closely allied to public playgrounds and public recreation. Members of the Commission shall be removed by the Mayor as provided under the Charter.

#### § 11-5 Chairman.

The Recreation Commission shall annually elect a Chairman who shall preside at its meetings.

#### § 11-6 Powers and duties.

[Amended 7-10-2007 by Doc. 76]

A. The Recreation Commission is hereby empowered, subject to the approval of the Mayor, to make rules relative to the performance of the duties of the Commission and the carrying out of its functions, but such rules shall not take effect until they have been examined by the City Solicitor and approved by him with respect to their legality. The Commission shall have all powers and duties as established by MGL c. 45 regarding parks.

B. The Commission shall have the following powers and duties in addition to those powers and duties as established by MGL c. 45:

(1) Control of Winnekenni Park, including the right to regulate the use of park grounds and facilities and repair and maintain any buildings thereon, exclusive of residential buildings. Nothing in this article shall supersede the existing responsibilities of the Winnekenni Foundation with reference to the castle.

(2) Control and jurisdiction over the Saltonstall Lake (Plug's Pond) swimming area.

(3) The right to charge user fees where permitted by law.

(4) To establish a revolving fund as provided under MGL c. 44, § 53D, said section hereby

being accepted insofar as necessary to comply with the intent of this article.

Editor's Note: Original § 2-168 of the 1980 Code, Reports, which immediately followed this section, was deleted 7-10-2007 by Doc. 76.

**§ 11-7 Care, repair and maintenance of recreational areas.**

[Amended 7-10-2007 by Doc. 76]

The care, repair and maintenance of any of the playgrounds, playfields, swimming areas, and any other areas used for recreational activities shall be under the direct charge and control of the Director of Natural Resources.

**§ 11-8 Permits for sports or games.**

[Amended 7-10-2007 by Doc. 76]

Permits for sports or games on public playgrounds or parks shall be issued by the Recreation Director.

**Natural Resources Division (§ 32-24 — § 32-28)**

[Adopted 12-18-1973 by Doc. 362 (Ch. 55, Art. I, of the 1980 Code); amended in its entirety 7-10-2007 by Doc. 76] §

**§ 32-26 Responsibility for parks and playgrounds.**

The Division of Natural Resources through its Director shall have the overall supervision of the parks and playgrounds in the City of Haverhill which shall be under the immediate control of the Recreation Commission. The Director of Natural Resources shall be responsible for the care and maintenance of all parks and playgrounds in the City of Haverhill.

**Director of Recreation (§ 70-132 — § 70-133)**

Editor's Note: This article is derived from part of Ch. 2, Art. XIX, of the 1980 Code.

[Adopted 7-10-2007 by Doc. 76]

**§ 70-132 Establishment; duties.**

There shall be a Director of Recreation, whose duty it shall be to establish programs and to take charge of the recreational activities in the playgrounds, playfields and swimming areas in the City; and, shall plan the programs and take charge of any and all other activities of a recreational nature directed by, or controlled by, or carried on with the authority and approval of the Mayor.



DOCUMENT

**CITY OF HAVERHILL**

In Municipal Council

~~ORDERED~~

**MUNICIPAL ORDINANCE**

**CHAPTER 132**

**AN ORDINANCE RELATING TO PUBLIC CONSTRUCTION PROJECTS**

**BE IT ORDAINED** by the City Council of the City of Haverhill that Chapter 132 of the Code of the City of Haverhill be and is hereby deleted in its entirety.

**APPROVED AS TO LEGALITY:**

**City Solicitor**

# CITY OF HAVERHILL

MASSACHUSETTS

## CITY SOLICITOR'S OFFICE

145 South Main Street  
Bradford, MA 01835  
(978) 373-2360  
FAX: 978/372-0688  
EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.**  
**CITY SOLICITOR**

December 28, 2011

TO: President and Members of the Haverhill City Council

FROM: William D. Cox, Jr., Esq.   
City Solicitor

RE: Chapter 132 - Public Construction Projects

The US District Court recently issued a decision in the matter of *Utility Contractors Ass'n of New England, Inc. v. City of Fall River*, 2011 WL 4710875 (D.Mass.), which directly impacts the legality of the City's residency employment provisions of Chapter 132 of the Haverhill City Code. A copy of Chapter 132 and the Court decision are attached.

The Court found that certain Fall River residency provisions, similar to those contained in Chapter 132, violate the Privileges and Immunities Clause of the United States Constitution. This Clause is designed to prevent the discriminatory treatment of non-resident citizens from other cities and states, and, to keep states and cities from adopting highly protectionist economic policies. The Court went on to state that pursuit of a livelihood is a fundamental right within the purview of the Privileges and Immunities Clause and that the Fall River ordinance burdens this recognized protection. Without a substantial justification for such discriminatory provisions, residency requirements such as these are not valid.

The Court's determination that the mere existence of such an ordinance with discriminatory residency provisions, whether enforced or not, provides a basis for a claim against the City requires that Chapter 132 be repealed at this time without delay.

If I can be of any further assistance, please do not hesitate to call on me.

WDCjr/md

Encl.

cc: James J. Fiorentini, Mayor



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[CHAPTER 132. CONSTRUCTION PROJECTS, PUBLIC](#)

[ARTICLE I. Employment of Residents](#)

[§ 132-1. Purpose.](#)

[§ 132-2. Definitions.](#)

[§ 132-3. Compliance required.](#)

[§ 132-4. Administration and enforcement.](#)

[§ 132-5. Haverhill Residents Construction Employment Monitoring Committee.](#)

[§ 132-6. Compliance waiver.](#)

[§ 132-7. Violations and penalties.](#)

[§ 132-8. Severability.](#)

## Chapter 132. CONSTRUCTION PROJECTS, PUBLIC

[**HISTORY:** Adopted by the City Council of the City of Haverhill as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Employment by City — See Ch. [143](#).

Public-Private Partnerships Committee — See Ch. [21](#), Art. [II](#).

### Article I. Employment of Residents

[Adopted 10-15-1991 by Doc. 148 (Ch. 132, Art. I, of the 1980 Code)]

#### § 132-1. Purpose.

The City Council recognizes that there is a need to ensure that Haverhill residents receive the maximum benefits from the economy of the City of Haverhill, specifically, those projects involving public buildings or public works including but not limited to residential, institutional, industrial and commercial development and construction which are funded by public funds. Therefore, it is appropriate for the City of Haverhill to make certain that each development constructed with public funds, which encompasses residential, office, institutional and/or commercial development ensures that a substantial percentage of construction employees include Haverhill residents through compliance with this Haverhill Residents Construction Employment Ordinance.

#### § 132-2. Definitions.

The following phrases shall have the meanings prescribed herein for purposes of this article:

#### HAVERHILL RESIDENT

Any persons for whom the principal place of residence is within the City of Haverhill for at least six months prior to the award of the particular construction project.

**PUBLICLY FUNDED CONSTRUCTION CONTRACT OR PROJECT**

A project or a contract for construction of a project taking place within the City of Haverhill which is funded, in whole or in part, by City, state, county, federal or other public funds or by grant funds administered by the City, or which, in accordance with a federal, state or other grant, the City expends or administers, or a contract to which the City is a signatory.

**§ 132-3. Compliance required.**

On any publicly funded construction project taking place within the City of Haverhill, the developer, contractors and subcontractors shall comply with the following requirements:

- A. A minimum of 30% of the total employee hours by craft shall be completed by Haverhill residents.

[Amended 4-16-1996 by Doc. 58]

- B. All developers, contractors and subcontractors shall agree that any apprentices hired shall be apprentices indentured to a bona fide apprenticeship program, approved by the Commonwealth of Massachusetts.

**§ 132-4. Administration and enforcement.**

- A. The City of Haverhill Human Resources Office/Community Development Office shall be responsible for enforcing compliance with the provisions of this article.

[Amended 7-10-2007 by Doc. 76]

- B. Upon issuance of a building permit involving a publicly funded construction project, the developer shall submit to the Haverhill Human Resources Office/Community Development Office, in writing, the following information:

[Amended 7-10-2007 by Doc. 76]

- (1) The scope of construction.
  - (2) Construction time schedules.
  - (3) The projected number of employees and hours.
  - (4) The types of trades to be hired.
  - (5) The names, addresses and principals of contractors and subcontractors being hired.
- C. Upon request, all developers shall submit weekly workforce reports listing the following:
- (1) The name of employees.
  - (2) The residential address of each employee and length of residence.
  - (3) The craft of each employee.
  - (4) The job category of each employee.
  - (5) The hours worked of each employee.
  - (6) The hourly wage of each employee.
  - (7) The company for which each employee is employed.
- D. The Human Resources Office/Community Development Office shall review all information submitted and shall make certain that such requirements as defined in § 132-3 are complied with. If such

requirements are not complied with, the enforcement procedures of § 132-7 shall be implemented.

[Amended 7-10-2007 by Doc. 76]

**§ 132-5. Haverhill Residents Construction Employment Monitoring Committee.**

- A. The Haverhill Residents Construction Employment Ordinance, its enforcement and compliance with its requirements shall be monitored by the Haverhill Residents Construction Employment Monitoring Committee, as provided for herein.
- B. Such Committee shall be comprised of five individuals, including the following, and each shall serve at the discretion of his or her appointing authority:
- (1) A designee of the Mayor.
  - (2) A designee of the City Council President.
  - (3) A designee of the Lower Merrimack Valley Private Industry Council.
  - (4) A designee of the Haverhill Chamber of Commerce.
  - (5) A designee of the local Building Trades Council.
- C. Such Committee shall meet on a biweekly basis, or as needed, and shall review and monitor all information and documentation provided by developers to establish compliance with this article. If, through such monitoring, it is determined that one or more developers are not complying with said article, the Committee shall immediately request the Building Inspector and Human Resources Office/Community Development Office to initiate procedure for enforcement, as provided in § 132-7 of this article. The sole exception to the implementation of such enforcement procedures is the determination and approval of the Committee, as defined in § 132-6, that compliance cannot be obtained because of high local construction employment levels of Haverhill and Haverhill residents being technically unavailable persons and that therefore, a waiver from compliance should be allowed.

[Amended 7-10-2007 by Doc. 76]

**§ 132-6. Compliance waiver.**

In the event of high local construction employment levels of qualified Haverhill residents and documented inability of developers, contractors and subcontractors to hire local employees because of such high local construction employment levels, compliance with the provisions of this article may be waived, in whole or in part, on a case-by-case basis, through a determination made by the Haverhill Residents Construction Employment Monitoring Committee, as defined in § 132-5, that high local employment levels prohibit the developer, contractors and subcontractors from hiring local area employees as required. Such documentation shall include evidence of efforts conducted by the developer, contractor and subcontractor which shows a high level of effort in attempting to obtain local employees. Such effort shall include local advertising to seek local employees and solicitations of local companies for contracting purposes.

**§ 132-7. Violations and penalties.**

[Amended 7-10-2007 by Doc. 76]

- A. In the event of violation of this article, upon three days' written notice to the violator, the City, through its Community Development Office/Human Resources Office, shall take the following actions:
- (1) Assessment of a fine of \$300 per day of violation, or the maximum amount allowed by law, whichever is less, against the developer who violates this article to be paid within 30 days of such assessment.
  - (2) Revocation of all building permits pertaining to such development until violations have been

eliminated.

- B. This article shall be enforced in the manner provided in MGL c. 40, § 21D, and in § 1-16 of this Code. All inspectional personnel, inspectors, Community Development Director/Human Resources Officer and police personnel shall be deemed to be enforcement personnel for the purpose of this chapter.

**§ 132-8. Severability.**

In the event that any section of this article is deemed illegal, unenforceable or unconstitutional, then the remaining sections shall remain in full force and effect.

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Slip Copy, 2011 WL 4710875 (D.Mass.)  
(Cite as: 2011 WL 4710875 (D.Mass.))

Page 1

Only the Westlaw citation is currently available.

United States District Court,  
D. Massachusetts.  
**UTILITY CONTRACTORS ASSOCIATION OF  
NEW ENGLAND, INC., W. Walsh Company, Inc.,  
and Rodney Elderkin**  
v.  
**CITY OF FALL RIVER.**

Civil Action No. 10-10994-RWZ.  
Oct. 4, 2011.

Christina L. Lewis, Hinckley Allen & Snyder, LLP,  
Boston, MA, for **Utility** Contractors Association of  
New England, Inc., W. Walsh Company, Inc., and  
Rodney Elderkin.

Richard D. Wayne Hinckley, Allen and Snyder,  
LLP Boston, MA, for **Utility** Contractors Associ-  
ation of New England, Inc., W. Walsh Company,  
Inc., and Rodney Elderkin/City of **Fall River**.

Elizabeth Sousa Pereira City of **Fall River** Law De-  
partment **Fall River**, MA, for City of **Fall River**.

#### ORDER

ZOBEL, District Judge.

\* **Utility** Contractors Association of New Eng-  
land, Inc. ("UCANE"), W. Walsh Co., Inc.,  
("Walsh") and Rodney Elderkin brought suit  
against the City of **Fall River** ("**Fall River**" or "the  
City") for a declaratory judgment that certain provi-  
sions of the **Fall River** Responsible Employer Or-  
dinance ("2010 REO") violate the Constitutions of  
the United States and the Commonwealth of Mas-  
sachusetts, as well as federal and state statutes.  
Plaintiffs invoke 42 U.S.C. §§ 1983 and 1988 and  
Mass. Gen. Laws c. 231A.

The matter is before me on plaintiffs' motion  
for summary judgment.

#### I. Introduction

According to the complaint, UCANE is a non-  
profit corporation that represents hundreds of con-  
tractors, materialmen, suppliers and associate mem-  
bers who are principally engaged in public con-  
struction projects in the Commonwealth of Mas-  
sachusetts and other New England states. Walsh is  
a construction contractor and member of UCANE;  
Rodney Elderkin is a citizen of Rhode Island and is  
employed by Walsh as a construction worker. The  
members of UCANE perform construction worth  
hundreds of millions of dollars annually.

Defendant City of **Fall River** ("**Fall River**") is  
a municipality within the Commonwealth of Mas-  
sachusetts.

On April 15, 2010, **Fall River** passed the 2010  
REO. That ordinance established certain mandates  
that contractors must meet to bid on construction  
projects funded by **Fall River** or federal grants or  
loans. Among the relevant provisions of the 2010  
REO are the residency, apprenticeship, and health  
and welfare and pension plan provisions.

The residency provisions, Sections 2a(iv) and  
2-945(a), require that 100% of the apprentices and  
50% of all other workers for any construction  
project be **Fall River** residents.

The apprenticeship provisions, Sections 2a(iii)  
and (iv), require all contractors to maintain and par-  
ticipate in an active apprentice program that must  
have operated without suspension for at least three  
years prior to the bid date and which must have  
graduated at least two apprentices per year per trade  
for the same period.

Finally, Section 2a(v) requires contractors to  
furnish a pension/annuity plan for all employees on  
the project, and bidders and subcontractors to fur-  
nish, at their expense, hospitalization and medical  
benefits for all their employees employed on the  
project.

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Plaintiffs assert that:

(1) the residency provisions violate the Privileges and Immunities clause of the United States Constitution and the due process and equal protection clauses of the Massachusetts Constitution;

(2) the apprenticeship, health and pension provisions are preempted by ERISA;

(3) the residency, apprenticeship, health and pension provisions violate the Home Rule Article of the Massachusetts Constitution which prohibits regulation of the private employer-employee relationship without statutory authority;

(4) the apprenticeship provisions of the 2010 REO violate Massachusetts public bidding laws; and

\*2 (5) the health care provisions of the 2010 REO violate Massachusetts prevailing wage laws.

The complaint alleges UCANE members bid on public works projects throughout Massachusetts including Fall River. Some UCANE members do not meet the residency requirements, do not have qualifying apprenticeship programs, or do not provide medical or pension benefits as required by the 2010 REO. Walsh bids on projects subject to the 2010 REO. Mr. Elderkin is an employee of Walsh but is not a resident of Fall River. The complaint alleges that as a result of the 2010 REO, Walsh, despite being ready and able, is disqualified from working on publicly-funded Fall River construction projects and did not bid on a certain dam project thus harming Elderkin by denying him the opportunity to perform work on this project and others.

## II. Mootness

Defendant has included in its opposition papers the affidavit of Assistant City Clerk Ines Leite which states the Fall River city council, on October 12, 2010, repealed the 2010 REO and reverted back to an earlier provision (the "Reenacted REO"), which had been approved in May 2000. This

change, defendant suggests, moots plaintiffs' attack on the residency and pension/annuity provisions of the 2010 REO.

In *Northeastern Florida Chapter of Associated General Contractors of America v. City of Jacksonville, Fla.*, 508 U.S. 656, 113 S.Ct. 2297, 124 L.Ed.2d 586 (1993), an association of general contractors brought action against the City of Jacksonville, Florida (and others), challenging, as unconstitutional, an ordinance that provided additional funding to minority contractors. *Id.* at 658-659. While the case was on appeal, Jacksonville repealed the challenged ordinance and replaced it with a similar ordinance. *Id.* at 660. Respondents then moved to dismiss the case on mootness grounds arguing that a live controversy no longer existed. In denying respondents' mootness argument, the Court cited to its holding in *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289, 102 S.Ct. 1070, 71 L.Ed.2d 152 (1982), noting it is a "well settled rule that a defendant's voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice." *Id.* at 662. The Court found that "[t]here is no mere risk that Jacksonville will repeat its allegedly wrongful conduct; it has already done so," and rejected the notion that defendants should be permitted to "moot a case by repealing the challenged statute and replacing it with one that differs only in some insignificant respect." *Id.*

Here, as in *City of Jacksonville*, a municipality is arguing mootness after repealing a challenged contractor ordinance and replacing it with a similar one. Defendant's arguments are the same as those advanced by defendant in *City of Jacksonville*, and they fail for the same reason. Fall River's voluntary cessation of potentially unconstitutional conduct does not deprive this court of the power to determine the legality of the practice. Further, there is strong reason to believe that the 2010 REO will re-emerge in substantially similar form and therefore an imminent harm exists to plaintiffs. Plaintiffs submit several DVDs (and an affidavit summariz-

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ing their contents) of city council meetings where several council members discussed the repeal of the 2010 REO and suggested a redrafted version was a priority and in the works. <sup>FN1</sup> (Docket14, 15 Exs. L–N.) See *Oriental Health Spa v. City of Fort Wayne*, 864 F.2d 486, 491 (7th Cir.1988) (videotape of city council proceedings properly considered in deciding motion for summary judgment under public record exception to the hearsay rule (Federal Rule of Evidence 803(8))).

FN1. The meeting recordings reflect (1) comments from Jim Pomento, a local union member who stated that the Office of the Corporation Counsel was in the process of drafting a new 2010 REO; (2) discussion where Councilman Poulin referenced a document that stated the Mayor's administration intended to redraft the 2010 REO; and (3) comments from Councilman Ray Mitchell expressing his concern that the 2010 REO did not need to be repealed as it was "throwing the baby out with the dirty water." (Docket # 24.)

\*3 The challenge to 2010 REO is not moot.

### III. Standard

Summary judgment will be granted if there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Fed.R.Civ.P. 56. "Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986) (quotation marks omitted).

Fall River opposes summary judgment for lack of standing and on the merits.

### IV. Analysis

#### A. Standing

##### 1. Privileges and Immunity Standing

The parties agree that Walsh did not bid on the dam project in Fall River after the 2010 REO was repealed, and that pursuant to a stipulation in this court, the 2010 REO has not been enforced. Defendant asserts plaintiffs lack standing as a result.

The fact that Walsh did not actually bid on the Dam Project is irrelevant. In the bidding context, "[i]njury in fact" is the inability to compete on an equal footing in the bidding process, not the loss of a contract." *City of Jacksonville*, 508 U.S. at 657 (1993). Here, Walsh and Elderkin assert that because of the 2010 REO requirements, they were not able to compete fairly in the Fall River bidding process.

One June 23, 2010, shortly after the 2010 REO was implemented, the plaintiffs filed the complaint together with a request for an injunction. Defendant stipulated not to enforce it pending further order of the court (Docket # 6). This voluntary action on the part of defendant does not defeat plaintiffs' standing. A party "who must comply with a law or face sanctions has standing to challenge its application and therefore a party need not show that the law is being enforced or will be enforced." *Hays v. City of Urbana, Ill.*, 104 F.3d 102, 103 (1997).

Accordingly, plaintiffs have standing.

##### 2. ERISA Standing

Defendant also argues that plaintiffs may not challenge the health plan requirement <sup>FN2</sup> of the 2010 REO because plaintiffs are not ERISA plan "participants" or "beneficiaries" as required by the civil enforcement section of ERISA (29 U.S.C. § 1132). However, plaintiffs do not bring an action or request relief under the civil enforcement section of ERISA. Importantly, they are not participants or beneficiaries requesting relief "under" ERISA. Plaintiffs simply claim that certain provisions of a municipal ordinance are unconstitutional and invalid because the provisions harm them and are preempted by federal law (in this case, ERISA). The fact that plaintiffs invoke the explicit preemption language of Section 514 of ERISA does nothing to

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negatively impact their standing, as plaintiffs are requesting injunctive and declaratory relief based on principals of federal supremacy and preemption law.

FN2. The ruling in this section also applies to the 2010 REO pension and apprentice provisions.

Because Walsh and Elderkin would have to comply with the 2010 REO if they wished to bid and work on Fall River construction projects, they have standing to challenge its application. Because at least one of its members has standing (i.e. Walsh) to bring suit, UCANE has associational standing to bring suit (for all claims) since the present action also raises issues germane to UCANE's function as a construction trade association, and participation from the members is not necessary for the court to issue relief. *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343, 97 S.Ct. 2434, 53 L.Ed.2d 383 (1977) (trade group has associational standing to sue when (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit).

\*4 Since plaintiffs have standing, I now turn to the merits, the alleged constitutional violations and preemption.

## **B. Violations of the Privileges and Immunity Clause of the United States Constitution**

### **1. The Residency Provisions (§§ 2-945(a) and 2a(iv) of the REO)**

Section 2-945 of the 2010 REO requires in relevant part:

on any construction project funded in whole or in part by city funds, or funds from a federal grant or loan ... residents of the city ... shall be given preference in hiring on a one-of-every-two ratio,

after the employer's foreman....

Section 2(iv) of the 2010 REO requires in relevant part:

any bidders or subcontractors ... awarded a contract ... shall hire qualified residents of the City of Fall River in filling the apprentice to journeyman ratio for each trade prescribed therein

The Privileges and Immunities Clause of the United States Constitution states: "The citizens of each state shall be entitled to all privileges and immunities of citizens in several states." (U.S. Const. art. IV, § 2, cl.1.) "The Clause is designed to prevent the discriminatory treatment of citizens from other states ... [to avoid] economic Balkanization ... [by keeping] states from adopting highly protectionist economic policies. The Constitution protects nonresidents from economic discrimination so that the nation may function as a single economic union." *A.L. Blades & Sons, Inc. v. Yerusalim*, 121 F.3d 865, 869-870 (3rd Cir.1997) (internal citations omitted). The word "states" in the Clause is construed broadly and its protections extend equally to municipal residents. *United Bldg. and Construction Trades Council of Camden County v. Mayor and Council of City of Camden*, 465 U.S. 208, 104 S.Ct. 1020, 79 L.Ed.2d 249 (1984) (fact that "ordinance is a municipal, rather than a state, law does not place it outside the [ ] scope [of the Privileges and Immunities Clause] ... a municipality is merely a political subdivision of the State, and what would be unconstitutional if done directly by the State can no more readily be accomplished by a city deriving its authority from the State.").

The Privileges and Immunities Clause only prohibits discriminatory acts that satisfy a two-step test: (1) first, the discriminatory act must be shown to impair one of the privileges protected under the Clause; (2) next, the burden shifts to the government, here Fall River, to establish that it had a substantial reason for the difference in treatment and that the discrimination bore a substantial relationship to its objectives. *Toomer v. Witsell*, 334 U.S.

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385, 396, 68 S.Ct. 1156, 92 L.Ed. 1460 (1948); *Supreme Court of Virginia v. Friedman*, 487 U.S. 59, 64–65 108 S.Ct. 2260, 101 L.Ed.2d 56 (1988).

Fall River, apparently in reliance on mootness, does not advance any substantial justification for the discriminatory ordinance. Therefore, I need only address the first part of the inquiry, namely, whether the municipal residency requirements in the 2010 REO burdened a recognized protection under the Privileges and Immunities Clause.

\*5 Sections 2–945 and 2(iv) of the 2010 REO requires any prospective bidder on **Fall River** construction projects to staff its team so that 100% of the apprentices and 50% of all other workers are **Fall River** residents. This essentially requires that the majority of all workers on every **Fall River** job be residents. Such a scheme puts UCANE members that do not employ extensive quantities of **Fall River** residents at a competitive disadvantage—they will have to expend time, effort and resources recruiting **Fall River** employees prior to bidding on a **Fall River** construction project. Therefore, any contractor who already enjoys a high margin of **Fall River** employees will have an unfair economic advantage since it will not have to engage in further recruitment efforts.

Such municipal residency requirements implicate the right of workers, such as Elderkin, to be productive and find suitable work. There is a “fundamental right to employment, where the employee is hired by a private employer who receives a government contract to work on a public project.” *A.L. Blades*, 121 F.3d at 871; *Connecticut ex rel. Blumenthal v. Crotty*, 346 F.3d 84, 97 (2d Cir.2003) (“pursuit of a livelihood, [is] a fundamental right within the purview of the Privileges and Immunities Clause”); *O’Reilly v. Board of Appeals for Montgomery County, Md.*, citing *Camden*, 942 F.2d 281, 284 (4th Cir.1991) (“the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause.”).

Because the 2010 REO residency requirements

impede a fundamental right under the Privileges and Immunities Clause and Fall River does not offer any justification, the *Toomer* test is satisfied, and as a matter of law the residency requirement is invalid. See *O’Reilly*, 942 F.2d at 284 (invalidating county regulation requiring taxi cab drivers to be familiar “with the geographical area to be served” before they could receive a passenger license).

### C. ERISA Preemption

ERISA preempts “any and all State laws insofar as they may now or hereafter “relate to” any “employee benefit plan” that is not otherwise exempt. 29 U.S.C. § 1144(a). An “employee benefit plan” is a plan that is “established or maintained by an employer ... for the purpose of providing for its participants or their beneficiaries (29 U.S.C. § 1002(1)), medical ... disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services.” 29 U.S.C. § 1002(1)(a). An “employee benefit plan” also means “any plan, fund, or program ... established or maintained by an employer ... that by its express terms ... (i) provides retirement income to employees or (ii) results in a deferral of income ... for periods extending to the termination of covered employment or beyond.” 29 U.S.C. § 1002(2).

“[E]xplanation for the broad preemption provision is clear: By preventing states from imposing divergent obligations, ERISA allows each employer to create its own uniform plan, complying with only one set of rules (those of ERISA) and capable of applying uniformly in all jurisdictions where the employer might operate.” *Simas v. Quaker Fabric Corp. of Fall River*, 6 F.3d 849, 852 (1st Cir.1993)

\*6 Historically, the Supreme Court has interpreted the ERISA preemption clause broadly. See, e.g., *FMC Corp. v. Holliday*, 498 U.S. 52, 58, 111 S.Ct. 403, 112 L.Ed.2d 356 (1990) (“The preemption clause is conspicuous for its breadth.”) However, beginning in the mid-to late-1990s the Supreme Court began to rein-back its broad ERISA preemption jurisprudence, suggesting heightened

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scrutiny is appropriate when construing the statutory phrase “relates to” in determining whether a plan is an “employee benefit plan” under ERISA. *New York State Conference of Blue Cross & Blue Shield Plans v. Travelers Ins. Co.*, 514 U.S. 645, 655–56, 115 S.Ct. 1671, 131 L.Ed.2d 695 (1995) (finding “governing text of ERISA is clearly expansive ... [i]f ‘relate to’ were taken to extend to the furthest stretch of its indeterminacy, then for all practical purposes pre-emption would never run its course ... [instead, one must look to] Congress’s intent to establish the regulation of employee welfare benefit plans as exclusively a federal concern.”); *California Div. of Labor Standards Enforcement v. Dillingham Construction*, 519 U.S. 316, 117 S.Ct. 832, 136 L.Ed.2d 791 (1997) (the Court stated “to determine whether a state law has the forbidden connection, we look both to the objectives of the ERISA statute as a guide to the scope of the state law that Congress understood would survive [ ... ] as well as to the nature of the effect of the state law on ERISA plans”) (citations omitted).

Here however, the court need not engage in a prolonged “relate[s] to” analysis because the pension, healthcare and apprenticeship provisions of the 2010 REO are all mandatory requirement provisions.<sup>FN3</sup> The contested provisions all specifically mandate that Fall River contractors provide various employee benefits or operate employee benefit programs. There is little doubt that an explicit decree to put into existence a benefit program “relate[s] to” an “employee benefit plan” for ERISA preemption purposes. *Travelers* itself recognized as much. *Travelers*, 514 U.S. at 658 (citing with approval Supreme Court precedent where “ERISA pre-empted state laws that mandated employee benefit structures or their administration”). Other cases are in accord. *Simas*, 6 F.3d at 852 (1st Cir.1993) (“a state statute that obligates an employer to establish an employee benefit plan is itself preempted even though ERISA itself neither mandates nor forbids the creation of plans.”); *Arizona State Carpenters Pension Trust Fund v. Citibank, citing Travelers*, 125 F.3d 715, 723 (9th Cir.1997) (there are “three

areas in which ERISA was intended to preempt state law;” the first includes “state laws that mandate employee benefit structures or their administration”) (internal citations omitted); *Coyne & Delany Co. v. Selman*, 98 F.3d 1457, 1469 (4th Cir.1996) (same) (all emphasis added).

FN3. *Cf. Turner v. Fallon Community Health Plan, Inc.*, 127 F.3d 196, 199 (1st Cir.1997) (recognizing the Supreme Court has “set some new limits on preemption” but declining to conduct “relate to” analysis; finding “[i]t would be difficult to think of a state law that ‘relates’ more closely to an employee benefit plan than one that affords remedies for the breach of obligations under that plan.”).

#### 1. Health and Pension Provisions of the 2010 REO (§ 2a(v))<sup>FN4</sup>

FN4. Section 1(A)(4) of the Reenacted REO is substantially the same provision.

Section 2a(v) of the 2010 REO requires in relevant part that:

The bidder and all subcontractors under the bidder must furnish at their expense, hospitalization, pension/annuity and medical benefits for all their employees employed on the project ....

\*7 Section 20a(v) of the 2010 REO is clearly a requirement that is “maintained for the purpose of providing [ ] its participants” with “medical, surgical, or hospital care,” and therefore is an “employee benefit program” under ERISA. Mandatory medical benefits programs are preempted by ERISA. *Standard Oil Co. of California v. Agsalud*, 442 F.Supp. 695, 711 (N.D.Cal.1977), *aff’d*, 633 F.2d 760 (9th Cir.1980) *aff’d mem.*, 454 U.S. 801, 102 S.Ct. 79, 70 L.Ed.2d 75 (1981) (finding Hawaii state law mandating employers provide comprehensive prepaid health care to employees preempted by ERISA); *Catholic Charities of Maine, Inc. v. City of Portland*, 304 F.Supp.2d 77, 92

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(D.Me.2004) (holding Maine ordinance requiring city funded employers to provide health and employment benefits to domestic partners preempted under ERISA); *District of Columbia v. Greater Washington Bd. of Trade*, 506 U.S. 125, 127–129, 113 S.Ct. 580, 121 L.Ed.2d 513 (1992) (finding D.C. law requiring employers to provide health insurance to worker compensation recipients preempted by ERISA).

## 2. Apprenticeship Provision <sup>FN5</sup> of the 2010 REO (§ 2a(iii))<sup>FN6</sup>

FN5. Although plaintiffs label Section 2(IV) as an apprenticeship provision—the court considers it a residency provision because, although the text does mention “apprentices,” the provision’s purpose is to impose residency requirements on the hiring of apprentices.

FN6. Section 1(A)(3) of the Reenacted REO is substantially the same provision.

Section 2a(iii) of the 2010 REO requires in relevant part that:

bidder and all subcontractors ... must maintain or participate in a bona fide active apprentice training program [under Massachusetts law] ... for each apprenticeable trade or occupation represented in their work ... that is approved by ... the department of labor ... and must abide by the apprentice to journeymen ratio for each trade prescribed therein ... [the] apprentice training program [must have] operated without suspension for at least 3 years prior to the bid date ... and [must have] completed or graduated at least 2 apprentices per year per trade for the same period....

Here, Section 2a(iii) of the 2010 REO improperly mandates the use of an apprenticeship program for all bidders and subcontractors. Defendant argues that the Supreme Court’s holding in *Dillingham*, *supra*, is controlling and teaches against a finding of preemption. In *Dillingham*, the Supreme

Court declined to preempt a California state law that allowed contractors to pay lower wages to participants of state-approved apprenticeship programs.

However, the law construed in *Dillingham* was an alteration of a “prevailing wage” law that had only a tangential affect on actually regulating apprenticeship programs. *Id.* at 332. As defendant partially quotes in its opposition, *Dillingham* expressly recognized that “[n]o apprenticeship program is required by California law to meet California’s standards ... apprenticeship programs that have not gained [ ] approval may still supply public works contractors with apprentices ... [the statute at issue] alters incentives but does not dictate the choices facing ERISA plans.” *Id.* at 332. (Docket # 20 at 10).

By contrast, Fall River is mandating an apprenticeship program that not only requires bidders and contractors to operate such a program, but also requires approval by the state, and that the program existed for at least three years prior to any bidding. Such an apprenticeship program mandate is preempted by ERISA. *See Minnesota Chapter of Associated Builders and Contractors, Inc. v. Minnesota Dept. of Public Safety*, 267 F.3d 807, 814–815 (8th Cir.2001), *cert. denied*, 535 U.S. 1096, 122 S.Ct. 2292, 152 L.Ed.2d 1051 (2002) (finding law allowing “only licensed journeymen and registered apprentices [to] perform fire protection work” preempted by ERISA and unaffected by *Dillingham*, where purpose of apprenticeship program was not related to merely providing “economic incentive[s]”).

## 3. Preemption Is Not Saved By the Fitzgerald Act

\*8 Defendant argues that even if the court finds that the apprentice program mandate relates to an ERISA plan, it is saved by Section 514(D) because ERISA saves laws to the extent that preemption would modify or impair another federal statute. Here, it argues the “Fitzgerald Act,” 29 U.S.C. § 50 , which generally promotes the welfare of appren-

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tices, would be substantially impaired. This precise argument was raised and rejected in *Hydrostorage, Inc. v. Northern California Boilermakers Local Joint Apprenticeship Committee*, 685 F.Supp. 718, 721 (9th Cir.1989). In *Hydrostorage*, the court found that neither the Fitzgerald Act nor the statute at issue in the case contained any mechanisms of federal enforcement and therefore were not in contradiction. The court further found that the core objective of the Fitzgerald Act was merely to implement standards for the registration of apprenticeship programs, and as such really had no bearing on the statute at issue.

The issue in this case is identical. Defendant's Fitzgerald Act argument fails.

#### 4. Fall River Was Not Acting As a Market Participant

Next, defendant argues that even if the court finds that the apprentice and health mandates "relate to" an ERISA plan, and would otherwise be preempted, the City's activities fall under the "market participant" exception. **Fall River** urges the court to apply Fifth Circuit precedent holding that the market participant doctrine applies to ERISA preemption either when the activity is (1) essentially proprietary; or (2) when its scope is so narrow that it defeats any inference that the challenged action was aimed at policy, not proprietary, goals. *Cardinal Towing & Auto Repair Inc. v. City of Bedford*, 180 F.3d 686, 693 (5th Cir.1999).

The Supreme Court has stated "[t]he 'market participant' doctrine reflects the particular concerns underlying the Commerce Clause, not any general notion regarding the necessary extent of state power in areas where Congress has acted" (i.e.ERISA). *Wisconsin Dep't of Industry, Labor and Human Relations v. Gould, Inc.*, 475 U.S. 282, 289, 106 S.Ct. 1057, 89 L.Ed.2d 223 (1986). It has also not yet addressed whether the market participant exception can be raised as a bar to preemption in the context of ERISA, *Council of City of New York v. Bloomberg*, 6 N.Y.3d 380, 394, 813 N.Y.S.2d 3, 846 N.E.2d 433 (2006), nor has the First Circuit. As

such, it is not clear that defendant can avail itself to this exception.

However, when the exception is applied (e.g., dormant commerce clause cases), the state entity must directly participate in the market by purchasing goods or services. *Engine Mfrs. Ass'n v. S. Coast Air Quality Mgmt. Dist.*, 498 F.3d 1031 (9th Cir.2007). "If the state's direct participation in the market is 'tantamount to regulation' the market participant doctrine will not exempt the state's action from preemption." *Gould*, 475 U.S. at 289. Defendant's assertion that Fall River's imposition of "apprenticeship" and "healthcare" programs is akin to purchasing goods and services in the marketplace is unconvincing. Broad and varied municipal mandates, such as these, are tantamount to regulations.

\*9 Further, even if the *Cardinal Towing* analysis is applied, defendant has not sufficiently established that it was acting as a market participant and not a regulator. First, defendant does not advance any factual support for its market participant theory—it fails to adduce evidence (affidavits, city council transcripts, etc.) describing the City's true purpose of these regulations—their relationship, if any, to market economics, and/or any pecuniary interests motivating their passage. Second, the sweeping nature of the multiple and independent requirements of the mandates is strong evidence that they are not narrow in scope or motivated by a specific proprietary interest. Thus, even if the *Cardinal Towing* analysis is applicable here, Fall River has not satisfied either prong.

#### V. Conclusion

For the preceding reasons, plaintiffs' summary judgment motion (Docket # 11) is ALLOWED. Judgment may be entered declaring invalid Sections 1(A)(4) and 1(A)(3) of the Reenacted REO, and Sections 2a(iii), 2a(iv), 2a(v) and 2-945(a) of the 2010 REO, or any provisions substantially identical, and enjoining enforcement thereof. The parties shall jointly submit a proposed form of judgment within 20 days of this order.

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JAMES J. FIORENTINI  
MAYOR  
December 29, 2011

**CITY OF HAVERHILL  
MASSACHUSETTS**

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City Council President Michael J. Hart  
& Members of the City Council

**RE: Local Residency Requirement**

Dear Mr. President and City Council Members:

As you can see from the memo and materials from City Solicitor William Cox, the constitutionality of our local residency requirement for publicly funded projects is in question. A case in the United States District Court decided on October 4, the case of Utility Contractors Association of New England et al. v. City of Fall River struck down as unconstitutional a similarly worded ordinance.

In order to avoid potential liability to our city it is my recommendation, that we repeal our local ordinance.

Despite this setback, I stand by our efforts to have local people hired for local jobs, and I stand by our efforts to work to ensure that local projects benefit local residents. There are voluntary measures that we can take so that on the many good projects throughout our city local residents are hired. I'm going to ask that City Solicitor Cox to work with us to put together some voluntary measures that will not leave the city or its taxpayers open to liability.

I remain committed, as in the past, to having local projects benefit local residents, and I stand by our efforts to reduce Haverhill's unemployment rate and provide local jobs for our citizens.

The ordinance which is before you, to repeal our existing residency requirement, needs to be placed on file for two weeks after which I recommend approval. We will continue to work on voluntary measures and measures within the law to find jobs for our citizens.

Respectfully submitted,

James J Fiorentini, Mayor

Encl.

## CITY COUNCIL

MICHAEL J. HART  
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 ROBERT H. SCATAMACCHIA  
 VICE PRESIDENT  
 WILLIAM H. RYAN  
 MICHAEL P. YOUNG  
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**DOCUMENTS REFERRED TO COMMITTEE STUDY**

#5-L	Communication from Councillor Macek requesting to propose the enactment of a Safe Building Ordinance.	NRPP	2/23/10
74-P	Communication from Councillor Amirian requesting a discussion about possible revenue stream by supplying water/wastewater services to Plaistow NH and other communities	Planning & Dev.	9/6/11
74-W	Communication from Councillor Daly O'Brien requesting a discussion about lights at Kenoza Avenue and Webster Street	Public Safety	9/27/11
74-X	Communication from Co. Amirian requesting a discussion about proposed pig farm at Boxford Road	Planning & Dev.	9/27/11
97-C	Communication from Councillor Hall requesting a discussion about the odor from the Covanta plant in Ward Hill	Public Safety	10/18/11
97-Q	Communication from Councillor Amirian requesting a discussion regarding Santa Parade's 2012 route and the possible impact of construction	Planning & Dev.	11/29/11