



City of Haverhill City Council Minutes

Tuesday, March 12, 2013 at 7:00 PM
City Council Chambers, Room 202

Present – President Scatamacchia, Councillors Hart, Michitson, Ryan, McGonagle, Daly O’Brien and Sullivan. (Councillor Daly O’Brien arrived late)
Absent – Councillors Macek and LePage
City Clerk – Margaret A. Toomey.

1. Approval of Records of the Previous Meeting

The minutes were approved.

2. Assignment of the minutes review for the next Meeting

Councillor Michitson was appointed to read the minutes.

3. Communications from the Mayor

No Schedule

4. Utility Hearing and Related Order

Hearing was held on Document 36, a petition from National Grid of North Andover requesting permission to construct underground electric conduits on Columbia Park, Plan #13857586. With Daniel Boucher from National Grid appearing in favor and no one in opposition the hearing was closed.

36

Document 36-B

ORDERED: Order to grant underground electric conduits from National Grid of North Andover on Columbia Park, Plan #13857586 (see document for complete text)

PASSED

Yeas 6, Nays 0, Absent 3

36B

5. Appointments

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

No Schedule

Resignations:

Resignation was received from Daniel M. Spurling resigning from the Planning Board.

PLACED ON FILE

20J

Petitions

Petitions:

Petition was received from Corey Avery on behalf of American Diabetes Association, Northshore Tour De Cure requesting a permit for a one-day cycling ride (non-competitive) going through Haverhill, on Sunday, May 19, 2013 from 7:00AM to 11:00AM.

GRANTED

Yeas 6, Nays 0, Absent 3

37C

Petition was received from Andrea Fogarty on behalf of St. Joseph School of All Saints Parish requesting a permit for a 5K Run/Walk starting and ending at 56 Oak ter on April 28, 2013 at 12:30 PM

GRANTED

Yeas 6, Nays 0, Absent 3

37D

Petition was received from Agnes Hayes on behalf of Sacred Hearts School requesting a permit for a 5K on April 6, 2013 at 10:00AM

GRANTED

Yeas 6, Nays 0, Absent 3

37E

Applications:

Application for Tag Days 2013:

VFW Santa Parade November 1&2

GRANTED

Yeas 6, Nays 0, Absent 3

26M

6. Hearings and Related Orders

No Schedule

7. Motions and Orders

March 12, 2013

ORDERED: That the Mayor be and is hereby authorized to execute a certain easement modification, attached hereto, relative to real property located at 3 Elaine Marie Drive as further defined on the attached Modification of Easement. (see document for complete text)

PASSED Yeas 6, Nays 0, Absent 3 41

Easements submitted by City Engineer, John Pettis:

ORDERED: That the Mayor be and is hereby authorized to accept on behalf of City of Haverhill a certain FLOODWALL EASEMENT and TEMPORARY EASEMENT for the premises located near 70 Washington Street from Riverside Place Condominium Haverhill Realty Development Trust, a copy of which is hereby attached and incorporated herein. (see document for complete text)

PASSED Yeas 6, Nays 0, Absent 3 41B

ORDERED: That the Mayor be and is hereby authorized to accept on behalf of City of Haverhill a certain temporary construction easement for the premises located at 191 Essex Street from Alosky Realty Trust, a copy of which is attached hereto and incorporated herein. (see document for complete text)

PASSED Yeas 6, Nays 0, Absent 3 41C

ORDERED: That the Mayor be and is hereby authorized to accept on behalf of City of Haverhill a certain temporary construction easement for the premises located across 191 Essex Street from Kifor Dev LLC, a copy of which is attached hereto and incorporated herein. (see document for complete text)

PASSED Yeas 6, Nays 0, Absent 3 41D

ORDERED: That the Mayor be and is hereby authorized to enter into and execute a license agreement on behalf of City of Haverhill with Massachusetts Bay Transportation Authority (MBTA) for the right and privilege to enter upon railroad property at Right of Way at MP 33.12, Western Route Main Line at Little River, Haverhill, Massachusetts (as described in said agreement), a copy of which is attached hereto and incorporated herein. (see document for complete text)

PASSED Yeas 6, Nays 0, Absent 3 42

ORDERED: That \$26,364.00 be appropriated from Free Cash and be transferred to Police Salaries

PASSED Yeas 6, Nays 0, Absent 3 21B

ORDERED: That \$7,490.00 be transferred from Capital Projects to the Police Station Hot Water Tank Account

PASSED Yeas 6, Nays 0, Absent 3 21C

ORDERED: That \$2,960.00 be transferred from Capital Project to the 16th Ave Fire Station Boiler Account

PASSED Yeas 6, Nays 0, Absent 3 21D

MUNICIPAL ORDINANCE CHAPTER 240

An Ordinance Relating to Parking

(9 Thorndike St.- Add Handicap Parking) (see document for complete text)

PLACED ON FILE for at least 10 days 32B

Councillor Daly O'Brien arrived.

8. Unfinished Business of preceding Meetings

Document 22

MUNICIPAL ORDINANCE

CHAPTER 36

An Ordinance Relating to Fees and Receipts

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 36, as amended, be and is hereby further amended by adding the following:

“§36-7. Waiver of fee or charge.

The City Council and Mayor shall have authority to waive fees or charges due to the City of Haverhill which are set by order, ordinance or state law. No fees or charges due to the City of Haverhill shall be waived where prohibited by state law. The waiving of any fee or charges by the City Council and Mayor shall be subject to the conditions below: (see document for complete text)

March 12, 2013

There was a related Communication from Attorney William Cox regarding amendments to Ordinance
MOTION TO AMEND:

That Document 22 be and is hereby amended by deleting the text for §36-7 in its entirety and inserting the following in place thereof:

"§36-7. Waiver of fee or charge.

The City Council and Mayor shall have authority to waive fees or charges due to the City of Haverhill which are set by order, ordinance or state law. No fees or charges due to the City of Haverhill shall be waived where prohibited by state law. The waiving of any fee or charges by the City Council and Mayor shall be subject to the conditions below:

A. Only non-profit organizations seeking to waive fees for projects or events where at least eighty (80%) of the labor is being performed by volunteers shall qualify.

B. The total amount of fees which can be waived in any fiscal year shall be subject to appropriation in the City's annual budget.

C. Any qualified non-profit organization seeking a waiver of fees or charges shall file a request with the City Clerk's office. The applicant shall provide the name and address of the organization, along with the names of the executive officers and board members. The application shall include the specific fees or charges sought to be waived and a dollar total. The applicant shall provide any documentation or information requested, including but not limited to project and/or organizational financial information.

Any application to waive fees or charges shall be submitted to the department which collects the fees or charges and/or any department which performs services for which fees or charges are requested to be waived for review and comment prior to the request being taken up by the City Council.

D. When the Mayor declares a public emergency, fees or charges may be waived by order of the Mayor. Said fees or charges shall not be subject to any of the above requirements or limitations.

E. Any fees waived in accordance with other provisions of this Code shall not be subject to the above provisions and shall remain in full force and effect unless otherwise repealed."

PASSED

Yeas 7, Nays 0, Absent 2

22

9. Communications and Reports from City Officers and Employees

Monthly Reports:

Abatement Report was received from Board of Assessors for the month of February 2013
PLACED ON FILE

19C

Communications from Councillors:

Communication was received from Councillor Hart submitting recommendations of Traffic & Safety Committee meeting held on March 6 2013. (see document for complete text)
COUNCILLOR HART PRESENTED THE MINUTES OF THE TRAFFIC & SAFETY COMMITTEE HELD ON MARCH 6 THAT PERTAINED TO THE CITY COUNCIL. #5 - DISCUSSION ABOUT LIMITING LEFT HAND TURN AT BROADWAY AND NORTH BROADWAY, MONDAY THROUGH FRIDAY, 3:30PM TO 6:30PM. LETTER TO TRAFFIC & SAFETY COMMITTEE ASKING FOR TRAFFIC STUDY & LETTER TO PLANNING FOR ORDINANCE; #15 – DISCUSSION ABOUT GATE AT THE BACK OF THE HIGH SCHOOL. RECOMMENDATION WAS TO LIMIT TRAFFIC DURING ALLOWED HOURS BY DIRECTION TO BE IMPLEMENTED BY HIGH SCHOOL

9R

Communications from City Employees:

No Schedule

10. Resolutions and Proclamations

No Schedule

11. Council Committee Reports and Announcements

March 12, 2013

No Schedule

Meeting adjourned at 7:33 o'clock P.M.

Yeas 7, Nays 0, Absent 2

Attest: Margaret A Toomey
City Clerk