



# City of Haverhill City Council Minutes

Tuesday, July 23, 2013 at 7:00 PM  
City Council Chambers, Room 202

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

1. Approval of Records of the Previous Meeting

Minutes were not 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(s) and Related Order(s)

Document 54, Joint Petition was received from Verizon New England Inc and Massachusetts Electric Company of North Andover requesting permission for Pole, Wire, Cables, and Fixtures Location on Appleton st, Plan #742

COUNCIL HEARING TO BE HELD AUG 6 2013

54

5. Appointments

Confirming Appointments:

Lisa Senter to the Central Business District Parking Commission as an Alternate, effective immediately. Appointment to expire July 11, 2014.

ON MOTION OF COUNCILLOR RYAN TO AMEND TO VOTING MEMBER.

CONFIRMED AS AMENDED

Yeas 8, Absent 1

75B

Non-Confirming Appointments:

Lisa Fitzpatrick to the Development and Industrial Commission, effective immediately.

PLACED ON FILE

75C

Resignations:

No Schedule

6. Petitions

Petitions:

Petition was received from Frankie Passiume, requesting to amend his Hawker Peddler hours of operation at Washington Square from current approved days/times through November 1, 2013; Tuesdays through Saturdays 10 am to 4 pm; to include the extended hours of Thursdays and Fridays from 11 pm to 2 am and Saturdays from 11 pm to 1 am

GRANTED

Yeas 8, Absent 1

28F

Applications:

Application was received for a Special One Day Liquor License, to sell “Wine and Malt Only” from Michael K Williams for a Benefit Concert for “50 Legs” at Winnekenni Castle, Saturday, August 17, 2013, from 12 Noon to 11 pm with alcohol to be served by Butlers & Bars

GRANTED

Yeas 8, Absent 1

31E

Application was received for a Special One Day Liquor License, to sell “Wine and Malt Only” from Ernest D’Amore for a 60th Birthday Party, at Winnekenni Castle, Saturday, August 3, 2013, from 7 pm to 10 pm with alcohol to be served by Butlers & Bars

GRANTED

Yeas 8, Absent 1

31F

Annual License Renewals

No Schedule

7. Hearings and Related Orders

Document 65-A,

Hearing from City of Haverhill, regarding Zoning Amendment for City Code, recommending a Temporary Moratorium on Medical Marijuana Dispensaries locations in the City with a favorable recommendation from Planning Board.

HEARING OPENED

Document 65

MUNICIPAL ORDINANCE

CHAPTER 255

AN ORDINANCE RELATING TO ZONING

PREAMBLE

Whereas, on November 6, 2012 Massachusetts voters approved Ballot Question 3, also known as the Massachusetts Medical Marijuana Initiative or "Law for the Humanitarian Medical Use of Marijuana" (hereinafter the "Medical Marijuana Law"); and

Whereas, the Medical Marijuana Law took effect on January 1, 2013; and

Whereas, under the Medical Marijuana Law a "Medical Marijuana Treatment Center" shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."; and

Whereas, the Medical Marijuana Law enables the Massachusetts Department of Public Health (DPH) to register up to 35 such centers within the first year of enactment, with a minimum of one and a maximum of five located within each county; and

Whereas, DPH issued regulations for the implementation of the Medical Marijuana Law on May 8, 2013; therefore

BE IT ORDAINED by the City Council of the City of Haverhill that Chapter 255 of the Code of the City of Haverhill, as amended, being and is hereby further amended by adding the following:

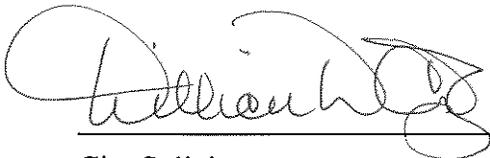
"§255-16.1 Temporary Moratorium on Medical Marijuana Uses

A. Purpose and Justification-The purpose of the temporary moratorium is to give the City of Haverhill sufficient time after the promulgation of DPH regulations to evaluate the potential land use impacts of Medical Marijuana Treatment Centers as such term is defined under the Medical Marijuana Law, and, if necessary and appropriate, to prepare and adopt zoning standards for Medical Marijuana Treatment Centers.

B. Temporary Moratorium Provision-For the duration of this Temporary Moratorium a Medical Marijuana Treatment Center as defined in the Medical Marijuana Law shall be prohibited as a PRINCIPAL and ACCESSORY USE in all zoning districts, and no use variance shall be granted to allow a Medical Marijuana Treatment Center.

C. Temporary Moratorium Expiration - Unless extended, continued or modified by a subsequent action of the City Council and Mayor, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by the City Council and Mayor of an amendment to this ordinance that explicitly rescinds or replaces this moratorium, or (b) October 1, 2013."

APPROVED AS TO LEGALITY:



City Solicitor

PASSED

Yeas 8, Absent 1

65

8. Motions and Orders

ORDERED: That in accordance with General Laws, Chapter 44, Section 64, authorize the payment of bill(s) of the previous years and to further authorize the payment from current year departmental appropriations (see document for complete text)

<u>Vendor</u>	<u>Amount</u>
Cintas Uniforms	\$ 119.94
Datamatix, Inc.	\$ 766.13
Felix A Marino Co Inc	\$2525.00
Georgetown Building Supply	\$ 155.00
David F Grunenbaum, Esq	\$ 718.50
John Breen Funeral Home	\$2000.00
Kopelman and Paige, PC	\$1196.87
Maguire Pest Control	\$ 48.00

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Maguire Pest Control	\$ 44.00		
Poland Spring	\$ 102.59		
SNI Companies	\$4405.80		
Sustainable Energy Advantage	\$ 485.00		
Uptech Computer	\$ 58.00		
PASSED		Yeas 8, Absent 1	21W

ORDERED: That the Mayor be and is hereby authorized to enter into and execute an amendment to license agreement on behalf of the City of Haverhill with the Massachusetts Bay Transportation Authority (MBTA) for the right and privilege to enter upon railroad property at Right of Way at MP33.12, Western Route Main Line at Little River, Haverhill, Massachusetts (as described in said agreement amendment), a copy of which is attached hereto and incorporated herein (see document for complete text)

PASSED Yeas 8, Absent 1 42C

ORDERED: That those persons retained as part-time professional legal consultants for the City of Haverhill are hereby designated as "Special Municipal Employees" pursuant to M.G.L. c. 26A

There was a related communication from City Solicitor William Cox

PASSED Yeas 8, Absent 1 81

Ordinances (File 10 Days)

ORDERED:

MUNICIPAL ORDINANCE  
An Ordinance Relating to Salaries

Be it Ordained by the City Council of the City of Haverhill that Document 40-C of 2011 and all subsequent amendments to such document be deleted in its entirety and the following be inserted in its place thereof. (see document for complete text)

PLACED ON FILE for at least 10 days 82

9. Unfinished Business of preceding Meetings

Document 77

Petition from Scott Helmers, President, Spotlight Playhouse requesting City waive fees associated with the rental of the Nick Ross Auditorium for their theater productions.

DAVID VAN DAM, CHIEF OF STAFF, STATED THAT THE FIRE MARSHALL'S OFFICE INFORMED HIM THERE IS AN ON LINE TEST THAT CAN BE TAKEN TO BECOME A CERTIFIED MANAGER ON DUTY FOR THE EVENT. HE IS WORKING ON THE POLICE & CUSTODIAL FEES.

ON MOTION OF COUNCILLOR MACEK TO POSTPONE TO AUG 6

POSTPONED TO AUGUST 6, 2013 Yeas 8, Absent 1 77

Document 79

MUNICIPAL ORDINANCE

CHAPTER 11

Be it ordained by the City Council of the City of Haverhill that Chapter 11 of the Code of the City of Haverhill, as amended, is hereby further amended by adding the following:

Article XVIII Veterans Memorial Skating Rink Commission

§ 11-88 There shall be established a Veterans Memorial Skating Rink Commission.

§ 11-89 Membership; appointment, terms; compensation, Chairperson  
(see document for complete text)

PASSED Yeas 8, Absent 1 79

DOCUMENT 80

MUNICIPAL ORDINANCE

CHAPTER 175

An Ordinance Relating to Loitering

By deleting §175-2 in its entirety and by inserting in place thereof the following:  
(see document for complete text)

§175-2. Loitering in Bradford Common, G.A.R. and Merrimack River Park prohibited; hours.  
No person or group of persons, whether in vehicles or otherwise, shall stand, loiter, remain in and/or about the Bradford Common, G.A.R. Park and Merrimack River park or any street, way or sidewalk to which the public has access and which is adjacent thereto, between the hours of 8:00p.m. through 7:00a.m., inclusive, or, between the hours of 8:00p.m through 8:00a.m. for Merrimack River Par only, inclusive, unless joint written permission is obtained from the Mayor and the Chief of Police. The Merrimack River Park shall only be open to the public from June 1<sup>st</sup> to October 1<sup>st</sup>."

PASSED Yeas 8, Absent 1 80

July 23, 2013

10. Communications and Reports from City Officers and Employees

Monthly Reports:

Abatement Report was received from Board of Assessors for month of June 2013

PLACED ON FILE

19G

Communications from Councillors:

Communication was received from Councillor Ryan requesting to introduce State Representative Lenny Mirra to update the Council on construction work on the Groveland Bridge and the Rocks Village Bridge.

REP. MIRRA STATED THERE WAS A \$260,000 CHANGE ORDER FOR ROCKS VILLAGE BRIDGE BECAUSE THEY WANTED TO MAINTAIN THE MANUAL OPERATION OF BRIDGE. SCHEDULED TO OPEN AT THE END OF SEPT.; BATES BRIDGE-ROADWAY IS BEING CHANGED ON BOTH SIDES, 86% COMPLETE

PLACED ON FILE

57K

Councillor Macek requested a discussion regarding a request for recertification of an easement originally granted by the City in August 1992 involving premises at 567 Washington st  
POSTPONED TO AUG 6 2013

57L

Communications from City Employees:

David Van Dam, Chief of Staff, requested to update the Council on a number of issues. Alleyway lighting downtown-easement agreements are being finalized, implementation should be soon; Capital improvements to City Hall-exterior painting being done by Community Service workers and entryway to the parking lot will be repaired; Partnership with Home Depot-flowers and labor donated to beautify City Hall grounds and will be replacing hanging plants downtown

11. Resolutions and Proclamations

No Schedule

12. Council Committee Reports and Announcements

Council Committee Reports:

Councillor LePage presented the Minutes of Administration & Finance Committee meeting held on July 11, 2013 regarding permits for second hand clothing. City Solicitor Cox will be asked to revise Chapter 187 (Pawnbrokers; Secondhand Articles; Old Gold) to create a category for consignment.

PLACED ON FILE

11G

ON MOTION OF COUNCILLOR MCGONAGLE TO SUSPEND THE RULES TO DISCUSS PAVING ON RTE. 125.

PASSED

Yeas 8, Absent 1

Councillor McGonagle expressed his concern about depressions around manhole covers and wants to insure that a City representative is involved with inspection before the project is completed. Letter to Mayor. Also, letter to Rep. Dempsey about condition of Basiliere Bridge.

ON MOTION OF COUNCILLOR SULLIVAN TO SUSPEND THE RULES TO DISCUSS REMOVAL OF HANDICAP PARKING AT 25 HILLSIDE ST.\*

PASSED

Yeas 8, Absent 1

Councillor Sullivan requested to have the HP space at 25 Hillside Street deleted because it is no longer needed.  
REFER TO PLANNING

Yeas 8, Absent 1

29F

COUNCILLORS GAVE TRIBUTE TO RETIRING CITY CLERK, MARGARET TOOMEY

Documents referred to Committee Study

No Schedule

\*Doc. 29-F – Request from Councillor Sullivan to Suspend the Rules to delete Handicap parking at 25 Hillside St.

Meeting adjourned at 8:03 o'clock P.M.

Yeas 8, Absent 1

Attest: Heather Budreiwicz

Acting City Clerk