



City of Haverhill
City Council Minutes

Tuesday, November 18, 2014 at 7:00 PM
City Council Chambers, Room 202

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

1. Approval of Records of the Previous Meeting

The minutes were approved.

2. Assignment of the minutes review for the next Meeting

Councillor Scatamacchia was assigned the minutes.

3. Communications from the Mayor

4. Communications and Reports from City Officers and Employees

Communication was received from William Pillsbury, Economic Development and Planning Director, submitting Resolution and Documents related to 25 Computer Drive with the State Economic Development Incentive Program (EDIP Program)

MAYOR FIORENTINI INTRODUCED E.J.PONTO, CFO, OF SOUTHWICK CLOTHING, AND STATED THAT THEY HAD PURCHASED THE FORMER VACANT LOWES BUILDING AND PLANNED ON MOVING THEIR MANUFACTURING OPERATIONS THERE. SOUTHWICK CURRENTLY EMPLOYS 468 PEOPLE AND PLANS ON ADDING 70 NEW JOBS. WILLIAM PILLSBURY GAVE CREDIT TO PETER MALANO, STATE OFFICE OF BUSINESS DEVELOPMENT, FOR ALL HIS ASSISTANCE.
PLACED ON FILE 29FF

RESOLUTION: Be it Resolved that the City Council of the City of Haverhill: (a) Adopts and authorized the Mayor to approve and execute a TIF agreement (copy attached as Exhibit A), pursuant to Massachusetts General Laws Chapter 23A, sections 3A-3F, Chapter 40, section 59, and Chapter 59, section 5, clause 51, between Golden Fleece Manufacturing Group LLC (“Southwick”) and the City of Haverhill on the basis of Southwick’s lease and purchase of the 25 Computer Drive parcel, Haverhill parcel ID 548-1-10; and (b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.

ADOPTED Yeas 8, Abstain 1 (McGonagle) 29F

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

6. Appointments

Confirming Appointments

No Schedule

Non-confirming Appointments

Chris Kaczor to the Energy Taskforce Committee

PLACED ON FILE

106K

Resignations:

No Schedule

Petitions

Petitions:

Petitions was received from Melissa Rivera requesting National Grid have permission to open 95 Summer st and 558 Main st to repair grade 2 gas leaks so that they don’t become grade 1 emergencies during this upcoming winter with a related communication from City Engineer, John Pettis in support of these requests

PRESIDENT MICHITSON STATED THAT THIS VOTE WAS BEING FORMALIZED SINCE MEMBERS OF THE COUNCIL WERE POLLED AND VOTED ON THIS PREVIOUSLY

PLACED ON FILE

58

ORDERED: That the City Council approves the request of National Grid to excavate at 558 Main st and 95 Summer st for the purposes of repairing gas leaks at the subject lots. (see document for complete text)

PASSED

Yeas 9, Nays 0

58B

Petition was received from National Grid to construct underground electric conduits at Merrimack st and West st; Plan 13397798

COUNCIL HEARING TO BE HELD DEC 16, 2014

118

Applications:

One Day Liquor Licenses

No Schedule

Applications for Permit

Application was received from Roland E Plourde, Chairman 50th Annual VFW Santa Parade, requesting permit for this year's parade to take place on Sunday, November 23rd; from C. D Hunking School in Bradford to VFW Post 29 Headquarters at 64 Kenoza av; at 1:00PM with rain date of Saturday, November 29, at 10:30AM

ON MOTION OF COUNCILLOR BARRETT TO WAIVE FEE Yeas 8, Abstain 1 (Sullivan)
GRANTED AS AMENDED Yeas 8, Abstain 1 (Sullivan) 119

Application was received from Greater Haverhill Chamber of Commerce, requesting permit to hold "Chillfest" (formerly Christmas Stroll); downtown Haverhill; Washington, Wingate, Essex, Merrimack sts and Columbus Park; Saturday, December 6, 2:00PM to 6:00PM.

Police Dept requests 3 officers 12Noon to 7:00PM; Health Dept requests review of list of Vendors and also Vendors not licensed in City obtain temporary food permits
GRANTED Yeas 9, Nays 0 120

Applications for new Handicap Parking Signs:

No Schedule

Tag Days

No Schedule

Annual License Renewals

No Schedule

Hawker/Peddler:

Seasonal – Fixed location, Renewals;

Milton Russell to sell Christmas trees and wreaths at the Elks, 24 Summer st;
November 29 to December 24, Monday-Friday, 3PM to 8PM and Saturday & Sunday, 10AM to 6PM
GRANTED Yeas 9, Nays 0 4X

Paul Abare to sell Christmas trees, kissing balls, baskets, decorations at 403 River st; November 25 to December 24, Monday-Sunday; 7AM to 9:30PM
GRANTED Yeas 9, Nays 0 4Y

Hawker or Peddler Engaged in Door to Door Sales

Free Estimates for Windows & Roofs throughout Haverhill:

Michelle Fleming; Monday-Saturday; 12Noon to 6PM

MS. FLEMING INTRODUCED HERSELF.
ON MOTION OF COUNCILLOR MCGONAGLE TO AMEND THE TIME TO NO LATER THAN 4:30PM
On the question of passage the yeas and nays are as follows:
Yeas,-Councillors Barrett, Macek, Sullivan, Daly O'Brien, Macek, LePage and President Michitson -7
Nays,-Councillors Scatamacchia and Ryan 2
GRANTED AS AMENDED 4Z

Lyndsey M Burke; Monday-Saturday; 10:00 to 8PM
MS. BURKE INTRODUCED HERSELF AND STATED THE TIME ON THE APPLICATION WAS INCORRECT. IT SHOULD BE 6PM.
ON MOTION OF COUNCILLOR MCGONAGLE TO AMEND THE TIME TO NO LATER THAN 4:30PM
On the question of passage the yeas and nays are as follows:
Yeas,-Councillors Barrett, Macek, Sullivan, Daly O'Brien, Macek, LePage and President Michitson -7
Nays,-Councillors Scatamacchia and Ryan 2
GRANTED AS AMENDED 121

Drainlayer 2014 License

No Schedule

7. Hearings and Related Orders:

Hearing was held on Document 116, a communication from Stephen Gullo, Tax Assessor for Board of Assessors for Fiscal Year 2015. Speaking to the issue was Stephen Gullo, Mayor Fiorentini and Jeff Linnehan.

HEARING CLOSED 116
ORDERED: That the residential factor for fiscal year 2015 be adopted as:

ON MOTION OF COUNCILLOR SCATAMACCHIA TO ADOPT NUMBER .885902

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Scatamacchia, Macek, Ryan, Sullivan 4

Nays, - Councillors Barrett, Daly O'Brien, McGonagle, LePage & President Michitson 5

FAILED

Nov. 18, 2014

ON MOTION OF COUNCILLOR MCGONAGLE TO ADOPT NUMBER .893509

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Scatamacchia, Barrett, Daly O'Brien, McGonagle, LePage, 5
Nays, - Councillors Macek, Ryan, Sullivan and President Michitson, 4

PASSED 116B

ORDERED: That the City shall adopt a commercial exemption

NOT PASSED Yeas 0, Nays 9 116C

ORDERED: That the City shall adopt a residential exemption

NOT PASSED Yeas 0, Nays 9 116D

ORDERED: That the City shall select an open space discount factor

NOT PASSED Yeas 0, Nays 9 116E

ORDERED: That the City Council of the City of Haverhill hereby accepts the provisions of the Massachusetts General Laws, Chapter 59, Section 5, Clauses 17E and 41D with respect to Permanent acceptance of the annual

C.P.I. index increase to the tax exemptions for the elderly.

NOT PASSED Yeas 0, Nays 9 116F

ORDERED: That the City Council accepts 100% of C.P.I. (Consumer Price Index) increase reported by the State for F.Y. 2015 Exemptions. The 2015 C.P.I. amount is 1.37%

PASSED Yeas 9, Nays 0 116G

Document 84-A; Zoning Hearing; City of Haverhill to Amend City Code, Chapter 255, Table of Use and Parking Regulations to allow Medical Marijuana Dispensaries/Treatment centers to be located in our Business Parks only

HEARING RE-OPENED.

SPEAKING IN FAVOR OF THE PROPOSED ZONE, BROADWAY BUSINESS PARK, PORTIONS OF COMPUTER DR & RESEARCH DR, AS AMENDED WAS WILLIAM PILLSBURY AND DR, JOHN MADDOX; AGAINST WAS MICHAEL SCHROTH, NICOLE SNOW, JANET VANSTRIDE, VALERIO ROMANO.

HEARING CLOSED 84A

Document 84; Ordinance re: Zoning, Amend City Code Chapter 255, Table of Use and Parking Regulations, Page 8 to allow Medical Marijuana Dispensaries/Treatment Centers to be located in our Business Parks.

Per letter dated November 18, 2013 from City Solicitor Cox, proposing the use of an overlay district:

Amendment to Document 84 of 2013: That the proposed amendment to Chapter 255, Zoning Table of Use and Parking Regulations, Page 8, shall be deleted and the following inserted in place thereof:

“Article XVII – Medical Marijuana Overlay District (see document for complete text)

ON MOTION OF COUNCILLOR LEPAGE TO ADOPT THE PROPOSED ORDINANCE & MAP DATED OCT. 29, 2014 AS RECOMMENDED BY THE ADMINISTRATION & FINANCE COMMITTEE

ADOPTED Yeas 9, Nays 0 84

Document 101; Attorney Robert Harb, representing *Continental Wingate Development Co*, requests a special permit to construct a new 2-story building for Congregate Care Housing at un-numbered North Avenue; Assessor's Map 630, Block 2, Lot 1-1A; which will house a total of 90 units; Assisted Living Units consisting of 26 one-bedroom and 20 studio units; Supportive Independent Living Units consisting of 17 one-bedroom and 3 two-bedroom units; and Memory Care Units consisting of 20 studio and 4 companion units Reports that have been received from various City departments are included

POSTPONED TO DEC 2, 2014 AT THE REQUEST OF ATTORNEY HARB Yeas 9, Nays 0 101

Document 102, Attorney William Faraci representing Kerri Fronduto, Trustee of *13 High st Realty Trust*; requests a special permit for a Repetitive Petition for property at 13 High st; and a vacant lot across the street; Assessor's Map 515, Block 295, 3 Bldg, Lot 515-297-13; consisting of 6 residential units and 9 parking spaces on the vacant lot

ATTORNEY FARACI REQUESTED THE HEARING TO BE POSTPONED TO DEC 9, 2014

POSTPONED TO DEC 9, 2014 Yeas 9, Nays 0 102

November 18, 2014

8. Motions and Orders

ORDER OF TAKING– Taking of Easement – Rear of 56-66 Merrimack st; to facilitate construction of the new access roadway into the Harbor Place project (see document for complete text)
WILLIAM PILLSBURY, PLANNING DIRECTOR, STATED THAT AN EASEMENT WAS PROPOSED TO THE OWNER BUT IT WAS NOT GRANTED. THIS TAKING IS FOR A SMALL PARCEL OF LAND ON WALL ST ONLY FOR ACCESS TO UTILITIES

PASSED Yeas 9, Nays 0 84B

ORDERED: Award of Damages, That the City Council of the City of Haverhill hereby: Take such action as is necessary to acquire, by eminent domain, permanent and temporary easements for access, installation and construction of utilities, pilings and other improvements in, on and under certain portions of the parcel of land known as numbered 56-66 Merrimack Street, Haverhill, Essex County, Massachusetts and more particularly described in a deed filed with the Land Court Division of the Essex South District Registry of Deeds, Document No. 479416 on Certificate of Title No. 80584, which portions are shown as the “Access & Utility Easement, A=2033 S.F. +/-“ and “Piling Easement, A=169 S.F. +/- on a plan entitled: “Easement Plan Located IN Haverhill, Mass. Prepared for the City of Haverhill”, dated June 18, 2014, prepared by Christiansen & Sergi, Inc., and to accomplish the foregoing, execute the Order of Taking presented to us this day by counsel, and further award \$10,000 as damages for such taking to the owner of the land affected by said taking (see document for complete text)

PASSED Yeas 9, Nays 0 84BB

ORDERED: That the sum of \$73,600 be transferred from WTP Pumps and Motors to Water Treatment Maintenance Capital 31-Y

MR. ROBERT WARD SUBMITTED A REVISED ORDER FOR TRANSFER OF FUNDS

ORDERED: That the sum of \$317,501.06 be transferred from the following capital accounts and transferred to Capital Account Water Treatment Plant Improvements: WTP Pumps and Motors \$187,392.53, Silver Hill BPS Construction \$130,108.53

ON MOTION OF COUNCILLOR DALY O’BRIEN TO REPLACE ORDER WITH MR. WARD’S AMENDED AMOUNT IN LETTER DATED NOV. 18, 2014

PASSED Yeas 9, Nays 0 31YY

ORDERED: That the sum of \$600,458.57 be appropriated from the following accounts to the General Fund to reduce the FY15 levy: \$445,458.57 Overlay Reserve, \$155,000.00 Agency Fund – Tailings

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors, Barrett, Macek, Ryan, Sullivan, Daly O’Brien, LePage, and President Michitson, 7

Nays,-Councillors Scatamacchia and McGonagle 2

PASSED 31Z

ORDERED: That in accordance with General Laws, Chapter 44, Section 64, authorize payment of bills of previous years and to further authorize payment from current year departmental appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Independent Living Aid	\$ 9.80	School Dept
Melanie Nazarian-travel reimb	340.00	“ “
Safeway Transportation	\$ 12,461.00	“ “
Safeway Transportation	\$ 16,114.50	“ “
Coppola Inc	\$ 1,230.75	“ “
Beacon ABA Services	\$ 615.36	“ “

PASSED Yeas 8, Nays 0, Abstain 1 (Scatamacchia) 122

Ordinances

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Vehicles and Traffic, Patient/Client Drop Off and Pickup Zones 56-74 Merrimack st (see document for complete text)

PLACED ON FILE for at least 10 days 123

9. Unfinished Business of preceding Meeting

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

9 Hancock St Add Handicap Parking (see document for complete text)

PASSED Yeas 9, Nays 0 12Q

