



City of Haverhill
City Council Minutes

Tuesday, August 25, 2015 at 7:00 PM
City Council Chambers, Room 202

Present – President Michitson, Councillors Scatamacchia, Barrett, Macek, Ryan, Sullivan, Daly O’Brien, and McGonagle. **Councillor LePage participated remotely.**
Assistant City Clerk – Laura Angus

1. Approval of Records of the Previous Meeting
The minutes were approved. Yeas 9, Nays 0
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
Denise McClanahan, Human Resources Director submits Memorandum of Agreement and Salary Ordinance for the Highway/Park Department Group (Laborers-Local #175)
PLACED ON FILE 1G

MUNICIPAL ORDINANCE
AN ORDINANCE RELATING TO SALARIES
(see document for complete text)
PLACE ON FILE for at least 10 days

CHAPTER
HIGHWAY/PARK DEPARTMENT

Yeas 9, Nays 0 2J

5. Utility Hearing(s) and Related Order(s)
Hearing was held on Document 96, a petition from Verizon New England and Mass Electric Co (No Andover) requesting permission for joint pole location on Willow av; Plan 752. With Joseph Gleason from Verizon and Karen Dellrosso asking for clarification on pole location. No one was opposed.
Hearing closed. 96
ORDERED: Order granting permission to Verizon New England and Mass Electric Co for joint pole location on Willow av; Plan 752 (see document for complete text)
PASSED Yeas 9, Nays 0 96B

Hearing was held on Document 97, a petition from National Grid requesting permission for sole owned pole location on South Cogswell st; Plan 17787763. With Carlos Valle from National Grid and Robert Saulnier asking for clarification on guy location. No one was opposed.
Hearing closed 97
ORDERED: Order granting permission to National Grid for sole owned pole location on South Cogswell st; Plan 17787763 (see document for complete text)
PASSED Yeas 9, Nays 0 97B

6. Appointments
 - Confirming Appointments
No Schedule
 - Non-confirming Appointment
No Schedule
 - Resignations:
No Schedule
7. Petitions:
Petition from Attorney Robert Harb for Proprietors of Linwood Cemetery requesting the Discontinuance of a portion of Rolfe Avenue
REFERRED TO PLANNING BOARD
COUNCIL HEARING NOV. 10, 2015 Yeas 9, Nays 0 105

8. Applications/Handicap Parking Signs
 - 10 Church St – Martha Kelleher, First Church of Christ, Bradford
REFERRED TO PLANNING Yeas 9, Nays 0 45H
 - 491 Washington st, Apt 1 – Lynn M. DeLaFuente
REFERRED TO PLANNING Yeas 9, Nays 0 45I
 - 48 Wilson st – Fawn Gale
REFERRED TO PLANNING Yeas 9, Nays 0 45J
 - 57 Beach st- Johanna Deveau Denied by Police Department
NOT PASSED Yeas 0, Nays 9 45K

9. One Day Liquor Licenses
No Schedule

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10. Applications for Permit

Greater Haverhill Arts association– Art Festival – Bradford Common, Saturday; September 12, 10AM-4PM. Letter from First Church of Christ, Bradford, granting permission. Approval from Police has been received. Requesting fees be waived; non-profit status in application.

ON MOTION OF COUNCILLOR DALY O’BRIEN TO APPROVE THE PERMIT AND WAIVING OF FEES CONTINGENT ON FUNDING.

GRANTED Yeas 9, Nays 0 106

Team Haverhill –River Ruckus – Parking lot behind the Tap ; Saturday, September 26, 12 Noon-8:30PM; Approval from Fire Department with conditions – Fire detail required for fireworks, and will be coordinated with sponsor. Approval from Police Department – six (6) detail officers required plus auxiliary officers. Requesting fees be waived as well as blanket vendor permit for event.

ON MOTION OF COUNCILLOR DALY O’BRIEN TO APPROVE THE PERMIT AND WAIVING OF FEES CONTINGENT ON FUNDING.

GRANTED Yeas 9, Nays 0 107

11. Tag Days

Opportunity Works, November 6 & 7

GRANTED

Yeas 9, Nays 0

18U

12. Annual License Renewals:

BUY & SELL SECOND HAND CLOTHING

W.W. Thrift Store, 26 Lafayette sq – James Saneciaro

GRANTED

Yeas 9, Nays 0

103D

BUY & SELL SECOND HAND ARTICLES

W.W. Thrift Store, 26 Lafayette sq – James Saneciaro

GRANTED

Yeas 9, Nays 0

103E

13. Hawker/Peddler:

No Schedule

14. Drainlayer 2015 License:

No Schedule

14B. Hearings and Related Orders:

Prior to the hearing on Document 33, Attorney Harb stated that he was requesting on behalf of the applicant, Eileen Petrocelli, to withdraw the petition without prejudice. Solicitor Cox clarified that the petitioner could come back to Council at any time whether the Council allowed the petitioner to withdraw with or without prejudice. Also, since the Planning Board gave a favorable recommendation, the petitioner could come back without any substantial changes to the petition and did not have to wait 2 years.

ON MOTION OF COUNCILLOR SCATAMACCHIA TO ALLOW APPLICANT TO WITHDRAW WITHOUT PREJUDICE.

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

Yeas,-Councillors Scatamacchia, Sullivan, Daly O’Brien, McGonagle - 4

Nays,-Councillors Barrett, Macek, Ryan, LePage and President Michitson - 5

NOT PASSED

Document 33, Petition was received from Attorney Robert Harb for applicant/owner Eileen F Petrocelli requesting a hearing to amend the Zoning District Boundary Map for a portion of property located at 95 Lake St. from RR (Residential Rural Density) Zone to the RM (Residential Medium) Zone; where passage would place the entire property of 7.8 acres in an RM Zone

HEARING OPENED. ATTORNEY HARB REPRESENTED THE PETITIONER, WITH EILEEN PETROCELLI SPEAKING IN FAVOR. JANICE FILTEAU, ED BOGACZ, RON MCKINNON, DON WALT AND DIANE SHIKRALLAH WERE OPPOSED. HEARING CLOSED.

33

MUNICIPAL ORDINANCE
An Ordinance Relating to Zoning
(Lake Street – RR to RM)

CHAPTER 255

Be it ordained by the City Council of the City of Haverhill that the Zoning Map as established by Chapter 255, Section 8 of the Code of the City of Haverhill, as amended, being and is hereby further amended as follows:

That the parcel of land described as follows:

A certain parcel of land in Haverhill, Essex County, Massachusetts, located on the Lake Street, as shown on a plan entitled “Zoning Line Relocation Plan, Parcel ID: 588-422-16, 95 Lake Street Haverhill Massachusetts” dated December 9, 2014, scale 1”=60’, prepared for Eileen Petrocelli, prepared by S.E.C. & Associates, Inc. to accompany a Zoning Amendment Petition by Eileen Petrocelli, containing approximately 6.4 +/- acres, bounded and described as follows: (see document for complete text)

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Favorable recommendation was received from Planning Board and Planning Director William Pillsbury
ON MOTION OF COUNCILLOR DALY O'BRIEN TO AMEND ZONING DISTRICT BOUNDARY MAP
NOT PASSED Yeas 1 (Scatamacchia) Nays 8 33B

Document 98; Petition from William Pillsbury, City Economic Development & Planning Director; requesting Hearing for Zoning Amendment – Waterfront Zoning District-Merrimack Street signage design review. Favorable recommendation from Planning Board and Planning Director William Pillsbury Hearing was opened with William Pillsbury giving an overview of the zoning amendment. No one was opposed.
Hearing closed. 98

MUNICIPAL ORDINANCE CHAPTER 255
An Ordinance Relating to Zoning
Table of Use and Parking Regulations

Be it Ordained by the City Council of the City of Haverhill that Chapter 255, Article XVI, Waterfront Zoning District section 255:41.2 (Signs permitted in the waterfront district), as amended, being and is hereby further amended by adding the following paragraph after the conclusion of the first sentence (In addition, projects in the WD must meet the following:)

“Any application for signage or awnings on Merrimack Street under the waterfront zoning ordinance shall require design review and approval by the planning Director prior to the issuance of permits to ensure compliance with the ordinance. The Building Inspector shall forward permit application and not issue permits for signage without prior approval of the Planning Director. The Planning Director may engage peer review of the signage application if warranted to ensure compliance with the ordinance.”

PASSED Yeas 7, Nays 0, Abstain 2 (Barrett, McGonagle) 98B

Document 99; Petition from William Pillsbury, City Economic Development & Planning Director; requesting Hearing for Zoning Amendment – Stevens Street/Hale Street IG (Industrial General Zone) Recommendation from Planning Board & Planning Director to pass current Zoning Ordinance with amendment as submitted.
Hearing was opened with William Pillsbury giving an overview of the zoning amendment. No one was opposed.
Hearing closed. 99

MUNICIPAL ORDINANCE CHAPTER 255
An Ordinance Relating to Zoning
Table of Use and Parking Regulations

Be it Ordained by the City Council of the City of Haverhill that Chapter 255, Table 1, Table of Use and Parking Regulations, being and is hereby further amended as follows:
Section 255, Zoning Table 1: In as much as the remaining IG zone (Stevens Street/Hale Street) is an area in significant transition all uses in this IG zone where the table is currently “P” PERMITTED shall be changed to “S” SPECIAL PERMIT by the City Council.

Mr. Pillsbury read the following amendment into the record:

“Section 255, Zoning Table 1: In as much as (A PORTION OF) THE REMAINING IG ZONE (Stevens Street) is an area in significant transition all uses except general office uses in this portion of this IG zone where the table is currently “P” PERMITTED shall be changed to “S” SPECIAL PERMIT by the City Council.”

ON MOTION OF COUNCILLOR RYAN TO APPROVE RECOMMENDED AMENDMENT
PASSED AS AMENDED Yeas 9, Nays 0 99B

ON MOTION OF COUNCILLOR RYAN TO SUSPEND THE RULES TO INTRODUCE 2 ORDERS RELEVANT TO HARBOR PLACE PROJECT Yeas 9, Nays 0

ORDERED: That the Mayor being and is hereby authorized on behalf of the City of Haverhill to execute and enter into an “Assignment and Assumption Agreement with Consent”, a copy of which is attached hereto and incorporated herein, in order to authorize the Merrimack Street Ventures, LLC to assign its rights pursuant to a certain Parking License Agreement for parking spaces within the Herbert Goecke, Jr. Parking Deck to Merrimack Street Owner, LLC. (see document for complete text)
PASSED Yeas 6, Nays 0, Abstain 3 (Barrett, Sullivan, McGonagle) 102B

ORDERED: That the Mayor being and is hereby authorized on behalf of the City of Haverhill to execute and enter into an “Amendment to Reciprocal Easement Agreement and Release of Easements”, a copy of which is attached hereto and incorporated herein, in order to include an access and utility easement area across the parcel belonging to Vintage Treasure Realty Trust, 68-70 Merrimack Street.(see document for complete text)
PASSED Yeas 7, Nays 0, Abstain 2 (Barrett, McGonagle) 9G

August 25, 2015

Document 101-A, Petition from William Pillsbury, Economic Development & Planning Director; requesting Hearing for Street Discontinuance – A portion of Wall Street; in the area of Harbor Place project Favorable recommendation from Planning Board & Planning Director William Pillsbury Hearing was opened with William Pillsbury explaining the petition. No one was opposed. Hearing closed.

101A

ORDERED: It is hereby ordered that a portion of the way known as Wall Street be discontinued as a public way. This shall be the portion of Wall Street from the Basiliere Bridge to City Landing 12.

PASSED

Yeas 9, Nays 0

101

15. Motions and Orders:

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Stericycle	\$ 250.00	Highway/Refuse Collection
Ronald Seaboyer Electrical	1,540.00	Street Light Maintenance
Comm of MA Dept of Public Safety	50.00	Public Library
ASAP Fire Safety Corporation	870.00	“ “
David Grunebaum, Esquire	807.50	Law Department
Kopelman & Paige PC	1,585.06	“ “
Patriot Properties Inc	800.00	“ “
Poland Spring	12.95	City Clerk
CDW Government	1,138.62	School Department
“ “	529.00	“ “
Supply Works	1,636.94	Public Property
Maquire Pest Control	220.00	“ “

PASSED

Yeas 9, Nays 0

108

MOTIONS AND ORDERS CONTINUED:

ORDERED: That the sum of \$9,100 be appropriated and transferred from General Fund Capital Projects to the following capital project accounts: Water St Heating System \$9,100

PASSED

Yeas 9, Nays 0

100B

ORDERED: That the Mayor be and is hereby authorized to execute a certain easement First Amendment to Easement Deed, attached hereto, relative to real property located in the Washington-Wingate Parking Lot, Haverhill, Essex County, Massachusetts being further identified as Map 301, Block 52, Lot 1 of the Board of Assessors, for the purpose of locating a transformer necessary for the rehabilitation of real property located at 37 Washington Street. A copy of the original Grant of Easement is also attached hereto for reference.

(see document for complete text) Related communication from Mayor Fiorentini

PASSED

Yeas 9, Nays 0

9B

ORDERED: That the Mayor be and is hereby authorized on behalf of the City of Haverhill to accept an easement from Brigham Circle Trust to the City relative to the building of the Boardwalk and a relocation of Wall Street, a copy of which is attached hereto and incorporated herein (see document for complete text)

PASSED

Yeas 7, Nays 0, Abstain 2 (Barrett, McGonagle)

9C

ORDERED: That the Mayor be and is hereby authorized on behalf of the City of Haverhill to accept an easement from Walcott Corporation to the City relative to the building of the Boardwalk and a relocation of Wall Street, a copy of which is attached hereto and incorporated herein (see document for complete text)

PASSED

Yeas 7, Nays 0, Abstain 2 (Barrett, McGonagle)

9D

ORDERED: That the Mayor be and is hereby authorized to execute a certain Grant of Easement from City to Brigham Circle Trust, attached hereto and incorporated herein, relative to real property located in the Riverfront Promenade Parking Lot, Haverhill, Essex County, Massachusetts, for the purpose of re-locating vehicular parking. Said real property located in the Riverfront Promenade Parking Lot parking as described in the Grant of Easement is hereby declared surplus. (see document for complete text)

PASSED

Yeas 6, Nays 0, Abstain 3 (Barrett, Sullivan, McGonagle)

9E

ORDERED: That the Mayor be and is hereby authorized to execute a certain Grant of Easement from City to Walcott Corporation, attached hereto and incorporated herein, relative to real property located in the Cram Place Parking Lot, Haverhill, Essex County, Massachusetts, for the purpose of re-locating Salvation Army donation bins and vehicular parking parking. Said real property located in the Cram Place Parking Lot as described in the Grant of Easement is hereby declared surplus. Related communication from City Solicitor William Cox. (see document for complete text)

PASSED

Yeas 6, Nays 0, Abstain 3 (Barrett, Sullivan, McGonagle)

9F

August 25, 2015

16. Ordinances (File 10 Days)

MUNICIPAL ORDINANCE

CHAPTER 249

An Ordinance Relating to the Fee for Connection of New Sewer Services

Be it ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill Chapter 249, as amended, be further amended by deleting Section 249-5B in its entirety and inserting the following in place thereof:

§ 249-5 Fee for connection of new sewer services.

B. For nonresidential users and multifamily dwellings, the number of units shall be calculated by dividing the design flow by 330 gallons per day (gpd) which is the flow generated by a hypothetical three-bedroom single family residence. The design flow for nonresidential and multifamily dwellings shall be determined using the sewer system flow design values found in the most current version of Title IV of the State Environmental Code (310 CMR 15.000).

PLACED ON FILE for at least 10 days

Yeas 9, Nays 0

109

MUNICIPAL ORDINANCE

CHAPTER 249

An Ordinance Relating to Combined Sewer Overflow (CSO) Fee

Be it ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill Chapter 249, as amended, be further amended by deleting Section 249-20B in its entirety and inserting the following in place thereof:

§ 249-20 Combined Sewer Overflow (CSO) Fee

B. For nonresidential users and multifamily dwellings, the number of units shall be calculated by dividing the design flow by 330 gallons per day (gpd) which is the flow generated by a hypothetical three-bedroom single family residence. The design flow for nonresidential and multifamily dwellings shall be determined using the sewer system flow design values found in the most current version of Title IV of the State Environmental Code (310 CMR 15.000).

PLACED ON FILE for at least 10 days

Yeas 9, Nays 0

109B

MUNICIPAL ORDINANCE

CHAPTER 250

An Ordinance Relating to Water Connection Fees

Be it ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill Chapter 250, as amended, be further amended by deleting Section 250-2B(1)(b) in its entirety and inserting the following in place thereof:

§ 250-2B(1) Water service entrance fees

(b). For nonresidential users and multifamily dwellings, the number of units shall be calculated by dividing the design flow by 330 gallons per day (gpd) which is the flow generated by a hypothetical three-bedroom single family residence. The design flow for nonresidential and multifamily dwellings shall be determined using the sewer system flow design values found in the most current version of Title IV of the State Environmental Code (310 CMR 15.000). Related communication from Robert Ward; Deputy DPW Director (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 9, Nays 0

110

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:

§ 36-8. Waiver of fees to advance Major Economic Development Projects

Notwithstanding the provisions of § 36-7 or any other provisions of this Code, the Mayor shall have authority to waive certain building permit fees due to the City of Haverhill which are set by order, ordinance or state law to advance major economic development projects within the City of Haverhill. No fees due to the City of Haverhill shall be waived where prohibited by state law. The waiving of any fee by the City Major shall be subject to the conditions below: Related communication from Mayor Fiorentini (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 9, Nays 0

111

17 Unfinished Business of preceding Meetings:

18 Communications from Councillors

Communication was received from Councillor McGonagle requesting a discussion regarding a request for a stop sign on Judson st as it intersects Linwood st and a stop sign on Merrill st as it intersects Linwood st

REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 9, Nays 0

74Z

19 Resolutions and Proclamations

No Schedule

August 25, 2015

20 Council Committee Reports and Announcements

Councillor Macek presented the minutes of the Natural Resources and Public Property Committee meeting held on August 12 2015 regarding Mr. William Pacione's request to purchase city land abutting his property on Atlanta Street. The NRPP Committee recommended referring the request to the Mayor.

MINUTES ACCEPTED, REFERRED TO MAYOR and
PLACED ON FILE

Yeas 9, Nays 0

23G

Councillor LePage announced that an Administration & Finance Committee meeting will be held on August 26, at 7:00PM in the City Council office. Agenda items are Vehicles and Traffic Ordinance for downtown, Food Trucks and Audio and Remote Participation.

President Michitson announced 2 events: September 2, 7PM, Lowell General Saints Campus, September 10, 7:30AM, Lowell House Recovery Breakfast, Governor Baker will be attending

21 Adjourn

Meeting adjourned at 9:18 o'clock P.M.

Yeas 9, Nays 0

Attest: Laura Angus
Assistant City Clerk