



City of Haverhill
City Council Minutes

Tuesday, January 30, 2018 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

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

1. Opening Prayer
 2. Pledge of Allegiance
 3. Approval of Minutes of Prior Meeting
The minutes were approved Yeas 9, Nays 0
 4. Assignment of the minutes review for the next Meeting
Councillor Bevilacqua was assigned the minutes
 5. Communications from the Mayor
Mayor Fiorentini submits letter of non-opposition to *Alternative Therapies Group, Inc.* to operate a Registered Marijuana Dispensary (RMD) in Haverhill as well as the Host Community Agreement between City of Haverhill and *Alternative Therapies Group, Inc.* and recommends approval for both
ON MOTION OF COUNCILLOR BARRETT TO PLACE ON FILE AS IT WAS PLACED ON FILE AT DEC 12, 2017 CITY COUNCIL MEETING
PLACED ON FILE Yeas 9, Nays 0 1B
- ORDERED: That the Mayor be and is hereby authorized to sign the attached letter of non-opposition for Alternative Therapies Group, Inc. to locate a Medical Marijuana facility in the Medical Marijuana Overlay District (MMOD) which is located in a zoning district that allows such use pursuant to local permitting
ON MOTION OF COUNCILLOR BARRETT TO PLACE ON FILE AS IT WAS PLACED ON FILE AT DEC 12, 2017 CITY COUNCIL MEETING
PLACED ON FILE Yeas 9, Nays 0 20

ORDERED: That the Mayor be and is hereby authorized to enter into and execute a Host Community Agreement between the City of Haverhill and Alternative Therapies Group, Inc.
SOLICITOR COX ANSWERED QUESTIONS ABOUT THE HOST COMMUNITY AGREEMENT
ON MOTION OF COUNCILLOR BEVILACQUA TO ADD THE WORD “MEDICAL” IN THE SECOND PARAGRAPH AFTER THE WORD REGISTERED.

On the question of passage the yeas and nays are as follows:
Yeas,-Councillors Bevilacqua, LePage, Jordan and President Michitson 4
Nays,-Councillors Sullivan, Barrett, Macek, Daly O’Brien and McGonagle 5

NOT PASSED
ON MOTION OF COUNCILLOR LEPAGE TO CHANGE WORDS “2.00 PERCENT” ON PAGE 1, PARAGRAH #2 TO “2.50 PERCENT”
PASSED Yeas 9, Nays 0
ON MOTION OF COUNCILLOR DALY O’BRIEN TO PASS AS AMENDED Yeas 9, Nays 0
PASSED AS AMENDED 20B

Communication from Mayor Fiorentini to exercise our Right of First Refusal under M.G.L. Chapter 61A, 1050 Hilldale av, Haverhill and *not exercise* our Option to Purchase the property at 1050 Hilldale av; Map/Parcel ID: 585-431-22; and also submitting letter of request from Rose M Jackson, Managing Member, Dixieland LLC, 69 Wildwood st, Wilmington, MA for review

ON MOTION OF COUNCILLOR SULLIVAN TO EXERCISE CITY RIGHT OF FIRST REFUSAL NOT TO EXERCISE CITY OPTION TO PURCHASE PROPERTY AT 1050 HILLDALE AVE, HAVERHILL
PASSED TO NOT PURCHASE PROPERTY Yeas 9, Nays 0 21

6. Communications and Reports from City Officers and Employees
No Schedule
7. Utility Hearing(s) and Related Order(s)
No Schedule
8. Hearings and Related Order
Document 130/2017:
Councillor Macek requests Hearing to discuss a Zoning Change regarding Nursery Schools; *Favorable recommendation from Planning Board and Planning Director to approve the zoning amendment as presented*
The hearing was opened with Councillor Macek giving the background about why this request came to the Council. The proposed zoning change is to give the city more parity with the state regulations and permitting for kindergarten facilities.
Hearing closed Yeas 9, Nays 0 130/2017

Document 130-B/2017
MUNICIPAL ORDINANCE CHAPTER 255
AN ORDINANCE RELATING TO ZONING

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Table 1: Use and Parking Regulations, as amended, be and is hereby further amended as follows:

said page, all as per attached copy.

Page 10 – “Accessory Uses” – By deleting the words “and there shall be a minimum of 100 Square feet of outside play area for each enrolled child” after the words “Private day nursery or kindergarten,” in the last block at the bottom of said page, all as per attached copy. (see document for complete text)

PASSED

Yeas 9, Nays 0

130B/2017

Document 9:

Mayor Fiorentini requests Hearing to amend the Zoning Code which will allow City to review the final rules and regulations of the Cannabis Control Commission and enact superseding zoning regulations and also submitting the Ordinance relating to Zoning for Marijuana Moratorium; *Favorable recommendation from Planning Board and Planning Director to approve the zoning amendment relative to establishing a moratorium on Recreational Marijuana*

The hearing was opened with Solicitor Cox giving an overview. He informed that question 4 on the November 8, 2016 State Election the voters of the Commonwealth approved a law allowing for the sale of recreational marijuana. That law also established a Cannabis Control Commission which is in the process of approving regulations regarding that. Zoning can be created to permit sale in some areas and not permitted in other areas. He was asked “what do we do if we don’t want to have the sale of recreational marijuana in Haverhill?” His reply was it could be put before the voters as a ballot question either at a regular or special election. Signatures are not needed. He suggested that the Mayor and City Council approve such an initiative.
Hearing closed

Yeas 9, Nays 0

9

MUNICIPAL ORDINANCE
AN ORDINANCE RELATING TO ZONING

CHAPTER 255

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Zoning, as amended, be and is hereby further amended by adding the following:

“Article XIX Temporary Moratorium on Marijuana Establishments, Marijuana Retailers and other Sale or Distribution of Marijuana and Marijuana Products which are not included in the Definition of Medical Marijuana Treatment Centers and the Medical Marijuana Overlay District.
(see document for complete text)

PASSED

Yeas 9, Nays 0

9B

9. Public Participation - Requests under Council Rule 28
No Schedule

10. Appointments:

Confirming Appointments :

No Schedule

Non-Confirming Appointments:

Councillor William Macek, Bill Pillsbury, Steve Bucuzzo to Ornstein Property Review Committee

PLACED ON FILE

Yeas 8, Nays 0, Abstain 1(Macek)

17B

Steve Cecil and Mayor James Fiorentini

Samuel Sasso, 440 North av to Community Action Inc. Board – City’s Representative;

Appointment to expire December 31 2018

PLACED ON FILE

Yeas 9, Nays 0

17C

11. Petitions:

Tag Days:

HHS MCJ ROTC, May 11, 12 & 13

GRANTED

Yeas 9, Nays 0

13S

HHS SOCCER, September 7, 8 & 9

GRANTED

Yeas 9, Nays 0

1

Annual License Renewals:

Coin-Op License Renewals 2018

Cedarland, 931 Boston rd – 25 machines; *Application has police approval*

GRANTED

Yeas 9, Nays 0

5I

Sunday Coin-Op License Renewals 2018

Cedarland, 931 Boston rd –25 Sunday machines; *Application has police approval*

GRANTED

Yeas 9, Nays 0

6I

12. Motions and Orders

No Schedule

13. ORDINANCES (File 10 days)

No Schedule

14. Monthly Reports

No Schedule

15. Communications from Councillors

Communication was received from Councillor Michael McGonagle requesting removal of a handicap parking space at 9 Thorndike st that is no longer needed

REFERRED TO PLANNING FOR ORDINANCE

Yeas 9, Nays 0

7P

16. Unfinished Business of preceding Meetings

Document 14

MUNICIPAL ORDINANCE

CHAPTER 120

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 120, as amended, is hereby further amended by adding the following:

“§120-15: Residential Construction Signage

“All residential homes being constructed pursuant to a special permit and/or an approved subdivision shall erect a sign during construction which provides the following information: the name, address and telephone number (both regular and an emergency contact) for the construction company performing the work. The signage shall be a minimum of 18” x 24” and shall be visible from the street. The sign may be free standing or may be attached to the structure being erected. If the required information is already included on a sign for the Conservation Commission, no other posting is required.”

Related communication from Robert Moore Jr, Environmental Health Technician; Conservation Dept

ON MOTION OF COUNCILLOR MACEK TO AMEND BY DELETING THE LAST SENTENCE

“IF THE REQUIRED INFORMATION IS ALREADY INCLUDED ON A SIGN FOR THE CONSERVATION COMMISSION, NO OTHER POSTING IS REQUIRED”.

PASSED

Yeas 9, Nays 0

PASSED AS AMENDED

Yeas 9, Nays 0

14

Document 15

MUNICIPAL ORDINANCE

CHAPTER 70

An Ordinance Relating to Officers and Employees

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 70, Article II, as amended, is hereby further amended by adding the following to the end of the section entitled

“Reports to Council” in §70-21:

“The Auditor of Accounts shall file monthly with the City Council two separate reports, one a copy of the General Fund Operating Statement and one a copy of the Fund Balance Report, with both reports to be filed for the prior month period.”

PASSED

Yeas 9, Nays 0

15

Document 16

Request from Drew Patuto, 97 Locust st to speak regarding Marijuana

PLACED ON FILE AS MR. PATUTO DID NOT ATTEND

Yeas 9, Nays 0

16

17. Resolutions And Proclamation

No Schedule

18. Council Committee Reports and Announcements

Councillor LePage announced the Administration & Finance Committee meeting scheduled for Feb. 15 at 7:00PM in the City Council office, Room 204. Agenda items to be discussed are graffiti, city council meeting minutes, citizen inquiry/request referral system, city council rules and regulations and city’s capital improvement program.

19. Documents Referred To Committee Study

Meeting adjourned at 7:57 o’clock P.M.

Yeas 9, Nays 0

Attest:

Linda Koutoulas

City Clerk