



## CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, November 28, 2017 at 7:00 PM**

**Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St, Room 202**

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1. **OPENING PRAYER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES OF PRIOR MEETING**
4. **ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**
5. **COMMUNICATIONS FROM THE MAYOR**
6. **COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES**
7. **UTILITY HEARING(S) AND RELATED ORDER(S)**
8. **HEARINGS AND RELATED ORDER**
  - 8.1. Document 118; Tax Classification – FY 2018, from Stephen Gullo, Tax Assessor for Board of Assessors
    - 8.1.1. Order: Appropriate \$1,000,000 from Free Cash to reduce the tax rate  
*Related communication from Mayor Fiorentini regarding free cash opportunities and challenges*
    - 8.1.2. Document 118-B; Order that the residential factor for fiscal year 2018 be adopted as:
    - 8.1.3. Document 118-C; Order that the City shall adopt a commercial exemption
    - 8.1.4. Document 118-D; Order that the City shall adopt a residential exemption
    - 8.1.5. Document 118-E; Order that the City shall adopt an open space discount factor
    - 8.1.6. Document 118-F; Order that the City Council 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.
    - 8.1.7. Document 118-G; Order the City Council accept 100% of C.P.I. (Consumer Price Index) increase reported by the State for F.Y. 2018 Exemptions. The 2018 C.P.I. amount is 1.48%. Attachments
  - 8.2. Document 112; Petition from Joseph DiFraia requesting hearing for minor modification of plans previously Approved With Conditions by City Council September 13 2016; building project at the Chit Chat building 101-103 Washington st Map 301, Block 52, Lot 10 *Comments from Departments are included* Attachment
9. **PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**  
NO SCHEDULE
10. **APPOINTMENTS:**
  - 10.1. Confirming Appointments :  
NO SCHEDULE
  - 10.2. Non-Confirming Appointments:  
NO SCHEDULE



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### **10.3. Resignations**

### **11. PETITIONS:**

- 11.1. Petition for pole and wire location from National Grid, North Andover for Jackson st; Plan 24806624 Hearing December 19<sup>th</sup>

- 11.2. **Applications:**  
NO SCHEDULE

- 11.3. **Applications/Handicap Parking Signs:**  
NO SCHEDULE

- 11.4. **Tag Days:**  
NO SCHEDULE

### **11.5. Annual License Renewals:**

- 11.5.1. Hawker Peddlers License Renewals 2018
- 11.5.2. Coin-Op License Renewals 2018
- 11.5.3. Sunday Coin-Op License Renewals 2018
- 11.5.4. Drainlayer License 2018:
- 11.5.5. Taxi Driver License
- 11.5.6. **Taxi License**
- 11.5.7. Junk Dealer License
- 11.5.8. **Pool Tables:**
- 11.5.9. **Sunday Pool:**
- 11.5.10. **Bowling:**
- 11.5.11. **Buy & Sell Second Hand Clothing**
- 11.5.12. **Pawnbroker license:**
- 11.5.13. **Buy & Sell Old Gold:**
- 11.5.14. **Hawker/Peddler:**
- 11.5.15. **Exterior Vending Machines**
- 11.5.16. **Limousine/Livery License**



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### **12. MOTIONS AND ORDERS**

- 12.1.** Order authorize payment of bills of previous years and authorize payment from current year departmental appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Eastern Bank	\$129.72	Treasurer
EJ Riemitis Co Inc	\$492.80	School Dept
		<u>Attachment</u>

### **13. ORDINANCES (FILE 10 DAYS)**

- 13.1.** NO SCHEDULE  
**13.2.** MONTHLY REPORTS  
NO SCHEDULE

### **14. COMMUNICATIONS FROM COUNCILLORS**

- 14.1.** Communication from Councillor Barrett and Macek requesting to discuss a zoning change that would remove the bottom line regarding Nursery Schools in Zoning 255 Attachment 1 – Table of Use and Parking Regulations – and to remove “or nursery school” at the end of the line that starts with “Nonprofit educational facility”
- 14.2.** Communication from Councillor Joseph Bevilacqua requesting to recognize *Hilldale Cemetery Association for Wreaths Across America* Attachments

### **15. UNFINISHED BUSINESS OF PRECEDING MEETINGS**

- 15.1.** Document 120-F; Communication from Councillor LePage requesting a discussion on FY 2018 Free Cash, the Tax Rate and the 2018-2022 Capital Improvement Program *Continued from November 14 2017*
- 15.2.** Document 120-G; Communication from Councillor Daly O’Brien requesting a discussion about a crosswalk on Washington st in front of *Wang’s Table* *Continued from November 14 2017*
- 15.3.** Document 120-H; Communication from Councillor Daly O’Brien requesting a discussion about a crosswalk on Carleton st in front of the entrance to Casablanca condominiums *Continued from November 14 2017*
- 15.4.** Document 121-A; Communication from Robert Ward, Deputy DPW Director submitting Ordinance for proposed amendment to Chapter 219 of City Code
- 15.5.** Document 121; Ordinance re: Storm Water Management  
*Filed November 14 2017* Attachments

### **16. RESOLUTIONS AND PROCLAMATION**

NO SCHEDULE

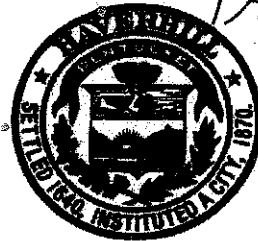
### **17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

NO SCHEDULE

### **18. DOCUMENTS REFERRED TO COMMITTEE STUDY**

NO SCHEDULE

### **19. ADJOURN**



TAX Classification 2018  
Hearing  
November 14 2017

## CITY OF HAVERHILL

ASSESSORS OFFICE – ROOM 115  
Phone: 978-374-2316 Fax: 978-374-2319  
Assessors@cityofhaverhill.com

October 24, 2017

TO: Linda Koutoulas  
Haverhill City Clerk

FROM: Stephen C. Gullo, MAA  
Tax Assessor

SUBJECT: Communication from Stephen C. Gullo, Board of Assessors for the FY 2018 Classification Hearing

The Tax Classification Hearing for Fiscal Year 2018 will be held on Tuesday, November 14, 2017 in the Haverhill City Council Chambers at 7:00 P.M.

IN CITY COUNCIL: October 31 2017

VOTED: that TAX CLASSIFICATION HEARING BE HELD NOVEMBER 14 2017

Attest:

\_\_\_\_\_  
City Clerk

IN CITY COUNCIL: November 14 2017

HEARING CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk

Hearing AD

In conformance with the requirements of Chapter 369 of the Acts of 1982, The City Council of the City of Haverhill, MA will hold a Public Hearing on the issue of determining a residential factor.

The hearing will be held on Tuesday, November 14, 2017 at 7:00 o'clock PM in the Haverhill City Council Chambers.

Linda Koutoulas  
City Clerk

ET – 11/2/17

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**CITY OF HAVERHILL**  
ASSESSORS OFFICE – ROOM 115  
Phone: 978-374-2316 Fax: 978-374-2319  
Assessors@cityofhaverhill.com

811

November 20, 2017

Honorable James J. Fiorentini, Jr.  
President John Michitson  
Members of the City Council  
Haverhill, MA 01830

Dear City Officials:

Chapter 369 of the Acts of 1982 requires that the decision to shift the property tax burden from one class to another be determined by the City Council and the Mayor after a public hearing is held. At the completion of such a hearing, the City Council shall vote on four separate items in order to establish the tax burdens for each class of property.

1) The Selection of a Residential Factor

The minimum residential factor is .915503%. This factor is calculated at 150%. A vote for a factor of 1 will establish a single tax rate for all classes of property.

Chapter 200 of the Acts of 1988 allows certain communities at local option to shift just as much of the tax burden, (up to 175%), to commercial, industrial and personal properties so as to maintain the most favored residential share since the City's adoption of a classified tax system. In other words, Chapter 200 provides relief for those communities in which the maximum shift results in a residential share that is larger than the prior year's. Our residential share for FY2018 using the CIP share of 150% is 78.3154. The chosen residential share used last year was 76.0321; therefore, our community **DOES** qualify for the provisions of this legislation.

2) Open Space

The establishment of this class of property is the responsibility of the Assessors. Given the legal description of this class, the Assessors have determined that there are no parcels that meet this description.

### 3) Residential Exemption

The average residential valuation for Fiscal Year 2018 is \$277,378. This average includes condos, one family, two family three family dwellings, apartments as well as vacant land.

This exemption would allow a reduction in valuation of each qualifying residential parcel of up to \$55,476. Because the adoption of such a factor is to be borne within the residential class, the net effect of the Residential Exemption is to lower tax bills for all residential property valued less than the average valuation and INCREASE TAX BILLS for all residential property value greater than the average valuation.

Such an exemption is difficult to apply due to the legal requirement that the exemption be applied only to the principal residence of the taxpayer.

#### (FOR INFORMATION PURPOSES)

The average	SINGLE FAMILY	307,907
	CONDO	183,635
	TWO FAMILY	292,762
	THREE FAMILY	350,316
	APARTMENT	965,675

### 4) Commercial exemption

This legislation also adds the option, a small commercial exemption, to the property tax classification law. Under General Laws Chapter 59, Section 5I, the Mayor, with the approval of the City Council, may now decide annually to exempt up to ten percent of the value of Class 3, Commercial, parcels that are occupied by businesses with an average annual employment of no more than ten people at all locations during the previous calendar year, as certified by the Commissioner of the Department of Employment and Training, and valuations of less than a million dollars. Similar to the residential exemption it results in deducting property taxes onto other commercial and industrial properties.

This exemption is based on a percentage of an eligible parcel's valuation, rather than a fixed dollar amount. If this exemption is granted our office must determine the eligible parcels, reduce their valuation by the selected percentage and set the tax rate using the reduced value. This exemption will result in a higher rate for the Commercial and Industrial classes than for Personal Property.

The Assessors have reviewed the list from the Commissioner of DET and find that approximately 120 parcels out of 1068 (including 225 mixed uses) qualify for the exemption.

We estimate that the value of these parcels is \$43,477,000. If the City were to vote for a factor of 158% for CIP class the Commercial/Industrial rate would change from \$25.12 to \$25.28. The AVERAGE qualifying parcel assessed at \$257,261 would have a reduced value of \$231,595. ACTUAL PARCELS range in value from \$15,670 to \$754,800. There are currently only 11 communities out of 351 in the State that have adopted this exemption.

The new growth valuation is broken down as follows:

RESIDENTIAL TOTALS	46,376,937	=	61.9%
COMMERCIAL TOTALS	5,985,302	=	8.0%
INDUSTRIAL TOTALS	691,677	=	.9%
PERSONAL PROPERTY	21,869,230	=	29.2%

We trust that this information will assist City Officials in the decision making process.

Very truly yours,  
Board of Assessors



The following data is submitted in order to exemplify the ESTIMATED TAX RATES for the Residential vs. Commercial, Industrial and Personal Property (CIP) with the use of different tax factors.

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CIP FACTOR	RESIDENTIAL FACTOR	RESIDENTIAL RATE	CIP RATE
1	1	\$ 15.90	\$ 15.90
150	.915503	14.56	23.85
155	.907053	14.42	24.64
156	.905363	14.39	24.80
157	.903673	14.37	24.96
<b>158</b>	<b>.901983</b>	<b>14.34</b>	<b>25.12</b>
159	.900293	14.31	25.28
160	.898603	14.29	25.44
175	.873254	13.88	27.82

# GENERAL INFORMATION – FY 2017

## Fiscal Year 2017 Valuation Totals:

CLASS	DESCRIPTION	VALUE	% OF TOTAL VALUE
I	Residential	4,878,245,216	84.8305
II	Open Space	-0-	-0-
III	Commercial	418,951,008	7.2853
IV	Industrial	240,599,613	4.1839
V	Personal Prop.	212,785,520	3.7003
TOTAL		5,750,581,357	100.0000

## Fiscal Year 2017 Levy Calculations:

FY 2016 Levy: Limit	94,194,099
Plus 2.5%	2,354,852
Plus New Growth	1,399,657
Total Allowable FY2017 Levy	97,948,608
Plus Debt Exclusion:	1,059,117
TOTAL 2017	99,007,725

## Average Fiscal Year 2017 Valuations:

CLASS	DESCRIPTION	AVERAGE VALUE
I	Residential	\$ 253,192
II	Open Space	-0-
III	Commercial ***	584,025
IV	Industrial *	969,129
V	Personal Prop. **	343,202

\* Includes Vacant Parcels within the Class

\*\* Includes Utilities

# GENERAL INFORMATION – FY 2018

## Fiscal Year 2018 Valuation Totals:

CLASS	DESCRIPTION	VALUE	% OF TOTAL VALUE
I	Residential	5,369,487,657	85.5436
II	Open Space	-0-	-0-
III	Commercial	445,241,680	7.0933
IV	Industrial	249,356,502	3.9726
V	Personal Property	212,815,570	3.3905
	TOTAL	6,276,901,409	100.0000

## Fiscal Year 2018 Levy Calculations:

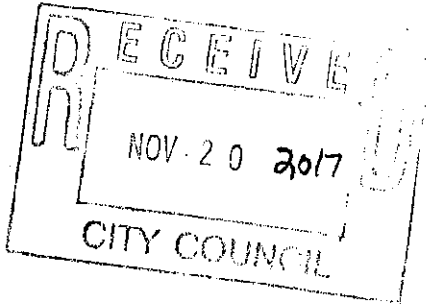
Fiscal Year 2017 Levy:	97,948,608
Plus 2.5%	2,448,715
Plus New Growth	1,449,667
Total Allowable FY2018 Levy	101,846, 990
Plus Debt Exclusion:	778,872
TOTAL 2018	102,625,862

## Average Fiscal Year 2018 Valuations:

CLASS	DESCRIPTION		AVERAGE VALUE
I	Residential	*	\$272,977
II	Open Space		-0-
III	Commercial	***	627,673
IV	Industrial	*	1,015,496
V	Personal Property	**	340,505

\* Includes Vacant Parcels within the Class

\*\* Includes Utilities



Revised

**CITY OF HAVERHILL**  
ASSESSORS OFFICE – ROOM 115  
Phone: 978-374-2316 Fax: 978-374-2319  
Assessors@cityofhaverhill.com

20  
November 16, 2017

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President John Michitson  
Members of the City Council  
Haverhill, MA 01830

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Revised

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*Revised*

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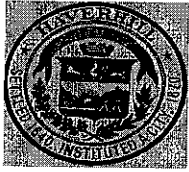
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V	Personal Property	** 340,505

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\*\* Includes Utilities





Document  
CITY OF HAVERHILL  
In Municipal Council

8.1.1.1

Ordered:

That \$1,000,000 appropriated from Free Cash to reduce the tax rate.

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
MAYOR@CITYOFHAVERHILL.COM  
WWW.CI.HAVERHILL.MA.US

November 21, 2017

City Council President John A. Michitson and Members of the Haverhill City Council

RE: Order to transfer \$1,000,000 from Free Cash to reduce the FY2018 tax rate

Dear Mr. President and Members of the Haverhill City Council:

Please find attached an order to transfer \$1,000,000 from Free Cash to reduce the FY2018 property tax rate. I recommend approval.

Very truly yours,

  
**James J. Fiorentini**  
Mayor

JJF/lyf

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
MAYOR@CITYOFHAVERHILL.COM  
WWW.CI.HAVERHILL.MA.US

Mr. President and members of the City Council:

As I previously informed you, the state DOR has certified the city has \$10.8 million in free cash. This is the most we have had in certified free cash in our history. This letter from DOR caps the incredible progress we have made from having the largest deficit in our history and the largest municipal deficit in the history of the entire State, to have the largest surplus in our history. It is a key reason why our bond rating is at the highest point in our history. It comes at the best possible time, when it is most needed, at the retirement of Rep. Dempsey.

This free cash presents us with unique opportunities and unique challenges. Most of this money should be saved for inclusion in the FY19 and FY20 budgets.

As you know, free cash is one-time money. It is one of the city's strategic reserves. Using any large portion of it will present us with tremendous challenges as we go forward. There will be tremendous pressure on us to spend this money. It is critical that we resist that pressure and include the vast majority of the free cash reserve in the upcoming budgets.

The largest portion of our free cash -- \$5.5 million -- should be saved for the disposition of the upcoming 2019 city operating budget. This is especially critical in light of uncertainty regarding state funding, especially in that we do not know yet if we will obtain the \$2.4 million in state aid next year that we have received this year and in prior years to help us pay our annual payment on the Hale debt. Other factors that could negatively affect our 2019 budget include the possible loss or reduction in federal grants due to possible funding cuts.

I am also proposing that we set aside \$3M in free cash for the 2020 city budget for similar reasons.

However, there are some things that need to be done now, and there are reserve policies that need to be adhered to if we are going to keep our city affordable and our bond rating. Accordingly, I have some proposals on the use of the money. I will present those proposals in detail at our upcoming Nov. 28 meeting.

In keeping with our policies regarding free cash and our reserve cash accounts, I am recommending that we use \$1M to reduce next year's tax levy. As you will hear from Steve Gullo at the meeting, some of our small businesses will be showing tax increases this coming year. The best way to alleviate those increases is by using some free cash to lower the burden. This will also make the upcoming tax burden

on our homeowners slightly more palatable, since they will be seeing increases in water, waste water and tax bills.

I am also recommending that we use another \$1M for capital projects and expenditures. I have included for your review below the list of capital items for which I am recommending we purchase with free cash.

This list does not include approximately \$1.5M for new radios for the Police Department (\$926,000) and Fire Department (\$635,000) or approximately \$2M for a new girls' softball field. I will be at a future meeting to ask for a separate appropriation to bond those priority expenditures. This list also does not include items which are funded elsewhere as part of our capital plan.

Here are the items I recommend funding with the free cash:

- Police Byrne Grant Staffing: \$50,000. This will allow us to keep a critically needed social worker to assist in the opiate crisis. This money may ultimately not be required but I feel that we should set it aside in the event that it is.
- Police Animal Control Officer Replacement Vehicle: \$60,000. This was not in our original capital plan but it is needed.
- New one-ton dump truck: \$45,000. This will be part of our overall plan to improve services and snow plowing and snow removal services in the highway department.
- Belly Plows for our highway vehicles: \$42,000. This will enable our plows and trucks to do a better job of cutting through the ice and, again, is part of our plan to improve service during snow storms.
- Sidewalks: \$500,000. This is part of our capital plan. We had intended to borrow this, but with this amount of free cash, we believe can now pay cash for it.
- Fire Vehicle Replacement Plan: \$32,000. Again, this was part of our capital plan, but now we could pay with free cash.

There are some items that were not part of our capital plan but which we believe are necessary and can assist at city hall. Here is a list, and we may add more to that by Tuesday's meeting as I continue to meet with department heads:

- City Hall Phone System: \$45,000. Our phone system is in need of replacement.
- Transparency program: \$50,000. Councilors have asked for a program to allow for more transparency. I propose that we set money aside and then work together to come up with the best program.
- City clerk's office, alarm system: \$5,000
- Glass Door city clerk's office: \$10,000
- Seasonal Highway Worker to help with snow removal & misc. small jobs: \$5000

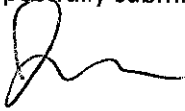
Finally, there is one item that was not in my budget, but which I believe is critical to our long term future here in the city, hiring a consultant to assist us in doing a new master plan. This is about the range that other cities are paying.

Master Plan Development: \$150,000

In summary, I would like to stress that it is critical that we use the vast majority of our free cash for the upcoming budget. We have been able to attain our current level of free cash only by making prudent and responsible decisions about how we utilize taxpayer funds.

I look forward to your input and our discussion next week.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Fiorentini', with a stylized, flowing script.

James J. Fiorentini, Mayor



DOCUMENT 118-B

8.1.2

CITY OF HAVERHILL

In Municipal Council November 14 2017

ORDERED:

That the residential factor for fiscal year 2018 be adopted as:

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk



DOCUMENT 118-C

8,1,3

CITY OF HAVERHILL

In Municipal Council November 14 2017

ORDERED:

That the City shall adopt a commercial exemption

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
Mayor



DOCUMENT 118-D

8.1.4

CITY OF HAVERHILL

In Municipal Council November 14 2017

ORDERED:

That the City shall adopt a residential exemption

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk



118-E

DOCUMENT 118-E

8.1.5



CITY OF HAVERHILL

In Municipal Council November 14 2017

ORDERED:

That the City shall select an open space discount factor

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk



DOCUMENT 118-F

8.1.6

## CITY OF HAVERHILL

In Municipal Council November 14 2017

### 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.

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk

118-G



DOCUMENT 118-G

8.1.2

# CITY OF HAVERHILL

In Municipal Council November 14 2017

## ORDERED:

That the City Council accept 100 % of C.P.I. (Consumer Price Index) increase reported by the State for F.Y. 2018 Exemptions. The 2018 C.P.I. amount is 1.48%.

CONTINUED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
City Clerk

112

Hearing Nov 28 2017

8.2

Joseph DiFraia  
 101-103 Washington Street Realty, LLC  
 101-103 Washington Street  
 Haverhill, MA 01832

September 29, 2017

City Council  
 4 Summer Street  
 Room 204  
 Haverhill, MA 01830

**RE: 101-103 Washington Street**  
*MAP 301 Block 52 Lot 10*  
 To Whom It May Concern,

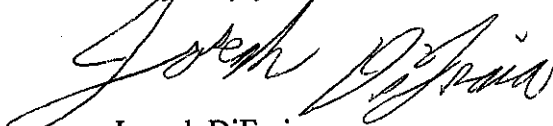
I would like to submit the attached plans as a minor modification to the plans that were previously approved by City Council.

The previous plans indicated we would be constructing four apartments on the third and fourth floors while leaving the existing nightclub, the Chit Chat Lounge, on the first and second floor. The plans also included the addition of a lift between the first and second floor.

The revised plans show the removal of the second floor portion of the nightclub and the construction of two additional one-bedroom apartments. The first floor nightclub will remain in place. The installation of the lift has also been removed from the revised plans.

Please contact me with any questions. I can be reached at 978-618-7799.

Very truly yours,



Joseph DiFraia

IN CITY COUNCIL: October 17 2017  
 VOTED: that COUNCIL HEARING BE HELD NOVEMBER 28 2017  
 Attest:

\_\_\_\_\_  
 City Clerk



# Haverhill

Linda L. Koutoulas, City Clerk  
City Clerk's Office, Room 118  
Phone: 978-374-2312 Fax: 978-373-8490  
cityclerk@cityofhaverhill.com

November 22 2017

To: City Councillors

From: City Clerk's Office

Re: Application-Document 112, Petition from Joseph DiFraia requesting Hearing for minor modification of plans previously Approved With Conditions by City Council September 13 2016; for a building project at the Chit Chat building; 101-103 Washington st - to construct 4 apartments on the third and fourth floors while leaving the existing nightclub and also will remove the second floor portion of the nightclub and construct 2 additional one-bedroom apartments

**Project Reference** -Joseph DiFraia for 101-103 Washington st; Assessors' Map 301, Block 52, Lot 10

**Street Location** - 101-103 Washington st

**\*Public Hearing-Tuesday, November 28 2017**

Enclosed please find reports as received from the various Departments with respect to this Special Permit



# Haverhill

Linda L. Koutoulas, City Clerk  
City Clerk's Office, Room 118

Phone: 978-374-2312 Fax: 978-373-8490  
cityclerk@cityofhaverhill.com

## REQUEST FOR COMMENT

TO: BOARD OF HEALTH CHAIRMAN & MEMBERS  
BUILDING INSPECTOR - Richard Osborne  
CITY ENGINEER - John Pettis  
CONSERVATION COMMISSION CHAIRMAN & MEMBERS  
HIGHWAY SUPERINTENDENT - Michael Stankovich  
PLANNING DIRECTOR - William Pillsbury  
WASTEWATER/WATER ENGINEER - Robert Ward  
FIRE DEPARTMENT - William Laliberty  
POLICE DEPARTMENT- Alan DeNaro  
SCHOOL SUPERINTENDENT - James Scully

FROM: **CITY CLERK: Linda L Koutoulas**

DATE: **November 1 2017**

RE: **Application-Documents 112**, Petition from Joseph DiFraia requesting Hearing for minor modification of plans previously Approved With Conditions by City Council September 13 2016; for a building project at the Chit Chat building; 101-103 Washington st - to construct 4 apartments on the third and fourth floors while leaving the existing nightclub and also will remove the second floor portion of the nightclub and construct 2 additional one-bedroom apartments

***Project Reference*** -Joseph DiFraia for 101-103 Washington st; Assessors' Map 301, Block 52, Lot 10

***\*Please send reports to City Clerk, Room 118 by Monday, November 20 2017 for that week's Council Agenda***

**The public hearing of the City Council is scheduled for TUESDAY, November 28 2017**

112

Hearing Nov 28 2017

Joseph DiFraia  
101-103 Washington Street Realty, LLC  
101-103 Washington Street  
Haverhill, MA 01832

September 29, 2017

City Council  
4 Summer Street  
Room 204  
Haverhill, MA 01830

RE: 101-103 Washington Street  
map 301 Block 52 Lot 10  
To Whom It May Concern,

I would like to submit the attached plans as a minor modification to the plans that were previously approved by City Council.

The previous plans indicated we would be constructing four apartments on the third and fourth floors while leaving the existing nightclub, the Chit Chat Lounge, on the first and second floor. The plans also included the addition of a lift between the first and second floor.

The revised plans show the removal of the second floor portion of the nightclub and the construction of two additional one-bedroom apartments. The first floor nightclub will remain in place. The installation of the lift has also been removed from the revised plans.

Please contact me with any questions. I can be reached at 978-618-7799.

Very truly yours,



Joseph DiFraia

IN CITY COUNCIL: October 17 2017

VOTED: that COUNCIL HEARING BE HELD NOVEMBER 28 2017

Attest:

City Clerk





# Haverhill

Economic Development & Planning  
Phone: 978-374-2330 Fax: 978-374-2315  
wpillsbury@cityofhaverhill.com

November 20, 2017

TO: City Council President John J. Michitson and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

**SUBJECT: 101-103 Washington Street—Minor Modification(Chit Chat building)**

The applicant is requesting a minor modification to their previous approval to change 1 floor of the building which was programmed to be the second floor of the commercial use, to two residential units leaving the commercial space as one floor. The net effect of this modification is to add two residential units to the space.

The applicant shall prior to receiving building permits provide evidence of providing the additional parking required for the additional units in addition to compliance with all other relevant codes.

As Planning director, I recommend approval of the minor modification of the permit to change 1 commercial floor to 2 market-rate residential units with conditions relative to providing evidence of required parking.

**Recommendation: Approve the minor modification to the permit**





James J. Fiorentini  
Mayor

William F. Laliberty  
Fire Chief

## Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C Eric M. Tarpy  
Lieut. Roger E. Moses  
Insp. Jonathan W. Pramas  
Insp. James H. Graham



4 Summer St, Room 113  
Tel: (978) 373-8460  
Fax: (978) 521-4441

November 14, 2017

Linda L. Koutoulas, City Clerk  
4 Summer Street, room 118  
Haverhill, MA 01830

RE: 101-103 Washington Street Map 301, Block 52, Lot 10  
Minor Modifications

To whom it may concern: and or Joseph Difraia,

The Haverhill Fire Department is not opposed to the minor modification the plans previously approved by the city council on September 13, 2016.

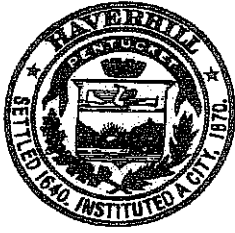
The revised plans show the removal of the second floor portion of the nightclub and the construction of two additional one bed-room apartments. The first floor nightclub will remain in place. The installation of the lift has also been removed from the revised plans.

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which are in the scope of 780 CMR shall be made in accordance therewith. (527 CMR 1.03 and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR, 527 CMR, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

Respectfully,

Lieutenant Roger Moses  
Haverhill Fire Prevention Division



# Haverhill

Linda L. Koutoulas, City Clerk  
City Clerk's Office, Room 118  
Phone: 978-374-2312 Fax: 978-373-8490  
cityclerk@cityofhaverhill.com

November 22 2017

To: City Councillors  
From: City Clerk's Office

Re: Application-Document 112, Petition from Joseph DiFraia requesting Hearing for minor modification of plans previously Approved With Conditions by City Council September 13 2016; for a building project at the Chit Chat building; 101-103 Washington st - to construct 4 apartments on the third and fourth floors while leaving the existing nightclub and also will remove the second floor portion of the nightclub and construct 2 additional one-bedroom apartments

**Project Reference** -Joseph DiFraia for 101-103 Washington st; Assessors' Map 301, Block 52, Lot 10

**Street Location** - 101-103 Washington st

**\*Public Hearing-Tuesday, November 28 2017**

Enclosed please find reports as received from the various Departments with respect to this Special Permit

**Design  
Partnership  
Architects INC.**

85 Brockton Ave., on Pentucket Lake  
Haverhill, MA 01830-2703  
978-372-9400 Fax: 978-372-6779  
Cell: 978-837-8058  
angelo.petrozzelli, aia president  
E-Mail: [designpartnership@verizon.net](mailto:designpartnership@verizon.net)

**TO: Mr. Joseph DiFraia  
58 Wild Rose Drive  
Andover, MA 01831**

**TRANSMITTAL**

Date: 10-23-17	JOB: R15-10-107
ATTENTION: Mr. Joseph DiFraia	
RE: 20 Sets of Contract Documents for Submission to	
Haverhill City Clerk's Office for Distribution to	
Various Boards/Councils	
<b>HAND DELIVERED TO MR. DiFRAIA</b>	

**WE ARE SENDING YOU:** Attached Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings                      Prints                      Plans                      Samples                      Specifications  
Copy of Letter                      Change Color                      \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
20 SETS	Revision date 10-21-2017		Sheets No. T.1, N.1, D1.1, D1.2, A1.2, A1.3, A1.4, A0.1, A0.2, A4.1, A2.0

**THESE ARE TRANSMITTED** as checked below:

For approval ☒                      Approved as submitted                      Resubmit \_\_\_\_\_ copies for approval  
For your use ☒                      Approved as noted                      Submit \_\_\_\_\_ copies for distribution  
As requested ☒                      Returned for corrections                      Return \_\_\_\_\_ corrected prints

For review and comment \_\_\_\_\_

FOR BIDS DUE \_\_\_\_\_ **20** \_\_\_\_\_ PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COPY TO \_\_\_\_\_ SIGNED Angelo Petrozzelli, AIA, President/Design Partnership Architects, Inc.



# Haverhill

Economic Development and Planning

Conservation Department

Phone: 978-374-2334 Fax: 978-374-2366

[rmoore@cityofhaverhill.com](mailto:rmoore@cityofhaverhill.com)

[conservation@cityofhaverhill.com](mailto:conservation@cityofhaverhill.com)

MEMO TO: Linda L. Koutoulas, City Clerk  
FROM: Robert E. Moore, Jr., Environmental Health Technician  
DATE: October 31, 2017  
RE: Special Permit Modification – Parcel ID: 301-52-10  
Joseph DiFraia for #101-103 Washington Street

2017OCT31PM01:58 HAV CITYC

The Conservation Commission reviewed the original special permit application materials at its August 4, 2016, meeting. The Commission found no wetland-related concerns associated with this project site.

Hearing December 19  
2017

Questions contact – Stefanie Steeves - 978-725-1159

**PETITION FOR POLE AND WIRE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Haverhill Massachusetts



NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Jackson St-National Grid requests to install new pole 10 with anchor and two bollards at center of dead end on Jackson St in order to remove existing anchor at pole 9. The anchor at pole 9 has been repeatedly hit by cars. Bollards at new pole 10 would be placed in front of pole on either side to prevent plow damage.


Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Jackson St-Haverhill Massachusetts

**24806624** October 18, 2017

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY   
Engineering Department

**nationalgrid**

October 18, 2017

City of Haverhill Massachusetts

To whom it may concern

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

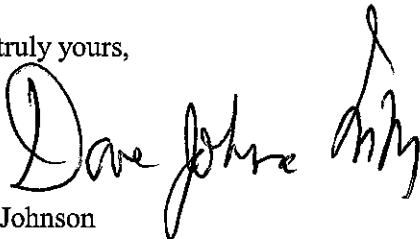
Stefanie Steeves -978-725-1159

Please notify National Grid's Maureen Miloro of the hearing date / time 978 725 1418

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Maureen Miloro; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

A handwritten signature in black ink that reads "Dave Johnson". The signature is stylized with a large "D" and a long, sweeping line extending from the end of the name.

Dave Johnson  
Supervisor, Distribution Design

Enclosures

2017NOV02 10:51AM 2017

#14  
MARSHALL ST

#71  
JACKSON ST

P.10

#69  
JACKSON ST

①

P.9

#65  
JACKSON ST

#61  
JACKSON ST

P.8

#89  
HIGH ST

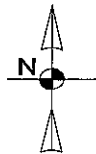
JACKSON ST

HIGH ST

#93  
HIGH ST

P.11

JACKSON ST



## JOINTLY OWNED POLE PETITION

① J.O. POLE (EXISTING)

● PROPOSED J.O. POLE

⚡ ANCHOR LOCATION

⊙ PROPOSED BOLLARD

Nationalgrid requests to install new Pole 10 with anchor and two bollards at center of dead end on Jackson St in order to remove existing anchor at Pole 9. The anchor at Pole 9 has been hit repeatedly by cars. Bollards at new Pole 10 would be placed in front of pole on either side to prevent plow damage.

DISTANCES ARE APPROXIMATE

# nationalgrid

Date: 10/18/2017

WORK REQUEST: 24806624

To The: City Of Haverhill

For Proposed: Pole 10 Location: Jackson St

Drawn By: S.Steeves



Document  
CITY OF HAVERHILL  
In Municipal Council

12.1

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 as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Eastern Bank	\$129.72	Treasurer
EJ Riemitis Co Inc	\$492.80	School Dept





Date: **October 16, 2017**

**To:**  
  
**CITY OF HAVERHILL  
LOCKBOX REVENUE ACCOUNT  
TREASURES OFFICE TOWN HALL  
PO BOX 969  
HAVERHILL, MA 01831-1099**

**From:**  
  
**Eastern Bank  
Government Banking  
195 Market Street  
Lynn, MA 01901**

Customer		Due Date
City of Haverhill	June-17	10/31/2017

Description of Charges	Fee
Outstanding Lockbox Charges for June 2017	\$ 129.72
<b>Total Amount Due</b>	<b>\$ 129.72</b>

Should you have any additional questions, comments or concerns please feel free to contact me via e-mail or at the telephone number provided below.

Thank you.

*mtinkham*

Michelle Tinkham

Sr. Client Support Specialist

Government Banking

Phone 781-596-4485

Fax 781-598-8491

✓ Q5-19 call to L.T.

JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
MAYOR@CITYOFHAVERHILL.COM  
WWW.CI.HAVERHILL.MA.US

November 21, 2017

City Council President John A. Michitson and Members of the Haverhill City Council

RE: FY2017 Bills

Dear Mr. President and Members of the Haverhill City Council:

Attached, please find an order to pay bills from the previous fiscal year:

Vendor	Amount	Account
Eastern Bank	\$129.72	Treasurer
E.J. Riemitis	\$492.80	School Department
<b>TOTAL</b>	<b>\$622.52</b>	

I recommend approval.

Very truly yours,

**James J. Fiorentini, Mayor**

JJF/lyf

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
**JOSEPH J. BEVILACQUA**  
**COLIN F. LEPAGE**  
**MARY ELLEN DALY O'BRIEN**  
**WILLIAM J. MACEK**  
**THOMAS J. SULLIVAN**



**CITY OF HAVERHILL**  
**HAVERHILL, MASSACHUSETTS 01830-5843**

14.1  
CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978 374-2328  
FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

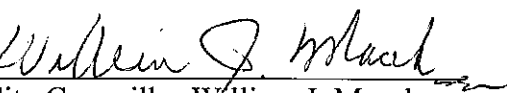
November 15, 2017

TO: Mr. President and Members of the City Council:

Councillors Barrett and Macek request to discuss a zoning change that would remove the bottom line regarding Nursery Schools in Zoning 255 Attachment 1 - Table of Use and Parking Regulations, and to also remove "or nursery school" at the end of the line that starts with "Nonprofit educational facility".

NOTE: This request is being made as such action would then treat preschools like other educational facilities including Kindergarten which are pretty similar. It would also prevent having every new preschool go to the Board of Appeals to get a permit. Also, it would enable the experts at the Department of Early Education and Care to oversee things that distinguish these programs (like outdoor space requirements).

  
City Councillor Melinda Barrett

  
City Councillor William J. Macek

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
**JOSEPH J. BEVILACQUA**  
**COLIN F. LePAGE**  
**MARY ELLEN DALY O'BRIEN**  
**WILLIAM J. MACEK**  
**THOMAS J. SULLIVAN**



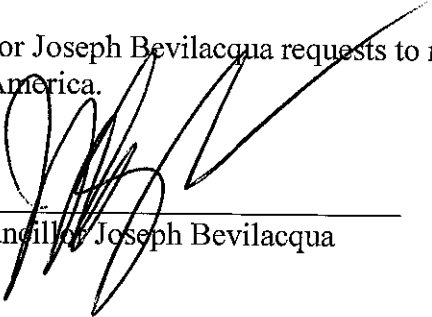
**CITY OF HAVERHILL**  
**HAVERHILL, MASSACHUSETTS 01830-5843**

14.2  
CITY HALL, ROOM 204  
4 SUMMER STREET  
TELEPHONE: 978 374-2328  
FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

November 14, 2017

TO: Mr. President and Members of the City Council:

Councillor Joseph Bevilacqua requests to recognize Hilldale Cemetery Association for Wreaths Across America.

  
\_\_\_\_\_  
City Councillor Joseph Bevilacqua

**CITY COUNCIL**

120-F  
**JOHN A. MICHITSON**  
*PRESIDENT*  
**MELINDA E. BARRETT**  
*VICE PRESIDENT*  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
**JOSEPH J. BEVILACQUA**  
**COLIN F. LEPAGE**  
**MARY ELLEN DALY O'BRIEN**  
**WILLIAM J. MACEK**  
**THOMAS J. SULLIVAN**



**CITY OF HAVERHILL**  
 HAVERHILL, MASSACHUSETTS 01830-5843

1511  
 CITY HALL, ROOM 204  
 4 SUMMER STREET  
 TELEPHONE: 978 374-2328  
 FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

September 5, 2017

TO: Mr. President and Members of the City Council:

Communication from Councillor LePage requesting a discussion on FY'18 free cash, the tax rate and the 2018-2022 Capital Improvement Program.

City Councillor Colin LePage

IN CITY COUNCIL: November 14 2017

TABLED TO NOVEMBER 28 2017

Attest:

\_\_\_\_\_  
 City Clerk

**mayors admin**

---

**From:** dlssupport@dor.state.ma.us  
**Sent:** Monday, October 23, 2017 12:23 PM  
**To:** Assessors; Steve Gullo; Alicia Mcosker; Yenise Rozon; Mayor; Pat Martel; Charles Benevento; dlsitgroup@dor.state.ma.us  
**Cc:** colburnb@dor.state.ma.us  
**Subject:** Notification of free cash approval - Haverhill  
**Attachments:** Haverhill FY17.pdf

**Massachusetts Department of Revenue Division of Local Services**

Christopher C. Harding, Commissioner

Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/23/2017

**NOTIFICATION OF FREE CASH APPROVAL - City of Haverhill**

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2017 for the City of Haverhill is:

General Fund	\$10,866,937.00
Enterprise Fund Water	\$4,497,762.00
Enterprise Fund Sewer	\$493,803.00

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,



Mary Jane Handy  
Director of Accounts  
Massachusetts Department of Revenue

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.

FY 18 AVERAGE TAX/LEVY EXAMPLES SINGLE FAM HOMES SHIFT OF 158

	FY18 LEVY	CREDIT TO TAXPAYE	ASSESSMENT RATE	TAXES	FY17 AVE BILL	INCREASE
Levy	99,800,000	\$0.00	\$307,907	\$14.34	\$4,415.39	\$105.39
Levy	99,300,000	\$500,000.00	\$307,907	\$14.27	\$4,393.83	\$83.83
LEVY	\$ 98,800,000	\$1,000,000.00	\$307,907	\$14.20	\$4,372.28	\$62.28
LEVY	97,800,000	\$2,000,000.00	\$307,907	\$14.05	\$4,326.09	\$16.09
LEVY	97,400,000	\$2,400,000.00	\$307,907	\$14.00	\$4,310.70	\$0.00

A \$1,000,000 reduction in the levy would result in an increase over last year of \$62.28

For a zero increase the levy would have to be reduced by \$2,400,000 (row 13).



# CITY OF HAVERHILL

Mayor's Recommendations

## CAPITAL IMPROVEMENT PROGRAM 2018 - 2022



MAYOR  
James J. Fiorentini

---

OCTOBER, 2017

## **Executive Summary**

The Mayor respectfully submits the following Capital Improvement Program (CIP). It should be noted that the CIP is not a static process. The creation of this CIP is based on the best available information at the time of development with some projects requiring additional price and scope information. However, circumstances during the budget year and out-years do change which may require a change in plan. This plan is a forward looking document designed to inform the community in the broadest possible way of the potential needs and demands they may be facing. In addition, a capital budget plan is a fluid document subject to change each year as priorities change and additional information becomes available. As a result, a project, which had a priority in a previous edition of the capital plan, may have a different priority in subsequent year updates. After the first year of the capital plan, the information provided in the subsequent years is not so much to provide as a formal "pecking order", but instead to identify trends far enough in advance to address problems in a rational and timely manner. Finally, the CIP does not appropriate funds, but rather functions as a budgeting tool, supporting the actual appropriations that are made through the budget year.

## **Capital Improvement Program**

A capital improvement program is a fiscal planning tool that documents the City's capital asset needs, ranks the needs in order of project priority, and schedules projects for funding and implementation as budgetary constraints allow. The CIP is a dynamic process and one that is likely to change from year to year. The process provides the opportunity to plan for major expenditures in the future while evaluating new and current projects based on up to date data. The CIP is a composite of the City's capital needs, tempered by current and future financial capability.

### **What is a capital improvement?**

A capital improvement is a **non-routine expenditure for new construction, major equipment purchase, or improvement to existing buildings, facilities, land or infrastructure, with an estimated useful life of five (5) years.**

Among the items properly classified as capital improvements are:

- ◆ New public buildings, or additions to existing buildings, including land acquisition costs and equipment needed to furnish the new building or addition for the first time;
- ◆ Major alterations, renovations, or improvements to existing buildings which extend the useful life of the existing buildings by five (5) years;
- ◆ Land acquisition and/or improvement, unrelated to a public building, but necessary for conservation or parks and recreation purposes;
- ◆ Major equipment acquisition, replacement or refurbishment;
- ◆ New construction or major improvements to the City's physical infrastructure, including streets, sidewalks, stormwater drains, the water distribution system, and the sanitary sewer system, which extend the useful life of the infrastructure by at least five (5) years, and
- ◆ A feasibility study or engineering design services which are related to a future capital improvement.

### **What are the benefits of a capital improvement program?**

- ◆ Facilitates coordination between capital needs and the operating budgets;
- ◆ Enhances the community's credit rating through improved fiscal planning and avoids sudden changes in its debt service requirements;
- ◆ Identifies the most economical means of financing capital projects;
- ◆ Increases opportunities for obtaining federal and state aid;
- ◆ Relates public facilities to the City's strategic plan or public and private development and redevelopment policies and plans;

- ◆ Focuses attention on community objectives and fiscal capacity;
- ◆ Keeps the public informed about future needs and projects;
- ◆ Coordinates overlapping units of local government to reduce duplication, and encourages careful project planning and design to avoid costly mistakes and reach goals.

## **Capital Program Categories**

In an effort to gain consistency in categorizing and evaluating projects this program is divided into the following six "Program Categories".

**Land** - The acquisition through purchase, long term lease, with or without conditions, of undeveloped real estate. If the acquisition of land is associated with the acquisition of a building or an infrastructure project, the project should be categorized in those respective categories.

**Building** - The replacement, renovation, addition to, construction or acquisition through purchase or long-term lease of a building structure or a major component thereof.

**Infrastructure** - This category would include such things as water and sewer pipes, pumping stations, roadwork, sidewalks, traffic signals, drainage systems and other improvements of a lasting nature but not related to building structures.

**Vehicles** - All equipment that meets the definition of a capital project item that is capable of self-propulsion from one location to another.

**Equipment** - All other equipment that meets the definition of a capital project item. If the item is a piece of equipment that is intended to be permanently installed in a building such as an air conditioner or a furnace, that item should be classified under "Building".

## Prior Projects Approved (to date)

<b>Building Maint.</b>	<b>266,000</b>	<b>20,000</b>		<b>161,046</b>	<b>317,957</b>	<b>765,003</b>
City Council A/C Repairs				1,557		1,557
City Hall Energy Upgrades				20,489		20,489
City Hall Exterior Repairs		20,000				20,000
City Hall Parking Lot Stairs				12,000		12,000
City Hall Repairs	216,000					216,000
City Hall Signage					15,000	15,000
City-Wide Building Repairs				57,000		57,000
Flooring City Hall				10,000		10,000
Purchase Street Lights					302,957	302,957
Retaining Wall City Hall				60,000		60,000
Tattersall Farm	50,000					50,000
<b>Citizen Ctr.</b>		<b>200,000</b>	<b>60,000</b>			<b>260,000</b>
Bathrooms (6)			60,000			60,000
Citizen Ctr Improvements		200,000				200,000
<b>Clerk</b>	<b>2,100</b>			<b>6,000</b>		<b>8,100</b>
Rebind vital books				6,000		6,000
Voting Booths	2,100					2,100
<b>Education</b>	<b>800,000</b>	<b>35,000</b>	<b>61,690,000</b>	<b>2,582,004</b>	<b>520,000</b>	<b>65,627,004</b>
Consentino Lockers					170,000	170,000
Consentino Sidewalk Repairs			70,000			70,000
Consentino Teacher Parking Lot			120,000			120,000
Energy efficiency improvements				2,500,000		2,500,000
HHS Curbing and Cement Decking		35,000				35,000
HHS Curbing and Concrete Repairs				11,004		11,004
HHS Sidewalk Repair				21,000		21,000
Hunking Feasibility Study	800,000					800,000
Hunking School Construction			61,500,000			61,500,000
Tilton School Repairs				50,000		50,000
Trinity Stadium					350,000	350,000
<b>Engineering</b>	<b>6,061,000</b>	<b>135,000</b>		<b>376,800</b>		<b>6,572,800</b>
Boardwalk Easements				76,800		76,800
East Broadway Bridge				300,000		300,000
Floodwall	6,061,000					6,061,000
Rt. 97 Improvements		100,000				100,000
Water St. Greenway Project		35,000				35,000
<b>Fire</b>	<b>15,260</b>	<b>586,822</b>	<b>713,512</b>	<b>9,300</b>	<b>583,000</b>	<b>1,907,894</b>
16th Ave Station Floor	10,460	145,322				155,782
16th Facade Repairs			5,000			5,000
Apparatus repair			118,542			118,542
Bucket Truck			46,000			46,000
Fire Inspection Vehicle					26,000	26,000
Fire Truck		420,000	508,970		542,000	1,470,970

Heating Repairs Ayers Village			5,000			5,000
Heating Rocks/Ayers Village					5,000	5,000
High St. Station Rewiring and Repairs			30,000			30,000
High St. wiring and remodel upstairs					10,000	10,000
Water St. Heating System				9,300		9,300
Water St. Roof Repairs	4,800					4,800
Water St. Station Boiler		15,000				15,000
Water St. Station Hose Tower Assessment		6,500				6,500
<b>Highway</b>	<b>61,500</b>	<b>95,678</b>	<b>628,100</b>	<b>1,449,500</b>	<b>477,444</b>	<b>2,712,222</b>
Blue Light for Snow Work				24,500		24,500
Bucket Truck DPW					195,000	195,000
DPW Backup Generator	35,000					35,000
DPW Dump Truck			65,000			65,000
Electrical Work Highway Generator		16,000				16,000
Emergency Flashing Lights	1,500					1,500
Front End Loader with Snow Blower				150,000		150,000
Main Street Improvement project damage					44,444	44,444
One ton (T-1) with new one ton					43,000	43,000
one ton truck				35,000		35,000
Pothole Repairs		10,000				10,000
Retro-Fit Front End Loader				40,000		40,000
Rt. 97 Improvements			363,100			363,100
Sidewalk Repairs	25,000	69,678		1,200,000		1,294,678
Six Wheel Dump Truck with Plow					195,000	195,000
Street and Sidewalk repairs			200,000			200,000
<b>Information Tech.</b>		<b>25,000</b>		<b>6,500</b>		<b>31,500</b>
Disaster Recovery for Servers		15,000				15,000
IT security audit				6,500		6,500
Replace Upgrade Technology		10,000				10,000
<b>Inspection</b>				<b>26,410</b>		<b>26,410</b>
Inspection Vehicle				26,410		26,410
<b>Mayor</b>			<b>15,304</b>	<b>100,000</b>		<b>115,304</b>
Brownfields			15,304			15,304
City Hall document management				100,000		100,000
<b>Park Dept.</b>	<b>60,500</b>		<b>14,875</b>			<b>75,375</b>
Boiler at Park Dept.			14,875			14,875
DPW Tree Removal	50,000					50,000
Tree Planting	10,500					10,500
<b>Police</b>	<b>7,490</b>		<b>1,515,850</b>	<b>37,500</b>	<b>500,000</b>	<b>2,060,840</b>
Build Maint.			27,000			27,000
Building Maintenance			9,466			9,466
Dog Pound Repairs					150,000	150,000
Maintenance Facility			1,225,000			1,225,000

Funded Projects by Department						
New Police Vehicle			37,000			37,000
Police Dpt. Windows Design				37,500		37,500
Police Station Boiler Replacement			42,690			42,690
Police Station Hot Water Tank	7,490					7,490
Police Station Roof Repairs			25,394			25,394
Police Station Windows					350,000	350,000
Roof Ventilation System			79,300			79,300
Two Security Cameras			40,000			40,000
Window and Wall Evaluation			30,000			30,000
<b>Recreation</b>	<b>8,000</b>	<b>151,000</b>	<b>352,000</b>	<b>205,000</b>	<b>137,510</b>	<b>853,510</b>
Dog Park Fence		6,000				6,000
Extend Bradford Rail Trail				60,000		60,000
Grils Softball Design					7,510	7,510
Infield Restoration	5,000					5,000
Playgrounds	3,000					3,000
Rail Trail				125,000		125,000
Rail Trail Design		38,000		20,000		58,000
Rail Trail Extension		107,000				107,000
Recreation Truck (1)			15,000			15,000
Riverside Park Bathroom Repair			12,000			12,000
Riverside Park Grant Match					130,000	130,000
Skating Rink Roof			325,000			325,000

Above are the projects the Mayor and Council have already approved from FY13 to current. The total of all projects approved by the city since 2013 is \$81,015,962 and includes the Hunking School project. With the Hunking being excluded from prop 2 ½ if the total of the this project is removed the remaining funded projects total \$19,515,962

## Project Requests and Recommendations

The following pages contain the list of projects recommended for fiscal year 2018 along with the full list for all years. In general, the recommended projects have been prioritized such that they ensure efficient delivery of services to the community while controlling both short and long term costs. Projects requiring a debt exclusion vote are beyond the scope of this report and not listed.

### Summary of Projects by Department

Department	2013	2014	2015	2016	2017	2018
Building Maint.	305,000	500,000		25,000	50,000	880,000
Clerk		162,000				162,000
Education		525,000	4,100,000	8,000,000	4,035,000	16,660,000
Engineering	796,000	8,300,000				9,096,000
Fire	666,768	60,000	375,000	450,000	325,000	1,876,768
Highway	979,500	485,500	915,000	375,000	300,000	3,055,000
Library		46,727				46,727
Park Dept.	35,000					35,000
Police	2,349,348		68,000			2,417,348
Recreation	1,396,000	35,000	35,000	210,000	35,000	1,711,000
Treasurer	9,200					9,200

### Summary of Projects by Funding Source

Funding Source	2013	2014	2015	2016	2017	2018
Bond	5,711,716	9,522,000	4,900,000	8,615,000	4,325,000	33,073,716
Capital Budget	825,100	589,940	593,000	445,000	420,000	2,873,040
Other		2,287				2,287

### Effect of Bonding on Debt Service

	2013	2014	2015	2016
Net Revenue	191,906,130	197,438,718	203,361,880	209,462,736
Est. Net Debt Service	10,409,407	9,134,968	9,385,204	9,396,036
Est Debt Service/ Net Revenue	5.4%	4.6%	4.6%	4.5%
(policy is 5%)				



**Fiscal Year 2018-2022  
Capital Project Listings**

Building Maint.	305,000	500,000	25,000	50,000	880,000	
City Hall A/C	50,000				50,000	
City Hall Bathrooms			25,000		25,000	
City Hall Boiler	250,000				250,000	
City Hall Parking Retaining Wall		500,000			500,000	
City Hall Roof				50,000	50,000	
Rocks Village Hand Tub house painting	5,000				5,000	
Clerk		162,000			162,000	
Voting Tabulators		162,000			162,000	
Education	525,000	4,100,000	8,000,000	4,035,000	16,660,000	
Consentino Rear Access Road				35,000	35,000	
Consentino Renovation/Repairs *		4,000,000			4,000,000	
Golden/Silver Hill air conditioner repairs		100,000			100,000	
HS pool building roof		500,000			500,000	
Tilton Renovation/Repairs *			8,000,000		8,000,000	
Walnut Square water intrusion		25,000			25,000	
Whittier Renovaton/ Repairs *				4,000,000	4,000,000	
Engineering	796,000	8,300,000			9,096,000	
Capping of northern landfill		8,000,000			8,000,000	
Cashman	46,000				46,000	
North Ave Design	400,000				400,000	
Rt. 110/108 Design	350,000				350,000	
Water St Improvements		300,000			300,000	
Fire	666,768	60,000	375,000	450,000	325,000	1,876,768
Fire Vehicle Replacement Plan	32,000	40,000	375,000	440,000	325,000	1,212,000
High St. windows				10,000		10,000
Radio Replacement	634,768					634,768
Water St. hose tower		20,000				20,000
Highway	979,500	485,500	915,000	375,000	300,000	3,055,000
10 Wheel Dump with plow			250,000			250,000
3/4 tom truck		27,500				27,500
6 Wheel Dump Truck	195,000					195,000
Drainage		100,000	100,000	100,000	100,000	400,000
Mason Truck (one ton)	110,000					110,000
New Grader			275,000			275,000
New one ton dump truck	45,000					45,000
Rehab Grader	105,000					105,000
Rehab Komasu loader			90,000			90,000
Roadside Mower				75,000		75,000
Sidewalks	500,000	200,000	200,000	200,000	200,000	1,300,000
Snow Blue Lights-River St	18,000					18,000

Trackless mulit-purpose Tractor		158,000				158,000
Truck Engines Diagnostic Computer	6,500					6,500
<b>Library</b>		<b>46,727</b>				<b>46,727</b>
Library outside air water loop reset		2,287				2,287
Library VFDs on AHU Supply Fans		19,854				19,854
Library VFDs on Geothermal Well Pumps		24,586				24,586
<b>Park Dept.</b>	<b>35,000</b>					<b>35,000</b>
Replace 2 Riding Mowers	35,000					35,000
<b>Police</b>	<b>2,349,348</b>		<b>68,000</b>			<b>2,417,348</b>
Additional funding for Dog Pound	22,500					22,500
Police Computer Rm A/C	30,400					30,400
Police Station Generator			68,000			68,000
Radio System Replacement	926,448					926,448
Station A/C	170,000					170,000
Window Repolacement Phase II	1,200,000					1,200,000
<b>Recreation</b>	<b>1,396,000</b>	<b>35,000</b>	<b>35,000</b>	<b>210,000</b>	<b>35,000</b>	<b>1,711,000</b>
Girls softball field	1,200,000					1,200,000
Park playground improvements					35,000	35,000
Playground Improvements	35,000	35,000	35,000	35,000		140,000
Rail Trail Ext.	103,000					103,000
Rail Trail Ext. Design	58,000					58,000
Rail Trail Phase 3				175,000		175,000
<b>Treasurer</b>	<b>9,200</b>					<b>9,200</b>
Treasurer Security Inprovmnts	9,200					9,200

- Denotes school repairs and renovation only. To rebuild the schools would require more funding and an override vote. As reference the current Hunking middle school cost is \$61,500,000.

	5,711,716	9,522,000	4,900,000	8,615,000	4,325,000	33,073,716
<b>Bond</b>						
10 Wheel Dump with plow			250,000			250,000
Additional funding for Dog Pound.	22,500					22,500
Capping of northern landfill		8,000,000				8,000,000
Cashman	46,000					46,000
City Hall Boiler	250,000					250,000
City Hall Parking Retaining Wall		500,000				500,000
Consentino Renovation/Repairs *			4,000,000			4,000,000
Fire Vehicle Replacement Plan	32,000	40,000	375,000	440,000	325,000	1,212,000
Girls softball field	1,200,000					1,200,000
HS pool building roof		500,000				500,000
New Grader			275,000			275,000
New one ton dump truck	45,000					45,000
North Ave Design	400,000					400,000
Radio Replacement	634,768					634,768
Radio System Replacement	926,448					926,448
Rail Trail Phase 3				175,000		175,000
Rehab Grader	105,000					105,000
Rt. 110/108 Design	350,000					350,000
Sidewalks	500,000					500,000
Tilton Renovation/Repairs *				8,000,000		8,000,000
Voting Tabulators		162,000				162,000
Water St Improvements		300,000				300,000
Water St. hose tower		20,000				20,000
Whittier Renovaton/ Repairs *					4,000,000	4,000,000
Window Repolacement Phase II	1,200,000					1,200,000
<b>Capital Budget</b>	<b>825,100</b>	<b>589,940</b>	<b>593,000</b>	<b>445,000</b>	<b>420,000</b>	<b>2,873,040</b>
3/4 ton truck		27,500				27,500
6 Wheel Dump Truck	195,000					195,000
City Hall A/C	50,000					50,000
City Hall Bathrooms				25,000		25,000
City Hall Roof					50,000	50,000
Consentino Rear Access Road					35,000	35,000
Drainage		100,000	100,000	100,000	100,000	400,000
Golden/Silver Hill air conditioner repairs			100,000			100,000
High St. windows				10,000		10,000
Library VFDs on AHU Supply Fans		19,854				19,854
Library VFDs on Geothermal Well Pumps		24,586				24,586
Mason Truck (one ton)	110,000					110,000
Park playground improvements					35,000	35,000
Playground Improvements	35,000	35,000	35,000	35,000		140,000
Police Computer Rm A/C	30,400					30,400
Police Station Generator			68,000			68,000
Rail Trail Ext.	103,000					103,000
Rail Trail Ext. Design	58,000					58,000

							90,000	90,000
Rehab Komatsu loader								35,000
Replace 2 Riding Mowers	35,000							75,000
Roadside Mower						75,000		5,000
Rocks Village Hand Tub house painting	5,000							800,000
Sidewalks		200,000	200,000	200,000	200,000			18,000
Snow Blue Lights-River St	18,000							170,000
Station A/C	170,000							158,000
Trackless mulit-purpose Tractor		158,000						9,200
Treasurer Security Inprovements	9,200							6,500
Truck Engines Diagnostic Computer	6,500							25,000
Walnut Square water intrusion		25,000						<b>2,287</b>
<b>Other</b>		<b>2,287</b>						<b>2,287</b>
Library outside air water loop reset		2,287						

- Denotes school repairs and renovation only. To rebuild the schools would require more funding and an override vote. As reference the current Hunking middle school cost is \$61,500,000.

**CITY COUNCIL**

*120-G*

**JOHN A. MICHITSON**  
**PRESIDENT**  
**MELINDA E. BARRETT**  
**VICE PRESIDENT**  
**ANDRES X. VARGAS**  
**MICHAEL S. MCGONAGLE**  
**JOSEPH J. BEVILACQUA**  
**COLIN F. LEPAGE**  
**MARY ELLEN DALY O'BRIEN**  
**WILLIAM J. MACEK**  
**THOMAS J. SULLIVAN**



**CITY OF HAVERHILL**  
**HAVERHILL, MASSACHUSETTS 01830-5843**

*1512*

CITY HALL, ROOM 204  
 4 SUMMER STREET  
 TELEPHONE: 978 374-2328  
 FACSIMILE: 978 374-2329  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)  
[citycncl@cityofhaverhill.com](mailto:citycncl@cityofhaverhill.com)

November 10, 2017

TO: Mr. President and Members of the City Council:

Councillor Mary Ellen Daly O'Brien would like to request a discussion about a crosswalk on Washington Street in front of Wang's Table.

*Mary Ellen Daly O'Brien*  
 City Councillor Mary Ellen Daly O'Brien

IN CITY COUNCIL: November 14 2017  
 TABLED TO NOVEMBER 28 2017  
 Attest:

\_\_\_\_\_  
 City Clerk

## CITY COUNCIL

JOHN A. MICHITSON  
 PRESIDENT  
 MELINDA E. BARRETT  
 VICE PRESIDENT  
 ANDRES X. VARGAS  
 MICHAEL S. MCGONAGLE  
 JOSEPH J. BEVILACQUA  
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CITY OF HAVERHILL  
 HAVERHILL, MASSACHUSETTS 01830-5843

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 4 SUMMER STREET  
 TELEPHONE: 978 374-2328  
 FACSIMILE: 978 374-2329  
 www.ci.haverhill.ma.us  
 citycncl@cityofhaverhill.com

November 10, 2017

TO: Mr. President and Members of the City Council:

Councillor Mary Ellen Daly O'Brien would like to request a discussion about a crosswalk on Carleton Street in front of entrance to Casablanca condominiums.

  
 City Councillor Mary Ellen Daly O'Brien

IN CITY COUNCIL: November 14 2017  
 TABLED TO NOVEMBER 28 2017  
 Attest:

\_\_\_\_\_  
City Clerk



# Haverhill

Robert E. Ward, Deputy DPW Director  
Water/Wastewater Division  
Phone: 978-374-2382 Fax: 978-521-4083  
rward@haverhillwater.com

November 9, 2017

To: John Michitson, President  
and Members of the City Council

From: Robert E. Ward *REW*  
Deputy DPW Director

Subject: Proposed Amendment to Chapter 219 of the City Code

Enclosed for review and approval is a proposed City Council Document to amend Chapter 219 of the City Code. The purpose of this amendment is to establish the regulatory mechanism to implement a program to reduce pollutant in stormwater runoff from construction activities, new development and redevelopment that disturb an acre or more of land.

This stormwater management program is required by the Consent Decree (CD) issued to the City by the U.S. Department of Justice, Environmental Protection Agency, and the Massachusetts Department of Environmental Protection. The CD requires that the City adopt an ordinance or other regulatory mechanism to control sediment and erosion control at construction sites and storm water runoff at new development and redevelopment sites.

The ordinance applies only to projects that will disturb one acre or more of land and will require the property owner to obtain a storm water management permit. The goal in drafting the ordinance was to have it apply only to projects required by the CD and provide flexibility to allow an applicant to request a waiver(s) to strict compliance with the ordinance provided there is a reasonable explanation. The permit requirements include:

- Erosion and sedimentation controls during construction;
- Best management practices (BMP) to manage and treat storm water runoff during and after construction; and
- Long-term, ongoing operation and maintenance of the BMP's after construction is completed.

Enclosed is a copy of the pages from the CD and the Small MS4 General Permit (Storm Water) with the requirements for the ordinance and the program.

The proposed ordinance was reviewed and discussed with William Pillsbury, Robert Moore, Michael Stankovich, and William Cox. All of these individuals were okay with it.

If you need additional information please call me at (978) 374-2382.

Enclosures

Cc: James J. Fiorentini, Mayor of Haverhill, [mayor@cityofhaverhill.com](mailto:mayor@cityofhaverhill.com)  
Michael Stankovich, Director of Public Works, [mstankovich@haverhillwater.com](mailto:mstankovich@haverhillwater.com)  
William D. Cox, Jr., City Solicitor, [billcoxlaw@aol.com](mailto:billcoxlaw@aol.com)  
William Pillsbury, Planning Director, [wpillsbury@cityofhaverhill.com](mailto:wpillsbury@cityofhaverhill.com)  
Robert E. Moore, Jr., Environmental Health Technician, [rmoore@cityofhaverhill.com](mailto:rmoore@cityofhaverhill.com)

IN CITY COUNCIL: November 14 2017

ORDINANCE SUBMITTED to Amend Chapter 219 of City Code

Attest: \_\_\_\_\_ City Clerk



JAMES J. FIORENTINI  
MAYOR



**CITY OF HAVERHILL  
MASSACHUSETTS**

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
MAYOR@CITYOFHAVERHILL.COM  
WWW.CI.HAVERHILL.MA.US

November 10, 2017

City Council President John A. Michitson and Members of the Haverhill City Council

RE: Order - Amendment to Chapter 219

Dear Mr. President and Members of the Haverhill City Council:

Please find attached an order that amends Chapter 219, "An Ordinance Relating to Storm Water Management." This order must be placed on file for 10 days. I recommend approval.

Very truly yours,

**James J. Fiorentini**  
Mayor

JJF/lyf



DOCUMENT 121

## CITY OF HAVERHILL

In Municipal Council November 14 2017

15.5

ORDERED:

### MUNICIPAL ORDINANCE

### CHAPTER 219

#### AN ORDINANCE RELATING TO STORM WATER MANAGEMENT

BE IT ORDAINED by the City Council of the City of Haverhill that Code of the City of Haverhill, Chapter 219, as amended, is hereby further amended as follows:

By Deleting Chapter 219 in its entirety and inserting the following in place thereof:

#### Chapter 219. Storm Water Management

##### Article I. General Provisions

- § 219-1. Authority
- § 219-2. Purpose
- § 219-3. Administration
- § 219-4. Applicability
- § 219-5. Severability

##### Article II. Definitions

##### Article III. Storm Water Management

- § 219-6. Regulated Activities
- § 219-7. Exempt Activities
- § 219-8. Permits and Procedures
- § 219-9. Design Criteria and Performance Standards
- § 219-10. Waivers

##### Article IV. Fees and Expenses

- § 219-11. Fees
- § 219-12. Surety

##### Article V. Post-Construction

- § 219-13. Operation & Maintenance

## **Article VI. Enforcement and Penalties**

- § 219-14. General
- § 219-15. Entry
- § 219-16. Notice of Violation
- § 219-17. Performance by City
- § 219-18. Judicial Enforcement
- § 219-19. Penalties
- § 219-20. Appeals
- § 219-21. Remedies Not Exclusive

## **Article I. General Provisions**

### **§ 219-1. Authority**

Chapter 219 is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to G.L. c. 83, §§ 1, 10 and 16, as amended by St. 2004, c. 149, §§ 135-140, and the regulations of the federal Clean Water Act at 40 CFR 122.34.

### **§ 219-2. Purpose**

- A. The purpose of this chapter is to protect, maintain, and enhance public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased nonpoint source pollution associated with new development, redevelopment, and other land disturbance activities, and post-development storm water runoff.

This chapter seeks to meet such purpose by establishing a mechanism to comply with Parts II.B.3.(b), II.B.4 and II.B.5 of the Massachusetts Small MS4 General Permit jointly issued by the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP), and the MassDEP Surface Water Discharge Permit Regulations at 310 CMR 3.06(11)(b)5.

### **§ 219-3. Administration**

- A. The Director or Deputy Director of the Department of Public Works of the City of Haverhill (Director) or his/her authorized deputy or representative shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed on the Director may be delegated by the Director to other City personnel.
- B. The Director may promulgate and periodically amend rules and regulations to effectuate the purpose of this chapter. Failure by the Director to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this chapter.

### **§ 219-4. Applicability**

This chapter shall apply to all construction, development and redevelopment activities involving land disturbance of one acre or more (including disturbances less than one acre if part of a larger common plan), unless exempt pursuant to § 219-7 of this chapter. All

activities under the jurisdiction of this chapter, as prescribed in this chapter, shall be required to obtain a Storm Water Management Permit (SMP).

#### **§ 219-5. Severability**

The provisions of this chapter are hereby declared to be severable. The invalidity of any section, provision, paragraph, sentence, or clause of this chapter shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

#### **Article II. Definitions**

The definitions contained herein apply to the interpretation and implementation of this chapter and any rules and regulations promulgated by the Director pursuant to § 219.3.B. of this chapter. Terms not defined in this section shall be construed according to their customary and usual meaning, unless the context indicates a special or technical meaning.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater in the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a Storm Water Management Permit for proposed land disturbance activities.

**BEST MANAGEMENT PRACTICES (BMPs):** Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in storm water volumes and flows, reduce point-source and nonpoint-source pollution, and promote storm water quality and protection of the environment.

**CERTIFICATE OF COMPLETION:** A document issued by the Director after all construction activities have been completed which states that all conditions of an issued Storm Water Management Permit – other than those for operation and maintenance – have been met and that a project has been completed in compliance with the conditions set forth in the Storm Water Management Permit.

**CITY:** The City of Haverhill.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*) as hereafter amended.

**DIRECTOR:** The Director or Deputy Director of the Department of Public Works of the City of Haverhill or a deputy or representative authorized by the Director or Deputy Director.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the MS4 or into the waters of the United States or Commonwealth of Massachusetts from any source.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

**ILLICIT DISCHARGE:** Direct or indirect discharge to the MS4 that is not composed entirely of storm water. The term also does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

**IMPERVIOUS SURFACE or IMPERVIOUS AREA or IMPERVIOUS COVER:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil.

**LAND DISTURBANCE ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material or the alteration of drainage characteristics of a parcel of land, including, but not limited to, clearing and grubbing, excavating, paving, or changing grades two (2) feet or greater.

**LOW-IMPACT DEVELOPMENT (LID):** A set of innovative storm water management system strategies and techniques that are modeled after natural hydrologic features and seek to maintain natural hydrologic systems both during and after the development process. LID techniques manage storm water at the source using uniformly distributed decentralized micro-scale controls. LID techniques use small cost-effective landscape features located at the lot level.

**MASSACHUSETTS STORM WATER MANAGEMENT STANDARDS:** The latest version as may be amended from time to time of the Storm Water Management Standards and accompanying Storm Water Handbook issued by the Massachusetts Department of Environmental Protection (MassDEP) pursuant to authority under the Wetlands Protection Act, G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, G.L. c. 21, §§ 26-53.

**MASSACHUSETTS WETLAND PROTECTION ACT:** G.L. c. 131, § 40 and its implementing regulations at 310 CMR 10.00.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**(NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by EPA or jointly with MassDEP that authorizes the discharge of pollutants to waters of the U.S.

**NONPOINT SOURCE POLLUTION:** Pollution from diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a storm water management system post-development to ensure that it continues to function as designed.

**OWNER:** A person with a legal or equitable interest in property.

**PERMITTEE:** The person who holds a Storm Water Management Permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

**PERSON:** Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any office, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the United States or the Commonwealth of Massachusetts. Pollutants include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;

- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**RESPONSIBLE PARTIES:** Owner(s), persons with financial responsibility, and persons with operational responsibility.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

**SITE PLAN REVIEW:** A City departmental project review procedure, required under the City's Zoning Code, Ch. 255, which requires the applicant's submittal of a site design plan for all commercial and industrial projects (including renovation to an existing building) and for all new residential dwellings and for renovations of a residential dwelling when the number of units is proposed to be increased. The site design plan must be prepared by a Massachusetts registered professional engineer.

**STORM WATER:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORM WATER MANAGEMENT:** The application of BMPs, including ESSD, which are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

**STORM WATER MANAGEMENT PERMIT (SMP):** A permit issued by the Director, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment from the deleterious effects of uncontrolled and untreated storm water runoff.

**STORM WATER MANAGEMENT PLAN:** A document containing narrative, drawings and details, prepared by a Massachusetts registered professional engineer, which includes structural and non-structural BMPs to manage and treat storm water runoff generated from regulated land disturbance activity. A storm water management plan also includes an operation and maintenance plan describing the maintenance requirements for the selected BMPs.

**WASTEWATER:** Any sanitary waste, sludge, process wastewater, or septic tank or cesspool overflow.

**WATER QUALITY:** Systematic application of standards to describe water pursuant to the Massachusetts Surface Water Quality Standards (314 CMR 4.00).

**WATERS OF THE COMMONWEALTH OF MASSACHUSETTS:** All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, watercourses and groundwater.

**WETLANDS:** Coastal and freshwater wetlands, wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland waters as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00.

### **Article III. Storm Water Management**

#### **§ 219-6. Regulated Activities**

Pursuant to § 219-4 of this chapter, all construction, development and redevelopment activities involving land disturbance of one acre or more, unless exempt pursuant to § 219-7 of this chapter, require a Storm Water Management Permit (SMP). Regulated activities requiring issuance of a SMP include but are not limited to:

- (1) All new development and redevelopment projects.
- (2) Land disturbance of one acre or more, associated with development or redevelopment of structures.
- (3) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs one acre or more of land.
- (4) Any other activity altering the surface of an area of one acre or more that will, or may, result in increased storm water runoff flowing from the property into a public or private roadway, the MS4, or an adjacent or abutting parcel of land.

#### **§ 219-7. Exempt Activities**

The following activities are exempt from the requirements of Article III of this chapter:

- (1) Normal maintenance and improvement of existing roadways, including reconstruction within the existing roadway footprint, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving.
- (2) Remedial projects performed by the City or the Commonwealth of Massachusetts specifically designed to provide improved storm water management, such as



projects to separate storm drains and sanitary sewers and storm water retrofit projects.

- (3) Normal maintenance and improvement of land in agricultural use, as defined by the Wetlands Protection Act (G.L. c. 131, § 40).
- (4) Construction, repair, and maintenance of utility lines other than drainage (e.g., gas, water, sanitary sewerage, electric, telephone, etc.) that will not permanently alter terrain or drainage patterns.
- (5) Emergency repairs to any storm water management facility or practice that poses a threat to public health, safety, or the environment or as deemed necessary by the Director.
- (6) Projects that receive a waiver from EPA under the provisions of 40 CFR § 122.26(b)(15)(i).
- (7) Work or projects for which all other necessary approvals and permits have been issued before the effective date of this chapter.

#### **§ 219-8. Permits and Procedures**

- A. Permit Required. Projects that exceed the thresholds in Article III of this chapter shall require a Storm Water Management Permit. Permit issuance is required prior to any land disturbance activity.
- B. Filing Application. Applications for a SMP shall include the materials as specified in this section. The applicant shall file with the Director three copies of a completed application package for a SMP. The Director may request additional copies. While the applicant can be a representative, the permittee must be the owner of the site. The SMP application package shall include:
  - (1) A completed Application Form with original signatures of all owners;
  - (2) A list of abutters;
  - (3) Payment of the application and review fees;
  - (4) Storm Water Management Plan;
  - (5) Erosion and Sedimentation Control Plan; and
  - (6) Operation and Maintenance Plan.
- C. Entry. Filing an application for a permit grants the Director permission to enter the site throughout the term of the SMP to verify the information in the application and to inspect for compliance with the SMP.
- D. Actions. The Director's action, rendered in writing, shall consist of either:
  - (1) Approval of the SMP Application based upon determination that the project meets the requirements set forth in this chapter and any rules and regulations promulgated under § 219-3.B. of this chapter;
  - (2) Approval of the SMP Application subject to any conditions, modifications or restrictions required by the Director deemed necessary to meet the

requirements set forth in this chapter and any rules and regulations promulgated under § 219-3.B. of this chapter; or

- (3) Disapproval of the SMP Application based upon a determination that the project, as submitted, does not meet the requirements of this chapter and any rules and regulations promulgated under § 219-3.B. of this chapter.
- E. **Deadline for Action.** Failure of the Director to take final action upon an application within 90 days of receipt of a complete application for a SMP shall be deemed to be approval of said application, unless extension of said deadline date is mutually agreed upon in writing by the Director and the applicant.
- F. **Project Completion.** At completion of the project, the permittee shall request a Certificate of Completion from the Director. The Director will issue a letter certifying completion upon review and approval of the final inspection reports and/or upon otherwise determining that all work, except for operation and maintenance activities, has been satisfactorily completed in conformance with this chapter and the SMP.
- G. **Plan Changes.** The permittee must notify the Director in writing of any drainage change or alteration in the system authorized in a SMP before any change or alteration is made. If the Director determines that the change or alteration is significant, based on accepted construction practices, the Director may require that an amended application be filed.
- H. **Appeals of Actions of the Director.** A decision of the Director shall be final. Further relief of a decision by the Director shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. c. 249. § 4.
- I. **Project Delay.** Should a land disturbance activity associated with an approved SMP in accordance with this section not begin within 12 months following permit issuance, the Director may evaluate the existing SMP to determine whether the project still satisfies applicable requirements and to verify that all design factors are still valid. If the Director finds the approved SMP to be inadequate, a modified application shall be submitted and approved prior to the commencement of land disturbance activities. If the project associated with an approved SMP granted under this chapter has not been substantially completed within three (3) years of permit issuance, a new permit or a permit extension will be required from the Director.
- J. **Recording.** No work allowed in any permit application shall be undertaken until the permit issued by the Director with respect to such work has been recorded in the Essex South District Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Director that the permit has been recorded.

The permittee shall record the Operation and Maintenance Plan and the Certificate of Completion in the Essex South District Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies.

- K. Additional permit procedures and requirements, as deemed necessary, shall be defined and included as part of any rules and regulations promulgated under § 219-3.B. of this chapter.

#### **§ 219-9. Design Criteria and Performance Standards**

Storm water management design criteria and performance standards shall be the same as those in the Massachusetts Storm Water Management Standards.

#### **§ 219-10. Waivers.**

- A. The Director may waive strict compliance with any requirement of this chapter, or the rules and regulations promulgated hereunder, where:
- (1) Such action is allowed by federal, state and local statutes and/or regulations;
  - (2) Is in the public interest; and
  - (3) Is not inconsistent with the purpose and intent of this chapter.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this chapter does not further the purposes of this chapter.

### **Article IV. Fees and Expenses**

#### **§ 219-11. Fees**

The Director shall obtain with each submission an Application Fee established by the Director to cover expenses connected with the review of the SMP application and a technical review fee sufficient to cover professional review services for the project, if needed. Applicants must pay review fees before the review process may begin. Fees shall be as follows:

##### **A. Application Fees**

- (1) Initial: \$250.00 non-refundable, plus public hearing legal notice fee, if applicable.
- (2) Permit Extensions or Modifications: \$100.00 non-refundable, plus public hearing legal notice fee, if applicable.

##### **B. Engineering and Consultant Reviews and Fees**

- (1) In addition to the above fees, the Director is authorized to require an applicant to pay a fee for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary, based on the characteristics or complexity of the issues raised by the application, to come to a final decision on the application.
- (2) Such fee shall be held in escrow, and shall be governed and administered in accordance with M.G.L. c. 44, § 53G or § 53E½.
- (3) If prior to final action on the application, the Director finds that the initial deposit is not sufficient to cover actual costs incurred by the City during the

review of the application, the applicant shall be required to submit such additional amount as is deemed required by the Director to cover such costs. The Director shall notify the applicant of such additional amount in writing by certified mail. Failure to submit such additional amount as required by the Director within fourteen (14) days of receipt of said notice shall be deemed reason by the Director to deny said application.

- (4) If the actual cost incurred by the City for review of said application is less than the amount on deposit as specified above, the Director shall authorize that such excess amount be refunded to the applicant concurrently with final action on said application.
  - (5) The services for which a fee may be utilized include, but are not limited to, review of wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, storm water quality analysis, site inspections, as-built plan review, and analysis of legal issues.
- C. Connection Fee. A fee of \$300 per unit shall be charged to connect to the municipal storm water drainage system. This charge will apply to new services only.
- D. Assessments. The City shall assess 45 percent of the total project costs to residents in the following manner: The certified cost of all storm water drains in the drainage system is hereby fixed at a uniform rate per running foot, the same having been so found and determined. The fixed uniform rates to be assessed upon estates are hereby established at an equal rate upon each foot of frontage on any street or way where a storm water drain is constructed and another equal rate upon each square foot area within such fixed depth of 120 feet from such street or way, the same having been found and determined shared among opposite property owners.
- E. Additional fees, if any, shall be defined and included as part of any rules and regulations promulgated under § 219-3.B. of this chapter.

#### **§ 219-12. Surety**

The Director may require the permittee to post a surety bond, irrevocable letter of credit, cash, or other acceptable security before the start of land disturbance activities to guarantee completion of the conditions of the approved Storm Water Management Permit, and after the completion of land disturbance activities to secure the future maintenance of the storm water system. The form of any financial assurance mechanism shall be approved by the City Solicitor, and be in an amount deemed sufficient by the Director pursuant to the rules and regulations promulgated pursuant to § 219-3.B. of this chapter.

### **Article V. Post-Construction**

#### **§ 219-15. Operation & Maintenance**

- A. The responsible party for the property on which work has been done pursuant to this chapter shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration shall be in accordance with an approved operation and maintenance plan.

- B. An operation, maintenance and inspection agreement between the responsible party and the Director shall be executed for privately owned storm water management systems and shall be binding on all subsequent owners or responsible parties of land served by the storm water management system.
- (1) The agreement shall provide for access to the property at reasonable times for inspections by the Director. The Director may charge a fee for any inspection he conducts.
  - (2) The agreement shall provide for the annual submission by the responsible party of a certification that the storm water management system met all requirements of the operation and maintenance plan. The Director may charge a fee for any review and recordkeeping he conducts.
  - (3) The agreement shall also provide that, if after notice by the Director to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner within 30 days, the Director may perform all necessary work to place the storm water management system in proper working condition and place a municipal lien on the affected property as security for all of the costs assumed by the City to perform the work. The owner shall be assessed the cost of the work and any penalties.
  - (4) The agreement shall be recorded by the owner in the Essex South District Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies.

## **Article VI. Enforcement**

### **§ 219-14. General**

The Director shall enforce this chapter and resulting regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

### **§ 219-15. Entry**

To the extent permitted by state law, or if authorized by the responsible party, the Director, its agents, officers, and employees may enter upon privately-owned property for the purpose of performing their duties under this chapter and its regulations and may make or cause to be made such examinations, surveys or sampling as the Director deems reasonably necessary.

### **§ 219-16. Notice of Violation**

Whenever the Director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Director may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

- A. Performance of monitoring, analyses, and reporting;
- B. Cessation of unlawful discharges, practices, or operations;
- C. Remediation of adverse impacts including contamination resulting directly or indirectly from malfunction of the storm water management system; and
- D. Repair, maintenance or replacement of the storm water management system or portions thereof in accordance with the operation and maintenance plan.

#### **§ 219-17. Performance by City**

- A. If the Director determines that abatement or remediation of contamination or of adverse impacts is required, the notice shall set forth a deadline 30 days from the date of such notice by which such abatement or remediation must be completed. Said notice shall further advise that, should the responsible party fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and expenses thereof shall be charged to the responsible party.
- B. Within thirty (30) days after completion by the City of all measures necessary to abate the violation or to perform remediation, the responsible party will be notified of the costs incurred by the City, including administrative costs. The responsible party may file a written protest objecting to the amount or basis of costs with the Director within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Director affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c. 59, § 57 after the thirty-first day at which the costs first become due.

#### **§ 219-18. Judicial Enforcement**

- A. If a person violates the provisions of this chapter, its resulting regulations, or any permit, notice, or order issued thereunder, the Director may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Any person who violates any provision of this chapter, its resulting regulations, or any permit, notice, or order issued thereunder, may be punished by a fine in the amount set in § 219-19 below. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

#### **§ 219-19. Penalties**

- A. As an alternative to criminal prosecution or civil action, the City may elect to utilize the noncriminal disposition procedure set forth in G.L. c. 40, § 21D and adopted by the City as a general ordinance in which case the Director shall be the enforcing person. The penalty for the first violation shall be a written warning. The penalty for the second violation shall be \$50. The penalty for the third violation shall be \$100. The penalty for the fourth and subsequent offenses shall be \$150. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- B. The City shall require the repayment of services provided to the responsible party, which the responsible party was obligated to perform as put forth in the operation and maintenance plan. Such services may include but are not limited to the following: removing sediment from storm water devices; repairing storm water devices; or revegetating storm water devices. The City will send the responsible

party a bill for services provided. If the bill is not paid, the City may impose a tax lien on the responsible party or parties' property.

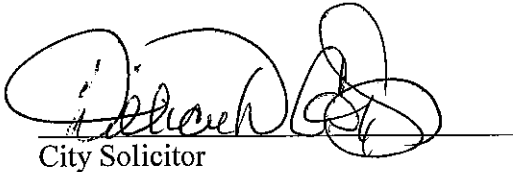
**§ 219-20. Appeals**

The decisions or orders of the Director shall be final. Further relief shall be to a court of competent jurisdiction.

**§ 219-21. Remedies Not Exclusive**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

APPROVED AS TO LEGALITY



City Solicitor

PLACED ON FILE for at least 10 days  
Attest:

\_\_\_\_\_  
City Clerk

## **Pages from the Consent Decree**



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34. ~~The City shall update the mapping on a continual basis as it implements the requirements of this Consent Decree, as necessary, to reflect newly discovered information, corrections or modifications, and remedial measures performed by the City in compliance with this Consent Decree.~~

(J) Construction Site Stormwater

35. Within 365 Days of the Effective Date, the City shall require sediment and erosion control at Construction Sites through an ordinance or other regulatory mechanism as required by Part II.B.4.(a) of the Small MS4 General Permit.

36. Within 365 Days of the Effective Date, the City shall develop and submit for review and Approval by EPA a Construction Site program that addresses the requirements of Part II.B.4. of the Small MS4 General Permit, including but not limited to inspection procedures, enforcement procedures, and recordkeeping.

37. The City's Construction Site program shall require developers to demonstrate that they have applied for EPA's Construction General Permit, where applicable, and shall require the use and maintenance of appropriate structural and non-structural BMPs designed to minimize the discharge of pollutants from Construction Sites to the MS4.

38. Within 60 Days of receipt of the Approval by EPA of the Construction Site program submitted in accordance with Paragraph 36 and revised to be consistent with EPA's comments, if any, the City shall implement the Construction Site program.

39. Within 60 Days of receipt of the Approval by EPA of the Construction Site program submitted in accordance with Paragraph 36 and revised to be consistent with EPA's

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comments, if any, the City shall develop a database, incorporating the data elements described in the Construction Site program submittal Approved by EPA, to track active Construction Sites.

40. Within 365 Days of the Effective Date, the City shall have conducted at least one inspection of each active Construction Site known to the City as of the Effective Date that has the potential to discharge to the MS4. The City shall inspect all new Construction Sites within the first three weeks after the start of work at the Construction Site.

41. Within 60 Days of receipt of the Approval by EPA of the Construction Site program submitted in accordance with Paragraph 36 and revised to be consistent with EPA's comments, if any, the City shall conduct training regarding Construction Site stormwater runoff control for City personnel responsible for implementing the City's Construction Site program. The City shall train all personnel performing Construction Site inspections within thirty (30) Days of their commencing employment or assignment to perform said inspections.

42. Within 60 Days of receipt of the Approval by EPA of the Construction Site program submitted in accordance with Paragraph 36 and revised to be consistent with EPA's comments, if any, the City shall develop, commence, and thereafter continue implementation of procedures for site plan review including consideration of potential water quality impacts from construction activities, *e.g.*, through review of a Stormwater Pollution Prevention Plan.

43. Within 60 Days of receipt of the Approval by EPA of the Construction Site program submitted in accordance with Paragraph 36 and revised to be consistent with EPA's comments, if any, the City shall develop a plan with appropriate municipal agencies to ensure notification to appropriate building permit applicants of their potential responsibilities under the

*U.S. and Comm. of Mass. v. City of Haverhill*  
Civil Action No. \_\_\_\_\_  
Page 30

NPDES permitting program for Construction Site runoff as required by Part II.B.4. of the Small MS4 General Permit.

(K.) Post-Construction Stormwater Controls

44. Within 365 Days of the Effective Date, the City shall require management of stormwater runoff at post-construction development and redevelopment projects through an ordinance or other regulatory mechanism as required by Part II.B.5. of the Small MS4 General Permit.

L. POTW's Treatment Plant Planning and Improvements

45. ~~The City shall not allow any Bypass to occur unless:~~

a. ~~the Bypass is for essential maintenance to assure efficient operation and does not cause effluent limitations to be exceeded; or~~

b. (i) ~~the Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~

(ii) ~~there were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and~~

(iii) ~~The City submitted notices as required under Part II.B.4.e. of the POTW Permit; or~~

**Pages from the Small MS4 General Permit**

~~iv. Procedures for documenting actions and evaluating impacts on the storm sewer system subsequent to the removal.~~

~~(d.) The permittee must inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper waste disposal.~~

~~(e.) The non storm water discharges listed in Part I.F. must be addressed if they are identified as being significant contributors of pollutants to the small MS4.~~

**4. Construction site storm water runoff control.** The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. The permittee must include disturbances less than one acre if part of a larger common plan.

The permittee does not need to apply its construction program provisions to projects that receive a waiver from EPA under the provisions of 40 CFR§122.26(b)(15)(i).

At a minimum, the program must include:

(a.) To the extent allowable under state or local law, an ordinance or other regulatory mechanism to require sediment and erosion control at construction sites. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.

(b.) Sanctions to ensure compliance with the program. To the extent allowable under state or local law sanctions may include both monetary or non-monetary penalties.

(c.) Requirements for construction site operators to implement a sediment and erosion control program which includes BMPs that are appropriate for the conditions at the construction site, including efforts to minimize the area of the land disturbance.

(d.) Requirements for the control of wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

(e.) Procedures for site plan review including procedures which incorporate consideration of potential water quality impacts. The site plan review should include procedures for preconstruction review.

(f.) Procedures for receipt and consideration of information submitted by the public.

(g.) Procedures for inspections and enforcement of control measures at construction sites.

**5. Post construction storm water management in new development and redevelopment.**

The permittee must develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than one acre and discharge into the municipal system.

The program must include projects less than one acre if the project is part of a larger common plan of development which disturbs greater than one acre.

The post construction program must include:

- (a.) To the extent allowable under state or local law, an ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment. If such an ordinance does not exist, development and adoption of an ordinance must be part of the program.
- (b.) Procedures to ensure adequate long term operation and maintenance of best management practices.
- (c.) Procedure to ensure that any controls that are put in place will prevent or minimize impacts to water quality.

~~6. Pollution prevention and good housekeeping in municipal operations.~~

~~The permittee must~~

- ~~(a.) Develop and implement a program with a goal of preventing and/or reducing pollutant runoff from municipal operations. The program must include an employee training component.~~
- ~~(b.) Include, at a minimum, maintenance activities for the following : parks and open space (areas such as public golf course and playing fields); fleet maintenance; building maintenance; new construction and land disturbance; and road way drainage system maintenance and storm water system maintenance.~~
- ~~(c.) Develop schedules for municipal maintenance activities described in paragraph (b) above.~~
- ~~(d.) Develop inspection procedures and schedules for long term structural controls.~~

~~7. Cooperation between interconnected municipal separate storm sewer systems is encouraged. The permittee should identify interconnections within the system. The permittee should attempt to work cooperatively with an interconnected municipality in instances of discharges impacting a system.~~

~~8. The permittee must evaluate physical conditions, site design, and best management practices to promote groundwater recharge and infiltration where feasible in the implementation of the control measures described above. During the implementation of the storm water management program, the permittee must address recharge and infiltration for the minimum control measures, as well as any reasons for electing not to implement recharge and infiltration. Loss of annual recharge to ground water should be minimized through the use of infiltration measures to the maximum extent practicable. Permittees in areas identified as "high" or "medium" in the most recent Massachusetts Water Resources Commission's *Stressed Basins in Massachusetts* report in effect at the time the permittee submits a Notice of Intent and accompanying storm water management program, must minimize the loss of annual recharge to ground water from new development and redevelopment, including but not limited to drainage improvements done in conjunction with road improvements, street drain improvement projects and flood mitigation projects, consistent with Standard 3 of the Storm Water Management Policy in areas both within and outside of the jurisdiction of the Massachusetts Wetlands Protection Act.~~

~~(See [http://www.state.ma.us/dem/programs/intbasin/stressed\\_basin](http://www.state.ma.us/dem/programs/intbasin/stressed_basin))~~

~~9. MS4s which discharge to coastal waters with public swimming beaches should consider these waters a priority in implementation of the storm water management program. Refer to Part IX, State 401 Certification Requirements, for additional requirements.~~

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**HAVERHILL**  
**CITY CLERK'S OFFICE**  
MARGARET A. TOOMEY, CITY CLERK

# FAX

*ordn!  
storm water*

TO: KATIE - GAZETTE

FROM: MARIA BEVILACQUA

FAX: (978) 521-6790

DATE: *NOV 9 2017*

PHONE:

PAGES: *2* (INCLUDING COVER SHEET)

RE: *Legal AD - Ordinance*

CC:

☐ URGENT

☒ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

*Hi Katie -*

*Please run this from  
an next agenda will be  
sent on Friday) to run next week  
as usual!!*

*Thanks! Maria*

*978-420-3624*



DOCUMENT

*COPY*

# CITY OF HAVERHILL

In Municipal Council

ORDERED:

MUNICIPAL ORDINANCE

CHAPTER

An Ordinance Relating to Storm Water Management

Since this Ordinance exceeds in length eight octavo pages of ordinary book print, in lieu of advertising, it is published by the City Council in a municipal bulletin, placed on file in the City Clerk's Office and posted on the municipal bulletin board in City Hall.

PLACED ON FILE for at least 10 days

Attest:

Linda L Koutoulas

---

City Clerk



## CITY COUNCIL

JOHN A. MICHITSON  
PRESIDENT  
MELINDA E. BARRETT  
VICE PRESIDENT  
ANDRES X. VARGAS  
MICHAEL S. MCGONAGLE  
JOSEPH J. BEVILACQUA  
COLIN F. LEPAGE  
MARY ELLEN DALY O'BRIEN  
WILLIAM J. MACEK  
THOMAS J. SULLIVAN



CITY OF HAVERHILL  
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www.ci.haverhill.ma.us  
citycncl@cityofhaverhill.com

### DOCUMENTS REFERRED TO COMMITTEE STUDY

38-F	Communication from Councillors Barrett and LePage requesting to discuss double poles in the City	A & F	3/15/16
38-W	Communication from Councillor Barrett requesting to give an update on response from MBTA/Kéolis & US EPA about idling trains in Bradford	9/6/16, 11/3/16, 1/17/17, 5/11/17 Citizen Outreach	4/5/16 1/31/17
26E	City of Haverhill – Mayor’s Recommendations, Capital Improvement Program – 2016-2020	A & F	5/31/16
108-N	Communication from Councillors Bevilacqua and LePage requesting discussion regarding appropriate safe regulation of marijuana shop access and locations	11/3/16, 5/11/2017, 7/25/17 A & F	12/6/16
10-B	Communication from President Michitson asking to request from Mayor status of facility improvements to public buildings and parks to comply with American w/ Disabilities Act (ADA)	Citizen Outreach	1/3/17
10-U	Communication from President Michitson requesting discussion on next steps to provide comprehensive long range plan for Haverhill	1/31/17, 8/15/17 Citizen Outreach	1/31/17 8/15/17
10-X	Communication from Councillor Bevilacqua requesting to discuss ways to address senior citizen needs in Haverhill	Citizen Outreach	1/31/17
31-K	Communication from Councillor Macek requesting to discuss proposal to create bike lanes throughout the City	Planning & Dev.	2/14/17
58-D	Communication from Councillors Sullivan, Macek and Bevilacqua requesting to discuss ongoing tree problem on City property abutting & impacting Holland’s Flowers at 577 S. Main St	NRPP	4/25/17
58-G	Communication from President Michitson requesting to present an update on the meeting with group homes stakeholders to address severe problems in Haverhill	Public Safety	5/2/17
58-I	Communication from Councillor Bevilacqua requesting discussion regarding assistance to new businesses	Planning & Dev.	5/2/17
103-C	Communication from Councillors Daly O’Brien & Macek re: street openings, sunken roadway repair and replacing pavement	Planning & Dev.	8/22/17
103-D	Communication from Councillor Daly O’Brien requesting to discuss smoking near outdoor dining	Planning & Dev.	8/22/17
103-E	Communication from President Michitson and Councillor McGonagle introducing Chief DeNaro to address City Council on recent shootings in Haverhill and action taken by HPD (specifically graffiti)	A & F	9/5/17
103-I	Communication from Councillor Bevilacqua requesting discussion regarding residential project signs	Planning & Dev.	9/5/17
36-F	Public Participation Gary Ortiz – suggestion that city review purchase of cameras by homeowners in acre area and offering incentive for State Police and Haverhill Police, first homebuyers program	Citizen Outreach	9/12/17

**DOCUMENTS REFERRED TO COMMITTEE STUDY (cont.)**

104-B	Communication from Councillor Sullivan submitting request from Pamela Carr to purchase unbuildable city land abutting property at 58 Atlanta St., Map 528, Bl 11, Lot 178	NRPP	9/19/17
103-Q	Communication from Co. Bevilacqua requesting discussion - receipt of City Council meeting minutes A&F		9/19/17
103-Z	Heller Team Study- "A Prospect for Haverhill-Performance-Based Budgeting for a Better Tomorrow A&F		10/3/17
110	Communication from Councillors Barrett, LePage and Vargas requesting to introduce Chris Bullock of Clear Gov for presentation on updated features to budget-data program	A & F	10/24/17
110-Q	Communication from Councillor LePage requesting discussion re: economic & environmental benefits of automated trash collection and recycling programs	Citizen Outreach	10/24/17
110-S	Communication from Councillors Barrett and Vargas re: local contractors & construction projects	Planning & Development	10/24/17
110-U	Communication from Councillor Bevilacqua re: Citizen Inquiry/request referral system	A & F	10/24/17
110-Y	Communication from Councillor Macek requesting discussion to address local regulations relative to Recreational Marijuana	A & F	10/31/17