December 19, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202 In-Person/Remote Meeting

This meeting of Haverhill City Council will be held in-person at the location provided on this notice as its official meeting location pursuant to the Open Meeting Law. As the meeting is held in person at a physical location that is open and accessible to the public, the City Council is not required to provide remote access to the meeting. Members of the public are welcome to attend this in-person meeting. Please note that a live stream of the meeting is being provided only as a courtesy to the public, and the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. Thank you.

- 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:
 - 5.1. Mayor Fiorentini requests to address the Haverhill City Council to briefly reflect on 20 wonderful years as your Mayor
 - 5.2. Mayor Fiorentini submits as Order to accept a flagpole donation installed in Monument Square
 - 5.2.1. Order Mayor is authorized to accept a gift of a flagpole installation for Monument Square from the Eammon's Heart Foundation's Freedom Illumination Project
 - 5.3. Mayor Fiorentini submits proposed Order granting an Easement to National Grid
 - 5.3.1. Order Mayor is authorized on behalf of City of Haverhill to grant an easement to National Grid for the installation of a conduit and underground cable on or near Middlesex Street, Haverhill, in the form of and at the location shown on the Easement submitted

December 19, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202 In-Person/Remote Meeting

- 5.4. Mayor Fiorentini submits an Order to purchase a Conservation Restriction for land on Parsonage Hill for purpose of natural resource protection and passive recreational usage by the public Related communication from Robert Moore Jr, Environmental Health Technician
 - 5.4.1. Order Authorization Vote for Acquisition of Conservation Restriction
- 5.5. Mayor Fiorentini submits a Salary Ordinance and a Memorandum of Agreement (MOA) between the City of Haverhill and the Teamsters Water Department Union Group
 - 5.5.1. Memorandum of Agreement between the City of Haverhill and the Water Department Group Teamsters Local #170
 - 5.5.2. Ordinances relating to Salaries Water Group File 10 days
- 6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:
 - 6.1.Councillor Joseph Bevilacqua requests to introduce himself to address the citizens of Haverhill at his last official City Council meeting
- 7. Public Participation-Requests under Council Rule 28
- 8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:
 - 8.1. William Pillsbury, Economic Development and Planning Director requests approval for two resolutions submitted relating to the exciting redevelopment of the Merrimack Street Redevelopment Project
 - 8.1.1. Order Authorize Mayor to approve and execute a TIF agreement for HDIP Program between Lupoli Companies LLC and City of Haverhill
 - 8.1.2. Resolution of the City Council of Haverhill Massachusetts Authorizing the Mayor to Submit All Required Documents to the EDIP Program

December 19, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202 In-Person/Remote Meeting

- 8.2. William Pillsbury, Economic Development and Planning Director requests approval of a resolution submitted relating to the exciting redevelopment of the market rate/mixed use project at 200 Merrimack Street, the former Casey Paper building
 - 8.2.1. Resolution Authorize Mayor to approve and execute a TIF agreement pursuant to HDIP Program between 200 Merrimack Street LLC and the City of Haverhill on the basis of the development of the 200 Merrimack Street parcel number map 102, block 7, lot 23
- 8.3. City Solicitor, William Cox Jr submits Order Amendment to the Rules and Regulations of the City Council

9. UTILITY HEARING(S) AND RELATED ORDER(S):

- 9.1. <u>Document 102</u>; petition from National Grid and Verizon NE requesting joint pole location on Hilldale av for new traffic plans for the intersection of Hilldale av and Rosemont st Plan 30667884
 - 9.1.1. <u>Document 102-B</u>; Order joint pole locations for plan marked Hilldale av
- 9.2. <u>Document 106</u>; Petition from Mass Electric Company d/b/a National Grid & Verizon New England requesting joint pole locations at intersection of Walnut st and Locust st Plan 30758569
 - 9.2.1. <u>Document 106-B</u>; Order joint pole locations for plan marked Walnut st

10. HEARINGS AND RELATED ORDERS:

- 10.1. <u>Document 92</u>; City Engineer John Pettis, requests City grant passage of the Orders submitted for these five streets as public ways; Augustin av, Ethel av, James av, Joseph av and MacKenzie Way Favorable recommendation from Planning Board & Director
 - 10.1.1. Document 92-B; Order–accept Augustin av as a public way
 10.1.2. Document 92-C; Order accept Ethel av as a public way
 10.1.3. Document 92-D; Order –accept James av as a public way
 10.1.4. Document 92-E; Order -accept Joseph av as a public way
 10.1.5. Document 92-F; Order-accept MacKenzie way as a public way

December 19, 2023 at 7:00 PM

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10.2. <u>Document 101</u>; Attorney Russell Channen for applicant 29 Washington st LLC, requesting approval for CCSP 23-15 for property located at 29 Washington st; located in the Downtown Smart Growth Overlay District, to renovate the property to create six residential units and two commercial units on the first floor

Comments from City Depts are included

11.APPOINTMENTS:

- 11.1. Confirming Appointments:
- 11.2. **Non-Confirming:**
- 11.3. Resignations:
- **11.4. PETITIONS:**
 - 11.4.1. Tes Mercedat, owner and Manager of DM Motors requests approval for CCSP 23-17 to allow TM Auto Group LLC to add Rental Car services on top of selling used cars at 251 Winter st

 Hearing January 30, 2024
- 11.5. Applications Handicap Parking Sign: with Police approval
- 11.6. Amusement/Event Application with Police approval
- 11.7. Auctioneer License:
- 11.8. <u>Tag Days</u>: with Police approval
- 11.9. <u>One Day Liquor License</u> with License Commission & Police approval
- 11.10. Annual License Renewals:
 - 11.10.1. Hawker Peddlers License- Fixed location w/Police approval
 - 11.10.2. **Coin-Op License** *Renewals* with Police approval

December 19, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202 In-Person/Remote Meeting

| 11.10.3. | Christmas Tree Vendor – with Police approval |
|-----------|--|
| 11.10.4. | Taxi Driver Licenses for 2023: with Police approval |
| 11.10.5. | Taxi/Limousine License with Police approval: |
| 11.10.6. | Junk Dealer /Collector License with Police approval |
| 11.10.7. | Sunday Pool |
| 11.10.8. | Bowling |
| 11.10.9. | Sunday Bowling |
| 11.10.10. | Buy & Sell Second Hand Articles with Police approval |
| 11.10.11. | Buy & Sell Second Hand Clothing |
| 11.10.12. | Pawnbroker license - with police approval |
| 11.10.13. | Fortune Teller with - Police approval |
| 11.10.14. | Buy & Sell Old Gold – with Police approval |
| 11.10.15. | Roller Skating Rink |
| 11.10.16. | Sunday Skating |
| 11.10.17. | Exterior Vending Machines/Redbox Automated |
| Retail, I | LC |
| 11.10.18. | Limousine/Livery License/Chair Cars with Police |
| approva | |

12. MOTIONS AND ORDERS:

- 13. ORDINANCES (FILE 10 DAYS)
- 14. COMMUNICATIONS FROM COUNCILLORS:
- 15. UNFINISHED BUISINESS OF PRECEEDING MEETING:

16.RESOLUTIONS AND PROCLAMATIONS:

- 17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS
- 18. DOCUMENTS REFERRED TO COMMITTEE STUDY



December 19, 2023 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202 In-Person/Remote Meeting

19.LONG TERM MATTERS STUDY LIST

20.ADJOURN:

JAMES J. FIORENTINI MAYOR



CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
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WWW.CITYOFHAVERHILL.COM

December 14, 2023

City Council President Timothy J. Jordan and Members of the Haverhill City Council

RE: Addressing the Haverhill City Council

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

At the December 19th City Council meeting, I would like to address the Haverhill City Council to briefly reflect on 20 wonderful years as your Mayor.

Very truly yours,

James J. Fiorentini

Mayor

JJF/lyf

JAMES J. FIORENTINI MAYOR



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December 14, 2023

City Council President Timothy J. Jordan and Members of the Haverhill City Council

RE: Order to Accept Flagpole Donation from Eammon's Heart Foundation's Freedom Illumination Project

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

At the December 19th City Council meeting, I am submitting an order to accept a flagpole donation installed in Monument Square from Eammon's Heart Freedom Illumination Project. I recommend approval.

Very truly yours,

James J. Fiorentini

Mayor

JJF/1yf



Document

CITY OF HAVERHILL



In Municipal Council

Ordered:

That the Mayor being and is hereby authorized accept a gift of a flagpole installation for Monument Square, as detailed in the attached letter from Justine Maguire and Frank Bertolino of The North Shore Realty Group, by way of the Eammon's Heart Foundation's Freedom Illumination Project.



November 2, 2023

Dear Mr. Mayor and City Council Members,

As members of our proud community, we believe it is crucial to display our national flag as a symbol of patriotism and support for our nation and those who have served and continue to serve. To demonstrate our respect and admiration for our country and its values, we organized The Freedom Illumination Project with the goal of updating all the city's US flag presentations to meet the US Flag code standards. We have identified 63 and have addressed 31, with 32 remaining.

As a donation to the City of Haverhill, Justine Maguire and Frank Bertolino of The North Shore Realty Group would like to sponsor the flag installation planned for Monument Square by providing the necessary materials. The Freedom Illumination Project will oversee the purchase and delivery of materials and the safe and proper installation of the flagpole. Currently, we do not anticipate requiring the assistance of the Highway Department, but we would like to reserve the option to do so in the future with your permission and discretion.

Thank you for taking the time to consider this matter, and we look forward to your response.

Best regards,

Helen D Sheehan Eammon's Heart Foundation Freedom Illumination Project



JAMES J. FIORENTINI MAYOR



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December 15, 2023

To:

City Council President Timothy J. Jordan and Members of the

Haverhill City Council

From:

Mayor James J. Fiorentini

Re:

Grant of Easement to National Grid – Middlesex Street

Dear Mr. President and Members of the City Council:

Attached please find for submittal on the City Council agenda for the meeting on December 19, 2023 a proposed Order granting an Easement to National Grid for the installation of a conduit and underground cable on or near Middlesex Street.

I recommend approval.

Very truly yours,

James J. Fiorentini

Mayor

JJF/cml



DOCUMENT



CITY OF HAVERHILL

In Municipal Council

ORDERED:

That the Mayor be, and is hereby authorized on behalf of the City of Haverhill, to grant an easement to National Grid for the installation of a conduit and underground cable on or near Middlesex Street, Haverhill, MA, in the form and at the location shown on the Easement attached hereto and incorporated herein.

GRANT OF EASEMENT

The CITY OF HAVERHILL, a municipal corporation having an address of City Hall, Room 309, 4 Summer Street, Haverhill, Massachusetts 01830, (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 170 Data Drive, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Haverhill, Essex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and the furnishing of electric service to the herein described premises and to service others, and without limiting the generality of the foregoing, but specifically including the following equipment; namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "UNDERGROUND SYSTEM" is located in, through, under, over, across and upon a parcel of land situated on the northerly side of Middlesex Street, being more particularly shown as "TOTAL AREA = $156,764 \pm S.F.$, $3.60 \pm ACRES$ " and "N/F CITY OF HAVERHILL M707 B658 L7" on a Plan of Land recorded with the Essex South District Registry of Deeds (the "Registry") in Plan Book 418, Plan No. 1.

WR# 30849716

Address of Grantee: Mass El. – 170 Data Drive, Waltham, Massachusetts 02451

After recording return to:
Jessica White
National Grid USA
Service Company, Inc.
170 Data Drive
Waltham, MA 02451

And further, said "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "nationalgrid; Sketch to accompany easement for the installation of Poles, anchors, wires, concrete encased conduits, manholes, cable, support structures, transformers and miscellaneous electric equipment along the Bradford Rail Trail and 0 Middlesex St, Haverhill, MA 01835.," dated October 25, 2023, a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "UNDERGROUND SYSTEM" is located as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may in the opinion and judgment of the Grantee interfere with the safe and efficient operation and maintenance of the "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the "UNDERGROUND SYSTEM" may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "UNDERGROUND SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "UNDERGROUND SYSTEM"

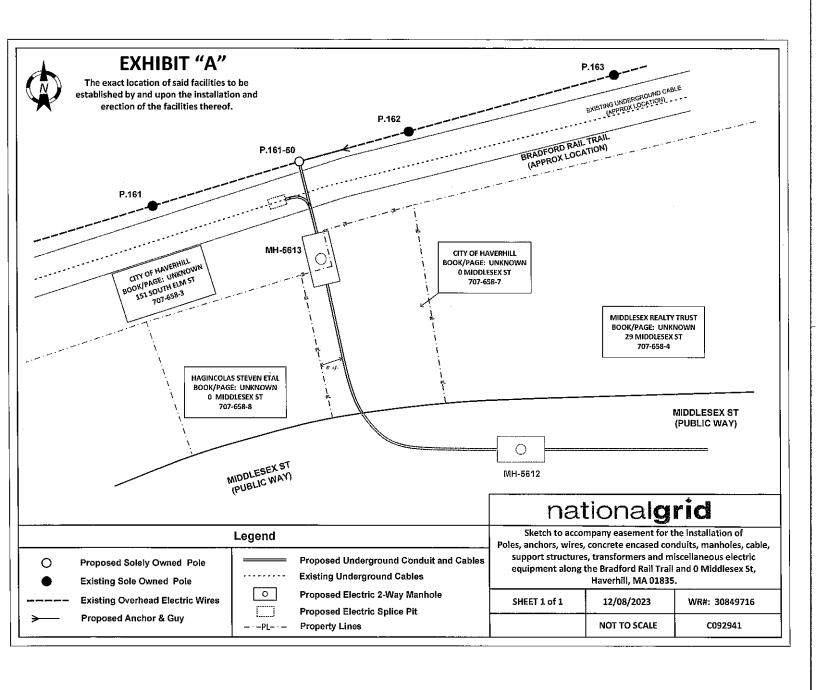
It is agreed that said "UNDERGROUND SYSTEM" and all necessary appurtenances thereto, shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

For Grantor's title, see deed dated July 30, 1943, recorded with the Registry in Book 3343, Page 359, and a deed dated December 29, 2008, recorded with the Registry in Book 28225, Page 389. IN WITNESS WHEREOF, the City of Haverhill has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by JAMES J. FIORENTINI, its Mayor, being thereto duly authorized this _____ day of ______, 2023. CITY OF HAVERHILL By: James J. Fiorentini Its: Mayor Commonwealth of Massachusetts County of _____} ss. On this the _____ day of ______, 2023, before me, the undersigned Notary Public, personally appeared <u>James J. Fiorentini</u>, proved to me through satisfactory evidence of identity, which was/were ______ to be the person whose name is signed on the preceding <u>Grant of Easement</u>, and acknowledged to me that they signed it voluntarily for its stated purpose, as Mayor of the City of Haverhill. Signature of Notary Public Printed Name of Notary

WR# 30849716

Place Notary Seal and/or Any Stamp Above

My Commission Expires



JAMES J. FIORENTINI MAYOR



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

December 15, 2023

TO:

City Council President Timothy J. Jordan and Members of the

Haverhill City Council

FROM:

Mayor James J. Fiorentini

RE:

Order for Acquisition of Conservation Restriction for Open Space

Protection Purposes

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

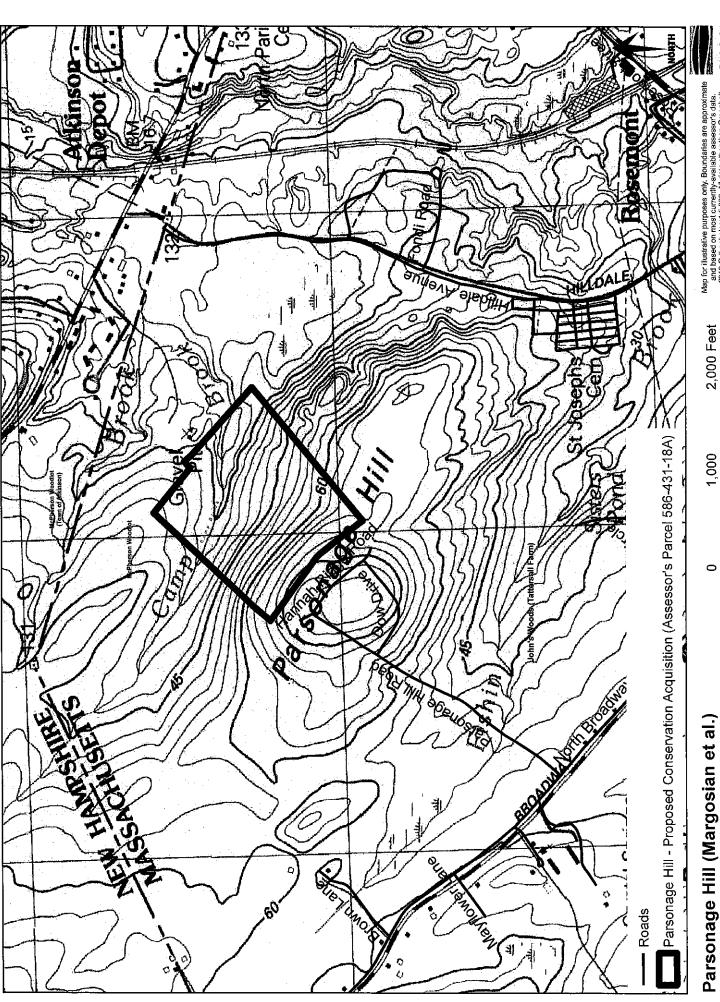
Please see attached an Order to purchase a Conservation Restriction for land on Parsonage Hill for the purposes of natural resource protection and passive recreational usage by the public. The purchase is being made following our successful application for LAND Grant funding from the state, with additional funds being supplied by Essex County Greenbelt Association. I recommend approval.

Very truly yours.

James J. Fiorentini

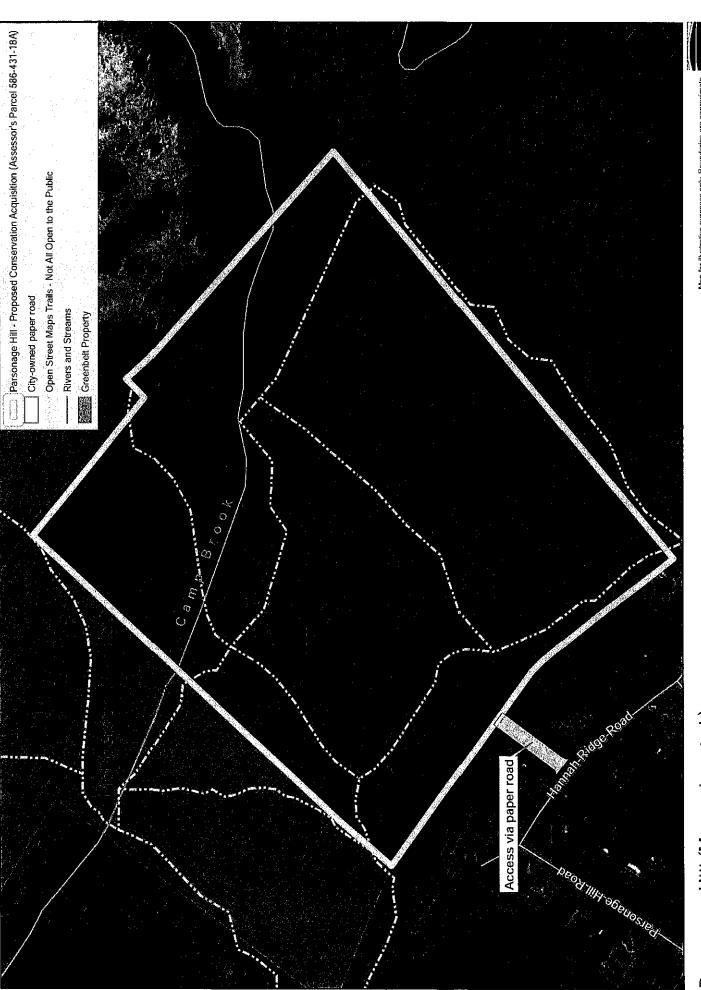
Mayor

JJF/cml



Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos:15,000. All data other than Greenbelt properties from MassGiS. Map by Greenbelt, dated 5.16.23

Haverhill, MS 59.2 acres +/-



Parsonage Hill (Margosian et al.) 59.2 acres

250 500 Feet

Map for illustrative purposes only. Boundaries are approximate and based on most curently-available assessor's clata. 2019 Orthophotos; 15,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 5:18.23

Greenbelt



Reluted comminication

Haverh

Conservation Department Phone: 978-374-2334 Fax: 978-374-2366 rmoore@citvofhaverhill.com

conservation@cityofhaverhill.com

MEMO TO: President Timothy J. Jordan and Haverhill City Councilors

FROM:

Robert E. Moore, Jr., Environmental Health Technician

DATE:

December 15, 2023

RE:

LAND Grant Application, Chooljian/Margosian Property off Hannan Ridge Road

Several months ago, Mayor Fiorentini authorized the City's filing of two grant applications under the Commonwealth's Local Acquisitions for Natural Diversity grant program ("LAND"). One application was filed to purchase 35.6 acres of land off Crystal Street for the purposes of water supply and rare species habitat protection, as well as improved public recreation around the lake. The subject, second application was filed to purchase a Conservation Restriction over 59.2 acres of land on Parsonage Hill for the purposes of natural resource protection, greenbelt connectivity, and public access to an existing network of trails.

I am pleased to say that the Executive Office of Energy and Environmental Affairs has selected to fund BOTH of these important projects. As we work to meet the requirements of the LAND grant program there is additional information to provide the Commonwealth. Tonight, I ask for the Council's approval of the drafted Order authorizing the City's purchase of the 59-acre Conservation Restriction. It is important to note that the City's only financial commitment to the protection of this land is the value of the grant reimbursement from the Commonwealth, \$217,600. All additional funds will be raised by our partner, Essex County Greenbelt Association. It should also be noted that the Council already approved the Order related to the first parcel, off Crystal Street, earlier in the grant process.

Please don't hesitate to reach out to me with any questions.



DOCUMENT



CITY OF HAVERHILL

In Municipal Council

ORDERED:

Authorization Vote for Acquisition of Conservation Restriction

THAT the City Council (1) raise and appropriate the sum of \$320,000 to acquire a conservation restriction, for conservation, open space and passive recreation purposes, on the parcel of land located off Hannan Ridge Road in Haverhill, Massachusetts, containing approximately 59.2 acres, and shown on Assessor's Map 586-431-18A, and for costs incidental and/or related thereto, which conservation restriction shall be held by the City of Haverhill Conservation Commission, under the provision of M.G.L. c. 40, section 8C, and Article 97 of the Amendments to the Massachusetts Constitution; and (2) authorize the Conservation Commission to acquire said conservation restriction by purchase, gift, and/or eminent domain on such terms and conditions as the City deems appropriate; (3) authorize the Conservation Commission, the Mayor, and the City Council to apply for, receive, and accept grants, gifts, and/or reimbursement of funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts under the Land Acquisition for Local Diversity (LAND) Grant Program under the provisions of M.G.L. Chapter 132A, Section 11, and/or any other federal and state programs in any way connected with the scope of the vote taken hereunder, and to enter into any agreements and execute and all documents necessary or convenient to effectuate the acquisition authorized hereunder; provided, however, that the funds appropriated by this vote shall not be expended unless the City receives gifts or other contributions of no less than \$320,000 for said purpose.

JAMES J. FIORENTINI MAYOR



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December 14, 2023

City Council President Timothy J. Jordan and Members of the Haverhill City Council

RE: Salary Ordinance & MOA submission

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

Please find attached a Salary Ordinance and a Memorandum of Agreement (MOA) between the City of Haverhill and the Teamsters Water Department Union Group. This leaves every single one of our City Hall employee unions, except the Fire union, under contract. Each of these contracts reflects our goal of being fair to our employees and fair to our taxpayers. My goal was to have as many unions under contract as possible so that our incoming administration would not have to focus immediately on this. This ordinance must be placed on file for 10 days after which I recommend approval.

Very truly yours,

James J. Fiorentini

Mayor

JJF/lyf



Haverhill

Human Resources Department, Room 306 Phone: (978) 374-2357 Fax: (978) 374-2343

Denise McClanahan, HR Director – <u>amcclanahan@cityofhaverhill.com</u> Christine Caminero, HR Technician – <u>ccaminero@cityofhaverhill.com</u> Christina Carrie, HR Technician – <u>ccarrie@cityofhaverhill.com</u>

TO:

Mayor James J. Fiorentini

FROM:

Denise McClanahan, HR Director

DATE:

December 5, 2023

RE:

Salary Ordinance & MOA submission

Attached please find the salary ordinance and MOA for the Teamsters Water Department Union Group as a result of their recent negotiations. Please submit these documents to the next City Council meeting for action.

dlm

MEMORANDUM OF AGREEMENT BETWEEN



THE CITY OF HAVERHILL

AND

THE WATER DEPARTMENT GROUP - TEAMSTERS LOCAL #170

Effective July 1, 2023, the City and the Union agree to replace the pay rates in the current bargaining agreement (CBA) for the following job titles with the pay rates shown below:

EFFECTIVE 7/1/2023 (EMPLOYEES HIRED BEFORE 7/1/2010)

| | • | | | | | | | | | | | | |
|---|-----------|----------|----------|----------|----------|------------|------------|------------|------------------|--|--|--|--|
| JOB TITLE | STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | STEP 6 | STEP 7 | STEP 8 | Lic/Cert step | | | | |
| Head Account Clerk (40 | | | | | | | | | · | | | | |
| hours) Head Clerk | \$ 880.62 | \$906.52 | \$931.16 | \$957.56 | \$984.75 | \$1,012.78 | \$1,062.43 | \$1,098.91 | N/A | | | | |
| (40 hours) Office | \$ 880.62 | \$906.52 | \$931.16 | \$957.56 | \$984.75 | \$1,012.78 | \$1,062.43 | \$1,098.91 | N/A | | | | |
| Account Clerk | \$ 810.70 | \$834.50 | \$857.12 | \$881.37 | \$906.37 | \$ 932.12 | \$ 977.90 | \$1,011.43 | N/A | | | | |
| EFFECTIVE 7/1/2023 (EMPLOYEES HIRED AFTER 7/1/2010) | | | | | | | | | | | | | |
| JOB TITLE | STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | STEP 6 | STEP 7 | STEP 8 | Lic/Cert step | | | | |
| Head Account Clerk (40 | | | | | | | | | · | | | | |
| hours) Head Clerk | \$ 855.56 | \$880.70 | \$904.62 | \$930.24 | \$956.65 | \$ 983.86 | \$1,032.06 | \$1,067.48 | N/A | | | | |
| (40 hours) Office | \$ 855.56 | \$880.70 | \$904.62 | \$930.24 | \$956.65 | \$ 983.86 | \$1,032.06 | \$1,067.48 | N/A | | | | |
| Once | | | | | | | | | | | | | |
| Account Clerk | \$ 787.67 | \$810.78 | \$832.74 | \$856.29 | \$880.55 | \$ 905.56 | \$ 949.83 | \$ 982.37 | N/A | | | | |

All terms and conditions of the current CBA remain in full force and effect.

| James J. Fiorentini | James D. Marks |
|------------------------------------|--------------------------|
| Mayor | Teamsters Business Agent |
| William D. Cox, Jr. City Solicitor | Shop Steward |

| TO: | MAYOR JAMES J. FIORE | ENTINI | | | |
|-------------------|---------------------------|----------------------|----------------|------------------------|-----------------|
| FROM: | Denise McClanahan, HI | R Director | | | |
| DATE: | 12/5/2023 | | | | |
| RE: | COLLECTIVE BARGAINII | NG FINANCIAL D | DISCLOSU | RE | |
| NAME OF CON | TRACT OR GROUP: | Water Depart | ment Gro | oup | |
| CONTRACT PER | RIOD: | 7/1/2023 | to | 6/30/2024 | |
| % INCREASE FC | OR EACH CONTRACT YEA | R: | | | |
| | | % | Year 3 | % | |
| COST OF COLA | FOR FACIL FIGURE VEAR | OF COLUED 4 CT | | 114 | |
| | FOR EACH FISCAL YEAR | | _ | · | ır |
| | – FY <u>24</u> | Cost amount | <u>\$3,120</u> | _ | |
| | – FY | Cost amount | | | |
| Year 3 | – FY | Cost amount | | | |
| ADDITIONAL CO | OSTS | | | | |
| (i.e., OT, Hazard | dous Duty, Professional I | Development, C | lothing A | allowance, Holiday Pa | ay, etc.) |
| Approx OT cost | | \$ | J | , | ., , |
| Approx Longev | | \$ | | | |
| | re/certification cost | \$ | | | |
| Professional de | • | \$ | | | |
| Clothing allowa | | \$ | | | |
| - | rcentage increase that th | • | +a +ba bı | Ctable | |
| willat is the per | rcentage increase that ti | iese extras auu | to the bt | lugetr | |
| TOTAL COST O | F PROPOSED COLLECTIVE | E BARGAINING A | AGREEME | ENT: | |
| Total salary but | dget for this group was: | | | | |
| | se in salary budget: | | | | |
| | , | | | | |
| · · | other groups or individua | als that would b | e directly | affected by this bud | lget? <u>No</u> |
| What would be | | | | | |
| Are there any o | other known implications | s to this contrac | t? | | |
| | • | Yes No | | | |
| Funds are appr | opriated | \boxtimes | | | |
| Where funds a | | | ınt #: Clid | k or tap here to ente | er text. |
| | | Yes No | | | |
| Funds need an | propriation by council | \sqcap \boxtimes | | | |
| Where funds to | | | int #+ Clid | k or tap here to ente | ar toyt |
| Where falles to | o come from | Accou | . <u>Cit</u> | CK OF LAD HELE TO ELLE | ii text. |
| | | | | o. | |
| | | Mr. Mad TA | JAN N | Marshan | |
| | | AAMM | <u>- 1111</u> | XXWVUUV- | _ |
| Auditors Offi | ice | HR Dep | ot | | |



DOCUMENT

File 10 DAYS HILL (57.57.2)

983.86 \$ 1,032.06 \$ 1,067.48 N/A

905.56 \$ 949.83 \$ 982.37 N/A

CITY OF HAVERHILL

In Municipal Council

ORDERED:

MUNICIPAL ORDINANCE AN ORDINANCE RELATING TO SALARIES

CHAPTER WATER GROUP

BE IT ORDAINED by the City Council of the City of Haverhill that Document 35 of 2023 is hereby amended as follows:

\$ 855.56 \$ 880.70 \$ 904.62 \$ 930.24 \$ 956.65 \$

\$ 787.67 \$ 810.78 \$ 832.74 \$ 856.29 \$ 880.55 \$

EFFECTIVE 7/1/2023 (EMPLOYEES HIRED BEFORE 7/1/2010)

| JOB TITLE | ST | 'EP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | ST | ГЕР 6 | STEP 7 | STEP 8 | Lic/Cert step | |
|---|----|--------|-----------|-----------|-----------|-----------|----|----------|---|-------------|------------------|--|
| Head Account Clerk (40 h Head Clerk (40 hours) Office Account Clerk | \$ | 880.62 | \$ 906.52 | \$ 931.16 | \$ 957.56 | \$ 984.75 | \$ | 1,012.78 | \$ 1,062.43 \$ 1,062.43 \$ 977.90 | \$ 1.098.91 | N/A N/A | |
| EFFECTIVE 7/1/2023 (EMPLOYEES HIRED AFTER 7/1/2010) | | | | | | | | | | | | |
| JOB TITLE | ST | EP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | ST | TEP 6 | STEP 7 | STEP_8 | Lic/Cert | |
| Head Account Clerk (40 h | \$ | 855.56 | \$ 880.70 | \$ 904.62 | \$ 930.24 | \$ 956.65 | \$ | 983.86 | \$ 1.032.06 | \$ 1067.48 | step | |

Approved as to legality:

Head Clerk (40 hours)

Office Account Clerk

City Solicitor



BACKUP REFERENCE 17610 days DNU

DOCUMENT

HAVERHILL 0F

In Municipal Council March 14 2023

ORDERED:

MUNICIPAL ORDINANCE AN ORDINANCE RELATING TO SALARIES CHAPTER

BE IT ORDAINED by the City Council of the City of Haverhill that Document 1-D of 2019 is hereby deleted in its entirety and the following inserted in place thereof:

WATER GROUP

| EFFECTIVE 7/1/2021 1.75% (EMPLOYEES HIRED BEFORE 7/1/2010) | | | | | | | | | | | | |
|--|--------|--------|--------|---------------|----|--------|----|--------|----|--------|-----------|-------------|
| New Title | STEP 1 | | STEP 2 | | S | STEP 3 | | STEP 4 | | TEP 5 | STEP 6 | STEP 7 |
| General Foreperson | \$ | - | \$ | 31.81 | \$ | 32,88 | | | | | • | |
| Water Distribution Operator 3 | \$ | 27.23 | \$ | 28.28 | \$ | 29.13 | \$ | 30.15 | | | | |
| Water Distribution Operator 2 | \$ | 26.24 | \$ | 27.31 | \$ | 28,38 | | | | | | |
| Water Meter Technician 3 | \$ | 23.21 | \$ | 24.28 | \$ | 25.36 | | | | | | |
| Water Meter Technician 2 | \$ | 21.16 | \$ | 22.24 | \$ | 23.30 | | | | | • | • |
| Motor Equipment Operator B&G | \$ | 22.33 | \$ | 23.40 | \$ | 24.47 | | | | | | |
| Water Distribution Operator 1 | \$ | 20.33 | \$ | 21.39 | \$ | 22.46 | | | | | | |
| Head Account Clerk (40 hours) | \$ | 827.21 | \$ | 852.10 | \$ | 875.78 | \$ | 901.15 | \$ | 927,29 | \$ 954.23 | \$ 1,001.95 |
| Head Clerk (40 hours) | \$ | 827.21 | \$ | 852.10 | \$ | 875.78 | \$ | 901.15 | \$ | 927.29 | \$ 954.23 | \$ 1,001.95 |
| Office Account Clerk | Ş | 759.99 | \$ | 782.87 | \$ | 804.62 | \$ | 827.93 | \$ | 851.95 | \$ 876.70 | \$ 920.71 |
| · | | | | | | | | | | | | |
| | | | | | | | | | | | | |

| EFFECTIVE 7/1/2021 1,75% (EMPL) | OYE | ES HIRE | ÞΑ | FTER 7/ | 1/2 | 010) | | | | | • | | |
|---------------------------------|-----|---------|-----|---------|-----|--------|----|--------|-----|--------|-----------|----|--------|
| New Title | \$1 | EP 1 | S | TEP 2 | S1 | TEP 3 | 51 | EP 4 | ST | EP 5 | STEP 6 | ST | EP 7 |
| General Foreperson | \$ | - | \$ | 31.37 | \$ | 32.40 | | | | | | | |
| Water Distribution Operator 3 | \$ | 27.23 | \$ | 28.28 | \$ | 29.13 | \$ | 30.15 | | | | | |
| Water Distribution Operator 2 | \$ | 25.48 | \$ | 26.52 | \$ | 27.56 | | | | | | | |
| Water Meter Technician 3 | \$ | 22.53 | \$ | 23.57 | \$ | 24.61 | | | | | | | |
| Water Meter Technician 2 | \$ | 20.54 | \$ | 21.59 | \$ | 22.63 | | | | | | | |
| Motor Equipment Operator B&G | \$ | 21.68 | \$ | 22.73 | \$ | 23.75 | | | | | | | |
| Water Distribution Operator 1 | \$ | 19.74 | .\$ | 20.76 | \$ | 21.81 | | | | | | | |
| Head Account Clerk (40 hours) | \$ | 803.11 | \$ | 827.28 | \$ | 850.27 | \$ | 874.90 | \$ | 900,28 | \$ 926.43 | \$ | 972.76 |
| Head Clerk (40 hours) | \$ | 803.11 | \$ | 827.28 | \$ | 850.27 | \$ | 874.90 | \$ | 900.28 | \$ 926.43 | \$ | 972.76 |
| Office Account Clerk | \$ | 737.86 | \$ | 760.07 | \$ | 781.18 | \$ | 803.81 | .\$ | 827.14 | \$ 851.17 | \$ | 893.72 |

EFFECTIVE 7/1/2022 2% (EMPLOYEES HIRED BEFORE 7/1/2010)

| Bloom Winks | c | STEP 1 | | STEP 2 | | STEP 3 | | STEP 4 | | TEP 5 | STEP 6 | STEP 7 | STEP 8 | Lie | c/Cert |
|-------------------------------|------|--------|--------|----------------|----|--------|----|--------|----|--------|------------------|--------------------------|-------------|-----|--------|
| New Title | SIEF | | SILF L | | | | | | | 466.7 | JILI U | 3166 1 | W121 0 | 5 | itep |
| General Foreperson | \$ | - | \$ | 32.45 | \$ | 33.54 | \$ | 34.72 | | | | | | \$ | 35.93 |
| Water Distribution Operator 3 | \$ | 27.77 | \$ | 28.84 | \$ | 29.71 | \$ | 30.75 | \$ | 31.83 | | | | \$ | 32.94 |
| Water Distribution Operator 2 | \$ | 26.77 | .\$ | 27 <i>.</i> 86 | \$ | 28.95 | \$ | 29.96 | | | | | | \$ | 31.01 |
| Water Meter Technician 3 | \$ | 23.67 | \$ | 24.76 | \$ | 25.87 | \$ | 26.77 | | | | | | \$ | 27.71 |
| Water Meter Technician 2 | \$ | 21.58 | \$ | 22.69 | \$ | 23.77 | \$ | 24.60 | | | | | | \$ | 25.46 |
| Water Meter Technician 1 | \$ | 21.58 | \$ | 22.69 | | | | | | | | | | | |
| Motor Equipment Operator B&G | \$ | 22.78 | \$ | 23.87 | \$ | 24.96 | \$ | 25.84 | | | | | | | 26.74 |
| Water Distribution Operator 1 | \$ | 20.74 | \$ | 21.82 | \$ | 22.91 | \$ | 23.71 | | | | | | \$ | 24.54 |
| Water Distribution Laborer | \$ | 20.74 | \$ | 21.82 | | | | | | | • | | | | |
| Head Account Clerk (40 hours) | \$ | 843.75 | \$ | 869.14 | \$ | 893.30 | \$ | 919.18 | \$ | 945.84 | \$ 973.32 | \$ 1,021.99 | \$ 1,057.76 | | N/A |
| Head Clerk (40 hours) | \$ | 843.75 | \$ | 869.14 | \$ | 893.30 | \$ | 919.18 | \$ | 945.84 | \$ 973.32 | \$ 1,021. 9 9 | \$ 1,057.76 | | N/A |
| Office Account Clerk | \$ | 775.19 | \$ | 798.53 | \$ | 820.71 | \$ | 844,48 | \$ | 868.99 | \$ 894.24 | \$ 939.12 | \$ 971.99 | | N/A |



BACKUP REFERENCE REPORT ON CH

| EFFECTIVE 7/1/2022 2% (EMPLOYEES HIRED AFTER 7/1/2010) | | | | | | | | | | | | |
|--|---|---|--|--|-------------------------------------|-------------|---|---|--|--|--|--|
| New Title | STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | STEP 6 | STEP 7 | STEP 8 | Lic/Cert step | | | |
| General Foreperson Water Distribution Operator 3 Water Distribution Operator 2 Water Meter Technician 3 Water Meter Technician 2 | \$ -7.77 \$ 27.77 \$ 25.98 \$ 22.98 \$ 20.95 | \$ 32.00 \$ 28.84 \$ 27.05 \$ 24.04 \$ 22.02 | \$ 33.05 \$ 29.71 \$ 28.11 \$ 25.11 \$ 23.08 | \$ 34.20 \$ 30.75 \$ 29.09 \$ 25.99 \$ 23.89 | \$ 31.83 | | | | \$ 35.40 \$ 32.94 \$ 30.11 \$ 26.89 \$ 24.72 | | | |
| Water Meter Technician 1 Motor Equipment Operator B&G Water Distribution Operator 1 Water Distribution Laborer | \$ 20.95 \$ 22.12 \$ 20.14 \$ 20.14 | \$ 22.02 \$ 23.18 \$ 21.18 \$ 21.18 | \$ 24.23 \$ 22.25 | \$ 25.08 \$ 23.03 | | • | | | \$ 25.95 \$ 23.83 | | | |
| Head Account Clerk (40 hours) Head Clerk (40 hours) Office Account Clerk | \$ 819.18 \$ 819.18 \$ 752.61 | \$ 843.82 \$ 843.82 \$ 775.28 | \$ 867.28 \$ 867.28 \$ 796.80 | \$ 892.40 | \$ 918.29 \$ 918.29 \$ 843.68 | \$ 944.96 | \$ 992,22 | \$ 1,026.94 \$ 1,025.94 \$ 943.50 | n/a n/a n/a | | | |
| EFFECTIVE 7/1/2023 2% (EMPLO) | EES HIRED | BEFORE 7/ 1 | /2010) | - | | | | | | | | |
| New Title | STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | STEP 6 | STEP 7 | STEP 8 | Lic/Cert step | | | |
| General Foreperson Water Distribution Operator 3 Water Distribution Operator 2 Water Meter Technician 3 Water Meter Technician 2 Water Meter Technician 1 Motor Equipment Operator B&G Water Distribution Operator 1 Water Distribution Laborer Head Account Clerk (40 hours) Head Clerk (40 hours) Office Account Clerk | \$ 860.67 \$ 790.76 | \$ 28.42 \$ 25.26 \$ 23.14 \$ 24.35 6 \$ 22.26 6 \$ 22.26 2 \$ 886.52 2 \$ 886.52 2 \$ 814.50 | \$ 23.37 \$ 911.16 \$ 911.16 \$ 837.12 | \$ 28.31 \$ 25.09 \$ 26.35 \$ 24.19 6 \$ 937.56 6 \$ 937.56 | \$ 964.75 \$ 964.75 | | \$ 1,042.43 \$ 1,042.43 \$ 957.90 | \$ 1,078.91 \$ 1,078.91 \$ 991.43 | \$ 36.65 \$ 33.60 \$ 31.63 \$ 29.26 \$ 25.97 \$ 27.28 \$ 25.03 N/A N/A | | | |
| EFFECTIVE 7/1/2023 2% (EMPLO) | | | | STEP 4 | STEP 5 | STEP 6 | STEP 7 | STEP 8 | Lic/Cert | | | |
| New Title General Foreperson Water Distribution Operator 3 Water Distribution Operator 2 Water Meter Technician 3 Water Meter Technician 2 Water Meter Technician 1 | \$TEP 1 \$ - \$ 28.3 \$ 26.5 \$ 23.4 \$ 21.3 | 0 \$ 27.59 14 \$ 24.59 17 \$ 22.4 | 2 \$ 30.3 9 \$ 28.6 2 \$ 25.6 5 \$ 23.5 | 1 \$ 34.89 1 \$ 31.37 7 \$ 29.67 1 \$ 26.50 | \$ 32.40 | | JIEF F | | step \$ 36.11 \$ 33.60 \$ 30.71 \$ 27.43 \$ 25,22 | | | |
| Motor Equipment Operator B&G Water Distribution Operator 1 Water Distribution Laborer | | 66 \$ 23.6 54 \$ 21.6 | 5 \$ 24.7 0 \$ 22.6 | • | | | | | \$ 26.47 \$ 24.31 | | | |
| Head Account Clerk (40 hours) Head Clerk (40 hours) Office Account Clerk | \$ 835. \$ 835. \$ 767. | 56 \$ 860.7 56 \$ 860.7 | 0 \$ 884.6 0 \$ 884.6 | 52 \$ 910.24 52 \$ 910.24 74 \$ 836.29 | 4 \$ 936.6 | 5 \$ 963,86 | \$ 1,012.00 | \$ 1,047.4 | 8 N/A | | | |

BACKUP REFERENCE ONLU

Effective 7/1/2022 - Amend Article VII: WAGES Section 5. Clothing Allowance as follows:

Paragraph 1: Increase clothing allowance from \$600 yearly to \$700 yearly.

Paragraph 2: Increase professional development allowance from \$350 to \$450 yearly.

Effective 7/1/2021 - Amend Article VII: WAGES Section 1: Longevity to read as follows:

\$1,300.00 5<10 years

\$1,350.00 10<15.years

\$1,400.00 15<20 years

\$1,450.00 20<25 years

\$1,700.00 25<30 years

\$2,500.00 30 years

Approved as to legality:

12 14

ity Solicitor

CITY COUNCIL Timothy J. Jordan President

John A. Michitson
Vice President
Melinda E. Barrett
Joseph J. Bevilacqua
Thomas J. Sullivan
Melissa J. Lewandowski
Michael S. McGonagle
Catherine P. Rogers
Shaun P. Toohey



CITY HALL, ROOM 204 4 SUMMER STREET

TELEPHONE: 978-374-2328
FACSIMILE: 978-374-2329
WWW.CITYOFHAVERHILL.COM
CITYCNCL@CITYOFHAVERHILL.COM

CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

December 14, 2023

To: President and Members of the City Council

Councillor Bevilacqua requests to introduce himself to address the citizens of Haverhill at his last official City Council meeting on December 19, 2023.

City Councillor Joseph J. Bevilacqua

(meeting 12.19.2023)



Haverhill

Economic Development and Planning Phone: 978-374-2330 Fax: 978-374-2315 wpillsbury@cityofhaverhill.coms

December 15, 2023

TO: City Council President Timothy Jordan and members of the Haverhill City Council

FROM: William Fills Jury, Economic Development and Planning Director

SUBJECT: Merrimack Street Redevelopment (Lupoli Project) HDIP_TIF and EDIP resolutions -

I am pleased to ask for your approval of two resolutions related to the exciting redevelopment of the Merrimack Street Redevelopment Project.

The State has just recently announced refunding of the HDIP program and are now beginning to process applications which is the reason for the timing of this request. The State also requires a separate resolution for the EDIP program.

I am asking the city council to approve the attached resolutions authorizing the Mayor to submit documents related to the HDIP TIF and EDIP agreements; and any related documents required for this project to become a reality.

I respectfully request that you approve these items tonight so that we can move forward with the continued transformation of our downtown area.

Thank you for your attention to this matter.



DOCUMENT



CITY OF HAVERHILL

In Municipal Council

ORDERED:

CITY OF HAVERHILL

RESOLUTION

BE IT RESOLVED THAT THE City Council of the City of Haverhill:

- (a) authorizes the Mayor to approve and execute a TIF agreement, pursuant to Massachusetts General Laws HDIP Program between Lupoli Companies LLC and the City of Haverhill on the basis of the development of the Merrimack Street Redevelopment Project; and
- (b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.



DOCUMENT



CITY OF HAVERHILL

In Municipal Council

ORDERED:

RESOLUTION OF THE CITY COUNCIL OF HAVERHILL MASSACHUSETTS AUTHORIZING THE MAYOR TO SUBMIT ALL REQUIRED DOCUMENTS TO THE EDIP PROGRAM

BE IT RESOLVED THAT THE City Council of the City of Haverhill:

- a) Adopts and authorizes the Mayor to approve and execute a TIF agreement, pursuance to Massachusetts General Laws chapter 23A, sections 3A-3F, chapter 40, section 59, and chapter 59, section 5, clause 51, between Lupoli Companies, LLC and the City of Haverhill on the basis of the acquisition of land and the construction of a facility on Merrimack Street (Map 103, Block 1, Lot 1) and
- b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.



Haverhill

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

(8,2)

December 15, 2023

TO: City Council President Timothy Jordan and members of the Haverhill City Council

FROM: William Pillsbury, Economic Development and Planning Director

SUBJECT:200 Merrimack Street (Casey Building) HDIP_TIF resolution -

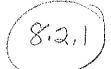
I am pleased to ask for your approval of a resolution related to the exciting redevelopment of the market rate/mixed use project at 200 Merrimack Street. You will remember this property as the former Casey Paper building.

The State has just recently announced refunding of the HDIP program and are now beginning to process applications which is the reason for the timing of this request.

I am asking the city council to approve the attached resolution authorizing the Mayor to submit documents related to the HDIP TIF agreement; and any related documents required for this project to become a reality.

I respectfully request that you approve these items tonight so that we can move forward with the continued transformation of our downtown area.

Thank you for your attention to this matter.





DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

CITY OF HAVERHILL

RESOLUTION

BE IT RESOLVED THAT THE City Council of the City of Haverhill:

- (a) authorizes the Mayor to approve and execute a TIF agreement, pursuant to Massachusetts General Laws HDIP Program between 200 Merrimack Street LLC and the City of Haverhill on the basis of the development of the 200 Merrimack Street parcel number map 102 block 7 lot 23; and
- (b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.

8.3

CITY OF HAVERHILL

MASSACHUSETTS CITY SOLICITOR'S OFFICE

145 South Main Street Bradford, MA 01835 (978) 373-2360 FAX: 978/891-5424 EMAIL: billcoxlaw@aol.com

WILLIAM D. COX, JR. CITY SOLICITOR

December 15, 2023

TO:

Timothy Jordan, President, and Members of the Haverhill City Council

FROM:

William D. Cox, Jr., Esq.

City Solicitor

RE:

Order - Amendment to the Rules and Regulations of the City Council

As requested by yourself and Councillor Sullivan, I have reviewed the Council Rules and Regulations to accommodate the change from 9 to 11 Councillors and the At-large/Ward Council system effective January 1, 2024. Below is my recommendation for an amendment which addresses each place within the current Rules to accomplish this. I would note that in doing so I have also incorporated recent changes to M.G.L. Chapter 40A, –§5 which provide that for certain zoning changes and special permit applications only a majority vote of the Council is required for passage, rather than a 2/3 vote for all such actions as in the past. Attached is a copy of the current Council Rules and Regulations for comparison. If you have any questions or require further information before the meeting, please do not hesitate to call on me. Thank you.

MOTION -

That the Rules and Regulations of the City Council, as amended, notwithstanding any existing Rule to the contrary, being and are hereby further amended as follows:

Rule 4 - Delete the word "three" and insert in place thereof the word "four";

Rule 5 - Delete the word and number "five (5)" and insert in place thereof the word and number "six (6)";

Rule 7 - Delete the words "... the next available Councillor in a downward

sequential order as determined by the voting results of the last City Council election ..." and insert in place thereof the words "...the next available Councillor in order of seniority in service on the City Council ...";

Rule 10 - Delete the words "... the next available Councillor in a downward sequential order as determined by the voting results of the last City Council election ..." and insert in place thereof the words "...the next available Councillor in order of seniority in service on the City Council ..."; and, delete the words and numbers ".... Councillors 3, 4 and 5 shall occupy chairs 1, 2 and 3 in descending order of election." and insert in place thereof the words "... with at-large Councillors seated in descending order of election and ward Councillors seated in order of the ward they represent (1,2,3,4,5,6,and then 7), all as arranged by the President."

Rule 12 - Delete all words and numbers after "COUNCIL VOTES NECESSARY PLAN A" and insert in place thereof the following words and numbers:

| | Annual Budget | Majority | 6 votes |
|------|--|-------------------|-----------------|
| | Salary Appropriation | Majority | 6 votes |
| | Salary Ordinance (increase) | 2/3 | 8 votes |
| | Loan Orders | 2/3 | 8 votes |
| | Transfer from one department to another (C.44 S.33B) | 2/3 | 8 votes |
| | Transfer within department | Majority | 6 votes |
| | Eminent Domain | 2/3 | 8 votes |
| * | Zoning ordinances and amendments | 2/3 or Majority | 8 or 6 votes |
| * ** | Zoning Special Permits | 2/3 or Majority | 8 or 6 votes |
| | Suspend Rules | Majority of Counc | cillors present |
| | To amend a document | Majority | 6 votes |
| | To rescind a document | 2/3 | 8 votes |
| | To expunge a document | 2/3 | 8 votes |
| | To override a Mayor's veto | 2/3 | 8 votes |
| | Motion to censure | 2/3 | 8 votes |
| | To table a matter without a quorum present | Majority of Coun | cillors present |

- * Per G.L. C.40A s.5, the type of action contained in the ordinance or special permit application determines the vote required for approval and the number of votes necessary for passage.
- ** Cluster Residential Development, Planned Unit Development, Flexible Development and Multifamily dwellings (see G.L. c.40A), Used and New Car Dealerships (see Zoning Regulations Ch.255-16, Table of Use and Parking Regulations)";

Rule 34 - Delete the word "five" in the second paragraph and insert in place thereof the word "six"; and,

Rule 41 - Delete the word "six" in the second paragraph and insert in place thereof the word "eight".

To be Effective January 1, 2024.

RULES AND REGULATIONS OF THE CITY COUNCIL

ORGANIZATION

Rule 1. The City Council shall meet for organization at ten o'clock in the forenoon on the first Monday of January following the regular municipal election and the members of the City Council shall severally make oath, before the City Clerk or a justice of the peace, to perform faithfully the duties of their respective office, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

For the purpose of organization, the City Clerk shall be temporary Chair until the President and Vice President are elected. The City Clerk shall open nominations and each candidate shall be nominated by name only and require a second to be considered. No other comment or information shall be made during the open nomination period. Once completed, the City Clerk shall close nominations and call the roll for elections. President nominee(s) must have a minimum of one year's experience on the Haverhill City Council to qualify for election.

The City Council shall, by majority vote of all members elected, elect a President and Vice President from its own members; and the persons elected shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected at the same meeting, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

The following year, the first Tuesday of January at 7:00 o'clock P.M., the members of the City Council shall meet for the purpose of organization for the election of President and Vice President in the same manner as the inaugural election.

Under the direction of the Chairperson of the Administration & Finance Committee and within the first sixty (60) days of each calendar year, the members of the City Council shall vote to approve, amend, add, disapprove or delete from its Rules and Regulations. The City Council may also amend, add or delete from its rules throughout the year through a process of having an agenda item referred to Administration & Finance receiving Administration & Finance recommendation and majority approval of the full City Council.

REGULAR MEETINGS

Rule 2. Regular meetings of the City Council shall be held every Tuesday at 7:00 o'clock P.M. except in June there shall be a meeting on the first, third and fourth Tuesday except when June has five Tuesdays then it will be first, third and fifth. From July until the second Tuesday after Labor Day, the Council shall meet every other week beginning with the second Tuesday of July. In September, starting with the second Tuesday after Labor Day, the Council shall return to its regular weekly schedule. Additionally, in any year that the Mayor should choose to deliver his/her State of the City address on a Tuesday night at 7:00P.M., the City Council meeting scheduled for that week shall be appropriately cancelled in advance. The meeting(s) scheduled

for the Tuesday before Thanksgiving and the Tuesday of the Christmas holiday week shall not be included in the Council's annual calendar of meetings. The meetings shall be held in the City Council Chambers, City Hall, unless a majority of the full Council votes to hold a meeting at an alternative location at least six days prior to such change. The City Council may at any meeting, by a majority vote, discontinue or add any further meetings not scheduled so long as such action is posted at least forty-eight (48) hours in advance in compliance with the Massachusetts Open Meeting Law (M.G.L. c.30A sections 18-25).

HOLIDAYS

Rule 2A. Whenever the day set by these rules for any meeting of the City Council shall fall upon or immediately after a Monday holiday, then such meeting shall not be included in the Council's annual calendar of meetings.

MEETINGS OPEN TO PUBLIC

Rule 3. Except in the case of executive sessions, all meetings of the City Council and of City Council Committees thereof shall be open to the public, and the presiding officer of the City Council shall in his/her sole discretion provide that citizens shall have up to three (3) minutes, unless a longer period is deemed necessary by the presiding Councillor to be heard at any such meeting in regard to any matter considered there. All meetings of the City Council shall conform to the Massachusetts Open Meeting Law.

SPECIAL MEETINGS

Rule 4. The President, or in his/her absence the Vice President, of the City Council, or any three members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand or by electronic communication to each member of the City Council at least forty-eight (48) hours before the time of such meeting, and posted per the Massachusetts Open Meeting Law.

Every notice for a special meeting shall specify the subject(s) to be acted upon and the place and time where the meeting is to take place.

QUORUM

Rule 5. Five (5) members of the City Council shall constitute a quorum.

REMOTE PARTICIPATION

Rule 6. Remote participation of City Council meetings shall be conducted in accordance with the Code of the City of Haverhill, Chapter 66, Article III.

PRESIDING OFFICER

Rule 7. The President, if present, shall preside at the meetings. In the absence of the President, the Vice President of the City Council shall preside or, in the absence of both, the next available Councillor in a downward sequential order as determined by the voting results of the last City Council election shall preside if s/he desires during the absence of both the President and the Vice President.

VACANCY IN THE OFFICE OF PRESIDENT OR VICE PRESIDENT

Rule 8. If the office of President becomes vacant, the Vice President shall assume duties of the President or if the office of Vice President becomes vacant, the City Council, in the manner provided in Rule 1, shall at the next regularly scheduled meeting elect one of its members to fill such office for the unexpired term, provided that no such vacancy shall be filled so long as there is a vacancy in the City Council.

DUTIES OF PRESIDING OFFICER

Rule 9. The presiding officer shall preserve decorum and order, may speak to points of order in preference to other members; shall decide all questions of order, subject to any appeal to the City Council, regularly seconded; and no other business shall be in order until the question on the appeal shall have been decided. The vote upon the appeal from the ruling of the chair shall be by roll call and shall stand unless a majority of the votes are to the contrary. The chair shall be allowed to vote on any question of appeal.

The presiding officer or his/her designee shall report all votes and the presiding officer shall then declare the result, and if the result be in doubt, may call for a roll call vote. Such declaration, if not the result of a roll call, shall stand unless it is reversed by a roll call called for by any member.

RELINQUISHING THE CHAIR

Rule 10. When the presiding officer desires to relinquish the chair, s/he shall call upon the Council Vice President, and, if not present, s/he shall call upon the next available Councillor in a downward sequential order as determined by the voting results of the last City Council election but such substitution shall not continue beyond the will of the presiding office so relinquishing the chair or beyond any adjournment, except as hereafter provided. For practical and logistical purposes, at all Council meetings the Vice President shall sit to the immediate right hand of the President, (chair 4) and Councillors 3, 4 and 5 shall occupy chairs 1, 2 and 3 in descending order of election.

If the presiding officer wishes to present an agenda item or participate in any subject under debate, s/he shall relinquish the chair as above provided and shall not resume the chair until that particular agenda item is concluded.

The presiding officer may, however, express a final opinion on any subject in which debate has concluded, without relinquishing the chair.

COMMITTEES

Rule 11. The President of the City Council shall appoint all standing committees, all special committees, shall fill any committee vacancy and designate the rank of the members of each committee unless specifically directed otherwise by a majority of the council. There shall be the following standing committees:

- Administration & Finance Committee (A&F): Department of Finance & Records; and Law
- Natural Resources & Public Property Committee (NRPP): Water and Wastewater; Energy Conservation; Conservation Commission; Public Buildings; Assessors; Parks and Playgrounds
- 3. Planning & Development Committee (P&D): Department of Community Planning and Development; Planning Department; Engineering.
- 4. Public Health, Safety & Works Committee (Public Safety): Department of Law Enforcement; Department of Fire Safety Services; Public Works; Public Health.
- 5. Citizens Outreach Committee: Constituent and Neighborhood Groups

The City Councillor responsible for initiating an item at an official Council meeting, which is then forwarded to the Mayor, City Department Head(s) or Committee(s) for further study and review, is personally and solely responsible for facilitating all necessary steps for that item's final disposition. The procuring Councillor must also make him/herself available at all of the Committee meeting(s) upon which said item is to be reviewed. The Committee Chairperson shall make reasonable efforts to set the meeting date(s) to accommodate the procuring Councillor's schedule. However, if the Chairperson believes that the issue at hand cannot be delayed, a meeting may be called without the procuring Councillor in attendance. In which case, the item can be acted upon, continued or disposed. Failure or inability of procuring Councillor to attend the meeting to which the item is scheduled to be heard shall result in said item being dealt with without the procuring Councillor's participation or being continued to the next meeting of the Committee.

Each Committee Chairperson shall ensure items referred to Committee be reported on as soon as reasonably possible after item is referred. On any item submitted to Committee of the City Council, the President shall have final authority as to which Committee or to which department an item will be forwarded to. Any item submitted to Committee of the City Council shall be reported back to the City Council with recommendation(s) for action, if any whenever

reasonably possible. The City Council Vice President shall ensure that items referred to Committee be updated on within 30 days of referral by the Committee Chairperson at the end of a Council meeting agenda order of business #18. Items that cannot be reported out or acted upon within 60 days may be transferred to a long-term study list as detailed in Rule 28.

The meetings of the standing committees of the City Council shall be held on Mondays, Wednesdays or Thursdays no earlier than 6:00 PM in the City Council office, Room 204, or Council Chambers, except in cases where the subject matter to be discussed is deemed by the Committee Chairperson to be more appropriate at another day, time or place. All Committee meetings shall be scheduled in compliance with the Massachusetts Open Meeting Law.

SUFFICIENCY OF VOTE

Rule 12. The affirmative vote of a majority of all the members elected to the City Council shall be necessary for the passage of any order, ordinance, resolution, or vote except as noted herein or otherwise provided by the General Laws. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

COUNCIL VOTES NECESSARY PLAN A

| | Annual Budget | Majority | 5 votes |
|----|---|----------|------------------------|
| | Salary Appropriation | Majority | 5 votes |
| | Salary Ordinance (increase) | 2/3 | 6 votes |
| | Loan Orders | 2/3 | 6 votes |
| | Transfer from one department another (C.44 S.33B) | 2/3 | 6 votes to |
| | Transfer within department | Majority | 5 votes |
| | Eminent Domain | 2/3 | 6 votes |
| * | Zoning ordinances and amendments | 2/3 | 6 votes |
| ** | Zoning Special Permits | 2/3 | 6 votes |
| | Suspend Rules | Majority | of Councillors present |
| | To amend a document | Majority | 5 votes |
| | To rescind a document | 2/3 | 6 votes |
| | To expunge a document | 2/3 | 6 votes |
| | To override a Mayor's veto | 2/3 | 6 votes |
| | Motion to censure | 2/3 | 6 votes |
| | To table a matter without a quorum present | Majority | of Councillors present |

- * If a petition signed by the owners of 20% of the property abutting is presented to the Clerk prior to the close of the hearing, protesting a change, the document requires 7 votes, (see G.L. C.40A s.5)
- ** Cluster Residential Development, Planned Unit Development, Flexible Development and Multifamily dwellings (see G.L. c.40A), Used and New Car

Dealerships (see Zoning Regulations Ch.255-16, Table of Use and Parking Regulations)

EVERY MEMBER SHALL VOTE EXCEPT AS PROVIDED IN THIS RULE

Rule 13. Every member present when a question is put shall vote, <u>unless any Councillor</u> for special reason(s) or a conflict of interest stated at the introduction of an agenda item shall be excused from voting. Any Councillor who declares an intent not to participate in an agenda item shall leave the Council Chambers until such time as the agenda item has concluded. No member shall leave the Council Chambers without permission of the chair if his/her presence is necessary to make a quorum.

MANNER OF VOTING YES - NO - VOICE VOTE

Rule 14. Final votes of the City Council shall be by individual voice vote by YES or NO and shall be entered on the records. The presiding officer shall always vote last.

With the exception of votes for orders, ordinances and Council votes necessary under the Plan A form of government, the President may proceed by voice vote of the City Council unless objected to by another member of the City Council in which case the vote shall be recorded as stated above.

Notwithstanding the language contained in Rule 12, no member shall vote on any question or serve on any committee where his/her private right is immediately concerned, distinct from the public interest.

Rule 15. Prior to the announcement by the Chair of the result of a roll call vote, any Councillor may ask to have his/her name called again in order to record him/herself differently.

GAINING THE FLOOR

Rule 16. Every Councillor, when wishing to speak, shall raise his/her hand respectfully or, if available, signal the Chair by some other acceptable manner, asserting his/her desire to gain the floor and wait until s/he is recognized.

EVERY ORDER OR RESOLUTION MUST BE ENDORSED

Rule 17. No order or resolution shall be received or acted upon unless endorsed by a member of the Council and properly seconded.

WITHDRAWING NOTICE

Rule 18. After a motion is stated or read by the Chair and properly seconded, it shall be deemed to be in possession of the Council, and shall be disposed of by vote, but the mover or seconder may withdraw it at any time before a decision or amendment.

PETITIONS ONCE REJECTED

Rule 19. Except as otherwise might be provided specifically in the Massachusetts General Laws, whenever final action on any order, ordinance, petition, question, discussion, or public participation has been taken by the City Council, no further order, ordinance, petition question, discussion, or public participation which in substance is the same as heretofore acted upon, shall be resubmitted to the Council within six months from the time of the Council's previous action thereon unless two-thirds of the Council consents in writing for its resubmission.

Nothing in this rule shall be intended to waive provisions of Rules 23 and 24 and said rule shall not be considered inconsistent with said rules numbered 23 and 24.

ORDINANCE AND BOND ORDERS REFERRED TO CITY SOLICITOR

Rule 20. Every ordinance and every order for a bond issue shall upon its first reading or filing and before its passage, be referred to the City Solicitor, who shall forthwith examine the same as to its legality and notify the Council of his/her findings.

That it be a standing rule of this Council that no final or definite action be passed by this Council in the matter of abatement of betterment assessments until such time as the legality of a proposed abatement be approved by the City Solicitor.

MUNICIPAL EMPLOYEE CONTRACTS AND SALARY ORDINANCES

Rule 21. All municipal collective bargaining agreements and other employment contracts sent to the City Council by the Mayor shall be placed on file with no further action taken, except as to the appropriation of funds necessary to fund the collective bargaining agreements and employment contracts. The approval of any change or alteration to a salary ordinance which requires an increase in wages or other financial benefits to employees shall not be acted on until such time as a financial disclosure form, agreed to by the Mayor and City Council, signed by the Auditor, Department Head and the Human Resources Director is provided to the Council.

ENACTING STYLE

Rule 22. All by-laws passed by the City Council shall be entitled ordinances and the enacting style be "Be it ordained by the City Council of the City of Haverhill". In all votes by which the City Council expresses anything by order or by command, the enacting style shall be "Ordered:" and in all votes by which the City Council expresses opinions, principles, facts or purposes, the enacting style shall be "Resolved".

Rule 23. When a question is under debate, the chair will receive motions in accordance with Order of Precedence outlined in "Robert's Rules of Order".

PREVIOUS QUESTION

Rule 24. The previous question shall be put in the following form: "Move the main question." Once seconded, all further amendment or debate of the main question shall be suspended until the previous question is decided.

On the previous question, not exceeding five minutes shall be allowed for debate, which shall be confined to giving reasons why the main question should not be put, and no member shall speak more than two minutes.

RECONSIDERATION

Rule 25. After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than twelve o'clock noon of the second business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notice of reconsideration, the Clerk shall place it on the calendar for the next regular meeting or for any intervening special meeting, provided the same is included in the call thereof.

Whenever a written notice of a motion to reconsider has been filed as aforesaid, the Clerk shall notify all of the members of the City Council and any parties that spoke at the Council meeting when the original vote was taken. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided. Not more than one motion for reconsideration of any vote shall be entertained, and no vote upon either of the following motions shall be reconsidered: viz: to adjourn; to lay on the table; to take from the table and the previous question.

KEEPER OF THE RECORD

Rule 26. The Clerk or her/his designee shall attend and keep the records of all meetings of the Council. S/he shall record the names of the members present and shall have the care and custody of the city records, and all documents, maps, plans and papers pertaining to the business of the City Council.

PAPERS MUST BE FILED BEFORE 11:00 A.M. FRIDAY BEFORE MEETING

Rule 27. All papers of whatever description which may require action by the City Council shall be presented to the City Clerk not later than 11:00 A.M. on the Friday preceding the day of each regular meeting, except when such preceding day is a holiday or City Hall is closed, then they shall be presented at the same hour on the Thursday preceding the day of the meeting. Papers presented after that hour on such day will not be considered until the next meeting,

unless admission is approved by a majority of Councillors present. If a Councillor wishes to place an item on the agenda after 10:00 A.M. on the day the agenda closes, said Councillor shall contact the Council President directly to ensure item will be allowed on agenda.

CLERK SHALL PREPARE A LIST OF ALL MATTERS (AGENDA)

Rule 28. The City Clerk in cooperation with the Council President shall prepare a list of all matters to come before the City Council at each meeting in accordance with the established order of business and shall deliver to the Council office for each Councillor, a copy of the same on the same day that the agenda is prepared and to digitally send a copy to each Councillor.

As part of the agenda for each meeting, on a separate sheet in a suitable format, there shall be a list of all orders, documents, reports and communications which have been referred to a Council committee for report or action, along with the date submitted to the committee.

Rule 28A. No business or document scheduled to come before the City Council may be removed or omitted from the agenda prior to a meeting.

Rule 28B. The City Council shall allow for re-reading of all back up material related to any Ordinance before the vote is taken for passage.

Rule 28C. The President of the City Council shall not allow any communication or other matter to be placed on the agenda that does not conform with the City Council's Rules and Regulations or, if not governed by a rule or regulation, that does not conform with Robert's Rules of Order. The City Council President or presiding officer shall have oversight and discretion of the content of the final agenda to ensure compliance with the Massachusetts Open Meeting Law. Agenda items must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. And if in the sole determination of the presiding officer that specificity is lacking, the matter may be delayed until such information is obtained.

Rule 28D. If any items submitted for Council Agenda by Councillors appear to the Council President to be duplicates, the Council President must contact each Councillor involved to discuss the duplication. Resolution of the duplication shall be at the Council Presidents discretion with consultation with Councillors who have submitted duplicate items.

Rule 28E. Any person making a presentation or power point presentation shall provide the City Clerk with a copy of any documents utilized. Ideally, documents would be provided before the agenda closes. Power points and other presentations shall be in a font that can be clearly read by the audience.

PUBLIC PARTICIPATION

Rule 29A. Any Haverhill resident, organization or taxpayer may request through the President, or any other member, to be placed on the agenda for the next regularly scheduled

meeting to speak about a matter or concern, provided it is related to issues that are within the Council's jurisdiction. The person shall be allowed up to three (3) minutes to speak, which time may be expanded or limited at the discretion of the presiding officer.

Rule 29B. Any Haverhill resident, organization or taxpayer may request, in writing, to speak to the City Council at the next regularly scheduled meeting by filing a completed request form with the City Clerk's Office. Request forms may be obtained at the City Clerk's Office or downloaded from the City of Haverhill Official web site. Requests to speak must be about a matter or concern that is related to issues that are within the Council's jurisdiction, and the written request to speak must contain details of the intended topic of discussion, and be specific enough to comply, in the opinion of the Council's presiding officer, with the Massachusetts Open Meeting Law. Any request form filed with the City Clerk's Office that appears to be complete will then be forwarded to the City Council's presiding officer in order to seek approval to place the request item on the next regular meeting agenda. In the event that a request to speak form is incomplete, vague or lacking, in the opinion of the Council's presiding officer, and requires additional time to obtain enough detail so that the item when placed on an agenda will adequately inform the general public as to the specific topic to be discussed and thereby complying with the Massachusetts Open Meeting Law, such delay may cause the request to be held until such time that sufficient additional information is added to the request. The responsibility to provide sufficient detail on the request forms and thereby prevent any delay in filing shall be the sole responsibility of the requesting party. The person making the request shall be allowed up to three (3) minutes to speak, which time may be expanded or limited at the discretion of the presiding officer. Note: for other methods of public participation, see Rules 3, 29A and 36.

EXAMINATION OF RECORDS OF PREVIOUS MEETING

Rule 30. At each meeting of the Council, the records for the meeting shall be referred to a member thereof (excepting to the President) for examination; and for the next Council meeting s/he shall report the results thereof to the Chair who shall accept the minutes for the file unless objected by any City Councillor whereupon the Chair shall then place before the meeting the question of approval of the same.

ORDER OF BUSINESS

Rule 31. At every regular meeting of the City Council the order of business shall be as follows:

- 1. Opening Prayer, and additional information at the discretion of the presiding officer
- 2. Pledge of Allegiance
- 3. Approval of the records of previous meeting
- 4. Assignment of minutes review for next meeting
- 5. Communications from the Mayor
- 6. Communications from Councillors to introduce an individual(s) to address the Council

- 7. Public Participation Requests under Council Rule 29B
- 8. Communications and Reports from City Officers and Employees
- 9. Utility hearing(s) and related order(s)
- 10. Hearings and related Orders
- 11. Appointments
- 12. Petitions
- 13. Motions and Orders
- 14. Ordinances
- 15. Communications from Councillors
- 16. Unfinished business of preceding meetings
- 17. Resolutions to be "Resolved" and Proclamations to be "Adopted"
- 18. Council committee updates, reports and announcements

The above shall not be departed from except by permission of the presiding officer.

Any public hearing that is expected to exceed more than two hours in duration in the opinion of the City Council President, may be scheduled by the President as a special meeting to be held other than at the time of a regularly scheduled City Council meeting, provided that special Council meeting can be televised by the local cable channel.

PASSAGE AT ONE SESSION

Rule 32. Except as otherwise might be provided specifically in the Massachusetts General Laws, any ordinance after having been placed on file for at least 10 days and approved to legality by the City Solicitor, and any order or resolution may be passed through all its stages of legislation at one session, provided that no member of the Council objects thereto; but if any member of the Council objects, the measure shall be postponed for that meeting.

PARLIAMENTARY PRACTICE

Rule 33. In all matters of parliamentary practice not provided for in these rules or the Massachusetts Open Meeting Law, the City Council shall use "Robert's Rules of Order ", the latest edition, as a guide.

Rule 34. Insofar as these rules are not of statutory source or origin, the same may be suspended at any meeting by a majority vote of all Councillors present, but not otherwise. Suspension of rules shall apply only for the subject matter under consideration and must be stated in detail prior to voting for said suspension of rules. A suspension of the rules to add an item to the agenda for discussion must be of exigent circumstances. Exigent circumstances shall not include any matter which could have been added to an amended agenda prior to the commencement of the meeting, in compliance with the Open Meeting Law.

Upon completion of process as stated in Rule 1 these rules may be amended or repealed by the vote of five Councillors but said amendment or repeal shall not be effective until the next regular meeting.

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in suspension thereof provided there is a majority vote of all Councillors present, or there is no objection raised prior to the meeting being adjourned.

COUNCIL BUDGET

Rule 35. Prior to the President's submission of the Council annual budget to the Mayor, the President shall seek input from each Councillor and each Councillor shall be allowed to provide his/her input into the City Council budget request.

HEARINGS

Rule 36. All public hearings of the City Council will have the following guidelines. The proponent or petitioner will have up to thirty (30) minutes to make their presentation. The opposition will have up to thirty (30) minutes to make their presentation. Each side, proponent and opposition, will have up to five (5) minutes each for rebuttal after initial presentations Anyone wishing to speak in favor of or against the proponent or petitioner shall be allowed up to three (3) minutes, in addition to the thirty (30) minutes each side is given to present. At the discretion of the presiding officer, a speakers' time may be extended or limited.

If a petitioner needs more time for a presentation, the presiding officer may at his/her discretion allow for additional time for any proponent or petitioner to complete a presentation, provided that an equal amount of time be granted to the opposition.

INDOCTRINATION OF NEW COUNCILLORS

Rule 37. It shall be the responsibility of the Council President to hold indoctrination for all new Councillors within thirty days of the final election. This also includes making available to Councillors Robert's Rules of Order in the City Council office and any other information that is pertinent for a smooth transition.

INTRADEPARTMENTAL COMMUNICATION

Rule 38. Any individual Councillor or the Council body may make a formal request for information or ask pertinent questions of the Mayor, City Department Heads, Boards or Commissions pursuant to a matter placed on the Council meeting agenda provided, that, in all cases, the information requested, or questions asked, be in accordance with the following manner:

The City Council at any time may request from the Mayor specific information on any municipal matter within its jurisdiction and may request him/her to be present to answer written

questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the Mayor of said questions. The Mayor shall personally, or through a designated representative, the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The Mayor may attend and address the City Council in person or through the head of a department, or a member of a board, upon any subject.

USE OF CITY COUNCIL STATIONERY

Rule 39. The use of City Council stationery with official letterhead shall be afforded to the Council President to communicate with any City Department, citizens, private businesses or State and Federal entities as s/he deems necessary. However, any communication issued by any other Council member on said stationery with respect to an issue previously, presently or potentially under the auspices of the City Council, Mayor or any commission, committee, authority, board, task force or any other decision making body on the local, state or federal level, must be brought through the Council Administrative Assistant and must be copied and approved by the Council President before such letter is sent by mail, email, hand delivery or any other delivery process.

The Council President shall be responsible for alerting each newly elected Councillor of this rule during the orientation period outlined in Rule 37.

SPECIAL ELECTION AND BALLOT QUESTIONS

Rule 40. Whenever the City Council votes for any special election or question to be placed on a ballot, the City Clerk shall immediately enter into the agenda for the following week an agenda item that would require providing a copy of the certified mail receipt to each Councillor. This would prove that the proper departments in local or state government have been notified of the special election or of the ballot question.

MOTIONS TO CENSURE

Rule 41. A communication to place a motion to censure a member of the City Council on the agenda must be filed with the City Clerk in a timely manner and must be in writing and signed by no less than six members of the City Council and must specify egregious behavior and/or conduct unbecoming of a City Councillor.

Hearing accomber 19, 2023

WR#30667884-Hilldale Ave.

Questions contact - Veasna Eang - 978-995-4819

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

(90)

North Andover, Massachusetts

To The City Council
Of Haverhill, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Hilldale Avenue - National Grid to install 2 JO poles and relocate 1 JO pole on Hilldale Ave. Beginning at a point approximately +/- 72 feet Southwest of the centerline of the intersection of Hilldale Ave. & Rosemont St. and continuing approximately +/- 16 feet in a North direction. National Grid to relocate pole 96, install pole 96-84 and install pole 40-84. The new pole installs, and pole relocation are for the new traffic plans for the intersection of Hilldale Ave. & Rosemont St., Haverhill, MA.

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 – Hilldale Avenue - Haverhill, Massachusetts.

No.# 30667884

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.

| IN CITY COUNCIL November 28 2023 VOTED that COUNCIL HEARING BE HELD DECEMBER 19 2023 Attest | Massachusetts Electric Company d/b/a NATIONAL GRID <i>Dave Johnson</i> BY | |
|---|---|--|
| City Cle®k | Engineering Department | |
| | VERIZON NEW ENGLAND, INC. BY | |
| | Manager / Right of Way | |

national**grid**

November 13, 2023

WR# 30667884 – Hilldale Avenue

FRE DOTA OFFICE #5/4/0/18 0#9.1/20

わりい

To the City of Haverhill, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

WR# 30667884 – Hilldale Avenue Install 2 JO poles # 96-84 & # 40-84 Relocate 1 JO pole Hilldale Ave, Haverhill, MA

If you have any questions regarding this permit, please contact:

Veasna Eang 978-995-4819

Please notify National Grid's Jennifer Iannalfo of the hearing date / time to Jennifer.Iannalfo@nationalgrid.com

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Jennifer Iannalfo, 1101 Turnpike Street; North Andover, MA 01845 978-725-2308.

Very truly yours,

Dave Johnson

Dave Johnson Supervisor, Distribution Design

Enclosures

1 paren

as as



O EXISTING J/O POLE

>→ GUY

PROPOSED J/O POLE

- - OVERHEAD CONDUCTOR

• PROPOSED STUB POLE

ØJ/O POLE TO BE RELOCATED

EXHIBIT 'A' NOT TO SCALE THE EXACT LOCATION OF SAID FACILITIES TO BE ESTABLISHED BY AND UPON THE INSTALLATION AND ERECTION OF THE FACILITIES THEREOF.

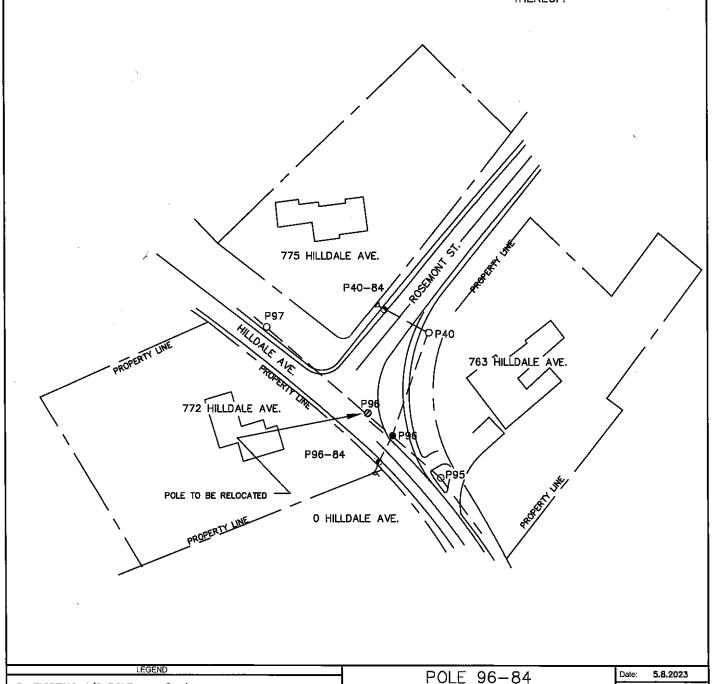
Designer: V.EANG

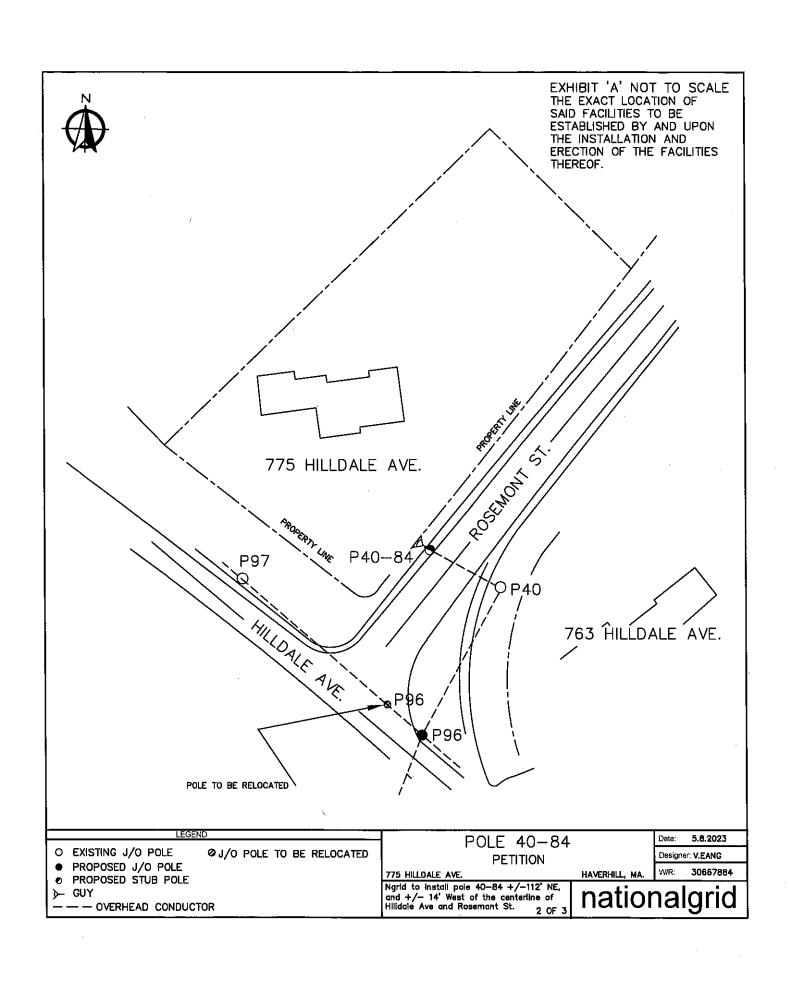
HAVERHILL, MA.

PETITION

775 & 772 HILLDALE AVE.

Ngrid to install pole 96-84 +/-72' SE, and 16' South of the centerline of Hilldale Ave and Rosemont St.





October 10, 2023 Veasna Eang – 978-995-4819 WR#30667884-Hilldale Ave.

9.11

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Haverhill, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 28th day of July, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Hilldale Avenue - Haverhill, Massachusetts.

No.# 30667884

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Hilldale Avenue - National Grid to install 2 JO poles and relocate 1 JO pole on Hilldale Ave. Beginning at a point approximately +/- 72 feet Southwest of the centerline of the intersection of Hilldale Ave. & Rosemont St. and continuing approximately +/- 16 feet in a North direction. National Grid to relocate pole 96, install pole 96-84 and install pole 40-84. The new pole installs, and pole relocation are for the new traffic plans for the intersection of Hilldale Ave. & Rosemont St., Haverhill, MA.

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.

Haring Occomba 19,

(t)

of Sol

WR#30667884-Hilldale Ave.

| V | I hereby certify that the foregoing | g order was adopt | ed at a meeting of | the | |
|---------------------|---|--------------------|---|---|------------|
| | Of the City/Town of | ,Massachuset | ts held on the | day of | 20 . |
| | | | | City/Towr | |
| | | Massachuset | | | 20 . |
| | Received and entered in t Book | he records of loca | rtion orders of the Page | City/Town of | W V |
| | | | Attest: | | |
| (Y) | | City/Town Clerk | | | |
| N | | | | V | |
| 1,0023 | I hereby certify that on | | 20 , at | 0'0 | clock, M |
| V | At | ÷ . , | · · · · · · · · · · · · · · · · · · · | was held on the | • |
| ` | Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND, | | | | |
| _ | INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded | | | | |
| | and that we mailed at least seven | | | | |
|) | said hearing to each of the owners of real estate (as determined by the last preceding assessment | | | | |
| ž Š _v | for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted. | | | | |
| , | roles, whes, and fixtures under s | and order. And u | iai illereupon said | order was dury a | aopica. |
| | | | | City/Town | n Clerk. |
| Ę | | | ••••••• | ••••• | ••••• |
|)) | | | *************************************** | • | |
| ž | | | *************************************** | • | ••••• |
| | Do | and an Carmail of | Torra on City. Ma | aga alemanta | ••••• |
| | | ard of Council of | Town or City, Ma | issachusetts | |
| - | | | | | |
| | | | | | |
|) " | | CERTIF | ICATE | | |
| Y | I hereby certify that the fe | oregoing is a true | | | ificate of |
| | hearing with notice adopted by the | | of the C | | |
| | Massachusetts, on the | day of 20 | and recorded wit | | |
| J | orders of the said City, Book | , and Page | . This co | ertified copy is | made under |

the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk

Hearing December 19 2023

WR#30758569- Walnut Street

Questions contact - Veasna Eang - 978-995-4819

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To The City Council
Of Haverhill, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Walnut Street - National Grid to install 2 JO poles beginning at a point approximately 350 feet East of the centerline of the intersection of Locust Street and Walnut Street and continuing approximately +/- 12 feet in a North direction. National Grid to install pole 3-50 +/- 350' East and +/- 12' North of the centerline of Locust St. & Walnut St. Anchor/guy to be placed +/- 5' North of pole 3-50. Install pole 4-50 +/- 50' East of pole 3-50. NGrid to install overhead primary from pole 2 to pole 4-50. JO poles to be installed in the public way to facilitate apartment building at 66 Emerson Street, Haverhill.

Location approximately as shown on plan attached.

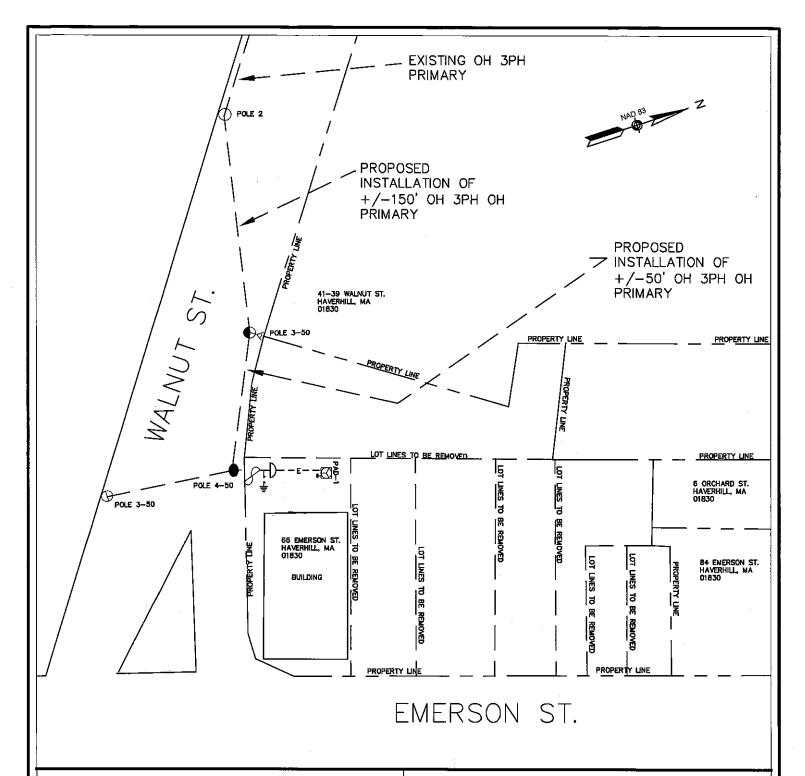
Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan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

No.# 30758569

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.

| Co. |
|--|
| |
| Massachusetts Electric Company d/b/a NATIONAL GRID <i>Dave Johnson</i> |
| BY |
| Engineering Department |
| VERIZON NEW ENGLAND, INC. |
| BY |
| Manager / Right of Way |
| |



OVERHEAD POLE PETITION

● Proposed J.O Pole Location W/ Anchor Guy

① Existing J.O. Pole Locations

● StD Proposed J.O. Pole Locations

Nationalgrid to install pole 3-50 +/-350' east and +/- 12' north of CL of Locust St and Walnut St. anchor/guy to be placed +/- 5' north of pole 3-50, Nationalgrid to install pole 4-50 +/- 50' east of pole 3-50. Nationalgrid to install overhead primary from pole 2 to pole 4-50.

DISTANCES ARE APPROXIMATE

national grid

Verizon New England, Inc.

Date: 8/21/2023

Work Request

WR#30758569

Number:

To Accompany Petition

Dated:

To The: Town

Of Haverhill

For

Proposed: JO

Pole: 3-50 4-50

Location: Walnut St

national**grid**

October 24, 2023

WR# 30758569-Walnut Street

To the City of Haverhill, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

WR# 30758569 – Walnut Street Install 2 JO poles # 3-50, # 4-50 Walnut Street, Haverhill, MA

If you have any questions regarding this permit, please contact:

Veasna Eang 978-995-4819

Please notify National Grid's Jennifer Iannalfo of the <u>hearing date / time</u> to <u>Jennifer.Iannalfo@nationalgrid.com</u>

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Jennifer Iannalfo, 1101 Turnpike Street; North Andover, MA 01845 978-725-2308.

Very truly yours,

Dave Johnson

Dave Johnson Supervisor, Distribution Design

Enclosures

Leavy Me 19 2023

National Grid

WR#30758569- Walnut Street

September 7, 2023 Veasna Eang – 978-995-4819

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Haverhill, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 6th day of September, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked — Walnut Street - Haverhill, Massachusetts.

No.# 30758569

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Walnut Street - National Grid to install 2 JO poles beginning at a point approximately 350 feet East of the centerline of the intersection of Locust Street and Walnut Street and continuing approximately +/- 12 feet in a North direction. National Grid to install pole 3-50 +/- 350' East and +/- 12' North of the centerline of Locust St. & Walnut St. Anchor/guy to be placed +/- 5' North of pole 3-50. Install pole 4-50 +/- 50' East of pole 3-50. NGrid to install overhead primary from pole 2 to pole 4-50. JO poles to be installed in the public way to facilitate apartment building at 66 Emerson Street, Haverhill.

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.



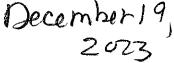
| | | | nere. |
|---------|---|--------------------|--------------------|
| \n' | B | WR#30758569- V | Valnut Street |
| 100 | | | |
| X | I hereby certify that the foregoing order was adopted at a meeting Of the City/Town of ,Massachusetts held on the | _ | 20 . |
| Shex SX | Massachusetts Received and entered in the records of location orders of | · | own Clerk. 20 . |
| 1, | Book Page | tille City/Town of | |
| Ø. | Dook Tage | | |
| 1 | Atte | est: | |
| | | City/Town Cle | erk |
| | | | |
| | I hereby certify that on At a public hearing was held on the petition of Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND, INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted. City/Town Clerk. | | |
| | *************************************** | | |
| | *************************************** | | |
| | Board or Council of Town or City | , Massachusetts | |
| | | | |

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the and recorded with the records of location day of 20 orders of the said City, Book , and Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk





Engineering Department, Room 300 Tel: 978-374-2335 Fax: 978-373-8475 John H. Pettis III, P.E. - City Engineer JPettis@CityOfHaverhill.com

October 5, 2023

MEMO TO:

CITY COUNCIL PRESIDENT TIMOTHY J. JORDAN AND MEMBERS OF THE CITY COUNCIL

Subject:

Street Acceptance - 5 Rights of Way

It is hereby requested that the City of Haverhill Accept as Public the following ways:

Augustin Avenue

Ethel Avenue

James Avenue

Juseph Avenue

MacKenzie Way

Each of these roadways was completed in accordance with an associated Definitive Plan. The meets and bounds description and plan for each will be uploaded to ViewPoint. It is requested that this be referred to the Planning Board for a hearing and recommendation at their November 8 meeting, and then back to Council for vote at a subsequent meeting.

Please contact me if you have any questions.

Sincere

City Engineer

Mayor Fiorentini, Ward, Pillsbury, Cox IN CITY COUNCIL: October 17 2023 REFER TO PLANNING BOARD AND VOTED: COUNCIL HEARING BE HELD DECEMBER 19 2023

Attest:

City Clerk



Haverhill

Economic Development and Planning Phone: 978-374-2330 Fax: 978-374-2315

December 14, 2023

City Council President Timothy J. Jordan & City Councilors
City of Haverhill

RE: Street Acceptances: The City of Haverhill seeks a favorable recommendation to the City Council to accept the following as public ways: Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way. (109885, 109887, 109888, 109889, 109890)

Members Present:

Member William Evans

Member Karen Buckley Chairman Paul Howard

Member April DerBoghosian, Esq.

Member Michael Morales Member Ismael Matias

Members Absent:

Member Nate Robertson

Member Bobby Brown Member Carmine Garcia

Also Present:

William Pillsbury, Jr., Director of Economic Development and Planning

Lori Robertson, Head Clerk

Dear City Council President and Councilors:

Please note at the December 13, 2023, Planning Board meeting held at 7:00 pm in the City Council Chambers the board considered the above-mentioned street acceptances.

Member Karen Buckley read the rules of public hearing into the record.

Mr. Pillsbury: Mr. Chairman, I would like to take a moment to explain for the public and for a reminder of the board of what we are doing tonight. We have a number of streets that have proposed to be accepted as public ways. John Pettis, the City Engineer has proposed them. Thank you, John, for coming out. Basically what we have is a number of streets that have been approved by this board and developed and the bond has been closed out many years ago. None of these streets are recent situations. We handle things differently now trying to make sure we get street acceptances before we actually close out of the project. At this point we are doing some catch-up on some of these ones that were not accepted some time ago. The role of the

4 Summer Street—Room 201, Haverhill, MA 01830 www.cityofhaverhill.com

<u>Street Acceptances</u>: The City of Haverhill seeks a favorable recommendation to the City Council to accept the following as public ways: Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way. (109885, 109887, 109888, 109889, 109890)

planning board is very limited. Its to make a recommendation to City Council. There is no street acceptance going on tonight. Its basically a recommendation from the Planning Board at some point in time, positive or negative, conditions. Whatever the recommendation is, to go to the City Council then the City Council has their hearing which actually happens to be this coming Tuesday night, December 19th. Tonight's action is to make a recommendation to Council and Council can choose to accept that recommendation and they will act on that (checked the audience for what hearing they were here for tonight). The hearings will start with are Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way.

John Pettis, City Engineer addressed the board. As Bill said we have been doing this awhile. We are trying to catch up to get streets that are built to our standards that have never been accepted to get them accepted. It helps us with our Chapter 90 money, the money that we get from the state for paving our roads. The more miles of roads that we have accepted, the more money we get from the state. Again, these are typically what we are already maintaining. It's kind of money that we are losing out on. It happens to be a lot of work for my office to pull all this together, as well as the Planning Office determining that these were built to our standard per our definitive plan. I will start with Ethel. Basically the 11x17 I gave everyone...everything you see in yellow is considered right now a private way. The ones in tan are city roads and down below you can see River Street which is in green and that is state road. Ethel Avenue is basically what the limits of what you see there in the yellow is what we are looking to accept. Typically, we accept a road from end to end, Ethel Avenue is a little bit different on the left hand side of your sheet, Ethel Avenue continues on and turns right into someone's driveway so...we are not looking to accept the area in someone's driveway, its before the driveway.

Fletcher Fluentes of 26 Ethel Avenue addressed the board. My question is Joseph Avenue ever going to be connected?

John Pettis: Not that I know of.

Fletcher Fluentes: My next question is this area of Ethel Avenue, my house sits right here. Is there anyway that can be deeded to me or given to us? How would I go about getting that?

John Pettis: For the property to become yours that part of the road would have to be discontinued. What happens with a discontinuance is the abutters on each side get to the centerline.

Fletcher Fluentes: Thank you.

William Pillsbury: No other questions about anything I would ask if there are any questions.

Chairman Paul Howard: I would close the public portion of the hearing and turn it over for comments from the Planning Director.

<u>Street Acceptances</u>: The City of Haverhill seeks a favorable recommendation to the City Council to accept the following as public ways: Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way. (109885, 109887, 109888, 109889, 109890)

John Pettis: Am I talking about the other ones afterwards?

William Pillsbury: I don't think there are any questions about any of them.

John Pettis: I just want to add one thing. It came to our attention going through this procedure we received a call to our office. The little section you see in green off of Ethel at the lower part of Joseph Avenue on a definitive plan that was shown as...that was paved as part of when Ethel was paved because of a fire turnaround. Talking to our City Solicitor now the cleanest part because this property is still a private way we can't ordinance the fire turnaround there. The only way we can do it is by accepting that small section. I would ask as part of your recommendation to also accept the bottom lower 40' of Joseph Avenue.

William Pillsbury: Is that currently paved?

John Pettis: It is. It's already improved.

William Pillsbury: Its improved and acting as a turnaround already, we just have to make it legal.

John Pettis: Yes, so we can post and enforce it.

William Pillsbury: With that, Mr. Chairman I would recommend a favorable recommendation to the City Council for the street acceptances for: Augustin Avenue, James Avenue, Joseph Avenue and MacKenzie Way as presented by the City Engineer. Also, Ethel Avenue with the extension of the area shown in green (you are going to show this to the Council? John Pettis: I am.) as part of the existing fire turnaround that would be added to the acceptance meets and bounds description that will be presented to the Council. I would ask for a favorable recommendation on that.

After board consideration, Member Karen Buckley motioned to forward a favorable recommendation to the City Council as recommended by the Planning Director, William Pillsbury. Member Michael Morales seconded the motion.

Member Michael Morales-yes
Member William Evans- yes
Member Bobby Brown - absent
Member Carmine Garcia- absent
Member Ismael Matias- yes
Member Karen Buckley - yes
Chairman Paul Howard - yes
Member April DerBoghosian, Esq.-yes
Member Nate Robertson-absent
Motion Passed.

<u>Street Acceptances</u>: The City of Haverhill seeks a favorable recommendation to the City Council to accept the following as public ways: Augustin Avenue, Ethel Avenue, James Avenue, Joseph Avenue and MacKenzie Way. (109885, 109887, 109888, 109889, 109890)

City department reports are attached to and considered part of this board's decision and notice of decision. Any appeal of this board's decision and notice of decision shall be taken in accordance with M.G.L. Chapters 40A and 41 within twenty (20) days of the board's filing of this decision/notice of decision with the city clerk.

Signed,

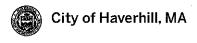
Paul Howard

Paul Howard Chairman

Cc: Street Acceptances

City Clerk (original)
City Departments

Owner/Applicant/representative



Building Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Tom Bridgewater

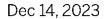
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Augustin Ave Haverhill, MA 01832





Conservation Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Robert Moore

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

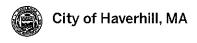
Primary Location

. Augustin Ave Haverhill, MA 01832

Comments

Robert Moore, Oct 19, 2023

n/a



Engineering Director Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: John Pettis

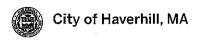
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Dec 1, 2023

Primary Location

. Augustin Ave Haverhill, MA 01832



Fire Chief Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Michael Picard

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

Became Active: Oct 18, 2023

Completed: Oct 27, 2023

. Augustin Ave Haverhill, MA 01832

Comments

Michael Picard, Oct 30, 2023 Fire Department accepts



Health Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Mark Tolman

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Augustin Ave Haverhill, MA 01832



Wastewater Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Paul Jessel

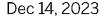
Applicant

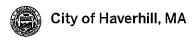
City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 **Became Active:** Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Augustin Ave Haverhill, MA 01832





Water Department Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Andrew Carvalho

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Augustin Ave Haverhill, MA 01832

Comments

Andrew Carvalho, Oct 19, 2023

Water Service Application:

Water Service Applications forms are now available online, click here (https://www.cityofhaverhill.com/Water%20Service%20Final%202-28-2023.pdf).

Instructions:

Applicant must complete the Water Service Application form and sign where appropriate. Once signed, scan and upload the form onto the Viewpoint portal and we will receive an email. You may also obtain a paper copy at the Water Billing Office, City Hall, 4 Summer Street, Room 300 or at the Water Maintenance Office at 125 Amesbury Road. You can also return the completed and signed Water Service Application directly to Water Maintenance Office at 125 Amesbury Road.

Note: Document is to be scanned with page 1 and page 2, in color with a resolution of 300 dpi to ensure it is readable by Water Department.

Submission of water service(s) application is required for review and processing. The developer shall be required to pay all invoices to the City's billing department directly. No permits for water shall be granted until these application(s) are completed. Offsite improvements may be required.

Existing services shall be discontinued at the corporation, this can be conducted when



Building Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

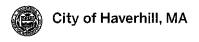
Assignee: Tom Bridgewater

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location



Conservation Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Robert Moore

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Ethel Ave Haverhill, MA 01832

Comments

Robert Moore, Oct 19, 2023

Conservation Commission issued a Partial Certificate of Compliance in 2000 to certify the completion of the detention pond. Commission project permitting preceded MA Stormwater Management Policy; Planning Board records should be reviewed to determine maintenance responsibilities for the detention pond and its inflow/outflow infrastructure. DPW should be made aware of its anticipated maintenance responsibilities, particularly with respect to the detention pond.



Engineering Director Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: John Pettis

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Nov 2, 2023

Primary Location



Fire Chief Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Michael Picard

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Comments

Michael Picard, Oct 30, 2023 Fire Department accepts Became Active: Oct 18, 2023

Completed: Oct 27, 2023

Primary Location



Health Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Mark Tolman

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location



Wastewater Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

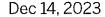
Assignee: Paul Jessel

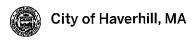
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location





Water Department Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Andrew Carvalho

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Ethel Ave Haverhill, MA 01832

Comments

Andrew Carvalho, Oct 19, 2023

Water Service Application:

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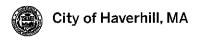
Instructions:

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Note: Document is to be scanned with page 1 and page 2, in color with a resolution of 300 dpi to ensure it is readable by Water Department.

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Existing services shall be discontinued at the corporation, this can be conducted when



Building Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Tom Bridgewater

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 20, 2023

Completed: Oct 25, 2023

Primary Location



Conservation Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Robert Moore

Became Active: Oct 20, 2023

Completed: Oct 20, 2023

Applicant

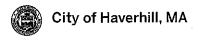
City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. James Ave Häverhill, MA 01832

Comments

Robert Moore, Oct 20, 2023 n/a



Engineering Director Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: John Pettis

Became Active: Oct 20, 2023

Completed: Nov 2, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location



Fire Chief Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Michael Picard

Became Active: Oct 20, 2023

Completed: Oct 27, 2023

Applicant

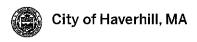
City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. James Ave Haverhill, MA 01832

Comments

Michael Picard, Oct 30, 2023 Fire Department Accepts



Health Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Mark Tolman

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 20, 2023

Completed: Oct 20, 2023

Primary Location



Wastewater Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Paul Jessel

Applicant Primary Location

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 20, 2023

Completed: Oct 20, 2023



Water Department Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Andrew Carvalho

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 20, 2023

Completed: Oct 20, 2023

Primary Location



Building Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Tom Bridgewater

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Joseph Ave Haverhill, MA 01832



Conservation Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Robert Moore

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Joseph Ave Haverhill, MA 01832

Comments

Robert Moore, Oct 19, 2023

n/a



Engineering Director Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: John Pettis

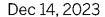
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Dec 1, 2023

Primary Location

. Joseph Ave Haverhill, MA 01832





Fire Chief Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Michael Picard

Became Active: Oct 18, 2023

Completed: Oct 30, 2023

Applicant

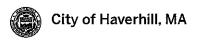
City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Joseph Ave Haverhill, MA 01832

Comments

Michael Picard, Oct 30, 2023Fire Department accepts



Health Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Mark Tolman

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Joseph Ave Haverhill, MA 01832



Wastewater Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Paul Jessel

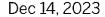
Applicant

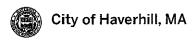
City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Joseph Ave Haverhill, MA 01832





Water Department Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Andrew Carvalho

Primary Location

. Joseph Ave Haverhill. MA 01832

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Comments

Andrew Carvalho, Oct 19, 2023

Water Service Application:

Water Service Applications forms are now available online, click here (https://www.cityofhaverhill.com/Water%20Service%20Final%202-28-2023.pdf).

Instructions:

Applicant must complete the Water Service Application form and sign where appropriate. Once signed, scan and upload the form onto the Viewpoint portal and we will receive an email. You may also obtain a paper copy at the Water Billing Office, City Hall, 4 Summer Street, Room 300 or at the Water Maintenance Office at 125 Amesbury Road. You can also return the completed and signed Water Service Application directly to Water Maintenance Office at 125 Amesbury Road.

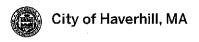
Note: Document is to be scanned with page 1 and page 2, in color with a resolution of 300 dpi to ensure it is readable by Water Department.

Submission of water service(s) application is required for review and processing. The developer shall be required to pay all invoices to the City's billing department directly. No permits for water shall be granted until these application(s) are completed. Offsite improvements may be required.

Existing services shall be discontinued at the corporation, this can be conducted when

installing the newly approved service.

If you have any questions, please call 978-374-2368.



Building Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Tom Bridgewater

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Mackenzie Way Haverhill, MA 01832



Conservation Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Robert Moore

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Mackenzie Way Haverhill, MA 01832

Comments

Robert Moore, Oct 19, 2023

n/a

Note underground infiltration system behind #2-8 MacKenzie not shown in GIS.



Engineering Director Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: John Pettis

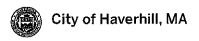
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Dec 1, 2023

Primary Location

. Mackenzie Way Haverhill, MA 01832



Fire Chief Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Michael Picard

Became Active: Oct 18, 2023

Completed: Oct 30, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Mackenzie Way Haverhill, MA 01832

Comments

Michael Picard, Oct 30, 2023 Fire Department accepts



Health Inspector Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Mark Tolman

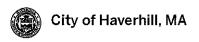
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Oct 18, 2023

Primary Location

. Mackenzie Way Haverhill, MA 01832



Wastewater Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Paul Jessel

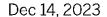
Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335 Became Active: Oct 18, 2023

Completed: Nov 20, 2023

Primary Location

. Mackenzie Way Haverhill, MA 01832





Water Department Review

Street Acceptance, Discontinuance, Naming, Renaming or Alteration

Status: Complete

Assignee: Andrew Carvalho

Became Active: Oct 18, 2023

Completed: Oct 19, 2023

Applicant

City of Haverhill Engineering Department engineer@cityofhaverhill.com 4 Summer St room 300 Haverhill, MA 01830 978-374-2335

Primary Location

. Mackenzie Way Haverhill, MA 01832

Comments

Andrew Carvalho, Oct 19, 2023

Please discontinue any water service(s) related to this property/project. If new water service is required, please follow the directions below:

Water Service Application:

Water Service Applications forms are now available online, click here (https://www.cityofhaverhill.com/Water%20Service%20Final%202-28-2023.pdf).

Instructions:

Applicant must complete the Water Service Application form and sign where appropriate. Once signed, scan and upload the form onto the Viewpoint portal and we will receive an email. You may also obtain a paper copy at the Water Billing Office, City Hall, 4 Summer Street, Room 300 or at the Water Maintenance Office at 125 Amesbury Road. You can also return the completed and signed Water Service Application directly to Water Maintenance Office at 125 Amesbury Road.

Note: Document is to be scanned with page 1 and page 2, in color with a resolution of 300 dpi to ensure it is readable by Water Department.

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Existing services shall be discontinued at the corporation, this can be conducted when installing the newly approved service.

If you have any questions, please call 978-374-2368.





CITY OF HAVERHILL

In Municipal Council

ORDERED:

408 Marine, De 19 2022

IT APPEARING that the common convenience and necessity require it,

It is hereby
That a portion of the following street herein described be accepted as a
Public Way

Augustin Avenue

Beginning at a point at the northwesterly intersection with Thomas Avenue as shown on a plan entitled Definitive Subdivision Plan for Augustin Place, 1"=60', dated March 3, 2017 and revised July 27, 2017, by Christiansen and Sergi, Inc. and recorded as Plan Book 461, Plan 57;

Thence S 23°05'20" W a distance of 401.96 feet to the southerly sideline of MacKenzie Way and an iron rod;

Thence S 66°54'40" E a distance of 40.00 feet to the easterly sideline of Augustin Avenue;

Thence N 23°05'20" E a distance of 398.66 feet to the southerly sideline of Thomas Avenue;

Thence N 62°12'00" W a distance of 40.14 feet to the westerly sideline of Augustin Avenue, to a stone bound, and the point of beginning.

Meaning and intending to describe a portion of Augustin Avenue as shown on various plans on file at the Haverhill Engineering office as Plan 2B 3637 file #15992, 2B 1746 file #12198, 2B 3157 File #14974, & EL 260 file #16348.





CITY HAVERHILL O F

In Municipal Council

ORDERED:

IT APPEARING that the common convenience and necessity require it,

It is hereby That a portion of the following street herein described be accepted as a Public Way

Ethel Avenue

FOR Welling Die 19-2023

Beginning at a point with an iron pipe 111.00' easterly of the intersection with James Avenue as shown on a Plan of land in Haverhill, MA as surveyed for The Church at Haverhill, 1"=40', dated May 1981 by Charles C. Martin, Assoc.and recorded as Plan Book 167, Plan 11:

Thence S 21°24'32" W a distance of 40.02 feet to a point;

Thence N 66°54'40" W a distance of 608.57 feet to a point at the intersection with a sewer easement;

Thence N 23°05'20" E a distance of 40.00 feet to a point;

Thence S 66°54'40" E a distance of 607.57 feet to the point of beginning.

Meaning and intending to describe a portion of Ethel Avenue as shown on various plans on file at the Haverhill Engineering office as Plan 2B 1917 file #12568, 2B 2911 File #14506, & EL 260 file #16348, and on a plan of Riverview Terrace, recorded as Plan Book 26, Plan 20.





CITY OF HAVERHILL

In Municipal Council

ORDERED:

IT APPEARING that the common convenience and necessity require it,

It is hereby
That the following street herein described be accepted as a
Public Way

James Avenue

Beginning at a point at an iron pipe at the northwest intersection with Thomas Avenue as shown on a Plan of land in Haverhill, MA as surveyed for The Church at Haverhill, 1"=40', dated May 1981 by Charles C. Martin, Assoc.and recorded as Plan Book 167, Plan 11;

Thence S 62°12'00" E a distance of 40.13 feet to a point;

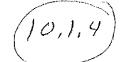
Thence S 23°05'20" W a distance of 655.39 feet to an iron pipe;

Thence N 66°54'40" W a distance of 40.00 feet to an iron pipe;

Thence N 23°05'20" E a distance of 658.69 feet to the point of beginning.

Meaning and intending to describe James Avenue as shown on various plans on file at the Haverhill Engineering office as Plan 2B 1917 file #12568, 2B 1830 File #12370.

For Heaving Dec 192023





CITY OF HAVERHILL

In Municipal Council

ORDERED:

IT APPEARING that the common convenience and necessity require it,

It is hereby That a portion of the following street herein described be accepted Public Way

Joseph Avenue

Beginning at a point at the northwesterly intersection with Thomas Avenue as shown on a plan entitled Definitive Subdivision Plan for Augustin Place, 1"=60', dated March 3, 2017 and revised July 27, 2017, by Christiansen and Sergi, Inc. and recorded as Plan Book 461, Plan 57;

Thence S 23°05'20" W a distance of 419.25 feet to a point;

Thence S 66°54'40" E a distance of 40.00 feet to the westerly sideline of Mackenzie Way;

Thence N 23°05'20" E a distance of 415.96 feet to the southerly sideline of Thomas Avenue:

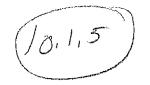
Thence N 62°12'00" W a distance of 40.14 feet to the westerly sideline of Joseph Avenue, and the point of beginning.

Meaning and intending to describe a portion of Joseph Avenue as shown on various plans on file at the Haverhill Engineering office as Plan 2B 3732 file #16352, 4B 3333 file #16221, 2B 3644 File #16054, & EL 260 file #16348, and on a plan of Riverview Terrace, recorded as Plan Book 26, Plan 20.

The Many Do 19 2023



DOCUMENT



CITY OF HAVERHILL

In Municipal Council

ORDERED:

IT APPEARING that the common convenience and necessity require it,

It is hereby
That the following street herein described be accepted as a
Public Way

MacKenzie Way

Beginning at a point at a stone bound at the southeasterly intersection with Joseph Avenue as shown on a plan entitled Definitive Subdivision Plan for Augustin Place, 1"=60', dated March 3, 2017 and revised July 27, 2017, by Christiansen and Sergi, Inc. and recorded as Plan Book 461, Plan 57;

Thence S 66°54'40" E a distance of 170.00 feet to an iron rod;

Thence N 23°05'20" E along the westerly sideline of Augustin Avenue a distance of 75.00 feet to a stone bound;

Thence with a curve turning to the right an arc length of 39.27 feet, with a radius of 25.00 feet to a mag nail;

Thence N 66°54'40" W a distance of 120.00 feet to a stone bound;

Thence with a curve turning to the right an arc length of 39.27 feet, with a radius of 25.00 feet to a stone bound;

Thence S 23°05'20" W along the easterly sideline of Joseph Avenue a distance of 75.00 feet to a stone bound, and the point of beginning;

Meaning and intending to describe MacKenzie Way as shown on the Street Acceptance Plan by Morin-Cameron Group, Inc. dated 12/30/2019, revised 11/11/2020, and on file at the Haverhill Engineering office as Plan 2B 3732, file #16352.

to Mean 120 19 2023

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Phillips, Gerstein & Channen, LLP

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Herbert P. Phillips (1933 - 2017) Michael A. Gerstein Russell S. Channen Russell S. Channen
Of Counsel:

Jane M. Owens Triano

CC3p 23-15

November 6, 2023

City Council City of Haverhill 4 Summer Street Haverhill, MA 01830

Re: Developmental Approval for property located at 29 Washington Street pursuant to

The Downtown Smart Growth Overlay District

By 29 Washington Street, LLC

Assessor's Plat: 301-53-7

To the Members of the City Council:

Now comes the Applicant, 29 Washington Street LLC and hereby petitions this City Council for Development approval regarding the property located at 29 Washington Street, Haverhill, Massachusetts (the "Property"). This application is submitted pursuant to the City of Haverhill Zoning Code Section 9.8.1, et seq. (THE DOWNTOWN SMART GROWTH OVERLAY DISTRICT)

29 Washington Street, LLC intends to renovate the Property to create six residential units and two commercial units on the first floor.

HISTORY

On July 14, 1976 Raymond Eason purchased the Property from Marblehead Savings Bank and the Property remained within the Eason family until November 15, 2022, when Atlantis Ventures, LLC purchased the Property for \$750,000.00. Jonathan Cody, Manager of Atlantis Ventures, LLC created a new LLC entitled 29 Washington Street, LLC which now holds title to the Property.

PROPOSAL

The Property currently consists of a Residential/Commercial structure with office space on the first floor; unfinished rooms on the second floor; 3 bedrooms and a bathroom on

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the third floor; an open kitchen, bathroom, dining area and living room on the fourth floor and open space in the basement. (Existing/Demo Floor Plans depicting the current condition are attached hereto and marked Exhibit "1")

- 29 Washington Street, LLC proposes to refurbish/renovate the entire building; creating the following:
 - A. Two new commercial units on the first floor
 - B. Unit 1A and Unit 1B on the second floor containing 504 square feet and 530 square feet, respectively;
 - C. Unit 2A and Unit 2B on the third floor containing 611 square feet and 490 square feet, respectively;
 - D. Unit 3A and Unit 3B on the fourth floor containing 470 square feet and 541 square feet, respectively;
 - E. Resident Storage facilities in the Basement.

(Proposed Floor and Ceiling Plans are attached hereto and marked Exhibit "2")

29 Washington Street, LLC further intends to historically restore the building's façade. Jonathan Cody, Manager of 29 Washington Street, LLC met with the City of Haverhill Washington Street Historic Commission which has signed off on his project and a copy of the approval is included in this Application. (Existing and Proposed Elevation Plans and Storefront Plans are attached hereto as Exhibit "3")

APPLICATION IN ACCORDANCE WITH THE DOWNTOWN SMART GROWTH OVERLAY DISTRICT

- A. The purpose of the Downtown Smart Growth Overlay District ("DSGOD") is to encourage smart growth pursuant to MGL Chapter 40R and to foster a range of housing opportunities along with a mixed-use development component. The City has already seen the benefits of development under the DSGOD with the 305 Unit Hamel Mill Lofts complex and the 57 Unit Hayes Building complex. Although smaller in scale, this current application achieves the same goals as those for the above-referenced projects.
- B. The Property is located within Subzone D of the DSGOD. Pursuant to the Table of Uses for the Waterfront District, 29 Washington Street, LLC's proposed development is permitted by Special Permit issued by the City Council. In addition, "an applicant for a project located with the DSGOD may seek plan approval in accordance with the requirement of this section. In such case, then notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provision of this Zoning Ordinance".

- C. 29 Washington Street, LLC" proposed development of retail, professional office space on the first floor and residential units above are permitted rights in accordance with Section 9.8.5 of the Zoning Code.
- D. Housing Affordability Restrictions contained with Section 9.8 are inapplicable as the Project consists of only 6 residential units.
- E. With respect to Density, Subzone D allows for no more than 20 dwelling units per acre. With only 6 units proposed for the Property site, Density is not an issue.
- F. With respect to the parking requirements, the Code requires 1.2 spaces per unit subject to a request for reduction pursuant to Section 9.8.9 (4). 29 Washington Street, LLC proposes 1 space per unit. Section 9.8.9 (4) allows for a reduction in spaces upon a showing that the lesser amount of parking will not cause excessive congestion, endanger public safety or that lesser amount of parking will provide positive environmental or other benefits. 29 Washington Street, LLC suggests that since these are only studio units consisting of approximately 500-650 square feet; that they are not designed to house more than one individual. In addition, there is both public transportation and a public parking garage within walking distance. reasons, 29 Washington Street, LLC believes one spot per unit or a total of 6 spaces With respect to location, the undersigned attached a Commercial are appropriate. Lease between McIntyre Day H7, LLC and 29 Washington Street, LLC. The lease would allow 29 Washington Street to lease six (6) parking spots at 191 Merrimack Street, which is within 800 feet of the Premises. (Copy of Proposed Lease is attached hereto and marked Exhibit "4").
- G. With respect to Design Standards, Section 9.8.11 (4) and (5) shall apply. The plans attached to this application are consistent with these standards. The first floor shall be restricted to allowed non-residential use and shall include a "front" façade. The building's height shall remain four stories and shall remain subject to advisory review by the Washington Street Historic District Commission.

As Manager of 29 Washington Street, LLC, Jonathan Cody has already shown his commitment to the City of Haverhill through his transformation of St. Joseph's School; 20 Newcomb Street ("the White House behind City Hall Parking lot); the recent purchase and Planning Board approval to create 21 residential units and 3 commercial units at 200 Merrimack Street ("The Casey Building") and numerous other projects designed to beautify this City and create housing for the community. 29 Washington Street, LLC believes this project will do the same.

10/

29 Washington Streets, LLC hereby waives any notice requirement by the Council with respect to this Petition and requests that this Petition be scheduled for the next available Council Meeting and further waives the 120 day hearing requirement.

As noted herein:

Attached as Exhibit "1" is the Existing/Demo Plans.

Attached as Exhibit "2" is the Proposed Floor and Ceiling Plans.

Attached as Exhibit "3" is the Existing and Proposed Elevation and Storefront Plans.

Attached as Exhibit "4" is the Proposed Lease

CONCLUSION

For the above reasons, the Applicant, 29 Washington Street, LLC respectfully requests that this Board grants its Petition for a Special Permit allowing for the creation of six residential studio apartments and two commercial units pursuant to the Developmental Smart Growth Overlay District and Section 9.8.1 of the City of Haverhill Zoning Code for the property located at 29 Washington Street, Haverhill, Massachusetts.

Very truly yours,

29 Washington Street, LLC

By its Attorney:

Russell S. Channen

r:\russ\atlantis investments\29 washington street\city council 101223.gdp.docx IN CITY COUNCIL: November 14 2023
VOTED: that COUNCIL HEARING BE HELD DECEMBER 19 2023
Attest;

City Clerk



Haverhill

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

December 15, 2023

TO: City Council President Timothy Jordan and members of the Haverhill City

Council

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

SUBJECT: 29 Washington- 2 Commercial Units and 6 market rate residential units.

This application to the City Council is a major site plan under Downtown Smart Growth Overlay district (DSGOD) zoning for the proposed mixed-use **market rate** project containing 6 residential units with 2 commercial uses on the Washington street frontage.

The proposed project represents an excellent development consistent with all of the goals of the city to revitalize the downtown. The redevelopment of the entire building into a mixed-use market rate project is a strong positive indication of the private sector confidence in investing in Haverhill. The building will be a full Historic restoration of one of the few remaining Washington Street buildings to be so restored.

The city departments have reviewed the project and No objections have been received.

Specifically, I recommend that the Council approve the project as proposed. I believe the 6 parking spaces that are committed to the project are sufficient and should be approved. The council may include in its approval any additional comments from the letters of the City departments and any additional comments/ conditions deemed necessary by the city council;

As Planning Director, I believe this project is in the best interest of the City of Haverhill in that it provides needed market rate housing in the inner city area without the requirement to add additional utilities to service the project.

City Council Special Permit · Add to a project **Expiration Date Request Changes** : Active (/#/explore/request-changes/163822) CCSP-23-15 **Details** Submitted on Nov 7, 2023 at 9:14 am **Attachments** 9 files **Activity Feed** Latest activity on Nov 7, 2023 **Applicant** Russell Channen Location 29 WASHINGTON ST, Haverhill, MA 01832 **Edit Workflow Special Permit Filing Fee** Paid Nov 07, 2023 at 9:15 am **Planning Director Review** Completed Nov 07, 2023 at 10:06 am City Clerk Review - Hearing Dates Set Completed Nov 08, 2023 at 12:49 pm City Council Clerk Notified

| Completed Nov 07, 2023 at 10:20 am | LB |
|---|-----|
| Assessor for Abutter's List Completed Nov 07, 2023 at 10:35 am | |
| Conservation Department Review Completed Nov 07, 2023 at 10:30 am | |
| DPW Review In Progress | |
| Engineering Department Review In Progress | JP |
| Fire1 Department Review Skipped Nov 07, 2023 at 11:22 am | |
| Fire2 Department Review Completed Nov 07, 2023 at 11:25 am | |
| Health Department Review In Progress | MT |
| Police Department Review Completed Nov 07, 2023 at 11:08 am | KL |
| School Department Review Completed Nov 07, 2023 at 10:18 am | MP. |
| Storm Water Review Completed Nov 07, 2023 at 10:30 am | |
| Water/Wastewater Review In Progress | RW |
| Water Supply Review In Progress | RW |
| Building Inspector Approval for Agenda In Progress | |
| lack | |
| First Ad Placement Review | |
| Placed on Agenda Review | |



Details

Important: Please Read Before Starting Your Application

THE CITY COUNCIL HAS CHANGED THE DEADLINE FOR SUBMITTING APPLICATIONS FOR SPECIAL PERMITS. IT IS NOW APPROXIMATELY 6 WEEKS PRIOR TO THE HEARING DATE. ALSO, ALL APPLICATIONS MUST BE COMPLETE, HAVING SATISFIED ALL OF THE REQUIREMENTS - BOTH INFORMATION AND ATTACHMENTS - FROM THE BUILDING INSPECTOR, CITY TREASURER, CITY ASSESSOR AND CLERK OF THE BOARD. INCOMPLETE OR LATE APPLICATIONS WILL NOT BE HEARD UNTIL AT LEAST 1 MEETING LATER

Applicant Information

Edit

IMPORTANT NOTE: ALL DOCUMENTS THAT ARE ATTACHED TO THIS APPLICATION MUST BE SUBMITTED AS ORIGINALS TO THE CITY CLERK BEFORE THE APPLICATION IS CONSIDERED COMPLETE AND PROCEEDS TO REVIEW. THESE DOCUMENTS WILL LATER BE FILED WITH THE COUNTY REGISTRY WHICH REQUIRES ORIGINAL DOCUMENTS.

What is Your Role in This Process?*

Attorney/Agent

Applicant Business/Firm Name*

Phillips, Gerstein & Channen, LLP

Applicant Business/Firm Phone*

978-374-1131 x 143

Applicant Business/Firm Address*

25 Kenoza Avenue

Applicant Business/Firm City*

Haverhill

Applicant Business/Firm State*

Massachusetts

Applicant Business/Firm Zip*

01830

Client Name*

29 Washington Street, LLC

Client Business Name*

29 Washington Street, LLC

Client Phone*

978-767-0081

PERMISSION

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ZONING

Pursuant to Section 9.8.4 (applicability of DSGOD) any application for a project

| within the DSGOD shall not be subject to provisions of the ZONING CODE. | | | | | | | |
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LAW OFFICES OF

Phillips, Gerstein & Channen, LLP

25 Kenoza Avenue ■ Haverhill, MA 01830 Tel: (978) 374-1131 ■ Fax: (978) 372-3086

www.pgclawoffice.com

Herbert P. Phillips (1933 - 2017) Michael A. Gerstein Russell S. Channen

Of Counsel: Jane M. Owens Triano

ZONING OPINION LETTER

November 7, 2023

City Council
City of Haverhill
4 Summer Street
Haverhill, MA 01830

Re: Developmental Approval for property located at 29 Washington Street pursuant to The Downtown Smart Growth Overlay District

By 29 Washington Street, LLC

Assessor's Plat: 301-53-7

To the Members of the City Council:

In conjunction with the Applicant's Application for a Special Permit, please accept this Opinion Letter regarding Zoning within THE DOWNTOWN SMART GROWTH OVERLAY DISTRICTION and the City of Haverhill Zoning Code Section 9.8.1, et seq.

29 Washington Street, LLC intends to renovate the Property to create six residential units and two commercial units on the first floor.

APPLICATION IN ACCORDANCE WITH THE DOWNTOWN SMART GROWTH OVERLAY DISTRICT (ZONING OPINION)

A. The Property is located within Subzone D of the DSGOD. Pursuant to the Table of Uses for the Waterfront District, 29 Washington Street, LLC's proposed development is permitted by Special Permit issued by the City Council. In addition, "an applicant for a project located with the DSGOD may seek plan approval in accordance with the requirement of this section. In such case, then notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provision of this Zoning Ordinance".

- B. 29 Washington Street, LLC" proposed development of retail, professional office space on the first floor and residential units above are permitted rights in accordance with Section 9.8.5 of the Zoning Code.
- C. Housing Affordability Restrictions contained with Section 9.8 are inapplicable as the Project consists of only 6 residential units.
- D. With respect to Density, Subzone D allows for no more than 20 dwelling units per acre. With only 6 units proposed for the Property site, Density is not an issue.
- E. With respect to the parking requirements, the Code requires 1.2 spaces per unit subject to a request for reduction pursuant to Section 9.8.9 (4). 29 Washington Street, LLC proposes 1 space per unit. Section 9.8.9 (4) allows for a reduction in spaces upon a showing that the lesser amount of parking will not cause excessive congestion, endanger public safety or that lesser amount of parking will provide positive environmental or other benefits. 29 Washington Street, LLC suggests that since these are only studio units consisting of approximately 500-650 square feet; that they are not designed to house more than one individual. In addition, there is both public transportation and a public parking garage within walking distance. For these reasons, 29 Washington Street, LLC believes one spot per unit or a total of 6 spaces With respect to location, the Applicant has entered into an are appropriate. agreement to lease six (6) parking spots from McIntyre Day H7, LLC owner of the Property 191 Merrimack Street. This location is within 800 feet of the Premises. (Copy of Proposed Lease is attached to the Applicant's Written Brief and incorporated herein by reference).
- F. With respect to Design Standards, Section 9.8.11 (4) and (5) shall apply. The plans incorporated into the Applicant's brief are consistent with these standards. The first floor shall be restricted to allowed non-residential use and shall include a "front" façade. The building's height shall remain four stories and shall remain subject to advisory review by the Washington Street Historic District Commission.

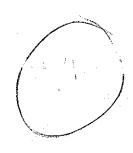
Based upon the above, the undersigned believes that the proposed project complies with the Zoning/Requirements of the DSGOD and Section 9.8.1, et seq. of the Haverhill Zoning Code.

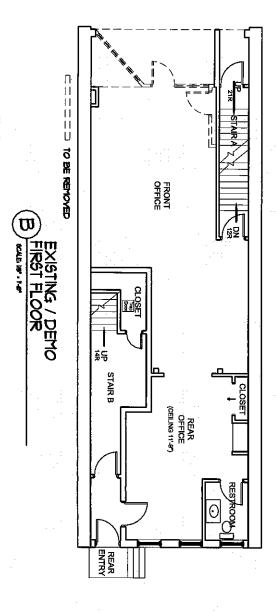
Very truly yours,

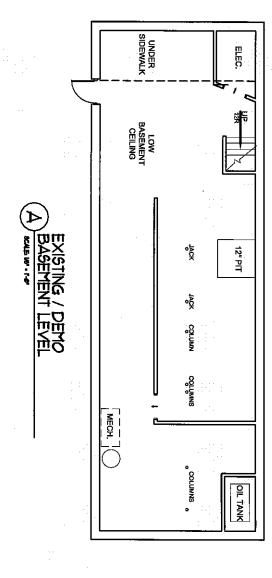
29 Washington Street, LLC

By its Attorney:

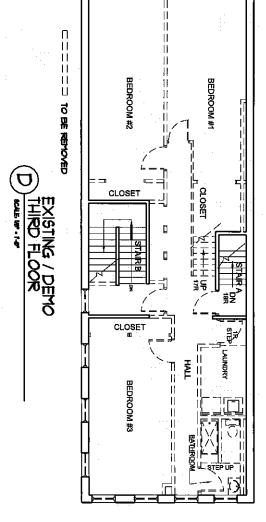
Russell S. Channen

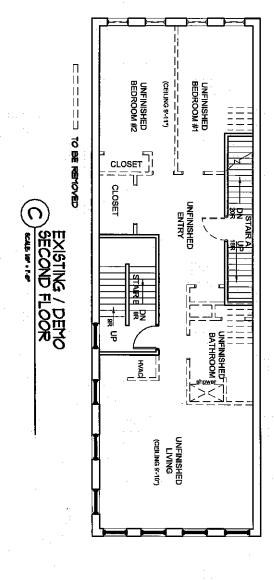






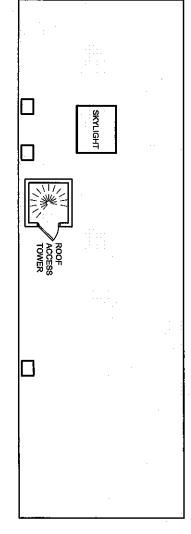
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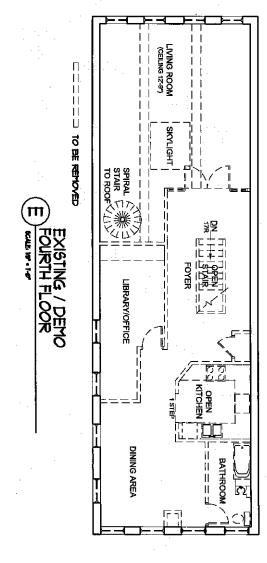




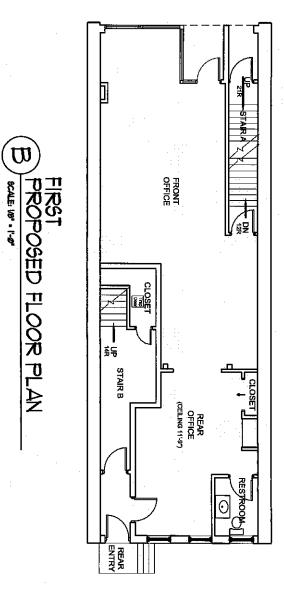


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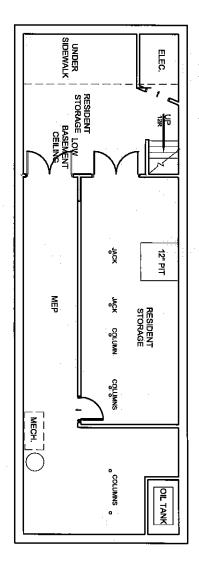




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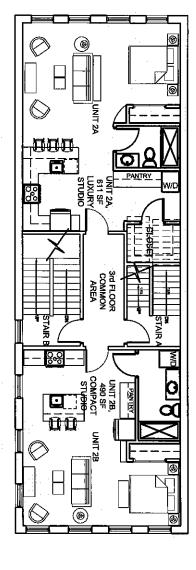


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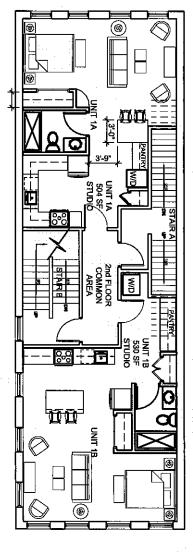


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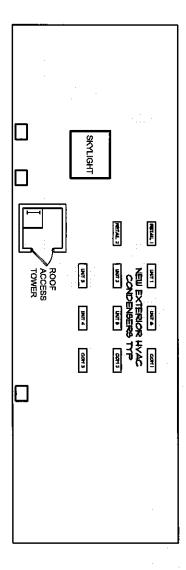


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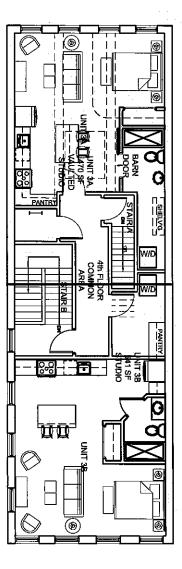


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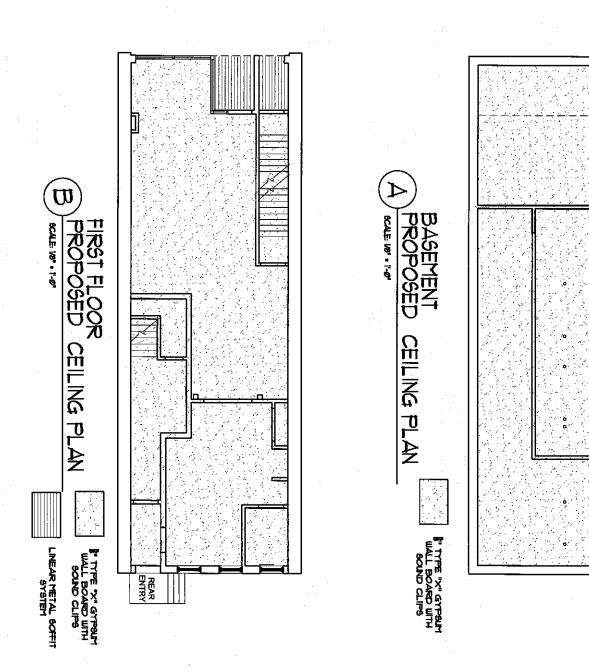
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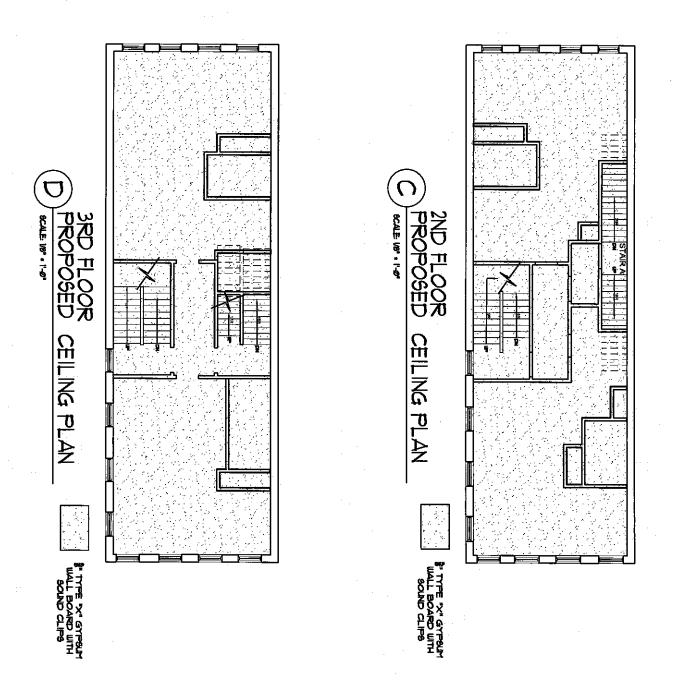
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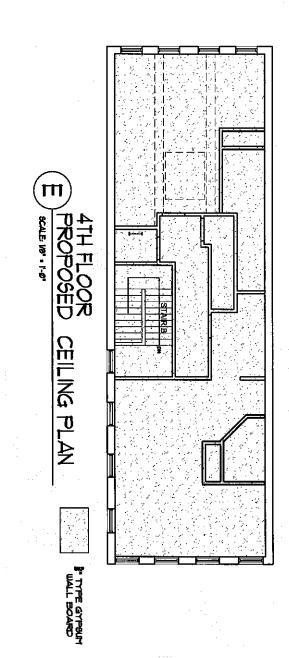
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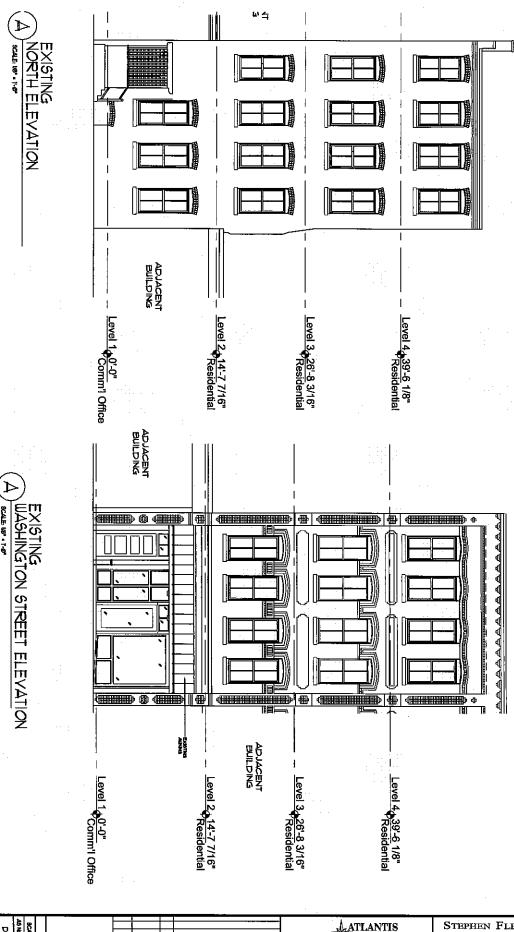
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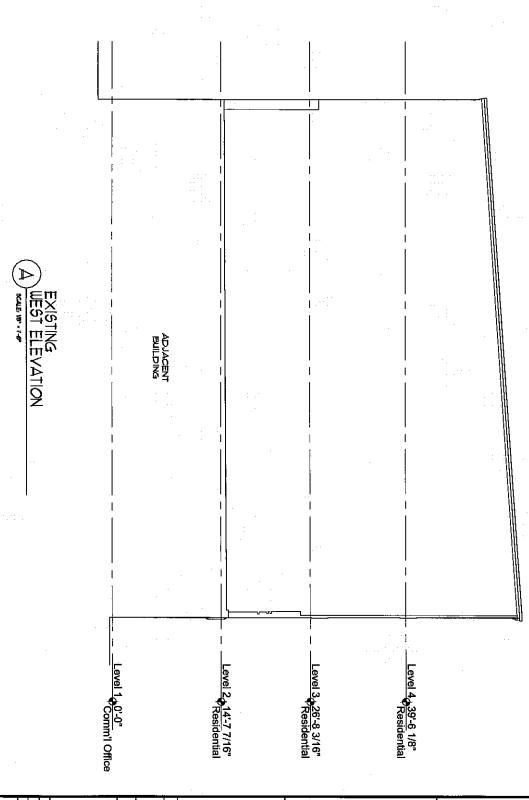


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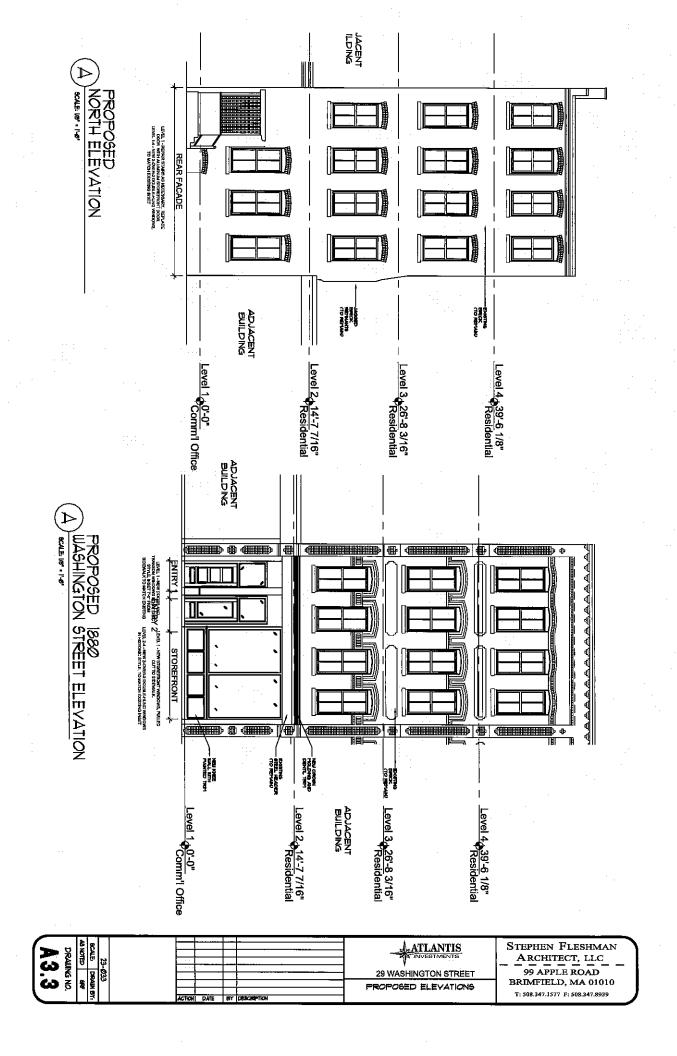
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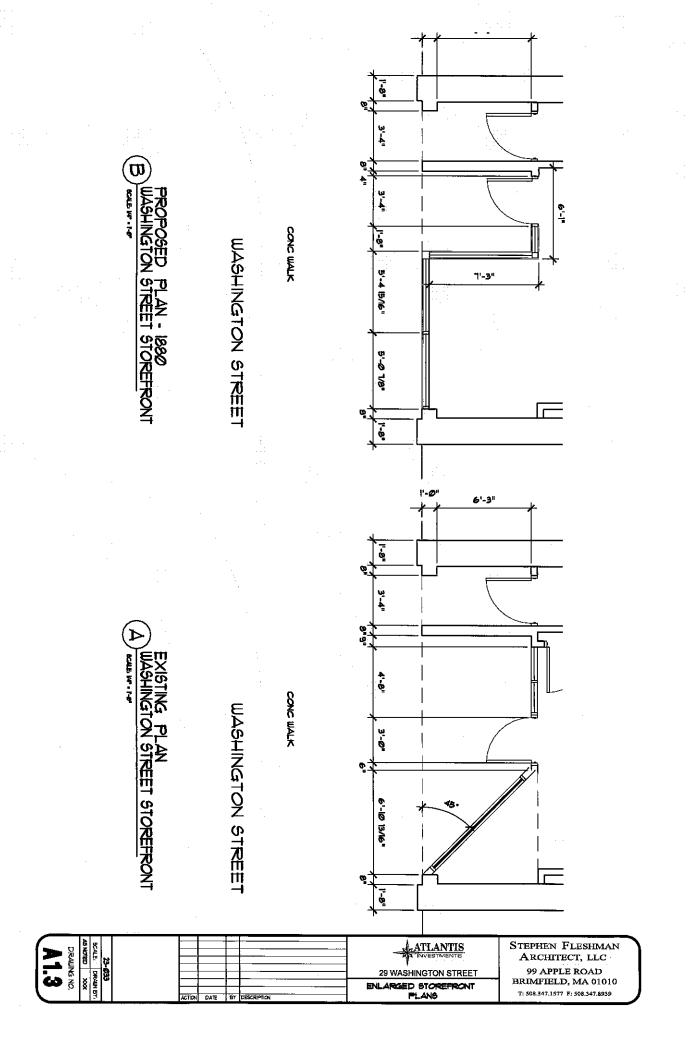


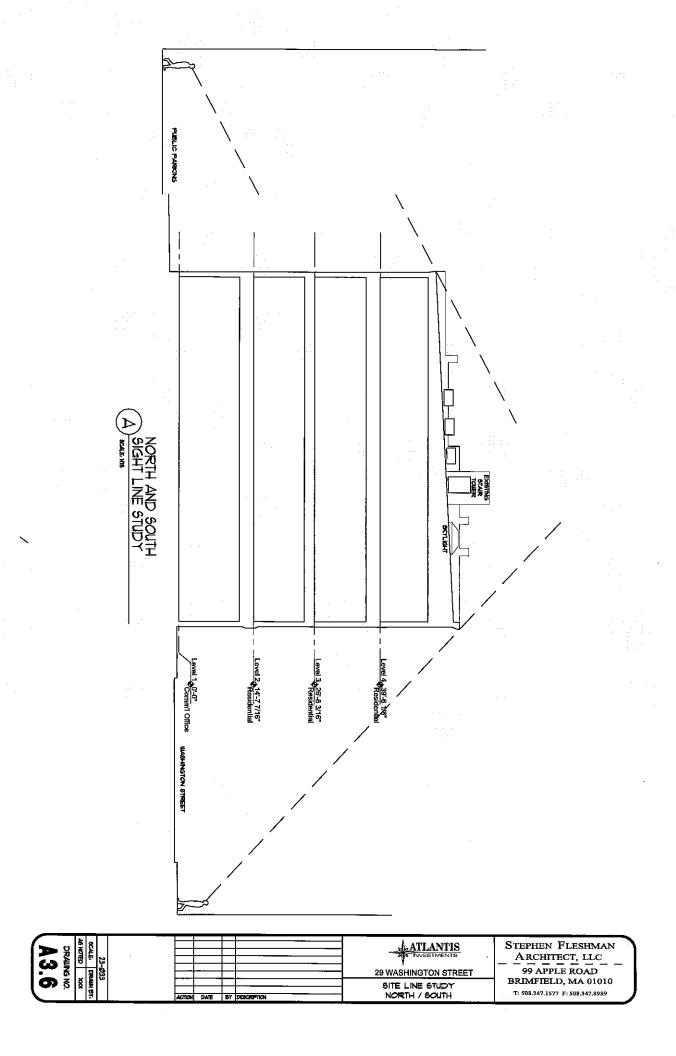
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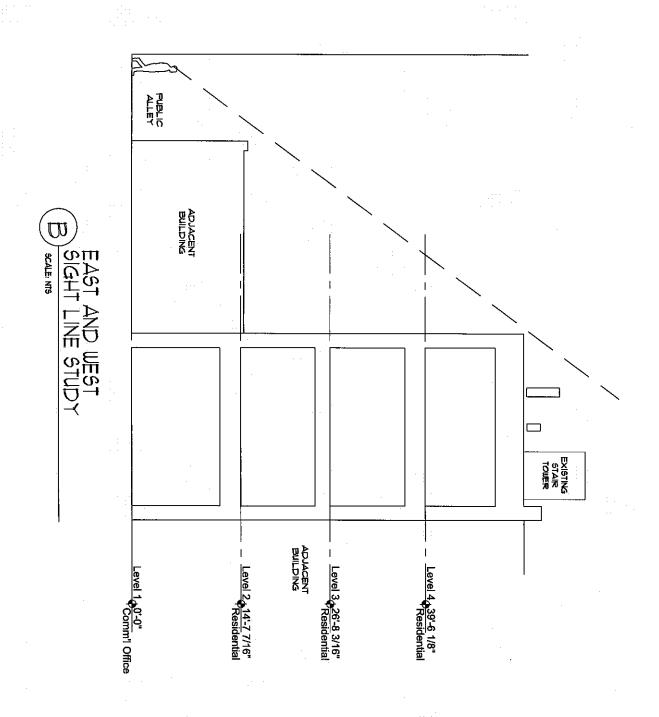
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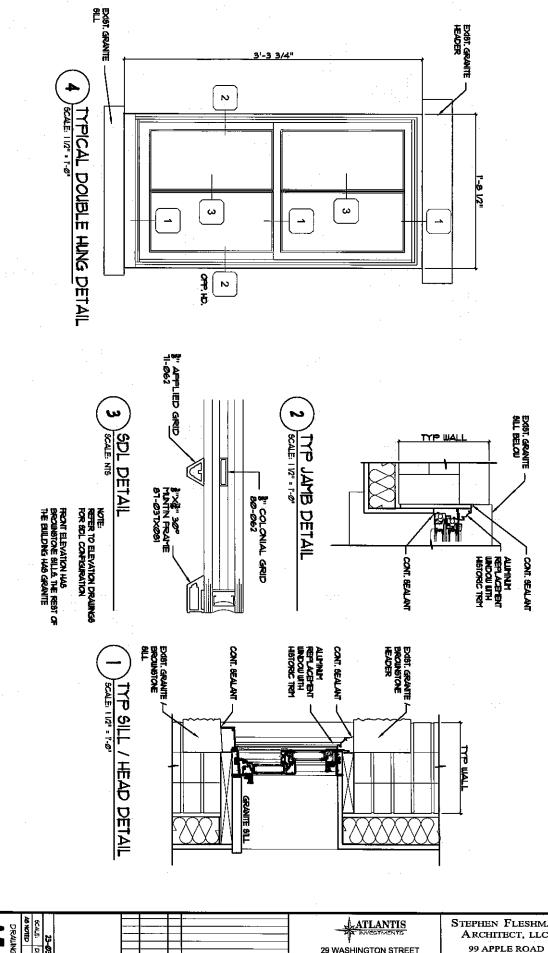
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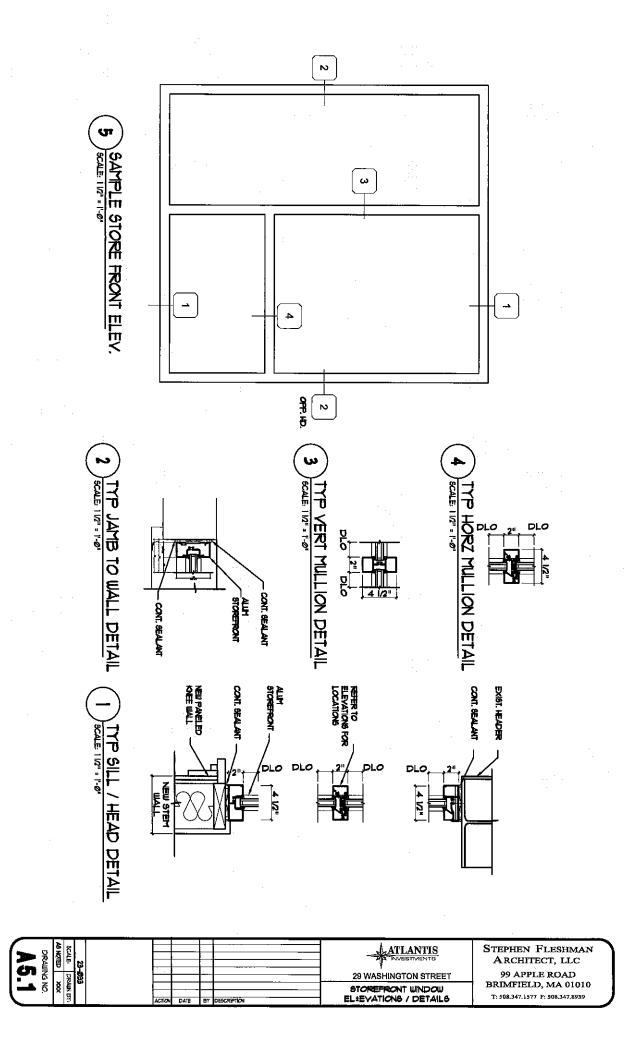


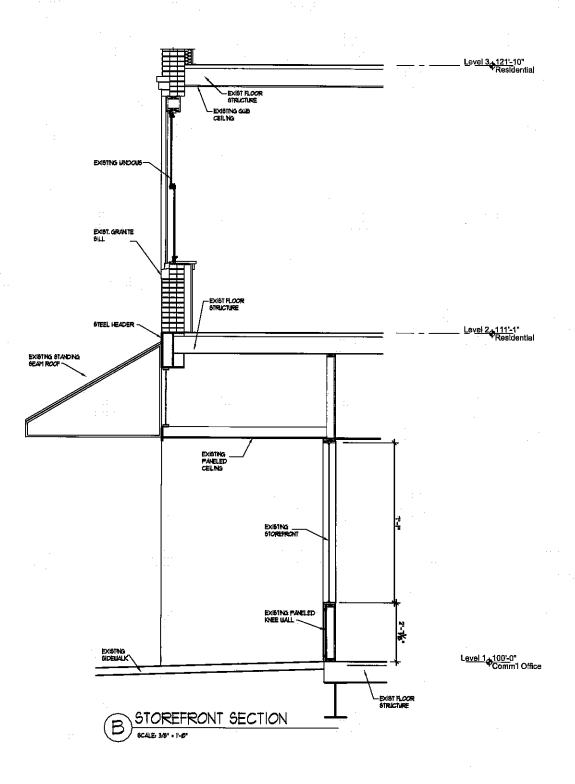


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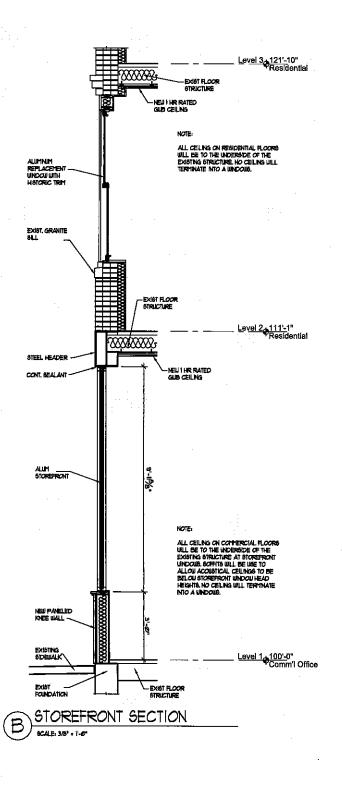


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STANDARD FORM COMMERCIAL LEASE

- 1. Parties. McINTYRE DAY H7, LLC. LESSOR, which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to _29 Washington Street; LLC _LESSEE, which expression shall include its heirs, successors, and assigns where the Sumext so admits, and the LESSEE hereby leases the following described premises:
- 2. Premises. Six (6) parking spaces located at 191 Merrimack Street, Massachusetts, 01830, ("the Property" or "Leased Premises.")
- 3. Term. The term of this Lease shall be for Two (2) years, which shall commence on _____, and end on ______,
- 4. Rent. The LESSEE shall pay to the LESSOR rent at the rate of Seven Thousand Two Hundred Dollars (\$7,200.00) dollars per year, payable in advance in monthly installments of Six Hundred Dollars (\$600.00) beginning on ...
- 5. Utilities: N/A.
- 6. Use of Leased Premises: The LESSEE shall use the leased premises only for the purpose of parking.
- 7. Compliance with Laws: The LESSEE acknowledges that no trade or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy or offensive, or contrary to any law or any municipal by-law or ordinance in force in the city or town in which the premises are situated. Without limiting the generality of the foregoing (a) the LESSEE shall not bring or permit to be brought or kept in or on the leased premises or elsewhere on the LESSOR's property any hazardous, toxic, inflammable, combustible or explosive fluid, material, chemical or substance, including Owithout limitation any item defined as hazardous pursuant to Chapter 21E of the Massachusetts General Laws: and (b) the LESSEE shall be responsible for compliance with requirements imposed by the Americans with Disabilities Act relative to the layout of the leased premises and any work performed by the LESSEE therein.
- 8. Fire Insurance: The LESSEE shall not permit any use of the leased premises which will make voidable any insurance on the property of which the leased premises are a par, or on the contents of said property or which shall be contrary to any law or regulation from time to time established by the New England Fire Insurance Rating Association, or any similar body succeeding to its powers. The LESSEE shall on demand reimburse the LESSOR, and all other tenants, all extra insurance premiums caused by the LESSEE's use of the premises.

9. Maintenance:

- a. LESSEE's Obligations: The LESSEE agrees to maintain the leased premises in good condition, damage by fire and other casualty only excepted, acknowledging that the leased premises are now in good order. LESSEE shall not permit the leased premises to be overloaded, damaged, stripped, or defaced, or suffer any waste. LESSEE shall obtain written consent of LESSOR before erecting any sign on the premises;
- b. **LESSOR's Obligations:** The LESSOR agrees to maintain the structure of the building and the leased premises in the same condition as it is at the commencement of the term or as it may be put in during the term of this lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance is required because of the LESSEE or those for whose conduct the LESSEE is legally responsible.
- 10. Alterations-Additions: The LESSEE shall not make structural alterations or additions to the leased premises, but may make non-structural alterations provided the LESSOR consents thereto in writing, which consent shall not be unreasonably withheld or delayed. All such allowed alterations shall be at LESSEE's expense and shall be in quality at least equal to the present construction. LESSEE shall not permit any mechanics' liens,

or similar liens, to remain upon the leased premises for labor and material furnished to LESSEE or claimed to have been furnished to LESSEE in connection with work of any character performed or claimed to have been performed at the direction of LESSEE and shall cause any such lien to be released of record forthwith without cost to LESSOR. Any alterations or improvements made by the LESSEE shall become the property of the LESSOR at the termination of occupancy as provided herein.

- 11. Assignment-Subleasing: The LESSEE shall not assign or sublet the whole or any part of the leased premises without LESSOR's prior written consent. Notwithstanding such consent, LESSEE shall remain liable to LESSOR for the payment of all rent and for the full performance of the covenants and conditions of this lease.
- 12. Subordination. This Lease shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, now or at any time hereafter, a lien or liens on the property of which the lease premise are a part ant the LESSEE shall, when requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this Lease to said mortgages, deeds of trust or other such instrument in the nature of a mortgage.
- 13. LESSOR's Access: N/A.
- 14. Indemnification and Liability: The LESSEE shall save the LESSOR harmless from all loss and damage occasioned by anything occurring on the leased premises unless caused by the negligence or misconduct of the LESSOR, and from all loss and damage wherever occurring occasioned by any omission, fault, neglect or other misconduct of the LESSEE. The removal of snow and ice from the sidewalks bordering upon the leased premises shall be the LESSEE's responsibility. LESSEE shall provide and pay for snow plowing, sanding and snow removal within the parking lot and driveway areas.
- 15. LESSEE's Liability Insurance: N/A.
- 16. Fire, Casualty Eminent Domain: Should a substantial portion of the leased premises, or of the property of which they are a part, be substantially damaged by fire or other casualty, or be taken by eminent domain, the LESSOR may elect to terminate this lease. When such fire, casualty, or taking renders the leased premises substantially unsuitable for their intended use, a just and proportionate abatement of rent shall be made and the LESSEE may elect to terminate this lease if:
 - a. The LESSOR fails to give written notice within thirty (30) days of intention to restore leased premises; or
 - b. The LESSOR fails to restore the leased premises to a condition substantially suitable for their intended use within ninety (90) days of said fire, casualty or taking.

The LESSOR reserves, and the LESSEE grants to the LESSOR, all rights which the LESSEE may have for damages or injury to the leased premises for any taking by eminent domain, except for damage to the LESSEE's fixtures, property, or equipment.

- 17. Default and Bankruptey: In the event that:
 - a. The LESSEE shall default in the payment of any installment of rent or other sum herein specified and such default shall continue for ten (10) days after written notice thereof; or
 - b. The LESSEE shall default in the observance or performance of any other of the LESSEE's covenants, agreements, or obligations hereunder and such default shall not be corrected within thirty (30) days after written notice thereof; or
 - The LESSEE shall be declared bankrupt or insolvent according to law, or, if any assignment shall be made of LESSEE's property for the benefit of creditors;

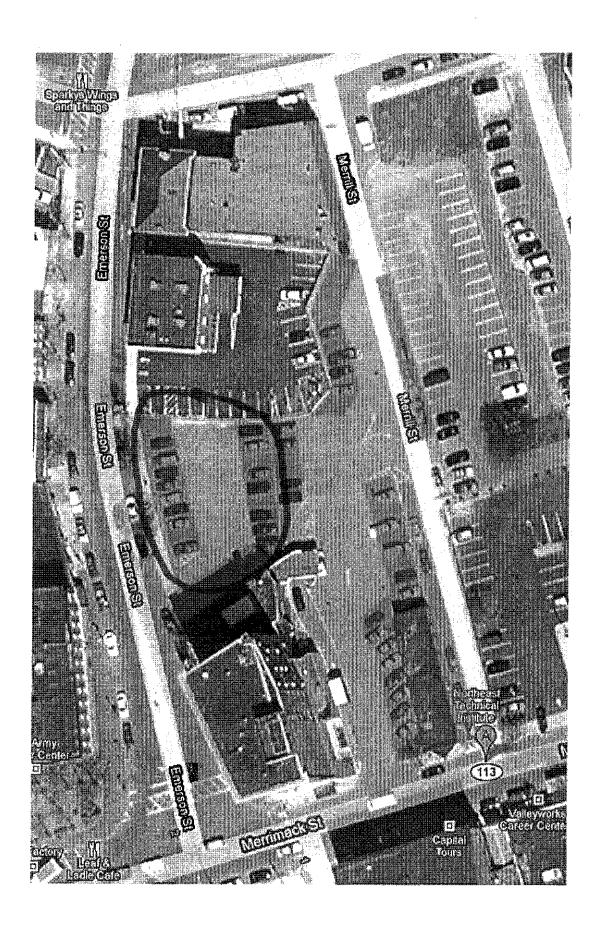
then the LESSOR shall have the right thereafter, while such default continues, to re-enter and take complete possession of the leased premises, to declare the term of this lease ended, and remove the LESSEE's effects, without prejudice to any remedies which might be otherwise used for arrears of rent or other default. The LESSEE shall indemnify the LESSOR against all loss of rent and other payments which the LESSOR may incur by reason of such termination during the residue of the term. If the LESSEE shall default, after reasonable notice thereof, in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed under or by virtue of any of the provisions in any article of this lease, the

LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default for the account and at the expense of the LESSEE. If the LESSOR makes any expenditures or incurs any obligations fo the payment of money in connection therewith, including but not limited to, reasonable attorney's fees and costs in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations insured, shall be paid to the LESSOR by the LESSEE as additional Rent.

- 18. Notice: Any notice from the LESSOR to the LESSEE relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to P.O. Box 31, Haverhill, MA 01831, registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSEE. Any notice from the LESSEE to the LESSOR relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to the LESSOR by registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSOR at such address as the LESSOR may from time to time advise in writing. All rent notices shall be paid and sent to the LESSOR at P.O. Box 1330, Haverhill, MA 01831.
- 19. Surrender: The LESSEE shall at the expiration or other termination of this lease remove all LESSEE's goods and effects from the leased premises, (including, without hereby limiting the generality of the foregoing, all signs and lettering affixed or painted by the LESSEE, either inside or outside the leased premises). LESSEE shall deliver to LESSOR the leased premises and all keys, locks thereto, and other fixtures connected therewith and all alterations and additions made to or upon the leased premises, in good condition, damage by fire or other casualty only excepted. In the event of the LESSEE's failure to remove any of LESSEE's property from the premises, LESSOR is hereby authorized, without liability to LESSEE for loss or damage thereto, and at the sole risk of LESSEE, to remove and store any of the property at LESSEE's expense, or to retain same under LESSOR's control or to sell at public or private sale, without notice any or all of the property not so removed and to apply the net proceeds of such sale to the payment of any sum due hereunder, or to destroy such property.
- 20. Condition of Premises: Except as may be otherwise expressly set forth herein, the LESSEE shall accept the leased premises "as is" in their condition as of the commencement of the term of this lease, and the LESSOR shall be obligated to perform no work whatsoever in order to prepare the leased premises for occupancy by the LESSEE.
- 21. Force Majeure: In the event that the LESSOR is prevented or delayed from making any repairs or performing any other covenant hereunder by reason of any cause reasonably beyond the control of the LESSOR, the LESSOR shall not be liable to the LESSEE therefor nor, except as expressly otherwise provided in case of casualty or taking, shall the LESSEE be entitled to any abatement or reduction of rent by reason thereof, nor shall the same give rise to a claim by the LESSEE that such failure constitutes actual or constructive eviction from the leased premises or any part thereof.
- 22. Late Charge: N/A.
- 23. Liability of Owner: No owner of the property of which the leased premises are a part shall be liable hereunder except for breaches of the LESSOR's obligations occurring during the period of such ownership. The obligations of the LESSOR shall be binding upon the LESSOR's interest in said property, but not upon other assets of the LESSOR, and no individual partner, agent, trustee, stockholder, officer, director, employee or beneficiary of the LESSOR shall be personally liable for performance of the LESSOR's obligations hereunder.
- 24. Parking. N/A.
- 25. Trash Disposal and Snow Removal. LESSOR shall provide trash disposal and snow removal services for the Property. No goods or things of any type or description shall be held or stored outside the Building or on the Property any time without the express written approval of LESSOR.

- 26. Compliance with Laws. LESSEE acknowledges that no trade or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy or offensive, or contrary to any law or any municipal by-law or ordinance in force in the city or town in which the leased premises are situated. No animals shall be allowed within the leased premises, other than those required by law such as seeing-eye dogs.
- 27. Estoppel Certificates. LESSEE shall, from time to time, upon not less than ten (10) days prior written request by LESSOR, execute, acknowledge and deliver to LESSOR a written statement certifying that this Lease agreement is unmodified and in full force and effect (or that same is in full force and effect as modified, listing all instruments of modification), the dates to which the rent and other charges have been paid, and whether or not to the best of LESSEE's knowledge LESSOR is in default hereunder (and if so, specifying the nature of the default), it being intended that any such statement delivered pursuant to this paragraph may be relied upon by a prospective purchaser of LESSOR's interest or mortgagee (or assignee) of LESSOR's interest.
- 28. Binding Effect. The covenants and conditions contained in this lease agreement shall apply to and bind the heirs, legal representatives and assigns of the parties, and all covenants are to be construed as conditions of this lease.
- 29. Attorney Fees. In the event that any action is filed in relation to this lease agreement, the unsuccessful party in any action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorney fees.
- 30. Governing Law. It is agreed that this lease agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.
- 31. Entire Agreement. This lease agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this lease agreement shall not be binding upon either party except to the extent incorporated in this lease agreement.
- 32. Modification of Agreement. Any modification of this lease agreement or additional obligation assumed by either party in connection with this lease agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.
- 33. Other Provisions: N/A.

| te said parties have hereunto caused these presents to be signed, acknowledged and their behalf by their duly appointed officer or manager, this day of |
|---|
| McINTYRE DAY, LLC |
| |
| By: Timothy C. Day, Manager, LESSOR |
| |
| 29 Washington Street, LLC |
| By: Jonathon Cody, Manager Member, LESSEE |



| Hearing January 3 |
|--|
| City Council Special Permit · Add to a project |
| Expiration Date Active Request Changes (/#/explore/request-changes/143573) |
| CCSP-23-17 |
| |
| Details Submitted on Dec 12, 2023 at 5:16 pm |
| Attachments 7 files |
| Activity Feed Latest activity on Dec 14, 2023 |
| Applicant Tes Mercedat ***O |
| Location 251 WINTER ST, Haverhill, MA 1830 |
| View ▼ Edit Workflow |
| Special Permit Filing Fee Paid Dec 13, 2023 at 1:47 pm |
| ↓ |
| Planning Director Review Completed Dec 13, 2023 at 2:47 pm |
| ↓ |
| City Clerk Review - Hearing Dates Set In Progress |

Property Owner Information (for this record)

Name

RICE PHIL

Email Address

--

Phone Number

--

Address P O BOX 1626 HAVERHILL, MA 1831

| City Council Clerk Notified In Progress | | LB |
|--|----|----------|
| Assessor for Abutter's List Completed Dec 13, 2023 at 3:09 pm | | |
| Conservation Department Review Completed Dec 13, 2023 at 2:51 pm | | • |
| DPW Review In Progress | | BW |
| Engineering Department Review In Progress | | JP. |
| Fire1 Department Review Completed Dec 14, 2023 at 8:01 am | B | E |
| Fire2 Department Review Skipped Dec 14, 2023 at 8:01 am | | |
| Health Department Review In Progress | | MT |
| Police Department Review In Progress | | KL |
| School Department Review Completed Dec 14, 2023 at 10:03 am | | MP |
| Storm Water Review Completed Dec 13, 2023 at 2:52 pm | M. | |
| Water/Wastewater Review In Progress | | RW |
| Water Supply Review In Progress | | RV |
| Building Inspector Approval for Agenda In Progress | | |
| ↓ | | |
| First Ad Placement Review | | |



TM &UTO GROUP LLC

Dba DM Motors

251 Winter St, Haverhill, MA 01830

978-377-0703

Date: 12/12/2023

To:

Haverhill City Counsil Board

Re:

Special Permit to add Rental Car Services to existing Used Car Dealership

My name is Tes Mercedat, the owner and Manager of DM Motors. Before I dive into details about my request, I want to first apologize upfront if I'm missing something. Most of the questions on the application did not seem to apply to what I'm looking to do. I'm looking for the Board to grant the special permit that will allow TM Auto Group LLC to add Rental Car services on top of selling used cars. The special permit will allow me to find ways to keep the dealership open and provide a service that people in town can use.

This location has been used as a used car dealership for years. I bought it from the previous owner in April 2020 right at the very beginning of the pandemic. The car business was completely new to me coming from the banking world. I wanted to start a new adventure, so I chose to purchase this small dealership for a couple of reasons. The first reason is I've always loved cars. Second, I owned a mixed used property on the same street just a couple of blocks away.

To be frank with you the used car business is tough especially for small dealerships like mine. We don't provide any other type of services. The only way to make money is by selling a lot of cars. The economy, inflations, interest rates, and people are still recovering from the pandemic financially. It's been hard trying to stay afloat; I'm hoping the Board will grant this request. Nothing will change physically to the property and the lot; everything will remain the same.

Thank you so much for your time and consideration,

Sincerely,

TM Auto Group LLC

800 val

Dba DM Motors

Thoroughly Describe the Reason(s) for thre Special Permit*

is being used as a used car dealership. I'm looking to add the rental car service to it. Nothing will change in regard to the lot size and no renovations will be done to add the rental service.

Property Description*

is being used as a used car dealership. I'm looking to add the rental car service to it. Nothing will change in regard to the lot size and no renovations will be done to add the rental service.

Current Property Use*

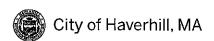
TOTAL Number of Units Planned*

Business

1

TOTAL Number of Parking Spaces Planned*

31



CCSP-23-17

City Council Special

Permit

Status: Active

Submitted On: 12/12/2023

Primary Location

251 WINTER ST

Haverhill, MA 01830

Owner

RICE PHIL

P O BOX 1626 HAVERHILL,

MA 1831

Applicant

Tes Mercedat

J 978-377-0703

tmautogrouplic@gmail.com

♠ 251 Winter St Haverhill, MA 01830

Applicant Information

What is Your Role in This Process?*

Owner

Applicant Business/Firm Name*

TM Auto Group LLC

Applicant Business/Firm Phone*

9783770703

Applicant Business/Firm Address*

251 Winter St

Applicant Business/Firm City*

Haverhill

Applicant Business/Firm State*

MA

Applicant Business/Firm Zip*

01830

Property Information

Proposed Housing Plan Name*

n/a

Proposed Street Name(s)*

n/a

How Long Owned by Current Owner?*

3 years

Type of Dwelling(s) Planned in Project*

None

Lot Dimension(s)*

.3 acres

Registry Plat Number, Block & Lot*

na

Zoning District Where Property Located*

CG - Commercial General

Deed Recorded in Essex South Registry: Block

Number*

n/a

Deed Recorded in Essex South Registry: Page*

n/a

Does the Property Have Multiple Lots?*

No

Thoroughly Describe the Reason(s) for thre Special Permit*

is being used as a used car dealership. I'm looking to add the rental car service to it. Nothing will change in regard to the lot size and no renovations will be done to add the rental service.

Property Description*

is being used as a used car dealership. I'm looking to add the rental car service to it. Nothing will change in regard to the lot size and no renovations will be done to add the rental service.

Current Property Use*

TOTAL Number of Units Planned*

Business

1

TOTAL Number of Parking Spaces Planned*
31

Planned Lot Use

| Lot Number* | Lot Plat Number, Bock, Lot* |
|--------------------------------------|--|
| Lot 1 | 2 |
| | |
| Lot Dimensions* | Number of Existing Buildings on Lot* ② |
| .335 | 1 |
| | |
| Size of Existing Building(s) on Lot* | Number of Buildings Planned for Lot* |
| 700 | 1 |
| | |
| Size of Proposed Building(s)* | Number of Families to be Accommodated* |
| 0 | 0 |
| | |
| Extent of Proposed Alterations* | IF OTHER ALTERATIONS, Please Describe* |
| Other | no alteration |
| | |
| Types of Units Planned on Lot* | Number of Units Planned on Lot* |
| Rental | 1 |
| | |
| | and the second s |

Special Circumstances

| Building Coverage | Dimensional Variance |
|-------------------|----------------------|
| | |

| Front Yard Setback | Side Yard Setback |
|--------------------|----------------------------|
| | |
| • | |
| Rear Yard Setback | Lot Frontage |
| | |
| | |
| Lot Depth | Lot Area |
| | |
| | |
| Building Height | Floor Area Ratio |
| | |
| | |
| Open Space | Parking |
| | |
| | |
| Sign Size | Use |
| | |
| | |
| Other | IF OTHER, Please Describe* |
| | n/a |
| | |
| Hearing Waiver | |
| 5 | |
| Agrees* | |
| Yes | |

Agreement & Signature

Agrees* Office Use Only **△** City Council Hearing Date ■ Reason for Council's Decision **△** City Council Members Absent **△** City Council Members Present Also Present **△** Continuance Meeting Date **△** City Councilor Who Seconded Motion **△** City Councilor Who Made Motion **△** City Councilors Who Voted Against **△** City Councilors Who Abstained

△ Continuance Motion Decision

△ Who Submitted Continuance Request?

■ Number of 12"x18" Mylar Copies

Appeal Expiration Date

■ Number of 24"x36" Mylar Copies

■ Number of 18"x24" Mylar Copies

Attachments

Written Summary of Project

REQUIRED

REQUIRED

Rental Car Letter.pdf

Uploaded by Tes Mercedat on Dec 12, 2023 at 5:15 PM

Copy of Proposed Site Plan

Dealership Lot Plot Plan.pdf

Uploaded by Tes Mercedat on Dec 12, 2023 at 4:35 PM

Certified Plot Plan REQUIRED

Dealership Lot Plot Plan.pdf

Uploaded by Tes Mercedat on Dec 12, 2023 at 4:35 PM

Description of Project REQUIRED

Rental Car Letter.pdf

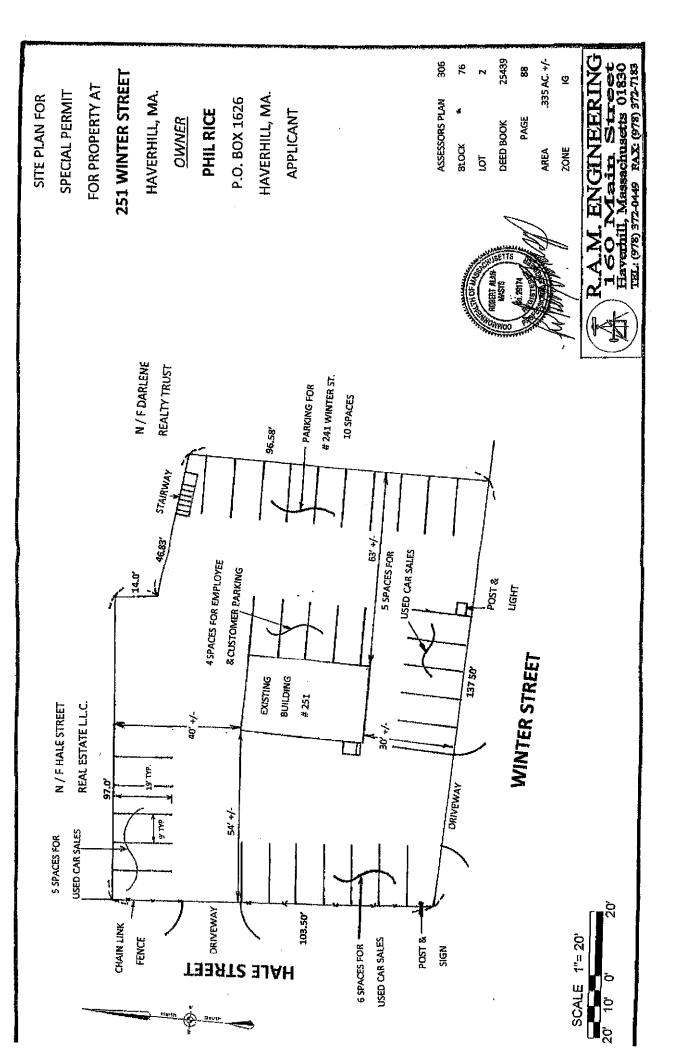
Uploaded by Tes Mercedat on Dec 12, 2023 at 5:15 PM

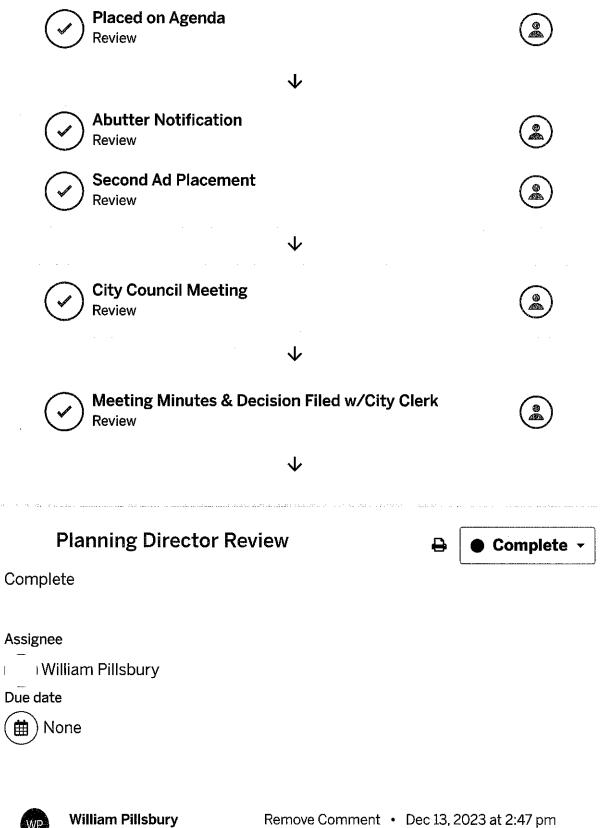
Zoning Opinion REQUIRED
Rental Car Letter.pdf

Uploaded by Tes Mercedat on Dec 12, 2023 at 5:16 PM

Abutters 251 Winter St 306.76.2.xlsx
Abutters 251 Winter St 306.76.2.xlsx

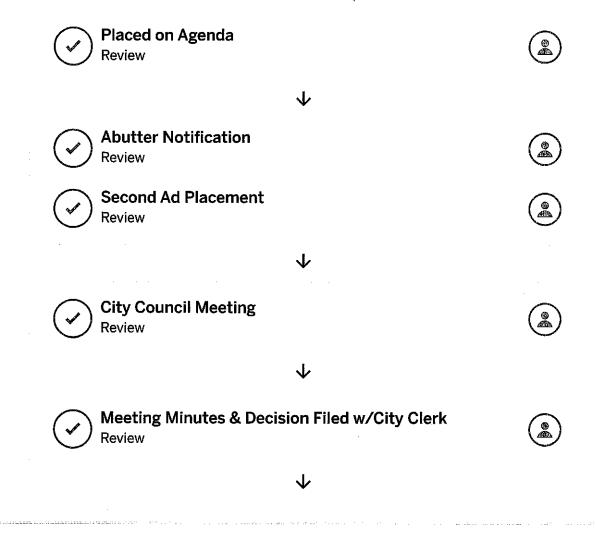
Uploaded by Christine Webb on Dec 13, 2023 at 3:08 PM







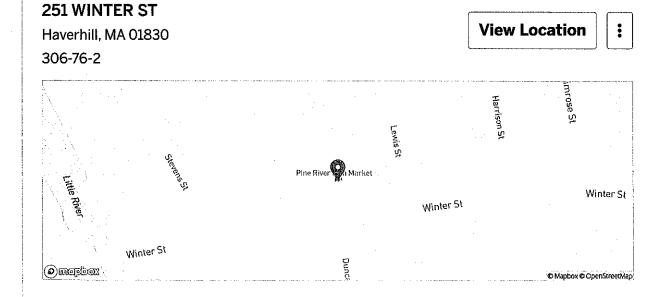
ok for agenda



Location

PRIMARY LOCATION

The main location associated with this record.



CITY COUNCIL

Timothy J. Jordan, President
John A. Michitson, Vice President
Thomas J. Sullivan
Colin F. LePage
Melissa J. Lewandowski
Michael S. McGonagle
Catherine P. Rogers
Shaun P. Toohey
Devin Ferreira
Ralph T. Basiliere

Katrina Hobbs Everett



CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978-374-2328
FACSIMILE: 978-374-2329
WWW.CITYOFHAVERHILL.COM
CITYCNCL@CITYOFHAVERHILL.COM

CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843 <u>DOCUMENTS REFERRED TO COMMITTEE STUDY</u>

| 79- | F Communication from Councillor Sullivan requesting to introduce Kathleen Fitts, Gale Park Assoc. NRPP 6/25/19 to request the city replace the Gale Park Fountain in fiscal year 20 | |
|-----|--|--|
| 34 | P Communication from Councillor Sullivan requesting a discussion regarding the disposal of NRPP 3/17/20 cremated remains on public property | |
| 86- | D Communication from Councillor Michitson requesting to address economic development Planning & Dev. 8/11/20 ideas resulting from the pandemic | |
| 86- | F Communication from Council President Barrett and Councillor LePage requesting discussion A & F 8/25/20 pertaining to utilization of UV-C disinfection fixtures in public buildings | |
| 89- | C Mayor Fiorentini submits final recommendations of Matrix Company NRPP 9/15/20 | |
| 91 | Petition from Wady & Jewnifer Grullon requesting to purchase city property that abuts their NRPP 9/15/20 property at 14 Silver Birch Ln; Assessor's Map 574, Block 1 Lot 7 | |
| 91- | B Petition from the Biggart Family requesting to purchase 2 parcels of land that abuts their property " 9/22/20 at 30 Belvidere Rd., Assessor's Map 409, Block 114, Lot 9; and Map 409, Block 1A, Lot 1 that includes conservation land, but only the portion zone RMD (Residential Medium Density) | |
| 55- | Communication from Council President Barrett and Councillor McGonagle requesting to introduce Don Jarvis, Keith Gopsill and Mike Ingham to discuss becoming a Purple Heart Community NRPP 12/15/20 | |
| 91- | C Petition of Michael DeLuca requesting to purchase surplus city land on River St., Map 538, NRPP 12/15/20 Block 419B, Lots 20, 21, 22, 23 | |
| 27- | Communication from Councillor Sullivan requesting to introduce Debbie Lyons, to explain NRPP 3/2/21 having legal permitting system as it relates to establishing permitting/licensing process to allow for "Bow Hunter Tree Stands" to be placed on trees on City properties when hunting is allowed in season | |
| 27- | J Communication from Councillor Michitson requesting to re-start discussion on way ahead for Planning & Dev. 3/9/21 residential zoning in Haverhill | |
| 50 | Councillor Jordan requests on behalf of Tom Riley, 195 Kingsbury Ave., to have city surplus NRPP 4/6/21 land that abuts his property, Map 768, Block 50, Lot 85A on Lincolnshire Ave. | |
| 50- | U President Barrett and Vice President LePage request discussion about composting options Citizens 5/18/21 Outreach | |
| 63- | S Councillor Daly O'Brien discuss sending intent of closing Washington St. for trial period to make Citizens it pedestrian walkway Outreach | |
| 5-I | Councillor Michitson request study between Mayor and City Council budgetary powers Citizens Outreach 1/25/22 | |

- 5-W Communication from Councillor Sullivan and Councillor Lewandowski to discuss Atherton NRPP 4/5/22 Housing parking needs downtown.
- 118-G Communication from Vice President Michitson to send to develop city policies to incentivize Planning & Dev 10/25/22 Building & business park developers to use sustainable & environmentally friendly practices.
- 78-A Communication from Mayor Fiorentini to send Zoning amendments to committee for review. A&F 10/31/23 Motion by Councilor Rogers to send to A&F, second Councilor Sullivan.