



City of Haverhill
City Council Minutes

Tuesday, December 2, 2014 at 7:00 PM
City Council Chambers, Room 202

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

1. Approval of Records of the Previous Meeting

The minutes were approved.

2. Assignment of the minutes review for the next Meeting

Councillor Barrett was assigned the minutes.

3. Communications from the Mayor

4. Communications and Reports from City Officers and Employees

No Schedule

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

6. Appointments

Confirming Appointments

No Schedule

Non-confirming Appointments

No Schedule

Resignations:

No Schedule

Petitions

Petitions:

Petition was received from Devon Tucker d/b/a Ideal Service Center, requesting Special Permit to sell used cars at 7-9 East Broadway

HEARING TO BE HELD JAN 6, 2015

124

Petition was received from Brian S Minkle requesting to purchase City land abutting his property on Crystal Lake rd; Assessor’s Map 566, Block 2, Lot 11; said house is at 35 Mendum rd/86 Crystal Lake rd; Map 566, Block 2, Lot 7A

REFERRED TO NATURAL RESOURCES & PUBLIC PROPERTY COMMITTEE

125

Applications:

One Day Liquor Licenses

Amy Purcell for all alcohol license at Winnekenni Castle, Holiday Party, Saturday, December 13; 5:00PM TO 10:00PM with approval from Police Department and License Commission

GRANTED

Yeas 9, Nays 0

57J

Applications for Permit

No Schedule

Applications for new Handicap Parking Signs:

No Schedule

Tag Days

Knights of Columbus, December 27 & 28

GRANTED

Yeas 9, Nays 0

23W

Annual License Renewals

Coin-ops

American Legion Post 4, 1314 Main st, 3 Coin-ops

GRANTED

Yeas 9, Nays 0

7V

Academy Lanes, 725 South Main st 12 Coin-ops

GRANTED

Yeas 9, Nays 0

7W

Sunday License

Academy Lanes 12 Sunday Coin-ops

GRANTED

Yeas 9, Nays 0

8V

Hawker/Peddler:

No Schedule

December 2, 2014

Hawker or Peddler Engaged in Door to Door Sales

Free Estimates for Windows & Roofs; Power Home Remodeling Group, throughout Haverhill; Monday – Friday; 12Noon to 6:00PM.

The following license requests were postponed to Dec. 9 because a representative was not present:

1. Bob Dick	
POSTPONED TO DEC 9 2014	121B
2. Brian Nicholson	
POSTPONED TO DEC 9 2014	121C
3. Ryan Shlan	
POSTPONED TO DEC 9 2014	121D
4. Ryan Jacobs	
POSTPONED TO DEC 9 2014	121E
5. Nicholas Doyle-Elwell	
POSTPONED TO DEC 9 2014	121F
<u>Drainlayer 2014 License</u>	
No Schedule	

7. Hearings and Related Orders:

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

HEARING OPENED

ATTORNEY ROBERT HARB REPRESENTED CONTINENTAL WINGATE DEVELOPMENT COMPANY WITH THE DEVELOPMENT TEAM, DAVID FELDMAN, VICE PRESIDENT OF REAL ESTATE, WINGATE DEVELOPMENT, ROGER ALCOTT OF WESTON & SAMPSON, AND SHAWN KELLY OF VANESSE ASSOCIATES SPOKE IN FAVOR. OPPOSED TO THE SPECIAL PERMIT WERE PATRICIA BARRETT WHO PRESENTED A PETITION OF 230 NEIGHBORS AGAINST THE PROJECT, RONALD MCCLOUD, ED BARON, CAROL BERWICK, BILL BRADY, KEVIN MILNER, HEIDI RASK, WALTER LEICISKA. MUCH OF THE OBJECTION WAS TO THE TRAFFIC STUDY AND IMPACT TO OVERALL TRAFFIC AND SAFETY IN THE AREA AND DISTURBANCE OF WETLANDS.

HEARING CLOSED

ON MOTION OF COUNCILLOR MCGONAGLE TO POSTPONE FOR 2 MONTHS (FEB 3 2015)

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

Yeas,-Councillors-Scatamacchia, Barrett, Sullivan, Daly O'Brien, McGonagle, and
President Michitson – 6

Nays,-Councillors Macek, Ryan and LePage – 3

POSTPONED TO FEB 3 2015

101

Document 108; Petition was received from Attorney Migliori representing Stateside Realty Group LLC, requesting a Hearing for the modification of the Special Permit granted on June 4 2013; at that time, allowing the building on nine (9) residential apartments and two (2) commercial spaces at the property; with modification currently presented requesting twelve (12) residential apartments and two (2) commercial spaces and the addition of an elevator

HEARING OPENED

ATTORNEY MICHAEL MIGLIORI REPRESENTED STATESIDE REALTY GROUP, RYAN GUTHRIE, PRINCIPAL, WAS PRESENT AND ANSWERED QUESTIONS. ATTORNEY MIGLIORI STATED THAT STATESIDE HAD COMPLETED THE PURCHASE OF THE PROPERTY. THE MODIFICATION CONSISTED OF ADDING AN ELEVATOR AND RECONFIGURING THE UNITS WHICH RESULTED IN ALL UNITS BECOMING ONE BEDROOM UNITS AND THE NUMBER OF APARTMENTS GOING FROM NINE TO TWELVE TO MAKE THE PROJECT FINANCIALLY FEASIBLE.

ON MOTION OF COUNCILLOR RYAN TO APPROVE THE MODIFICATION OF THE SPECIAL PERMIT

Yeas 9, Nays 0

108

8. Motions and Orders

ORDERED: That Document 107 of Dec 4, 2007 (an Order relating to rates for private snow plowing and hauling) be and is hereby deleted in its entirety and the following inserted in place thereof:

RATES FOR SNOW PLOWING AND HAULING, EFFECTIVE DECEMBER 2, 2014
(see document for complete text)

ON MOTION OF COUNCILLOR MGGONAGLE TO APPROVE THE NEW RATES. ON MOTION OF COUNCILLOR SULLIVAN TO AMEND THE ORDER TO MAKE THE NEW RATE RETROACTIVE TO NOV. 26 2014

Yeas 9, Nays 0

December 2, 2014

ON MOTION OF COUNCILLOR RYAN TO APPROVE AS AMENDED

PASSED AS AMENDED Yeas 9, Nays 0 126

ON MOTION OF COUNCILLOR MACEK TO RECONSIDER VOTE TO ALLOW WALLY LECISKA TO SPEAK Yeas 9, Nays 0

Mr. Leciska stated that he was not aware of the increase that the Mayor recommended. Mr. Van Dam, Chief of Staff explained that this was a two year increase.

ON MOTION OF COUNCILLOR RYAN TO RETURN THE ORDINANCE TO THE MAYOR TO RENEGOTIATE RATE.

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

Yeas,-Councillors Macek and Ryan – 2

Nays,-Councillors Scatamacchia, Barrett, Sullivan, Daly O'Brien, McGonagle, LePage and President Michitson – 7

NOT PASSED

ON MOTION OF COUNCILLOR SULLIVAN TO APPROVE THE NEW RATES AS AMENDED

PASSED Yeas 9, Nays 0 126

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

<u>Vender</u>	<u>Amount</u>	<u>Account</u>	
Edwards Wildman Palmer LLP	\$5,600.00	Treasurer Dept	
PASSED		Yeas 9, Nays 0	127

ORDERED: That the sum of \$27,000 be transferred from Reserve for Capital Projects to the General Fund Police Department Building Maintenance

PASSED Yeas 9, Nays 0 128

ORDERED: That the sum of \$14,875 be transferred from Capital Account to General Fund Highway Replacement

PASSED Yeas 9, Nays 0 128B

Ordinances (File 10 Days)

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

18 Jackson Street – Delete Handicap Parking

PLACED ON FILE for at least 10 days 34F

Unfinished Business of preceding Meeting

9. Document 84-B

ORDER OF TAKING– Taking of Easement – Rear of 56-66 Merrimack st; to facilitate construction of the new access roadway into the Harbor Place project (see document for complete text)

MAYOR FIORENTINI SUBMITTED A FRIENDLY VETO DUE TO TECHNICAL CONCERNS RAISED BY SOLICITOR COX. SOLICITOR COX STATED THAT SOME WORDING HAD TO BE CHANGED AND IT WOULD BE BEFORE THE COUNCIL AT DEC 9, 2014 MEETING 84B

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

MAYOR FIORENTINI SUBMITTED A FRIENDLY VETO DUE TO TECHNICAL CONCERNS RAISED BY SOLICITOR COX. SOLICITOR COX STATED THAT SOME WORDING HAD TO BE CHANGED AND IT WOULD BE BEFORE THE COUNCIL AT DEC 9, 2014 MEETING 84BB

December 2, 2014

Document 123

MUNICIPAL ORDINANCE

CHAPTER 240

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

PASSED

Yeas 9, Nays 0

123

10. MONTHLY REPORTS
No Schedule

11. Communications from Councillors

Communication was received from Council President Michitson requesting to introduce Donna Duval to speak regarding yard sales
PRESIDENT MICHITSON STATED THAT THE REQUESTOR ASKED FOR THIS ITEM TO BE PLACED ON FILE

129

Resolutions and Proclamations

No Schedule

12. Council Committee Reports and Announcements
No Schedule

Meeting adjourned at 10:22 o'clock P.M.

Yeas 9, Nays 0

*Doc. 101 – Handout from Roger Alcott – The Residences at Wingate
Handout from Shawn Kelly – Site Location Map/Traffic Study
Handout from Ronald McCloud – traffic impact/study & photos

Attest: Linda Koutoulas
City Clerk