



City of Haverhill
City Council Minutes

Tuesday, September 8, 2015 at 7:00 PM
City Council Chambers, Room 202

Present – President Michitson, Councillors Scatamacchia, Barrett, Macek, Ryan, Sullivan, McGonagle and LePage.

Absent – Councillor Daly O’Brien

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

Communication from Robert Ward, Deputy DPW Director, requesting to address Council regarding the Purchase of Land Adjacent to 226 Whittier Rd for Water Supply Protection and Order authorizing Water Dept to purchase and manage this property

MR. WARD STATED THE PARCEL IS ENTIRELY IN THE WATERSHED PROTECTION AREA, (MAP 464, BLOCK 2, LOT 2) ESSEX COUNTY GREENBELT WORKED WITH THE OWNERS, SEAVER BROTHERS, TO PROTECT THIS AREA. CITY WAS GIVEN OPPORTUNITY TO PURCHASE PARCEL FOR \$200,000. MR. WARD WILL APPLY FOR STATE GRANT FOR REIMBURSEMENT OF 50% OF PURCHASE PRICE. THE PURPOSES ARE FOR WATER SUPPLY PROTECTION AND LAND CONSERVATION. THE AREA CAN BE USED FOR PASSIVE RECREATION AND FOREST MANAGEMENT. THE MAYOR AND CITY COUNCIL HAVE TO ACCEPT THE CONSERVATION RESTRICTION COUNCILLOR SULLIVAN SUGGESTED MEMORIALIZING THE PARCEL IN NAME OF THE SEAVER FAMILY

PLACED ON FILE

112

ORDERED: That the City of Haverhill Water Department being as is hereby authorized on behalf of City of Haverhill, as authorized under M.G.L. C40, §39A, to purchase, hold and manage a 33.4 +/- acre unique parcel of land adjacent to 226 Whittier Road, Haverhill, MA (Assessor’s Map 464, Block 2, Lot 2 and more specifically shown as “Lot 1” on a plan of land entitled “Plan of Land located at 226 Whittier Road in Haverhill, MA prepared for Richard Sever et al” dated January 13, 2015 and prepared by County Land Surveys, Inc.) from Arnold Ayer Seaver, for the sum of \$200,000 for the purposed of water supply protection and land conservation under M.G.L. §38, 39A, 41 AND 15B, and Article 97 of the Amendments to the Massachusetts Constitution (see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

112B

ON MOTION OF COUNCILLOR SCATAMACCHIA TO SUSPEND THE RULES TO VOTE ON ORDER REGARDING PARKING LEASES AT THE GOECKE PARKING DECK* Yeas 8, Nays 0, Absent 1

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

PASSED

Yeas 5, Abstain 3 (Barrett, Sullivan, McGonagle) Absent 1

102C

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

No Schedule

6. Appointments

Confirming Appointments

No Schedule

Non-confirming Appointment

Chuck Benevento (voting member) to the Hunking Middle School Building Committee

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

3Z

Resignations:

No Schedule

7. Petitions:

Petitions from City Engineer John Pettis, for City of Haverhill, requesting the Acceptance of the following streets as Public Ways:

Mayflower Lane

REFERRED TO PLANNING BOARD

COUNCIL HEARING NOV. 10

Yeas 8, Nays 0, Absent 1

113

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Hammond Farm Road REFERRED TO PLANNING BOARD COUNCIL HEARING NOV 10 Ruth Circle	Yeas 8, Nays 0, Absent 1	114
REFERRED TO PLANNING BOARD COUNCIL HEARING NOV 10 Old Yankee Circle	Yeas 8, Nays 0, Absent 1	115
REFERRED TO PLANNING BOARD COUNCIL HEARING NOV 10 Crystal Court	Yeas 8, Nays 0, Absent 1	116
REFERRED TO PLANNING BOARD COUNCIL HEARING NOV 10	Yeas 8, Nays 0, Absent 1	117
8. Applications/Handicap Parking Signs No Schedule		
9. One Day Liquor Licenses No Schedule		
ON MOTION OF COUNCILLOR SULLIVAN TO SUSPEND THE RULES TO INTRODUCE KERRY FITZGERALD, TO SPEAK ABOUT 375 TH ANNIVERSARY EVENTS*	Yeas 8, Nays 0, Absent 1	106B
Ms. Fitzgerald reviewed the schedule of events at Riverside Stadium on Sept. 11-13 with a kick off YesterYear Ball at DiBurro's on Sept. 10 th . She encouraged the public to attend all events. She thanked Rep. Dempsey for his assistance with \$75,000 funding in the State budget for anniversary events.		
PLACED ON FILE	Yeas 8, Nays 0, Absent 1	106B
ON MOTION OF COUNCILLOR RYAN TO SUSPEND THE RULES TO INTRODUCE 375 TH ANNIVERSARY PROCLAMATION *	Yeas 8, Nays 0, Absent 1	8C
P R O C L A M A T I O N CITY OF HAVERHILL, MASSACHUSETTS 375 TH ANNIVERSARY (see document for complete text)		
ADOPTED	Yeas 8, Nays 0, Absent 1	8C
10. Applications for Permit Bob Laprel Road Race; from Brendan Laprel to start at Haverhill High School; Sunday, September 20, 10:00AM to 11:30AM with police approval		
GRANTED	Yeas 8, Nays 0, Absent 1	28M
11. Tag Days Haverhill Elite AAU Basketball, November 14, & 15		
GRANTED	Yeas 8, Nays 0, Absent 1	18V
12. Annual License Renewals: <u>ROLLER SKATING RINK</u> Skateland, Marc Pyche, 19 Railroad av		
GRANTED Sunday Skating Skateland, 36 Sundays	Yeas 8, Nays 0, Absent 1	103F
GRANTED	Yeas 8, Nays 0, Absent 1	103G
13. Hawker/Peddler: No Schedule		
14. Drainlayer 2015 Licenses: (New) Barry Dobeck (Renewal) David Deloury	Yeas 8, Nays 0, Absent 1 Yeas 8, Nays 0, Absent 1	73J 73K
14B. Hearings and Related Orders: <u>Document 82</u> ; Petition from City Engineer John Pettis requesting that deeded parcels be accepted and that Bryant Avenue be accepted as a Public Way Hearing opened. Mr. Pettis stated that the road was private with rights deeded to 3 abutters who have signed Certificates of Donation to the City. No one was opposed. Favorable recommendation from Planning Board and Planning Director William Pillsbury		
HEARING CLOSED		82
ORDERED: That deeded parcels be accepted and Bryant Avenue be accepted as a Public Way (see document for complete text)		
PASSED AND PARCELS ACCEPTED	Yeas 8, Nays 0, Absent 1	82B

September 8, 2015

15. Motions and Orders:

ORDERED: That the sum of \$27,785.71 be transferred from Insurance Proceeds >\$20,000 to the Capital Account, School Building Repair to repair water damage at Whittier School covered by insurance proceeds
PASSED Yeas 8, Nays 0, Absent 1 100C

16. Ordinances (File 10 Days)

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, §85, Schedule B: Parking Restrictions and Prohibitions, as amended, is hereby further amended as follows: Orchard Street, no parking north/south sides (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 118

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Boards and Commissions

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 11, Article XIV, as amended, is hereby further amended as follows:

Article XIV: Central Business District Parking Commission

§ 11-70. Establishment; membership; appointment

By deleting the word “six” in the first sentence before the word “members”, and by inserting in place thereof the word “seven.” Also by adding the words “and one of whom shall be a City Councillor selected by the Council to serve.” At the end of the first sentence. (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 58C

17 Unfinished Business of Preceding Meetings:

Document 2-J

MUNICIPAL ORDINANCE CHAPTER
AN ORDINANCE RELATING TO SALARIES HIGHWAY/PARK
(see document for complete text) DEPARTMENT

PASSED Yeas 8, Nays 0, Absent 1 2J

Document 109

MUNICIPAL ORDINANCE CHAPTER 249
An Ordinance Relating to the Fee for Connection of New Sewer Services

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

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

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

PASSED Yeas 8, Nays 0, Absent 1 109

Document 109-B

MUNICIPAL ORDINANCE CHAPTER 249
An Ordinance Relating to Combined Sewer Overflow (CSO) Fee

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

§ 249-20 Combined Sewer Overflow (CSO) Fee

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

PASSED Yeas 8, Nays 0, Absent 1109B

Document 110

MUNICIPAL ORDINANCE CHAPTER 250
An Ordinance Relating to Water Connection Fees

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

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

(b). For nonresidential users and multifamily dwellings, the number of units shall be calculated by dividing the design flow by 330 gallons per day (gpd) which is the flow generated by a hypothetical three-bedroom single family residence. The design flow for nonresidential and multifamily dwellings shall be determined September 8, 2015

using the sewer system flow design values found in the most current version of Title IV of the State Environmental Code (310 CMR 15.000). Related communication from Robert Ward; Deputy DPW Director (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 110

Document 111

MUNICIPAL ORDINANCE

CHAPTER 36

An Ordinance Relating to Fees and Receipts

Be it ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 36, as amended, be and is hereby further amended by adding the following:

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

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

PASSED Yeas 8, Nays 0, Absent 1 111

17B MONTHLY REPORTS

Abatement report from Board of Assessors for month of August 2015

PLACED ON FILE Yeas 8, Nays 0, Absent 1 15I

18 Communications from Councillors

Communication was received from President Michitson requesting a discussion regarding possible experimental Verizon 10-gigabit Internet service for Haverhill.

LETTER TO MAYOR TO MEET WITH VERIZON AND OTHER INTERNET

PROVIDERS Yeas 8, Nays 0, Absent 1 19

19 Resolutions and Proclamations

No Schedule

20 Council Committee Reports and Announcements

Councillor LePage presented the minutes of the Administration & Finance Committee meeting held August 26, 2015 regarding parking ordinances for the Central Business District (East/West sections), Food Trucks, and audio and remote participation for Council meetings.

RECOMMENDATIONS ACCEPTED, LETTER TO MAYOR and

PLACED ON FILE Yeas 8, Nays 0, Absent 23H

21 Documents referred to Committee Study

Meeting adjourned at 8:23 o'clock P.M. Yeas 8, Nays 0, Absent 1

*Doc. 102C- Handout from Solicitor Cox – Assignment and Assumption Agreement with Consent

*Doc. 106B – Handout from Kerry Fitzgerald – 375th Anniversary Schedule of Events

*Doc. 8C – Handout from City Clerk – City of Haverhill, 375th Anniversary Proclamation

Attest: Linda Koutoulas
City Clerk