



# CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, April 3, 2018 at 7:00 PM

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

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1. OPENING PRAYER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES OF PRIOR MEETING
4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING
5. COMMUNICATIONS FROM THE MAYOR  
NO SCHEDULE
  
6. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES  
NO SCHEDULE
  
7. UTILITY HEARING(S) AND RELATED ORDER(S)
  - 7.1. Petition from National Grid for underground electric conduits on Seven Sister rd; Plan 25331195 Hearing May 1<sup>st</sup>  
Attachment
  
8. HEARINGS AND RELATED ORDERS  
NO SCHEDULE
  
9. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28  
NO SCHEDULE
  
10. APPOINTMENTS:
  - 10.1. Confirming Appointments :
  - 10.2. Non-Confirming Appointments:
  - 10.3. Resignations
  
11. PETITIONS:
  - 11.1. Petition from applicant Anthony Rossi requesting that the two hearings scheduled for April 17, 2018 before City Council be tabled *to April 24, 2018*; Document 29; Repetitive Petition and Document 30; Special Permit – both for construction project on 108 Harrison st Hearings Tabled to April 24<sup>th</sup>  
Attachment
  - 11.2. Applications:
  - 11.3. Applications/Handicap Parking Signs:
  - 11.4. Tag Days:
  - 11.5. Annual License Renewals:
    - 11.5.1. Hawker Peddlers License Renewals 2018  
NO SCHEDULE



# CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, April 3, 2018 at 7:00 PM

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**11.5.2. Coin-Op License Renewals 2018**

NO SCHEDULE

**11.5.3. Sunday Coin-Op License Renewals 2018**

NO SCHEDULE

**11.5.4. Drainlayer License *Renewal* for 2018:**

**11.5.5. Taxi Driver License *Renewals* for 2018:**

**11.5.6. Taxi License**

**11.5.7. Junk Dealer License**

**11.5.8. Pool Tables:**

**11.5.9. Sunday Pool:**

**11.5.10. Bowling:**

**11.5.11. Buy & Sell Second Hand Clothing**

**11.5.12. Pawnbroker license:**

**11.5.13. Buy & Sell Old Gold:**

**11.5.14. Hawker/Peddler:**

**11.5.15. Exterior Vending Machines**

**11.5.16. Limousine/Livery License**

**12. MOTIONS AND ORDERS**

NO SCHEDULE

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

NO SCHEDULE

**14. MONTHLY REPORTS**

NO SCHEDULE

**15. COMMUNICATIONS FROM COUNCILLORS**

**15.1.** Communication from Council President Michitson requesting to discuss a request through the Mayor for Department Heads to identify appropriate datasets and to work with City Solicitor on any privacy issues surrounding datasets, to prepare for future Hackathon at *UMass-Lowell Innovation Hub at Harbor Place*

**15.2.** Communication from Councillor Daly O'Brien requesting to discuss the removal of down branches and trees on City property and ability for residents to dispose of tree refuse at the Highway Department Attachments

**16. UNFINISHED BUSINESS OF PRECEDING MEETINGS**

**16.1.** Document 37; Ordinance re: Parking – Sandler ter; No Parking – West Side *filed March 21<sup>st</sup>*

**16.2.** Document 38-K; Communication from Councillor Daly O'Brien requesting to discuss on street parking and the effects on plowing in neighborhoods *postponed from March 27<sup>th</sup>* Attachments



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, April 3, 2018 at 7:00 PM**

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

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## **17. RESOLUTIONS AND PROCLAMATIONS**

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

**18.1.** Councillor Colin LePage submits Minutes and Recommendations of the Administration & Finance Committee meeting held on March 29 2018 for acceptance and discussion as listed:

1.) Document 120-X & Z/2017 – Communication from Councillors Macek and Bevilacqua regarding strengthening the City’s control, oversight and education in all areas of concern related to underage and/or illegal use of marijuana as well as adult use of marijuana guidelines issued by the Cannabis Control Commission

2.) Document 120-Z/2017 – Communication from Council President Michitson and Councillor McGonagle introducing Chief DeNaro to address Council on recent shootings in Haverhill and action taken by HPD (specifically graffiti). Review of proposed “Ordinance Relating to Graffiti” submitted by City Solicitor

3.) Document 121/121A – Storm Water Management and Communication from Robert Ward submitting Ordinance for proposed amendment to Chapter 219 of City Code

Attachments

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

### **20. ADJOURN**

Hearing MAY 1 2018

Questions contact – Stefanie Steeves 978 725 1159

Petition of the NATIONAL GRID  
Of NORTH ANDOVER, MASSACHUSETTS  
For Electric conduit Location:

7.1

To the City of Haverhill

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Seven Sister Road-Haverhill Massachusetts

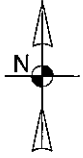
The following are the streets and highways referred to:

**25331195** Seven Sister Road-National Grid to install pull box and new 25kva transformer, install approximately 15 feet of 2-3 " conduit from existing underground conduit to new pull box and transformer including approximately 15 feet 2-2# all primary UG conductor in order to provide service to new comfort station on golf course off Seven Sister Road Haverhill Ma.

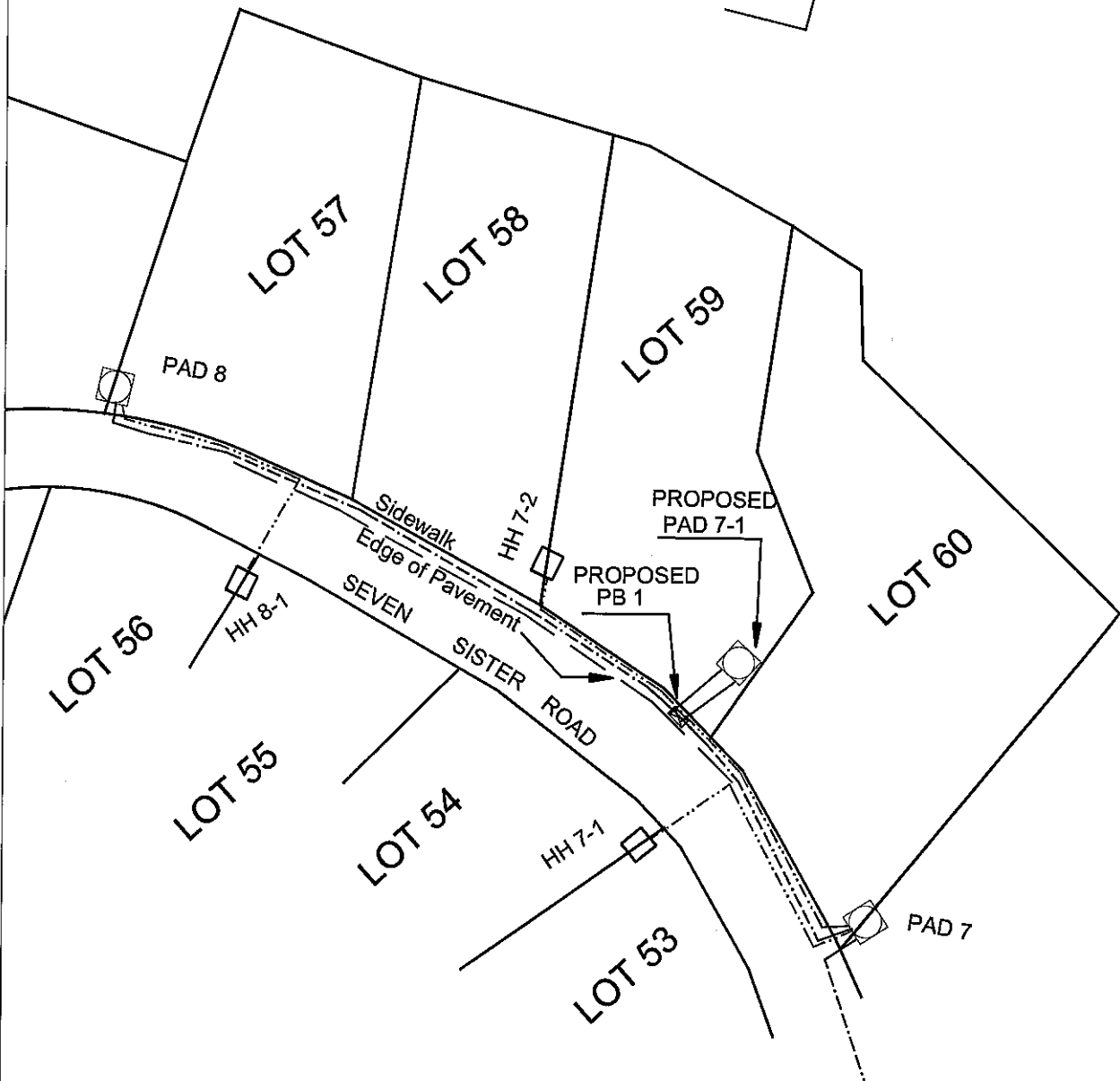
Location approximately as shown on plan attached

NATIONAL GRID  
BY David Johnson  
Engineering Department

Dated: March 20, 2018



COMFORT STATION



**UNDERGROUND PETITION**

**nationalgrid**

- |                                                                                                                                             |                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <p>--- PROPOSED 2-3" CONDUIT WITH 1PH PRIMARY CONDUCTOR</p> <p>--- UG SECONDARY CABLE</p> <p>--- 2-3" CONDUIT WITH 1PH UG PRIMARY CABLE</p> | <p>☒ PULLBOX</p> <p>⊙ SINGLE PHASE TRANSFORMER</p> <p>□ HANDHOLE</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|

Date: 3/19/2018

WORK REQUEST: WR 25331195

To The: City Of Haverhill

For Proposed: pullbox and conduit Location: Seven Sister Rd

Drawn By: S.Steeves - 978 725-1159

**Job description**

Nationalgrid to install pullbox and new 25kva transformer, install approximately 15' of 2-3" conduit from existing underground conduit to new pullbox and transformer including approximately 15' 2-#2 al primary UG conductor in order to provide electric service to new comfort station on golf course off Seven Sister Rd, Haverhill, MA

DISTANCES ARE APPROXIMATE

Postpone Hearings } Special Permit & Repetitive Petition to  
HARRISON STREET INVESTMENTS LLC April 24 2018

75 WILLIAMS STREET  
CHELSEA, MA 02150  
TEL. (617) 889-3366  
FAX. (617) 889-3389

March 27, 2018

Attn: Maria, City Clerk's Office  
Town of Haverhill  
4 Summer Street  
Haverhill, MA 01830

11.1

VIA FACSIMILE 978-373-8490

Re: 108 Harrison St., Haverhill, MA

Dear Maria,

I, Anthony Rossi, as Manager of Harrison Street Investments LLC, would like to respectfully request the hearing currently scheduled for April 17, 2018 before the Haverhill City Council to be tabled until April 24, 2018. The reason for my request is my wife is scheduled to have a C-Section on said date and I will not be able to be present at the hearing.

Please confirm that we may table the hearing to April 24, 2018.

Thank you for your help regarding this matter.

Respectfully,



ANTHONY ROSSI, MANAGER  
HARRISON STREET INVESTMENTS LLC

Parcel Ins : 306-77-14

LAW OFFICES OF  
**ROSSI & ASSOCIATES, P.C.**

75 Williams Street  
Chelsea, MA 02150  
Facsimile 617)889-3389  
Telephone (617)889-3366

FACSIMILE TRANSMISSION COVERHSEET

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To: Maria, City Clerk's Office

Date: March 27, 2018

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From: Anthony Rossi

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Fax: 978-373-8490

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RE: 108 Harrison St. Haverhill MA

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Note:

Please see correct attached request for hearing on 108 Harrison Ave.

Thank you,

**Anthony Rossi**

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The information contained in this transmission is privileged and confidential information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address listed herein to the sender via the U.S. Postal Service or otherwise directed by telephone. Thank you.

**CITY COUNCIL**

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



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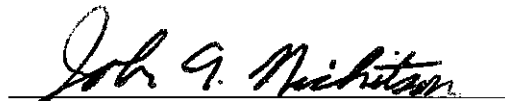
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**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

March 30, 2018

TO: Members of the City Council:

Council President Michitson wishes to discuss request through Mayor for Department Heads to identify appropriate datasets and to work with City Solicitor on any privacy issues surrounding those datasets, to prepare for future Hackathon at UMass-Lowell Innovation Hub at Harbor Place. College students and entrepreneurs will be invited to create apps and algorithms to develop useful tools to help manage cities and promote civic engagement.

  
\_\_\_\_\_  
Council President John A. Michitson



**CITY COUNCIL**

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*PRESIDENT*  
**THOMAS J. SULLIVAN**  
*VICE PRESIDENT*  
**JOSEPH J. BEVILACQUA**  
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**MICHAEL S. MCGONAGLE**



152

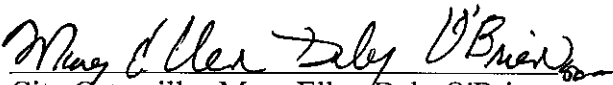
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**CITY OF HAVERHILL**  
HAVERHILL, MASSACHUSETTS 01830-5843

March 30, 2018

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

Councillor Mary Ellen Daly O'Brien would like to discuss the removal of down branches and trees on city property and ability for residents to dispose of tree refuse at the Highway Department.

  
City Councillor Mary Ellen Daly O'Brien

16.1

April 3



**CITY OF HAVERHILL**

In Municipal Council March 20 2018

ORDERED:

An Ordinance Relating to Parking  
Sandler Terrace – **No Parking**  
(West Side)

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Section 240-1302 Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended, be further amended by adding the following:

LOCATION	REGULATION	HOURS/DAYS
Sandler Terrace (West Side)	No Parking	

APPROVED as to legality:

\_\_\_\_\_  
City Solicitor

PLACED ON FILE for at least 10 days  
Attest:

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



# Haverhill

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

March 12, 2018

Mr. John Michitson, Council President  
City Council Members  
City Hall-Room #204  
City of Haverhill

**RE: No Parking– Add No Parking at Sandler Terrace, West Side**

Dear Council President & Councilors:

As per your request dated, March 5, 2018, I am submitting a Municipal Ordinance that will add No Parking at Sandler Terrace, West side.

Sincerely,

William Pillsbury, Jr.  
Planning/Grants Coordinator

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**THOMAS J. SULLIVAN**  
*VICE PRESIDENT*  
**JOSEPH J. BEVILACQUA**  
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**CITY OF HAVERHILL**  
**HAVERHILL, MASSACHUSETTS 01830-5843**

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20180305 10:44:22 AM

March 5, 2018

**TO:** William Pillsbury, Jr.  
Economic Development and Planning Director

**RE: Request for Ordinance – No Parking West Side of Sandler Terrace**

Dear Mr. Pillsbury:

At the City Council meeting held on February 27<sup>th</sup>, the Traffic and Safety Committee Meeting minutes of February 21st were presented (see enclosed).

The Mayor's office had submitted a request to have a No Parking Sign installed on the West Side of Sandler Terrace due to an ongoing problem with parked cars obstructing driveways. The Traffic and Safety committee recommended that an ordinance be drafted to effect the change.

Would you kindly prepare the proper document(s) and place them on the next City Council agenda in order that the Council may take action on them.

Thank you for your continued cooperation, consideration and assistance.

Sincerely,

John A. Michitson, President  
Haverhill City Council

JAM/bsa

encl.- Traffic & Safety Committee minutes – Feb.21, 2018

c: Mayor James Fiorentini  
City Councillors  
Lane Meyer, 20 Sandler Terrace



**HAVERHILL  
POLICE DEPARTMENT**

**40 Bailey Blvd.  
Haverhill, Massachusetts 01830**

**Alan R. DeNaro  
Chief of Police**

**TEL. (978) 722-1502  
FAX. (978) 373-3981**

February 21, 2018

Council President John Michitson  
Members of the Haverhill City Council  
4 Summer Street – Room 204  
Haverhill, MA 01830

Re: Traffic & Safety Committee Meeting

Dear President Michitson & Councilors:

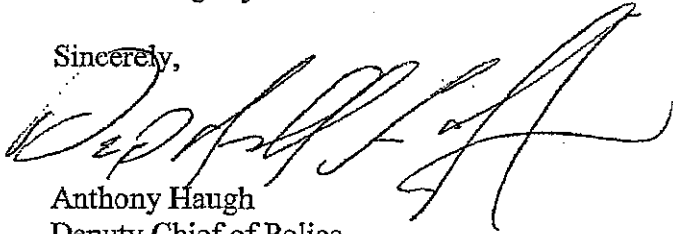
The Traffic and Safety Committee held a meeting on Wednesday, February 21, 2018. During the meeting it was determined that the following recommendations would be made to the City Council for consideration.

1. Discussion regarding the intersection of Route 125 and Oxford Avenue. Current Mass DOT crash data does not support any signalization of this area. Deputy Haugh stated that the Police Department will increase enforcement in this area. City Engineer John Pettis will follow up with the state for other possible options.
- \* 2. Discussion regarding parking issues on Sandler Terrace. After discussion, the Traffic and Safety Committee recommends no parking on the west side of Sandler Terrace.
3. Discussion regarding a "No Parking Anytime" sign located near 25 Essex Street with a curb cut. After discussion it is recommended that this item be postponed due to the construction going on in that area.
4. Discussion regarding an update on the status of a crosswalk signal on Broadway @ Carleton Street. After discussion it was noted that most of that intersection is state owned. At this time it doesn't meet the criteria for a crosswalk. This item is postponed until Mr. Pettis receives more information back from the State.
5. Discussion regarding reviewing the traffic pattern on So. Pleasant Street, as a portion of the street is one-way. After discussion it is recommended that no changes be made at this point. It was also stated by City Engineer Pettis that there is funding under Chapter 90 for a reconfiguration of the intersection of So. Elm, So. Prospect and So. Pleasant streets.
6. Discussion regarding a request for a crosswalk on Washington Street in front of Wang's Table. During discussion it was stated that there is an existing crosswalk approximately 90 feet to the west. Adding a new crosswalk would lose two parking spaces on Washington Street as well as require the construction of ADA complaint pedestrian ramps. With the existing crosswalk so close a crosswalk is not recommended.

7. Discussion regarding a request for a crosswalk on Carleton Street at Casablanca Court. After discussion it is recommended to put a crosswalk on the left side of Casablanca.
8. Discussion regarding safety concerns at the intersection of Saltonstall Square and Kenoza Avenue. Crash data from the last 5 years does not indicate any safety issues or concerns at the intersection with regard to vehicle traffic, however after discussion it is recommended that the crosswalk on Mill Street (as you take a right off Saltonstall square) be removed.
9. Discussion regarding the intersection of So. Main Street and Laurel Avenue. After discussion it is recommended that an additional crossing guard be posted at this intersection. It is also recommended that the Traffic & Safety Officer contact the bus company to have their bus drivers spoken to about improving their behavior. The whole traffic pattern will be reviewed when school is out for the summer and recommendations will be made to the School Department for the next school year. City Engineer Pettis and Mike Lavoie will also be reviewing a newly approved traffic signal sequence.

Meeting adjourned.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Anthony Haugh'.

Anthony Haugh  
Deputy Chief of Police

162

**CITY COUNCIL**

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*PRESIDENT*  
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38-K



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

March 22, 2018

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

Councillor Mary Ellen Daly O'Brien would like to discuss on street parking and the effects on plowing in neighborhoods.

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

IN CITY COUNCIL: March 27 2018  
POSTPONE TO APRIL 3 2018  
Attest:

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

**CITY COUNCIL**

**JOHN A. MICHITSON**  
*PRESIDENT*  
**THOMAS J. SULLIVAN**  
*VICE PRESIDENT*  
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18.1

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

March 30, 2018

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

City Councillor Colin LePage submits the attached minutes and recommendations of the Administration and Finance Committee meeting held on March 29, 2018 for acceptance and discussion. Items discussed were regulations issued by MA Cannabis Control Commission, proposed graffiti ordinance and proposed amendment to Storm Water Management.

City Councillor Colin LePage



## CITY COUNCIL

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PRESIDENT  
THOMAS J. SULLIVAN  
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## CITY OF HAVERHILL

HAVERHILL, MASSACHUSETTS 01830-5843

### MINUTES OF THE ADMINISTRATION AND FINANCE COMMITTEE MEETING HELD ON MARCH 29, 2018

An Administration and Finance Committee Meeting was held on Tuesday, March 29, 2018 at 7:00 P.M. in the City Council office, Room 204.

Committee Members: Committee Chairperson Colin LePage, Councillor Melinda Barrett, Councillor Mary Ellen Daly O'Brien and Councillor William Macek. Council President Michitson and Councillor Bevilacqua also attended.

Department Heads: Mayor Fiorentini, Police Lieutenant Robert Pistone, Deputy Police Chief Anthony Haugh, City Solicitor William Cox, Director of Inspectional Services Richard MacDonald, Deputy DPW Director Robert Ward, City Clerk Linda Koutoulas and Assistant City Clerk Laura Angus

Attendees: Mike Katsulis, Bob Driscoll, Jon Mangion, Peter Carbone

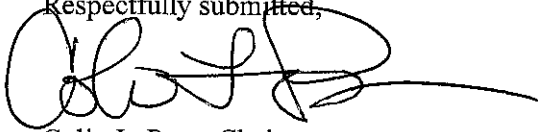
The meeting began at 7:00 P.M. and the following items were discussed:

- 1.) **Doc. 120-X&Z/2017** – Communication from Councillors Macek and Bevilacqua regarding strengthening the City's control, oversight and education in all areas of concern related to underage and/or illegal use of marijuana as well as adult use of marijuana guidelines issued by the Cannabis Control Commission; *The Committee received and briefly reviewed the "Zoning Districts that Permit Retail Liquor Sales" map as requested at the 2/15/18 A&F meeting. The Committee acknowledged that the Cannabis Control Commission (CCC) Final Regulations concerning "935 CMR 500: Adult Use of Marijuana" were filed March 23, 2018, but that other Legislation submitted by Governor Baker (House Bill No. 4284) was still pending. The Committee members, as well as all others in attendance, further discussed matters such as: bylaws and ordinances, number of marijuana establishments in a municipality, procedures for a ballot question to limit or ban marijuana establishments, buffer zone, signage, transportation/delivery, prevention and education of minors regarding marijuana use. A motion was made to further discuss zoning districts and to utilize the GIS mapping program to better visualize and measure areas in the City, passed unanimously. The next scheduled meeting is April 11, 2018 at 7pm in Room 301.*
- 2.) **Doc. 120-Z/2017** – Communication from President Michitson and Councillor McGonagle introducing Chief DeNaro to address City Council on recent shootings in Haverhill and action taken by HPD (specifically graffiti); *The Committee reviewed a proposed "Ordinance Relating to Graffiti" submitted by City Solicitor Cox (as requested at the 2/15/18 A&F meeting). After a brief review and discussion of the proposed ordinance by the Committee and Councillors in attendance, a motion was made to have the City Solicitor further review and submit the ordinance for the April 10, 2018 Council agenda and back for full Council review and approval at the April 24, 2018 Council meeting, passed unanimously.*
- 3.) **Doc. 121/121A** – Storm Water Management and Communication from Robert Ward submitting ordinance for proposed amendment to Chapter 219 of City Code; *Deputy DPW Director Ward gave a brief summary of the proposed Storm Water Management ordinance and its intent to comply with the Consent Decree issued by the U.S. Department of Justice, the Environmental Protection Agency and the Massachusetts Department of Environmental Protection. The Committee reiterated the City*

*Council concerns as listed in their letter to the Mayor (dated 12/4/17). Committee members and Councillors also expressed their concerns with the following sections of the ordinance: 219-3n (Administration), 219-4 (Applicability), Article II (Definitions) and Article IV (Fees and Expenses). After a lengthy discussion on these matters, a motion was made for the City Solicitor to revise the ordinance with the suggestions offered and to re-submit the proposed amendments for the April 24, 2018 Council agenda and back for full Council review and approval at the May 8, 2018 Council meeting, passed unanimously.*

The meeting adjourned at 8:24 P.M.

Respectfully submitted,



Colin LePage, Chairperson  
Administration and Finance Committee  
Haverhill City Council

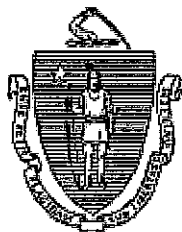
March 30, 2018

CL/bsa

\* Massachusetts House Bill No. 4284 – Proposed Legislation concerning adult use marijuana

c: Mayor James J. Fiorentini  
City Council

HOUSE DOCKET, NO. 4628 FILED ON: 3/5/2018

**HOUSE . . . . . No. 4284****The Commonwealth of Massachusetts**CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
 24 BEACON STREET · BOSTON, MA 02133

KARYN POLITO  
LIEUTENANT GOVERNOR*March 5, 2018*

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled "An Act Making Appropriations for Fiscal Year 2018 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects."

This bill consists of \$5.4 million in supplemental appropriations to fund a ratified collective bargaining agreement, a retained revenue ceiling increase for the Inspector General, and a public awareness campaign related to the upcoming retail sale of adult use marijuana. In the absence of supplemental funding, these costs would remain unfunded despite the \$104 million deficiency reserve that was established in the FY18 GAA. That reserve has been budgeted for sheriffs' FY17 payroll costs, a student assessment contract, certain collective bargaining commitments that predate FY18, the costs of indigent legal defense, and the costs of snow and ice removal.

The spending items recommended in this bill include:

- \$3.4 million to fund a ratified collective bargaining agreement recently executed with the American Federation of State, County, and Municipal Employees;
- a \$50,000 increase to the Inspector General's retained revenue ceiling, to allow the Inspector General to collect more procurement training fees and spend them on trainings;
- \$2 million for a public awareness campaign to be administered by the Department of Public Health for the Cannabis Control Commission, which would educate the public on responsible use of marijuana in the period leading up to the commencement of retail sales of adult use marijuana.

The bill includes a number of minor amendments and corrections to the statutes regulating adult use marijuana and medical use marijuana in the Commonwealth. The proposed sections are designed to clarify and simplify the administration of certain provisions of the marijuana laws while

continuing to adhere to the intent of the Massachusetts voters and the General Court. We have developed the amendments in consultation with staff at the Cannabis Control Commission.

The bill also includes a section to clarify that when the Attorney General reviews proposed transactions that involve the conversion or sale of a non-profit hospital or health plan to a for-profit entity and assesses the surviving entity (as provided under existing law) to cover the costs of that review, the Attorney General may expend that assessment without further appropriation.

Sufficient revenues are estimated to be available to finance these appropriations. Because at least one item requires supplemental funding in March, I urge you to enact this legislation promptly.

Respectfully submitted

Charles D. Baker,  
Governor

**HOUSE . . . . . No. 4284**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are to which are forthwith to make supplemental appropriations for fiscal year 2018 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2018, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal

year ending June 30, 2018. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

## SECTION 2.

### OFFICE OF THE INSPECTOR GENERAL

#### Reserves

0910-0210 Public Purchasing Certified Program Retained Revenue \$50,000

### CANNABIS CONTROL COMMISSION

#### Cannabis Control Commission

1070-0840 Cannabis Control Commission. .. \$2,000,000

### EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

#### Reserves

1599-4448 Collective Bargaining Contract Costs \$3,400,000

SECTION 3. Section 21 of chapter 62C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 162, the words “chapter 64L” and inserting in place thereof the following words:- chapter 64L or the local option tax imposed pursuant to section 3 of chapter 64N.

SECTION 4. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting after the word “provided,” in line 98, the following words:- marijuana products intended for consumption as defined in section 1 of chapter 94G,.

SECTION 5. Section 3 of chapter 94G, as amended by chapter 55 of the acts of 2017, is hereby further amended by striking out in paragraph (1) of subsection (a) the words “(i) prevent the conversion of a medical marijuana treatment center licensed or registered not later than July 1, 2017

engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity under this chapter;” and inserting in place thereof the following words:-

(i) prevent a medical marijuana treatment center licensed or registered not later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products from engaging in the same type of activity under this chapter;.

SECTION 6. Said section 3 of said chapter 94G, as so amended, is hereby further amended by striking out paragraph (2) of subsection (a) and inserting in place thereof the following paragraph: -

(2) limit the number of marijuana establishments in the city or town, provided, however, that, in the case of a city or town in which the majority of voters voted in the affirmative for question 4 on the 2016 state election ballot, entitled “Legalization, Regulation, and Taxation of Marijuana,” and, after December 31, 2019 in the case of any other city or town, the city or town shall submit any such by-law or ordinance for approval to the voters pursuant to the procedure in subsection (e) if it would:.

SECTION 7. Said section 3 of said chapter 94G, as so amended, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The city council of a city and the board of selectmen or town council of a town shall, upon the filing with the city or town clerk of a petition meeting the requirements of this subsection and signed by not fewer than 10 per cent of the number of voters of such city or town voting at the preceding biennial state election, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town, shall cause the following question to be placed on the ballot:

Shall this [city or town] allow the sale of marijuana products, as those terms are defined in G.L. c.94G, §1, for consumption on the premises where sold, a summary of which appears below?

A fair and concise summary of the question shall be prepared by the city solicitor or town counsel.

If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the premises where sold, such city or town shall not have authorized the consumption of marijuana and marijuana products on the premises where sold.

The petition shall be on a form prepared by the secretary of the commonwealth, and shall be submitted forthwith after filing to the board of registrars or election commissioners who shall have seven days after receipt to certify the signatures of registered voters. Upon certification of the signatures, the question shall be placed upon the ballot at the next occurring regular municipal or state election, provided that the question may only appear on a municipal ballot for an election to be held at least 35 days after certification. To have the question appear on the biennial state election, the city or town clerk must provide notice, including the ballot question and summary as prepared by the city solicitor or town counsel, to the secretary of the commonwealth no later than the first Wednesday in August before that election.

SECTION 8. Said section 3 of said chapter 94G of the General Laws, as so amended, is hereby further amended by striking out the second sentence of subsection (d) and inserting in place thereof the following sentence:- An agreement between a marijuana establishment or a medical marijuana treatment center and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center or be effective for longer than 5 years; provided further, however, that these limitations shall not apply to a host community agreement for a medical marijuana treatment center that was entered into before July 1, 2017.

SECTION 9. Said section 3 of said chapter 94G of the General Laws, as so amended, is hereby further amended by adding to subsection (d) the following paragraph:- Notwithstanding

section 53 of chapter 44 or any other general or special law to the contrary, a city or town that receives payment pursuant to a host community agreement entered into with a marijuana establishment licensed under this chapter or with a medical marijuana treatment center registered under chapter 94I shall establish a separate account into which the impact fees or other payments shall be deposited. In each fiscal year, the amount of the estimated receipts from the fees and other payments under the host agreement may be appropriated by city or town for the purposes specified in such agreement. Any balance in the account at the end of the fiscal year shall be available for appropriation in the next fiscal year. Any deficit in the account at the end of the fiscal year must be raised by taxation, unless the city or town has otherwise provided, and shall be subject to all applicable provisions of chapter 59.

SECTION 10 Said section 3 of said chapter 94G, as so amended, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) If an ordinance or by-law must be submitted for approval pursuant to subsection (a)(2), the following procedures will be followed:

(1) The city solicitor or town counsel shall prepare a fair and concise summary of the proposed ordinance or by-law which will make clear the number and types of marijuana establishments which will be permitted to operate under the proposed ordinance and by-law and shall be included on the ballot.

(2) A ballot shall be prepared asking "Shall the following [by-law or ordinance] be in effect in [city or town]?" [solicitor/counsel summary] [full text of by-law or ordinance]

(3) If the majority of the votes cast in answer to the question are in the affirmative, the by-law or ordinance shall be in effect, but if the majority is in the negative, the by-law or ordinance shall have no legal effect.



A ballot question under this subsection may be placed on the ballot at a regular or special election held by the city or town by a vote of the board of selectmen or city or town council, with the approval of the mayor, and subject to a municipal charter, if applicable.

SECTION 11. Section 4 of said chapter 94G, as so amended, is hereby further amended by striking out paragraph (x) of subsection (a ½) and inserting in place thereof the following paragraph:-

(x) requirements for fingerprinting and any other methods of identification of an applicant for a license or a licensee that the commission may adopt;

SECTION 12. Section 9 of said chapter 94G, as so amended, is hereby further amended by adding the following subsection:-

(c) an entity required to register with the secretary of the commonwealth pursuant to chapters 156C, 156D, or 180 and organized for the purpose of operating as a licensed marijuana establishment in the commonwealth may specify as its lawful corporate purpose the conduct of all activities of a marijuana establishment authorized by this chapter.

SECTION 13. Section 13 of said chapter 94G, as so amended, is hereby further amended by striking out in the second sentence of subsection (a) the words "section 8" and inserting in place thereof the following words:- section 7.

SECTION 14. Section 15 of said chapter 94G, as amended by Chapter 55 of the Acts of 2017, is hereby further amended by striking out in the third sentence of paragraph 5 of subsection (b) the words "may include" and inserting in place thereof the following words:- shall include.

SECTION 15. Section 2 of chapter 94I of the General Laws, as inserted by section 44 of chapter 55 of the acts of 2017, is hereby amended by striking out subsection (b)(2) and inserting in place thereof the following subsection:-

(b)(2) A qualifying patient or a personal caregiver shall not be subject to arrest or prosecution, or civil penalty, for medical use marijuana possessed or provided as authorized by this chapter.

SECTION 16. Said section 2 of said chapter 94I, as so inserted, is hereby further amended by inserting by adding the following subsection:-

(f) an entity required to register with the secretary of the commonwealth pursuant to chapters 156C, 156D, or 180 and organized for the purpose of operating as a registered marijuana treatment center in the commonwealth may specify as its lawful corporate purpose the conduct of all activities of a marijuana treatment center authorized by this chapter.

SECTION 17. Section 8A of chapter 180 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "amounts," in line 52, the following words:- , not subject to appropriation,.

SECTION 18. Section 56 of chapter 55 of the acts of 2017 is hereby amended by striking out paragraph (i) of subsection (a) and inserting in place thereof the following paragraph:-

(i) are registered marijuana dispensaries with a final or a provisional certificate of registration in good standing with the department of public health pursuant to 105 CMR 725.00; or.

SECTION 19. Section 72 of chapter 55 of the acts of 2017 is hereby amended by striking out the final sentence and inserting in place thereof the following sentence:- Notwithstanding any law to the contrary, neither the entity conversion nor the issuance of any shares, interests, or other securities, obligations, rights to acquire interests or other securities, cash, other property or any combination of the foregoing, set forth in and necessary to effect the plan of entity conversion shall be subject to taxation or result in the imposition of any tax by the commonwealth.

SECTION 20. Item 0910-0210 of section 2 of chapter 47 of the acts of 2017 is hereby amended by striking out the figure "\$850,000" and inserting in place thereof the following figure:-  
\$900,000

SECTION 21. Sections 6 and 10 shall not apply retroactively and shall not affect votes already completed under section 3 of chapter 94G of the General Laws, subsections (a)(2) and (e). Any votes

under those subsections after the effective date of this act, however, shall be subject to said sections 6 and 10.

SECTION 22. The salary adjustments and other economic benefits authorized by the following collective bargaining agreement shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

(1) Between the Commonwealth of Massachusetts and the American Federation of State, County and Municipal Employees, Unit 2.

## CITY COUNCIL

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



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## CITY OF HAVERHILL HAVERHILL, MASSACHUSETTS 01830-5843

### DOCUMENTS REFERRED TO COMMITTEE STUDY

38-F	Communication from Councillors Barrett and LePage requesting to discuss double poles in the City	A & F	3/15/16 9/6/16, 11/31/16, 1/17/17, 5/11/17, 10/24/17
38-W	Communication from Councillor Barrett requesting to give an update on response from MBTA/Keolis & US EPA about idling trains in Bradford	Citizen Outreach	4/5/16 1/31/17
26E	City of Haverhill – Mayor’s Recommendations, Capital Improvement Program – 2016-2020	A & F	5/31/16 11/3/16, 5/11/2017, 7/25/17
10-B	Communication from President Michitson asking to request from Mayor status of facility improvements to public buildings and parks to comply with American w/ Disabilities Act (ADA)	Citizen Outreach	1/3/17 1/31/17, 8/15/17
10-U	Communication from President Michitson requesting discussion on next steps to provide comprehensive long range plan for Haverhill	Citizen Outreach	1/31/17 8/15/17
10-X	Communication from Councillor Bevilacqua requesting to discuss ways to address senior citizen needs in Haverhill	Citizen Outreach	1/31/17
58-D	Communication from Councillors Sullivan, Macek and Bevilacqua requesting to discuss ongoing tree problem on City property abutting & impacting Holland’s Flowers at 577 S. Main St	NRPP	4/25/17
58-G	Communication from President Michitson requesting to present an update on the meeting with group homes stakeholders to address severe problems in Haverhill	Public Safety	5/2/17
58-I	Communication from Councillor Bevilacqua requesting discussion regarding assistance to new businesses	Planning & Dev.	5/2/17
103-E	Communication from President Michitson and Councillor McGonagle introducing Chief DeNaro to address City Council on recent shootings in Haverhill and action taken by HPD (specifically graffiti)	A & F	9/5/17
36-F	Public Participation Gary Ortiz – suggestion that city review purchase of cameras by homeowners in acre area and offering incentive for State Police and Haverhill Police, first homebuyers program	Citizen Outreach	9/12/17
104-B	Communication from Councillor Sullivan submitting request from Pamela Carr to purchase unbuildable city land abutting property at 58 Atlanta St., Map 528, Bl 11, Lot 178	NRPP	9/19/17
110-U	Communication from Councillor Bevilacqua re: Citizen Inquiry/request referral system	A & F	10/24/17
121/121A	Ordinance re: Storm Water Management & Communication from R. Ward submitting Ordinance for proposed amendment to Ch. 219 of City Code	A & F	11/28/17

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

120-V	Communication from Councillor Vargas requesting to introduce Derrick Heins to discuss an opportunity to supports veterans and agriculture	NRPP	12/19/17
120-X	Communication from Councillor Macek re: strengthening the City's control, oversight & education in all areas of concern related to underage and/or illegal use of marijuana and other controlled substances and paraphernalia within the City	A & F	12/19/17
120-Y	Communication from Councillor Macek re: chronic traffic issue and public safety concern on So. Chestnut Street in Bradford	Public Safety	12/19/17
120-Z	Communication from Councillor Bevilacqua requesting to discuss the State Cannabis Panel actions last week regarding recreational marijuana guidelines	A & F	12/19/17
7	Communication from Council President Michitson requesting to establish City Council goals for Haverhill in 2018-2020	A & F	1/2/18
7H	Communication from Councillor LePage requesting a discussion regarding the Rules and Regulations of the City Council	A & F	1/9/18
7-M	Communication from Councillor Daly O'Brien re: street parking change after storms by providing alternate street parking the night after storm to improve plowing & clearing in inner city streets	Citizen Outreach	1/16/18
7C	Communication from Councillor McGonagle requesting a discussion about single-use plastic bags	A & F	2/13/18
38-D	Communication from Councillors Sullivan and Barrett requesting an update on City's emergency management plan and status of working generators in all public building in City	Public Safety	3/20/18