



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, January 9, 2018 at 7:00 PM

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

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 amend the Zoning Code which will allow City to review the final rules and regulations of the Cannabis Control Commission and enact superseding zoning regulations and also submitting the Ordinance relating to Zoning
**Refer to Planning Board &
Council Hearing Jan 30th 2018**
 - 5.1.1. Ordinance Relating To Zoning – amend Chapter 255, Zoning, by adding the following: Article XVIV - Temporary Moratorium on Marijuana Establishments, Marijuana Retailers and other Sale or Distribution of Marijuana and Marijuana Products which are not included in the Definition of Medical Marijuana Treatment Centers and the Medical Marijuana Overlay District. **File 10 days**
Attachments
6. **COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES**
NO SCHEDULE
7. **UTILITY HEARING(S) AND RELATED ORDER(S)**
8. **HEARINGS AND RELATED ORDER**
NO SCHEDULE
9. **PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**
NO SCHEDULE
10. **APPOINTMENTS:**
 - 10.1. Confirming Appointments :
NO SCHEDULE
 - 10.2. Non-Confirming Appointments:
NO SCHEDULE
 - 10.3. Resignations
NO SCHEDULE
11. **PETITIONS:**
 - 11.1. Applications:
NO SCHEDULE
 - 11.2. Applications/Handicap Parking Signs:
NO SCHEDULE
 - 11.3. Tag Days:
NO SCHEDULE
 - 11.4. Annual License Renewals:



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, January 9, 2018 at 7:00 PM

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11.4.1. Hawker Peddlers License Renewals 2018

11.4.2. Coin-Op License Renewals 2018

11.4.3. Sunday Coin-Op License Renewals 2018

11.4.4. Drainlayer License renewals for 2018:

- 11.4.4.1. Brett Berube
- 11.4.4.2. David Crook (*new*)
- 11.4.4.3. David DeLoury
- 11.4.4.4. Jason Dixey
- 11.4.4.5. David Giroux
- 11.4.4.6. Richard Golen
- 11.4.4.7. James M Mahoney
- 11.4.4.8. Kenneth M Pierce Jr.
- 11.4.4.9. Henry Richard
- 11.4.4.10. Shawn Savage

Attachments

11.4.5. Taxi Driver License

11.4.6. Taxi License

11.4.7. Junk Dealer License

11.4.8. Pool Tables:

11.4.9. Sunday Pool:

- 11.4.10. **Bowling:**
- 11.4.11. **Buy & Sell Second Hand Clothing**
- 11.4.12. **Pawnbroker license:**
- 11.4.13. **Buy & Sell Old Gold:**
- 11.4.14. **Hawker/Peddler:**
- 11.4.15. **Exterior Vending Machines**
- 11.4.16. **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 Councillor Barrett requesting to discuss the need for a full time Purchasing Agent for the City

15.2. Communication from Councillor Barrett requesting to discuss the need for a facilities manager for the City

Attachments



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, January 9, 2018 at 7:00 PM

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15.3. Communication from Councillor Barrett requesting to discuss the need for a blank out sign at Laurel av and South Main st

15.4. Communication from Councillor LePage requesting a discussion regarding the Rules and Regulations of the City Council

15.5. Communication from Councillors LePage and Sullivan requesting to introduce Danielle Smida and Tina Fuller to give a progress update on the *Cogswell Art Center* project and their request for a letter of support from the City Council

Attachments

16. UNFINISHED BUSINESS OF PRECEDING MEETINGS

NO SCHEDULE

17. RESOLUTIONS AND PROCLAMATION

NO SCHEDULE

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

NO SCHEDULE

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. ADJOURN

JAMES J. FIORENTINI
MAYOR



CITY OF HAVERHILL
MASSACHUSETTS

Hearing January 30 2018

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

5.1

January 5, 2018

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

RE: Amendment Relating to Zoning

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

Attached please find an amendment to the zoning code which will allow us to review the final rules and regulation of the Cannabis Control Commission and enact superseding zoning regulations which best serve the citizens of Haverhill.

Very truly yours,

James J. Fiorentini
Mayor

JJF/ah



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

511.1

File 10 days

~~ORDERED:~~

MUNICIPAL ORDINANCE

CHAPTER 255

AN ORDINANCE RELATING TO ZONING

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Zoning, as amended, be and is hereby further amended by adding the following:

“Article XVIV Temporary Moratorium on Marijuana Establishments, Marijuana Retailers and other Sale or Distribution of Marijuana and Marijuana Products which are not included in the Definition of Medical Marijuana Treatment Centers and the Medical Marijuana Overlay District.

“§255-189 Purpose.

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Ordinance, a Marijuana Retailer or Establishment, except one established pursuant to the City’s current Medical Marijuana Overlay District, is not a permitted use in the City and any regulations promulgated by the Cannabis Control Commission under the Act are expected to provide guidance to the City in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the City needs time to study and consider the regulation of Marijuana Retail or Distribution centers and Marijuana Establishments and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The City intends to adopt a temporary moratorium on the use of land and structures in the City for Marijuana Retail and Distribution so as to allow the City sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to enact ordinances in a manner consistent with sound land use planning goals and objections.

8102
January 30 2018
Fair Hearing

§255-190 Definitions.

"Marijuana," "Marijuana Establishment," "Marijuana Product," and "Marijuana Retailer" shall have the meanings as set forth in the Act.

§255-190 Temporary moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a "Marijuana Establishment" and "Marijuana Retailer" which are not included in the definitions for Medical Marijuana Treatment Center or Registered Marijuana Dispensary in Article XVII herein. The moratorium shall be in effect through December 1, 2018. During the moratorium period, the City shall undertake a planning process to address the potential impacts of marijuana in City, consider the Cannabis Control Commission regulations regarding "Marijuana," "Marijuana Establishment," "Marijuana Product," and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning ordinances to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

§255-191 Interim restriction.

The use of land or structures for a "Marijuana Establishment" or "Marijuana Retailer" which are not included in the definition of Medical Marijuana Treatment Center or Registered Marijuana Dispensary, as defined in Article XVII herein, shall not be permitted in any zoning district in the City of Haverhill so long as this Article XVIV is effective, as set forth in §255-192 below. Use variances shall be strictly prohibited.

§255-192 Expiration.

Unless extended, continued or modified by a subsequent action of the City Council and Mayor, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by the City Council and Mayor of an amendment to this ordinance that explicitly rescinds or replaces this moratorium, or (b) December 1, 2018; all so that the City of Haverhill can enact superseding zoning regulations that set forth requirements applicable to marijuana uses.

APPROVED AS TO LEGALITY:

A handwritten signature in black ink, appearing to read "William D. [unclear]", written over a horizontal line.

City Solicitor

11,4,4,1



Haverhill

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

Date 12/01/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: Brett Berube Signature: [Signature]
 Business Name: BPB Construction Inc.
 Business Address: 50 Church St.
 City Kingston State NH Zip 03848
 Business Phone: 603-642-7523 Fax: 603 642-7523

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____
 Fee \$100
 Bonds on File: [Signature]

Approved [Signature]

Denied _____

[Signature]
 City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk

11,4,4,2

CITY OF HAVERHILL

DATE 12-19-17

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that he may receive a license for

DRAINLAYER

Drainlayer's Name David "Butch" Crook Signature 
PRINTED

Home Address:

Street 11 Arthur Ave PO box _____
City/Town Dracont State MA Zip Code 01826
Tel No. 978-454-5104 Cell No. 978-221-8242


Business Name J. Tropeano, Inc.

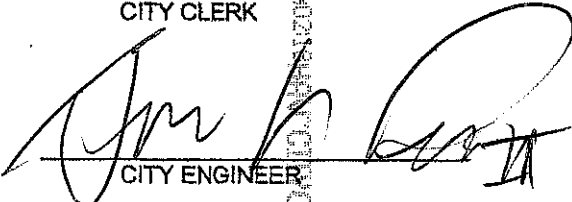
Business Address:

Street 1780 Osgood Pt PO Box _____
City/town North Andover State MA Zip Code 01845
Tel No. 978-689-2745 FAX No. 978-683-2801

New/Renewal Fee \$ 100.-

In Municipal Council,

Attest:
APPROVED 
DENIED _____

2018/10/24 10:21:54 AM
CITY CLERK

CITY ENGINEER



11,4,4,3
Haverhill

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

Date 12/1/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR DRAINLAYER

Drainlayer's Name: DAVID DELOURY Signature: [Signature]
Business Name: DELOURY CONSTRUCTION CO. INC.
Business Address: 100 BURT RD. STE 601
City Andover State MA Zip 01810
Business Phone: 978-475-8153 Fax: 978-475-7177

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____
Fee 100
Bonds on File: ✓

Approved ✓
Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11,4,4,4

Haverhill

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

Date 12/27/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: Jason Dixey Signature: Jason Dixey

Business Name: Earth Works Inc

Business Address: PO Box 565

City North Andover State MA Zip 01845

Business Phone: 978-265-7320 Fax: 978-686-8299

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____

Fee 100

Bonds on File:

Approved

Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11.4.4.5

Haverhill

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

Date 12/27/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: David Giroux Signature: [Signature]
 Business Name: Galloway Trucking + Excavating
 Business Address: 1 Roadstone Dr
 City Plaistow State NH Zip 03865
 Business Phone: 603-382-7982 Fax: 603-382-6188

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____
 Fee 1000
 Bonds on File: [Signature]

Approved [Signature]
 Denied _____

[Signature]
 City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11,446

Haverhill

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

Date 12/15/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: Richard Golen Signature: [Signature]
Business Name: R.J. Golen Excavating Inc
Business Address: 51 Belt Circle
City Tewksbury State Ma Zip 01876
Business Phone: 978 851-9058 Fax: 978 851-9058

Must Complete Additional Personal Information on Back

RENEWAL
NEW/RENEWAL:

No. _____
Fee 100
Bonds on File: [Signature]

Approved _____

Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11.4.4.7

Haverhill

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

Date 11-20-17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: JAMES M. MAHONEY Signature: *James M Mahoney*
Business Name: JAMES A. MAHONEY & SONS, INC
Business Address: 35 LIBERTY STREET
City HAVERHILL State MA Zip 01832
Business Phone: 978-372-0487 Fax: 978-372-0487

Must Complete Additional Personal Information on Back

NEW RENEWAL:

No. _____
Fee 1000
Bonds on File: ✓

Approved ✓

John V. [Signature]
City Engineer

Denied _____

In Municipal Council, _____ 20____

Attest:

City Clerk



Haverhill

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

Date 12/10/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: KENNETH M. PIERCE JR Signature: *Kenneth M. Pierce Jr.*
 Business Name: KEN PIERCE & SON
 Business Address: 57 HAVERHILL RD.
 City AMESBURY State MA. Zip 01913
 Business Phone: 978-360-9687 Fax: _____

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____
Fee \$100.00
Bonds on File: ✓

Approved _____
Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11.4.4.9
Haverhill

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

Date 12-15-17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR DRAINLAYER

Drainlayer's Name: HENRY Richard Signature: [Signature]

Business Name: H.A. Richard + Sons, Inc.

Business Address: 54 Rear Elm St

City Salisbury State MA Zip 01952

Business Phone: 978 465-2638 Fax: 603 394-2066

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____

Fee 100

Bonds on File: [check]

Approved [check]

Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk



11.4.4.10
Haverhill

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

Date 12/26/17

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: Shawn Savage Signature: [Signature]

~~Business Name:~~ P.O. Box 167

~~Business Address:~~ Unit Construction

City Cornubus State Mass Zip 01834

Business Phone: 508-328-8069 Fax: _____

Must Complete Additional Personal Information on Back

NEW/RENEWAL:

No. _____

Fee 100.-

Bonds on File: [check]

Approved [check]

Denied _____

[Signature]
City Engineer

In Municipal Council, _____ 20____

Attest:

City Clerk

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



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

1511

CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978 374-2328
FACSIMILE: 978 374-2329
www.ci.haverhill.ma.us
citycncd@cityofhaverhill.com

January 3, 2018

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

Councillor Melinda Barrett requests to discuss the need for a full time Purchasing Agent for the City.


City Councillor Melinda Barrett

CITY COUNCIL

JOHN A. MICHETSON
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



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

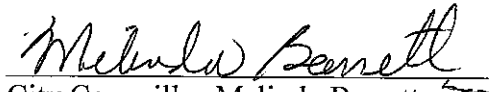
1512

CITY HALL, ROOM 204
4 SUMMER STREET
TELEPHONE: 978 374-2328
FACSIMILE: 978 374-2329
www.ci.haverhill.ma.us
citycncl@cityofhaverhill.com

January 3, 2018

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

Councillor Melinda Barrett requests to discuss the need for a facilities manager for the City.


City Councillor Melinda Barrett

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



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

1513

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4 SUMMER STREET
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www.ci.haverhill.ma.us
citycncl@cityofhaverhill.com

January 3, 2018

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

Councillor Melinda Barrett requests to discuss the need for a blank out sign at Laurel Avenue and South Main Street.


City Councillor Melinda Barrett

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



CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

15.4

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

January 3, 2018

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

Councillor Colin LePage requests a discussion regarding the Rules and Regulations of the City Council.


City Councillor Colin LePage

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 Chairperson until the President and Vice President are elected. 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.

Within the first sixty (60) days of each calendar year, the members of the City Council shall vote to approve, amend, add, or disapprove of its Rules and Regulations.

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 through Labor Day, the Council shall meet every other week beginning with the second Tuesday of July. In September, 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 after the President's Day holiday in February, Tuesday before Thanksgiving and the Tuesday of the Christmas holiday week shall be cancelled. The meetings shall be held in the City Council Chambers, City Hall. The City Council may at any meeting, by a majority vote, discontinue any further meetings herein before scheduled.

MEETINGS OPEN TO PUBLIC

Rule 2A. 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 City Council shall 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 (M.G.L. c.30A sections 18-25).

SPECIAL MEETINGS

Rule 3. 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 twenty-four hours before the time of such meeting.

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

HOLIDAYS

Rule 4. Whenever the day set by these rules for any meeting of the City Council shall fall upon a holiday, then such meeting shall be cancelled by order of the Council.

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 s/he is through speaking and all points of order arising therefrom have been decided.

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:

1. Administration & Finance Committee: Department of Finance & Records; and Law
2. Natural Resources & Public Property Committee: Water and Wastewater; Energy Conservation; Conservation Commission; Department of Public Buildings; Assessors; Parks and Playgrounds
3. Planning & Development Committee: Department of Community Planning and Development; Planning Department; Engineering.
4. Public Health, Safety & Works Committee: Department of Law Enforcement; Department of Fire Safety Services; Public Works; Public Health.
5. Citizen Outreach Committee: Constituent and Neighborhood Groups

The City Councillor responsible for initiating an item at an official Council meeting which is then forwarded to a Committee for further study and review must make him/herself available at the Committee meeting upon which said item is to be reviewed. 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 tabled to the next meeting of the Committee.

The 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. The City Council Vice President shall work to ensure items referred to Committee be reported on within 60 days of referral by the Committee Chairperson. When the President makes a decision which varies from a motion approved by a majority of the Council, that the President report the action to the members.

The meetings of the standing committees of the City Council shall be held on Mondays, Wednesdays or Thursdays no earlier than 7:00 PM. in the City Council office, Room 204, 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.

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 to another (C.44 S.33B)	2/3	6 votes
	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	2/3	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
*	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 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, unless any Councillor for special reasons stated before the roll call vote and decided upon without debate shall be excused. 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 or question has been taken by the City Council, no further order, ordinance, petition or question 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 22 and 23 and said rule shall not be considered inconsistent with said rules numbered 22 and 23.

ORDINANCE AND BOND ORDERS REFERRED TO CITY SOLICITOR

Rule 20. Every ordinance and every order for a bond issue shall, 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.

ENACTING STYLE

Rule 21. 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 22. 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 23. 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 24. 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 25. 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. The City Council Administrative Assistant or her/his designee shall assume the duties of the Clerk in her/his absence.

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

Rule 26. 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 two-thirds of the City Council.

CLERK SHALL PREPARE A LIST OF ALL MATTERS

Rule 27. The City Clerk 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.

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 27A. No business or document scheduled to come before the City Council may be removed or omitted from the agenda prior to a meeting.

Rule 27B. 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 27C. 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 (M.G.L. c.30A sections 18-25). 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 27D. Any Haverhill resident, organization or taxpayer may request 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.

PUBLIC PARTICIPATION

Rule 28. 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 2A, 27D and 35.

EXAMINATION OF RECORDS OF PREVIOUS MEETING

Rule 29. 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 30. At every regular meeting of the City Council the order of business shall be as follows:

1. Opening Prayer
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 and Reports from City Officers and Employees
7. Utility hearing(s) and related order(s)
8. Hearings and related Orders
9. Public Participation – Requests under Council Rule 28
10. Appointments
11. Petitions
12. Motions and Orders
13. Communications from Councillors
14. Unfinished business of preceding meetings
15. Resolutions and Proclamations
16. Council committee 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 31. 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 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 32. In all matters of parliamentary practice not provided for in these rules or the Massachusetts Open Meeting Law (M.G.L. c.30A sections 18-25)., the City Council shall use "Robert's Rules of Order", the latest edition, as a guide.

Rule 33. Insofar as these rules are not of statutory source or origin, the same may be suspended at any meeting by a two-thirds vote of all Councillors present, but not otherwise. Suspension of rules shall apply only for the subject matter under consideration, which must be stated prior to voting for said suspension of rules.

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 two-thirds consent of all members of the Council, or there is no objection raised prior to the meeting being adjourned.

COUNCIL BUDGET

Rule 34. 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 to the City Council budget.

HEARINGS

Rule 35. 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 limited due to repetitious information.

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 36. 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 37. 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 manner provided in Section 19 of the City Charter as follows:

The City Council at any time may request from the Mayor, or, under Plan D or E, from the city manager, specific information on any municipal matter within its jurisdiction, and may request him 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, or under Plan D or E, by the city manager, of said questions. The Mayor, or, under Plan D or E, the city manager, shall personally, or through 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, or, under Plan D or E, the city manager, 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. (1915, 267, I, § 19; 378, § 8; 1948, 459, § 6.)

USE OF CITY COUNCIL STATIONERY

Rule 38. 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 through the Council Administrative Assistant and must be copied to the Council President.

The Council President shall be responsible for alerting each newly elected Councillor of this rule during the orientation period outlined in Rule 36.

SPECIAL ELECTION AND BALLOT QUESTIONS

Rule 39. 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 40. 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.

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



1515

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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

January 5, 2018

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

Councillors LePage and Sullivan request to introduce Danielle Smida and Tina Fuller to give a progress update on the Cogswell Art Center project and their request for a letter of support from the City Council.


City Councillor Colin LePage


City Councillor Thomas Sullivan

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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
103-Q	Communication from Co. Bevilacqua requesting discussion - receipt of City Council meeting minutes	A&F	9/19/17
110-Q	Communication from Councillor LePage requesting discussion re: economic & environmental benefits of automated trash collection and recycling programs	Citizen Outreach	10/24/17
110-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 support 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
7C	Communication from Councillor McGonagle requesting a discussion about single-use plastic bags	Citizen Outreach	1/2/18