



City of Haverhill  
City Council Minutes  
Tuesday, March 2, 2021  
4 Summer Street  
Theodore Pelosi Jr. City Council Chambers, Room 202  
In Person and Remote

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Present – President Barrett, Councillors LePage, Bevilacqua, Michitson, Sullivan, Jordan, and Daly O’Brien  
Councillors McGonagle and Macek participated remotely.

City Clerk – Linda L. Koutoulas

President Barrett read the following statement: This meeting of the Haverhill City Council is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus”.

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely and live so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This meeting will not have public comment.

**Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order temporarily suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 20. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means."**

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of minutes of prior meeting

The minutes were approved

Yeas 9, Nays 0

4. Assignment of the minutes review for the next Meeting  
Councillor Macek was assigned the minutes

5. Communications from the Mayor:

Communication from Mayor Fiorentini relinquishing our Right of First Refusal under M.G.L. Chapter 61 A, Section 14 at 97 Corliss Hill rd, Haverhill and not purchase the property at 97 Corliss Hill rd - 22.45 acres to be sold as outlined in letter submitted by Mark Byra of Pagosa Springs, CO

CITY SOLICITOR COX EXPLAINED THE PROCESS OF THE CITY’S FIRST RIGHT OF REFUSAL AND THAT THE TIME TO EXERCISE THE CITY’S OPTION TO PURCHASE THE PROPERTY EXPIRED ON FEB 26, 2021. THE CITY DEPARTMENTS REVIEWED THE PROPERTY AND DETERMINED TO PASS ON IT AS THERE WAS A MORE ADVANTAGEOUS PROPERTY TO PURCHASE IN THE IMMEDIATE AREA. COUNCILLORS EXPRESSED THEIR CONCERN ABOUT BEING NOTIFIED SO LATE IN THE PROCESS.

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR DALY O’BIEN TO RELINQUISH THE CITY’S RIGHT OF FIRST REFUSAL UNDER M.G.L. CHAPTER 61A, SECTION 14 AT 97 CORLISS HILL ROAD, HAVERHILL

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

Yeas, - Councillors Sullivan, Daly O’Brien and Macek 3

Nays, - Councillors LePage, Bevilacqua, Michitson, Jordan, McGonagle and President Barrett – 6

MOTION NOT PASSED

28

6. Communications from Councillors to introduce an individual(s) to address the council:

Communication was received from Councillors Jordan and LePage requesting to introduce Lisa Marzilli to give an update about Haverhill’s Clean & Green Initiative and upcoming Possible Dreams event

MS. LISA MARZILLI OF TEAM HAVERHILL GAVE AN UPDATE ON THE 680 ACTS OF CLEANING AND GREENING IN DOWNTOWN HAVERHILL 2019/2020 AND THANKED THE MANY VOLUNTEERS, PARTNERS AND SPONSORS. SHE ALSO HIGHLIGHTED AREAS IN THE DOWNTOWN WHERE BRICKS NEED TO BE REPAIRED/REPLACED.

THE UPCOMING POSSIBLE DREAMS EVENT IS SCHEDULED FOR MARCH 8 AT 7PM VIA ZOOM. REGISTER IN ADVANCE. THIS YEAR’S THEME IS MOVING FORWARD TOGETHER

PLACED ON FILE

27C

Communication was received from Councillor Bevilacqua requesting to introduce Sarah Link, Vice President United Way Community Investments and Cal Williams, United Way Merrimack Valley Director to discuss the One Haverhill Fund Results and the recent Haverhill food drive impact

MS. SARAH LINK INFORMED THAT THE ONE HAVERHILL FUND THAT WAS LAUNCHED IN APRIL 2020 IN PARTNERSHIP WITH THE CITY, REPRESENTATIVES VARGAS AND MINICUCCI, HAVERHILL CHAMBER OF COMMERCE, FOUNDATIONS AND NUMBER OF NON PROFITS RAISED JUST SHORT OF \$80,000 AND THEY DISTRIBUTED ABOUT \$180,000 OUT INTO THE COMMUNITY. MR. CAL WILLIAMS INFORMED THAT THE FEB 27<sup>TH</sup> FOOD DRIVE WAS VERY SUCCESSFUL. IT BROUGHT IN 5,000 POUNDS OF FOOD, HYGIENE PRODUCTS AND DIAPERS. THESE ITEMS WERE DROPPED OFF AT SACRED HEARTS.

PLACED ON FILE

27D

Communication was received from Councillor Sullivan requesting to introduce Debbie Lyons, Environmental Educator and Primitive Skills Instructor, to explain the safety need and overall benefits of having a legal permitting system as it relates to establishing a permitting/licensing process to allow for “Bow Hunter Tree Stands” to be placed on trees on City properties where hunting is allowed in season MS. DEBBIE LYONS INFORMED THAT SHE HAS BEEN BOW HUNTING FOR DEER FOR 12 YEARS. SHE IS SEEKING PERMISSION TO PLACE TREE STAND WITH SAFETY HARNESS ON CITY PROPERTY. THIS PROVIDES AN AERIAL VIEW FOR BOW HUNTING.

ON MOTION OF COUNCILLOR SULLIVAN TO REFER TO NATURAL RESOURCES AND PUBLIC PROPERTY COMMITTEE TO ESTABLISH PERMITTING SYSTEM

REFERRED TO NRPP COMMITTEE

Yeas 9, Nays 0

27E

7. Public Participation- Requests under Council Rule 28

8. Communications and Reports from City Officers and Employees:

City Auditor, Charles Benevento submits preliminary financial reports for the month of January 2021

PLACED ON FILE

Yeas 9, Nays 0

12C

9. Utility Hearing(s) and Related Order(s):

10. Hearings and Related Orders:

Document 117/2020: Petition for a Watershed Special Permit from Attorney Donald Borenstein for applicant D & D Realty Trust for 11 single family homes at 0 Brandy Brow Road (continued from meeting of February 2 2021) *Favorable conditional recommendation from Planning Board and Planning Director; Request from Attorney Donald Borenstein for applicant to continue hearing for approximately 2 months* ATTORNEY DON BORENSTEIN ASKED FOR A 2 MONTH CONTINUANCE. HE STATED THIS WAS A SECOND EXTENSION REQUEST.

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR DALY O’BRIEN TO CONTINUE FOR APPROXIMATELY 2 MONTHS

Yeas 9, Nays 0

117/2020

11. Appointments:

Confirming Appointments:

Non-Confirming Appointments:

12. Petitions:

Annual License Renewals:

Coin-Op License Renewals 2021

*Academy Lanes, 725 South Main st, 12 Coin-ops including Sundays*

GRANTED

Yeas 9, Nays 0

8D

Exterior Vending Machines – 2021 renewals

Redbox Automated Retail LLC at: The following were all Granted, Yeas 9, Nays 0

*Walgreens, 800 River st, (Kiosk A)*

29

*Walgreens, 800 River st, (Kiosk B)*

29B

*CVS Pharmacy, 150 Lafayette sq*

29C

*CVS Pharmacy, 425 Lowell av*

29D

*Market Basket, 400 Lowell av*

29E

*Market Basket, 285 Lincoln av*

29F

*Market Basket, 2 Water st (Kiosk A)*

29G

*Market Basket, 2 Water st (Kiosk B)*

29H

13. Motions and Orders

14. Ordinances (File 10 days)

MUNICIPAL ORDINANCE

An Ordinance Relating to Vehicles and Traffic

CHAPTER 240

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, § 240-85, Schedule B: Parking Restrictions and Prohibitions, as amended, be and is hereby further amended by deleting the following words and numbers under the heading:

| <u>Name of Street Location</u>        | <u>Regulation</u>             | <u>Hours/Days</u>                                |
|---------------------------------------|-------------------------------|--|
| "Merrimack Street Parking Lot         |                               |  |
| 3 most westerly spots in the rear row | Veteran's Clinic Patrons only | Monday through Friday<br>8:30 a.m. to 4:00 p.m." |

*Related communication from City Solicitor William Cox, Jr.*

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR MACEK TO PLACE ON FILE FOR 10 DAYS

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 30

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Outdoor Dining

BE IT ORDAINED by the City Council of the City of Haverhill that the Chapter 222 of the Code of the City of Haverhill, as amended, be further amended by adding the following:

"ARTICLE XVI  
TEMPORARY OUTDOOR DINING

222-98 Temporary Provisions.

Notwithstanding any other provisions of the Code of the City of Haverhill, including Article XII Outdoor Dining and Article XIV Parklets of Chapter 222, the following temporary program to allow restaurants, cafes, fast food outlets, coffee shops, and other similar places of public accommodation offering food and beverages, including alcoholic beverages, ("establishments") for on-premises consumption to operate safely in outdoor settings. Any provision of existing Ordinances which is inconsistent with this Ordinance, such provisions shall be temporarily suspended. The provisions of this ordinance shall be available city-wide.

222-99 Purpose.

The intent of the program is to allow for greater physical distancing and safety for customers when the Commonwealth's public health orders allow restaurants to resume sit-down service, as outlined in Phase 2 of reopening Massachusetts. This is a temporary program to support our local eateries and residents. It will be available for the duration of the outdoor summer/fall dining season through November 1, 2021, at which time the City may evaluate a potential expansion of the program. The City reserves the right to require the user to remove the street seating if and when it determines it to be necessary, for any reason and at any time. All furnishings and lighting must be easily removed at the end of the program period.

222-100 Eligible Outdoor Areas.

Under this program, eligible businesses may be able to temporarily expand into the following types of outdoor areas:

Private property, including off-street parking lots with the property owner's consent.

Public right-of-way, including sidewalks, street parking spaces, public parking lots, boardwalks, public parks and any other public areas with the permission of the Mayor, and, possibly closing select streets."

(see document for complete text) *Related communication from Mayor Fiorentini*

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO PLACE ON FILE FOR 10 DAYS

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 31

**15. Communications from Councillors:**

Communication was received from Councillor Bevilacqua requesting that the City begin planning to enable and assist outdoor dining beginning Spring

COUNCILLOR BEVILACQUA SUGGESTED THAT THE CITY BEGIN PLANNING FOR OUTDOOR DINING AND NOTIFYING RESTAURANTS

PLACED ON FILE 27F

Communication was received from Councillors Michitson, Jordan, President Barrett and Vice President LePage request an update from City Auditor on the use of CARES/equivalent funding spent to date and plan ahead

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR JORDAN TO INVITE CITY AUDITOR THROUGH THE MAYOR TO GIVE AN UPDATE ON CARES/EQUIVALENT FUNDING

Yeas 9, Nays 0 27G

**16. Unfinished Business ff Preceding Meeting:**

- 17. RESOLUTIONS and PROCLAMATIONS:
- 18. Council Committee Reports and Announcements:
- 19. Documents referred to committee study
- 20. Long term matters study list

Meeting adjourned 8:45 o'clock P.M.

Yeas 9, Nays 0

Attest: Linda Koutoulas  
City Clerk