



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Thursday, June 16, 2022 at 6:00 PM

**Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202
In-Person/Remote Meeting**

Present – President Jordan, Councillors Michitson, Barrett, Bevilacqua, Sullivan, Lewandowski, McGonagle, Rogers and Toohey

City Clerk – Linda L. Koutoulas

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councillor Lewandowski to approve May 24, 2022 minutes, second Councillor Bevilacqua

PASSED

Yeas 9, Nays 0

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councillor Rogers assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. Robert E Ward, *Interim DPW Director*, submits proposed Order for *Waste and Wastewater User Rates* – for approval with the FY23 budget 74-F

8.1.1. Order – Relating to Water and Wastewater User Rates for the FY 23 budget, effective July 1, 2022 74-FF

President Jordan consulted with Solicitor Cox to see if can be heard since voted to delay budget vote.

Solicitor Cox stated yes can, the reason is because the order increases the rates so it can meet the expenditures for the next fiscal year.

President Jordan stated will vote for setting of the rate only.

Robert Ward, Interim DPW Director, order to increase water rates. Rate increase on debt side is water treatment upgrade.

Motion by Councillor Barrett, second Councillor Sullivan

Councillor Bevilacqua not sure if should be voted on since most improvements are tabled. Think should wait and vote all together. Councillor Sullivan agrees.

Motion by Councillor Michitson to table, second Councillor Bevilacqua

PASSED Tabled to June 21, 2022 Yeas 9, Nays 0

9. UTILITY HEARING(S) AND RELATED ORDER(S):

10. HEARINGS AND RELATED ORDERS:

11. APPOINTMENTS:

11.1. Confirming Appointments:

11.2. Non-Confirming:



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11.3. **Resignations:**

12. PETITIONS:

- 12.1. **Applications Handicap Parking Sign:** *with Police approval:*
- 12.2. **Amusement/Event Application: pending approvals**
- 12.3. **Auctioneer License:**
- 12.4. **Tag Days: with Police approval**
- 12.5. **One Day Liquor License** – *with approvals*
- 12.6. **Annual License Renewals:**
 - 12.6.1. **Hawker Peddlers License 2022 - Fixed location** – *with approvals*
 - 12.6.2. **Coin-Op License Renewals** - *with Police approvals*
 - 12.6.3. **Drainlayer License Renewals for 2022** -*with City Engineer approval*
 - 12.6.4. **Christmas Tree Vendor:**
 - 12.6.5. **Taxi Driver Licenses for 2022:** *with Police approval*
 - 12.6.6. **Taxi License:**
 - 12.6.7. **Junk Dealer License** *with Police approval*
 - 12.6.8. **Pool Tables**
 - 12.6.9. **Sunday Pool**
 - 12.6.10. **Bowling**
 - 12.6.11. **Sunday Bowling**
 - 12.6.12. **Buy & Sell Second Hand Articles** *with Police approval*
 - 12.6.13. **Buy & Sell Second Hand Clothing**
 - 12.6.14. **Pawnbroker license**
 - 12.6.15. **Fortune Teller** *with Police approval*
 - 12.6.16. **Buy & Sell Old Gold**
 - 12.6.17. **Roller Skating Rink**
 - 12.6.18. **Sunday Skating**
 - 12.6.19. **Exterior Vending Machines**
 - 12.6.20. **Limousine/Livery License/Chair Cars** *with Police approval*

13. MOTIONS AND ORDERS:

14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

Chief of Staff, Allison Heartquist, read into record the letter dated June 16, 2022 regarding the FY2023 Haverhill Operating Budget to Mr. President and Members of the Haverhill City Council from Mayor Fiorentini. The outlines some minor changes after meeting with City Councilors and with several department heads and reflected in the order attached to the letter.

Councillor Sullivan: Lengthy but necessary to set the discussion so everyone knows what is being talked about.

Councillor Michitson: “I will have some amendments to the order just described. The City Council cannot add to the budget, so if a Councillors or group of Councillors would like to add



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to the budget to meet a mission critical need, they must ask the mayor to do so. There are two key mission critical needs that many City Councillors have asked for in this budget and have been denied. First, to increase the number of firefighters with enough funding to enable the proper number of firefighters per vehicle for each and every fire. This is a basic safety issue for citizens and firefighters. The additional cost is \$350K. Second, the mental health crisis has impacted many of our students and citizen. We are asking for an additional \$250K in the Mayor's budget/order for youth services and mental health services. So therefor, at least one and some others are asking for an increase of \$600K to address these two mission critical items that have been on the front burner for quite a while but haven't been able to drive it home. The only power that the City Council does have to address these issues, is to vote down the budget on a department-by-department basis by allocating zero dollars to each department. I will be making all those motions, but before I do, I would like to ask the President to give some background information based on his extensive discussions he has had with state officials.

President Jordan: "What I will be referring to throughout this is Massachusetts Legislator Laws, Chapter 44 Municipal Finance, Section 32, Submission of City Budget to City Council Procedure for Approval, Rejection or Alteration. I have had numerous conversations over the past few days with Attorney Ken Woodland of the Department of Social Services which is a division of the Department of Revenue. As referenced by Councillor Michitson and as stated in their FAQs, simply voting down the budget in its entirety has no basis. It effectively does nothing. In that scenario, if we were simply to vote down the entire budget, the Mayor's budget would become effective come July 1st. So, in consultation with Ken Woodland of the DLS, and after reviewing the official guidance of the DLS concerning Chapter 44, Section 32, it seems the budget is supposed to be prepared and presented in a certain way. Following departments by departments, it's not quite what we have done here historically. So admittedly and speaking with Attorney Woodland, this is new territory for us, but his guidance is that to do it as Vice President Michitson said. We would have to vote department by department in appropriating zero dollars on each department. What affect does that have? Do we want to actually allocate zero dollars to each department? The answer is No. Speaking for myself, I have had several separate conversations with numerous Councillors, the majority of whom, the majority of the Council believes as Councillor Michitson stated, that this budget--while I appreciate the Mayor has made progress and some concessions and we have been collaborating, it doesn't go far enough. I spoke with the Mayor as recent as this afternoon essentially asking for Councillor Michitson said I feel we are about \$600K away from a budget that I could vote for and I think we could get unanimous support for specifically, those two items. Those two items being the youth services health account which the Mayor now has agreed to fund at \$500K. Myself, and I believe several other Councillors, do not believe that is sufficient. The original intent was to have all the local option tax money for marijuana sales go to towards that. This year its projected to be over one million dollars so \$750K seemed like a compromise and an increase from what was funded last year which as Chief of Staff Heartquist has read, there was over \$900K dollars in request and a feeling that this has been a great additional to particularly, as Councillor Michitson stated, a challenging time for our youth in particular coming out of the pandemic. So, increasing \$250K there, and again in another effort to reach compromise speaking with members of the fire department, speaking with Chief O'Brien and speaking with our CFO, Angel Wills, if there was



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Thursday, June 16, 2022 at 6:00 PM

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enough money in the fire budget for these additional positions as stated in the mayor's letter. The Mayor has added \$450K to the budget for four additional positions. Based on the calculations from the fire department, which differs from those of CFO Ms. Wills, but actually their numbers match what is in the SAFER Grant, we are talking about 51K for a base salary, \$25K for benefits and \$9K in overtime. None of the new firefighters are allowed to do overtime but that \$9K is the high end if anyone is out and has to be covered. That \$350K if added to the overtime budget, Chief O'Brien believes that would be sufficient for him to staff 21 at all times, 24 hours a day, 7 days a week without technically increasing the minimum manning which the Mayor has expressed is a concern of hamstringing a future Mayor. This would be able to make the job safer for our firefighters and not actually increase minimum manning but get the people there. Furthermore, Chief O'Brien stated if we do receive the Safer grant the \$350K additional seeking can go back because grant would cover. As articulated by Councillor Michitson and stated in Chapter 44, Section 32 we cannot add anything to the budget. So, we are left with the only recourse here based on the state guidelines for us is to appropriate zero dollars for each budget. Again, the intent here is to continue to negotiate with the Mayor and hopefully come up with a budget that the majority of the Council can support. Further following the guidelines here if we do not reach that compromise by next Tuesday, we would have another week. If we cannot reach an agreement then, if Councillor Michitson's motion was to pass then we would have a one-twelve or monthly budget would become effective for the month of July. That can only go for three months on the understanding of the state guidance, it would be for July, August, and September and come October 1st the state would take over. Again, that is using the guidance and recommendations of Attorney Ken Woodland."

Solicitor Cox: "I doubt very much that an attorney would have provided with you an opinion, not is not generally was DLS does."

President Jordan: "To clarify he did not provide me with an opinion, he basically continued to refer me to what the chapter is, what the section is, and basically, I asked him for his best interpretation I could get as to what our options are. He said he cannot provide an opinion but going over the FAQ's, again I am not an attorney I know Attorney and fellow Councillor Lewandowski did speak with him and came to a similar conclusion. I think you understand the position that we are in."

Solicitor Cox: "The reason that I got up though is because I wanted to address these purported interpretations of the law and I don't believe they are correct on most grounds quite frankly. First of all, if the Council does not act on the Mayor's budget it becomes the city's FY23 budget 45 days after it is submitted to the Council. That is not July 1st, that would be somewhere about the 27th of June so I think that bears keeping in mind. It is absolutely incorrect that you have to zero out each department in order to make a cut. That's completely incorrect. What you do need to do is you need to make that on a specific line item, you need to name the line item, and you need to name the dollar amount of the cut any amount down to zero. That is the Council's authority to do that. The Council does not have any authority to make appropriations beyond what is recommended by or agreed to by the Mayor. In doing so, in effect, well it would have no net effect whatsoever in doing that. I think it is always difficult and I don't want to criticize the



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DLS attorney because they are very helpful folks who provide necessary assistance to all of us on occasion. Not having been a part of that conversation, it is difficult for me to know what information they had and what they were responding to in terms of providing you with further information. I think that if an amendment was to be offered to the order that the Mayor has put before you with regards to certain budget changes without the Mayor's consent, I don't think that would have any effect at all. It would not be proper, and it is not authorized under the law."

President Jordan: "Thank you and just to be clear, I may have misspoken as I said it, I certainly am not an attorney. When I say our only option is to vote zero on everything. You are correct that is the only option, we can't actually add anything. We can go, to your point, we could vote everything down by 50 or 20 percent is my understanding from what he said to me."

Solicitor Cox: "If you wanted to go line item by line item through the budget, you could reduce line item by line item of 150 plus pages and you could reduce each line item by 50%. I would caution you against doing that because for instance the school department budget they cannot operate on a 50% budget. You cannot underfund pension liabilities. You cannot underfund other things such as insurance and other debts to which the city is frankly obligated to. So, the only way the Council can make a reduction to the budget is to do that item by item within the budget."

President Jordan: "From my understanding, again going back to speaking with the attorney, is to do it department by department. I will quote from Chapter 44, Section 32: 'The annual budget shall be classified and designated so as to show separately in with respect to each officer, department or undertaken for which an appropriation is recommended: (1) Ordinary maintenance, which shall also include debt and interest charges matured and maturing during the next fiscal year, and shall be subdivided as follows: (a) salaries and wages of officers, officials and employees other than laborers or persons performing the duties of laborers; and (b) Ordinary maintenance not included under (a); and (2) proposed expenditures for other than ordinary maintenance, including additional equipment the estimated cost of which exceeds one thousand dollars.' So again, I am not an attorney, you certainly are, I respect that."

Solicitor Cox: Read the DLS City Budget Process FAQ's #5 "If the city wishes to reduce the budget, what is the procedure?" Cox said the procedure has been his understanding. "Had a discussion this week with attorneys from KP Law, which we use on occasion, just to verify that that in fact was correct, and they so verified."

President Jordan stated he best interpreted what was discussed with DLS attorney that can do department by department. Understanding is that Councillor Michitson's motion is valid. Goal and hope would be to continue the negotiations with the Mayor and simply voting budget down the budget doesn't have any weight. Want to continue negotiations.

Councillor Lewandowski: Discussion with Solicitor Cox regarding the FAQ's he read aloud to the Council. Stated we are "rejecting" not "reducing" and read section #8 stating no indication on rejecting particular line items or in the statute. When there isn't a charter, had to go by the



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CITY COUNCIL MINUTES**

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plain language of the statute and would find it highly unlikely that the intent of the statute to go line by line.

Solicitor Cox wanted to clarify the procedure that the only way a 1/12th budget comes before the Council, is if the Mayor puts it before you.

President Jordan clarified that a this is one time of year the Council is limited of what they can do, and this was the only appropriate way of doing and that the budget is supposed to be prepared a certain way. In conclusion the only way to do this is to reject it and go line by line.

Solicitor Cox states will leave the city without a budget for next year. If no agreement, there is no automatic roll into a 1/12th budget.

President Jordan said the hope really is to continue negotiations and come up with a budget that the majority of the Council to vote in favor.

Solicitor Cox said “in his discussions with the Mayor today, he feels he has compromised over the last month and a half. He has provided the Council with pretty much everything that he thinks that he can and everything that he thinks makes sense. The only issue is youth mental health, appropriated \$250K, and additional request for \$250K and in the last day there was an additional request for additional money. Then there is the Firefighter staffing issue which I think he addressed completely in his letter. Part of the reason why the money was appropriated for the four firefighters in put in a reserve account and rather than put into the salary account is to preserve the ability to pull that money back if the Safer grant is awarded to the city. Somewhat a strategic move in order to not jeopardize the grant funding if we have the ability to get that. I think what you have is the full extent of the Mayor’s compromise.”

President Jordan rebutting that the \$750K for youth and mental services has been discussed for months.

Councillor McGonagle stated the way we get a budget presented to us is salary and wages and then the line items. Doesn’t understand why they can’t be rolled up with the line items and zero out. If we can’t do that, then effectively the Mayor can put anything he wants on a budget and if we don’t agree in 45 days it becomes his budget. “We won’t be putting or leaving the city without money. There will be time if he choses to do so, he makes a 1/12th budget. This is his budget we just feel there should be a little bit more”. ARPA funds of approximately \$283K was used for police overtime, can so the same for the firefighters if Safer grant doesn’t come through. It will take time to have eight firefighters start, so wage line for salaries is not going to be that high. There should be a way that we can drive our point across. I will support Michitson’s motion.

Councillor Sullivan: “I don’t think I would ever vote to defund a department, so I would never go down that road. We are talking about reducing the entire departments budgets is insane and I will not do that. It is sad that we once again are here again and can’t reach an agreement because we need additional firefighters more than the Mayor has proposed. It’s a budget, it has additional



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items that we requested and were granted. If we do not approve the budget, the Mayor's original budget will go into effect none of the additional appropriates will be part of it. I sympathize with the firefighters; I understand what you are asking for, but I do agree that we have a lot of balls in the air right now including the Safer grant and a study." Asked Tim Carroll to speak as to why he was shaking his head while talking. With regards to mental health fund, I agree we need to put as much money as possible. The state is fighting over control of \$411 million for mental health and suspect we may get money from this.

Tim Carroll, Haverhill Fire, stated odds of getting the grant is slim because one of the stipulations of the Safer grant is it goes through the International Fire Fighters. They will sign off on request to a degree, but they are not going to sign off on the Safer grant if we are not going to guarantee positions three years from now. No guarantee with this city or that they will use the money in the correct way when it comes here. We did not get the grant last year. Submitted the same grant this year.

Councillor Bevilacqua: "I never thought I would hear that a City Council would defund city departments." Explained saying no to budget, says no to adding eight firefighters, school funding, public improvements to police, highway and water departments, mental health assistance, public services, etc.

Point of Order called by President Jordan stating the rational and thought process behind motion, none of us want to cut the budget but cannot add to the budget and left with cutting, reducing or rejecting.

Councillor Barrett: With regards to youth mental health requests, saw \$900 worth of applications and out of the \$500 given out, there was more money from other accounts given. For increasing firefighters but it is over time, like with the police department. Politics is the art of compromise and sometimes it is slow more forward and will not vote against the budget line by line.

Councillor McGonagle states it is an act of compromise. Two sticking points which money could easier come from ARPA. Would like to understand how we do this legally and see if we can go back to the state for the correct way. There is no interest in shutting the city down, pretty good budget, two items interesting in that is totally within the reach and means at this point

Motion by Councillor McGonagle to table until June 21, 2022, second Councillor Lewandowski

Councillor Toohey feels discouraged and has sympathy for the firefighters and will have their back at some point. Will not support any reductions because need to be more informed. Will support tabling or can take a vote of where direction is going.

Councillor Rogers in favor of tabling. In favor of increasing the salaries, not the manning, to have extra men. Happy with \$500K but \$750K would be great especially after the school presentation with reading grade level going down after third grade so more programs for children



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CITY COUNCIL MINUTES

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would be important. Disturbed about Mayor stating only way to do so is to raise taxes and disagree with Councillor Bevilacqua that everything would be shut down.

President Jordan commented that prior Council voted down a budget over additional police officers, same thing two years ago over fire trucks. Comments were made both times saying we were shutting the city down, etc. which didn't happen. In favor of motion to delay allowing some more time to continue to work with the Mayor. Agree with Councillor McGonagle that we have good budget, has been movements and concessions on both sides, literally talking about two items holding it up.

Madam Clerk please call the roll on the motion by Councillor McGonagle to delay budget vote until June 21, 2022

PASSED

Yeas 9, Nays 0

FY2023 BUDGET ORDERS -CONTINUED FROM MAY 17TH

16.1. Document 74-B; Order – Appropriate \$221,603,558 and be designated as appropriation and funded in the following manner:

\$ 5,300,000	Free Cash
214,793	Water Receipts
639,841	Wastewater Receipts
427,640	Transfer from Special Revenue (ARPA)
100,850	Hospital Trust Funds
\$214,920,434	Taxation and Other Receipts

Tabled to June 21, 2022

16.2 Document 74-C; Order – As part of FY 2023 Budget the sum of \$13,795,458 be appropriated to operate the Wastewater Dept for items marked as appropriated:

And that \$13,772,769 come from Wastewater Revenue

And that 662,530 come from available Retained Earnings

And that \$ 639,841 be appropriated in the General Fund and funded from Wastewater Receipts

Tabled to June 21, 2022

16.3 Document 74-D; Order – City Council in accordance with the City Ordinance Chapter 83, set the annual budget for the following revolving funds:

Recreation and Youth Activities	\$175,000
Veteran's Memorial Skating Rink	456,000
Citizens Center Rental	25,000
Council on Aging Activities	50,000
Wood School Daycare	100,000
Municipal Open Space Management	\$100,000

Tabled to June 21, 2022



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Thursday, June 16, 2022 at 6:00 PM

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In-Person/Remote Meeting

16.4 Document 74-E; Order – As part of FT 2023 annual budget the sum of \$11,831,329 be appropriated to operate the Water Department for items marked as appropriated on the attached:

And that \$10,587,811 come from Water Revenue

And that 1,458,311 come from Available Retained Earnings

And that \$214,793 be appropriated in the General Fund and funded from Water Receipts

Tabled to June 21, 2022

17. RESOLUTIONS AND PROCLAMATIONS:

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. LONG TERM MATTERS STUDY LIST

21. ADJOURN

Motion by Councillor Sullivan, second Councillor Lewandowski

PASSED

All in Favor

Adjourned 19:29 PM