



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, August 23, 2022 at 7:00 PM

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

In-Person/Remote Meeting

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

Absent – Council President Jordan and Councillor Lewandowski

Administrative Assistant – Laurie A. Brown

City Clerk – Linda Koutoulas

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councillor Barrett to approve August 9, 2022 minutes, second Councillor Sullivan
PASSED *Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)*

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Minutes assigned to Councillor McGonagle.

5. COMMUNICATIONS FROM THE MAYOR:

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

6.1. Councillor Sullivan requests to introduce Eva Montibello, *President Haverhill Exchange Club* to ask City permission to install the new illuminated flag pole at the *WWII Ward Hill Memorial* on Route 125 and Neck rd

Councillor Sullivan introduced Eva Montibello who would like to put a new flag pole on city property.

Eva Montibello explained one of the key goals of the Exchange Club is to honor Americanism. With help from Helen Sheehan and Eammon's Heart Freedom Illumination Project been illuminating flags throughout the city. Would like place one at the area on Rte. 125 at Neck Road. Councillor Rogers donated the flag pole. The printing museum also donated a flag would like to install.

Helen Sheehan announced donated pole by Councillor Sullivan was just installed in front of the Bradford Fire Station.

Motion by Councillor Sullivan to approved pole installation, second Councillor Barrett

PASSED *Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)* 98-C

6.2. Councillor Barrett requests to introduce Sarah Mosher HPL Director to discuss upcoming public meeting (Wednesday, August 24) regarding potential changes to the *Haverhill Public Library*

Councillor Barrett announced Sarah Mosher is unable to connect remotely so she presented on behalf. The library trustees are spending a sizable amount of money on rehabbing and refurbishing the library and they want the public's input. They are hosting a listening and learning session, Wednesday, August 24 from 6-7:30 pm.



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7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1.Linda L Koutoulas, *City Clerk* requests delegation of police assignments back to Police Chief for polling locations and submits related *Order*

8.1.1. Order - City Council delegates its authority for detail police officers or constables to Chief of Police for each building that contains polling places at every election

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 11-S

8.2.William Cox Jr, City Solicitor submits Special Permit Conditions – Major/Minor Modification regarding all pending or future special permit applications

Solicitor Cox, appearing remotely, from several subcommittee meetings came up with new language for all special permits before the council defining major/minor modifications. Major would require a full public hearing.

Councillor Bevilacqua thanked the committee members, Solicitor Cox, Mr. Pillsbury, Mr. MacDonald and Mr. Bridgewater for all their input and work on subject

Councillor Toohey asked for clarification on what makes it Major vs Minor, who makes that determination? Concerned about delaying projects.

Solicitor Cox stated the Planning Department would review and then determine, the key word being pictorial representation with regards to being a major change.

Councillor Rogers asked the solicitor if the number of units change, is that major and would they have to go through the process again?

Solicitor Cox stated that would be major and yes have to go through process, but it wouldn't take as long as when first presented.

Motion by Councillor Sullivan, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 11-T

8.3.Council Vice President Michitson requests to introduce Lauren Bonnell who is seeking a Home Rule Petition to take Civil Service exam 11-U

8.3.1. Home Rule Petition – An act authorizing Lauren Bonnell to take Civil Service exam for position of police officer in the City of Haverhill notwithstanding the maximum age requirement 90-C

President Michitson introduced Lauren Bonnell who is requesting a home rule petition.



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Lauren Bonnell, Woodmont Avenue, addressed the Council expressing her passion and dream of one day being a police officer in the city where she lives. She is asking for a home rule for maximum age requirement in order to stay on the civil service list.

Motion by Councillor Barrett to send petition to allow Ms. Bonnell to become an officer in the city, second by Councillor Sullivan but requests adding language "notwithstanding the age requirement"

Clerk called roll on motion for addition of language

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)

Motion by Councillor Barrett to send petition to allow Ms. Bonnell to become an officer in the city notwithstanding the age requirement, second Councillor Rogers

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)

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

9.1. Mass Electric Co d/b/a National Grid requests permission for underground electric conduits for 30583989 Research Drive Hearing September 20th

Motion by Councillor Sullivan, second Councillor McGonagle

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 106

10. HEARINGS AND RELATED ORDERS:

10.1. Document 94; Petition from Attorney Robert Harb for applicant Andrew R Fanaras, Trustee of PBF Trust, of 37 Hancock st; requesting hearing to amend Chapter 255 Zoning Map, and change Map 520, Block 314 Lots 3,4,4A 4B and 32 from a RM Zone to a RH Zone; the same zone as client's Abutting lots; Map 520, Block 314 Lots 1 & 2; which would place these properties in the same RH Zone
Favorable recommendation from Planning Board & Planning Director

Attorney Harb requesting a continuance to September 20, 2022

Motion by Councillor Sullivan to continue, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 94

11. APPOINTMENTS:

11.1. **Confirming Appointments:**

11.1.1. *Board of Appeals – Associate Member; Gary Ortiz, 19 13th Avenue*

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 6-I

11.2. **Non-Confirming:**

11.3. **Resignations:**



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12. PETITIONS:

12.1. Donald Leathers requests Special Permit Hearing for residential project in Watershed Protection Overlay District (WSPOD) at 306 Liberty st

Hearing Sept 27th

Motion by Councillor McGonagle, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 107

12.2. Rick Friberg/TEC Engineering Group requests Hearing for Planned Development District (PDD); PDD 22-1 for a proposed project at 145 Oxford av (Joseph's Trattoria site)

Refer to Planning Board &
Council Hearing October 18th

Motion by Councillor McGonagle, second Councillor Barrett

PASSED Yeas 6, Nays 0, Abstain 1 (Rogers), Absent 2 (Jordan, Lewandowski) 108

12.3. Rick Friberg/TEC Engineering Group requests *Discontinuance of Oxford Avenue, 96385*, in conjunction with the Oxford Crossing Planned Residential Development (OCPRD) District which proposes to redevelop land on both sides of the existing Oxford Avenue right-of-way

Refer to Planning Board &
Council Hearing October 18th

Motion by Councillor Sullivan, second Councillor McGonagle

PASSED Yeas 6, Nays 0, Abstain 1 (Rogers), Absent 2 (Jordan, Lewandowski) 108-B

12.4. **Applications Handicap Parking Sign:** *with Police approval*

12.5. **Amusement/Event Application** - *with Police approval*

12.5.1. Kathleen Bresnahan for *Tattersall Farm Charitable Foundation Trust* requesting Agricultural and Conservation Event, at *Tattersall Farm, 542 North Broadway, September 18th*, from 12 noon to 4 pm with rain date September 25th *Comments from Depts are included*

Amendment to also approval of Beer and Wine, already approved by License Commission and Police Dept. 66-O

Motion by Councillor Bevilacqua to approve amendment, second Councillor Toohey

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)

Motion by Councillor Sullivan to approve, second Councillor Barrett

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)

12.6. **Auctioneer License:**

12.7. **Tag Days:** *with Police approval*

12.7.1. *HHS Soccer Boosters, September 16,17,18* 15-O

12.7.2. *HHS Boys Swim & Dive Team, December 10 & 11* 15-P



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*Motion by Councillor Bevilacqua to approve both, second Councillor Barrett
PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)*

12.8. **One Day Liquor License:**

12.9. **Annual License Renewals:**

12.9.1. **Hawker Peddlers License 2022 - Fixed location** – with approvals

12.9.2. **Coin-Op License Renewals** - with Police approvals

12.9.3. **Drainlayer License Renewals for 2022** -with City Engineer approval

12.9.4. George DeFelice – new

Motion by Councillor Barrett, second Councillor McGonagle

PASSED Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 16-L

12.9.5. **Christmas Tree Vendor:**

12.9.6. **Taxi Driver Licenses for 2022:** with Police approval

12.9.7. **Taxi License:**

12.9.8. **Junk Dealer License** with Police approval

12.9.9. **Pool Tables**

12.9.10. **Sunday Pool**

12.9.11. **Bowling**

12.9.12. **Sunday Bowling**

12.9.13. **Buy & Sell Second Hand Articles** with Police approval

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

12.9.15. **Pawnbroker license**

12.9.16. **Fortune Teller** with Police approval

12.9.17. **Buy & Sell Old Gold**

12.9.18. **Roller Skating Rink**

12.9.19. **Sunday Skating**

12.9.20. **Exterior Vending Machines**

12.9.21. **Limousine/Livery License/Chair Cars** with Police approval

13. MOTIONS AND ORDERS:

13.1. Order –authorize pay bills of previous years and authorize the payment from current year department appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Mass Collectors & Treasurer Assoc.	\$ 80.00	Treasurer Office
Weston & Sampson	6,800.00	Water-Engineering
Davco Excavators	5,200.00	Wastewater
Terminix	117.00	Human Services
North Mechanical Services	316.40	Human Services
Sirius Computer Solutions	3,980.00	Information Technology
BMI Mechanical	1,500.00	Wastewater
Ready Refresh	151.12	Fire Department
Cummins Sales & Services	499.55	Water Department
Total: \$ 29,956.31		



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Motion by Councillor McGonagle, second Councillor Barrett

PASSED

Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 101-C

14. ORDINANCES (FILE 10 DAYS)

14.1. Ordinance re: Vehicles and Traffic – Stop Streets – Douglas Street at intersection of Brown Street File 10 days

Motion by Councillor Bevilacqua, second Councillor Rogers

PASSED

Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 96-C

14.2. Ordinance re: Administration of Government – amend Code section 3-15 Procedure for Chapter 61, 61A and 61B Right of First Refusals
Related communication from City Solicitor, William Cox Jr. File 10 days

Motion by Councillor Barrett, second Councillor Bevilacqua

PASSED

Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski) 109

15. COMMUNICATIONS FROM COUNCILLORS:

15.1. Councillor Bevilacqua requests a discussion regarding the impact of the drought on Haverhill's water supply and possible steps City should be taking now to limit usage and preserve water availability
Related communication from Robert Ward

Councillor Bevilacqua discussed what conservation measures should be taken by the city now to help now and how does water being taken from the Merrimack River for drinking water contribute.

Motion by Councillor Bevilacqua to send communication to Mayor and Mr. Ward asking what conservation measures should be taken now, and what impact drought has on city's Merrimack River Water Drop Program and opinion as to whether or not to build another water storage tank, second Councillor Toohey.

Councillor Barrett read the letter to the Council from Mr. Ward stating the city's drought protocols and procedures. Councillor Sullivan stated Mr. Ward's drought management plan in the city is working, Councillor McGonagle agrees. President Michitson suggested focusing motion on question of additional water storage building since Mr. Ward already addressed drought management in city.

Clerk called role on original motion:

PASSED Yeas 5, Nays 1 (McGonagle), Absent 2 (Jordan, Lewandowski) 61-P



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- 15.2. Councillor Bevilacqua requests a discussion at the request of residents regarding the speeding cars on Lowell av and need for additional speed limit signage *Related communication from Sargent Lynch*
Councillor Bevilacqua stated several residents asked about speeding on Lowell Ave and the side streets and states there are no speed signs between the market and Warrenton Road
Motion to ask highway to post additional speedway signs between market place and Warrenton Road and findings on speed radar study, second Councillor Toohey
PASSED *Yeas 6, Nays 0, Absent 2 (Jordan, Lewandowski)*

Councillor Toohey asked if this typically is referred to T&S.

Councillor McGonagle stated this has already been to T&S and Sgt. Lynch addresses issues immediately and is monitoring this area now and will send data when completed.

President Michitson stated he is frustrated with number of calls he is receiving on speeding, there are only so many police officers available.

Councillor Sullivan stated staffing for police traffic and safety it is a budget issue and will fight for more police next budget season.

- 15.3. Councillor Bevilacqua requests a discussion regarding unsafe broken metal light poles
Councillor Bevilacqua stated the metal poles are broken and have been that way for months. Spoke with Mayor's office who called the company, DPW is responsible for scheduling and did not do so.
Motion by Councillor Bevilacqua to ask DPW Director what the procedure is for repair and listing of broken poles and when they will be fixed, second Councillor Rogers.
PASSED *Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)* 61-R

- 15.4. Councillor Sullivan requests to discuss the Rocks Village Bridge permanent truck exclusion issue

Councillor Sullivan crafted a letter to Governor Baker asking the MassDOT to consider a heavy truck restriction for the Rocks Village Bridge and read the letter into the record. 61-S

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

- 16.1. Document 99-D; Ordinance re: Salaries – AFSCME Group – Wastewater Treatment Plant Group *Filed August 9th*

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED *Yeas 6, Nays 0, Absent 2 (Jordan, Lewandowski)* 99-D



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16.2. Document 105; Memorandum of Agreement – MOA between the City of Haverhill and Wastewater Treatment Plant Group

Motion by Councillor Sullivan, second Councillor McGonagle
PASSED *Yeas 6, Nays 0, Absent 2 (Jordan, Lewandowski)* 105

17. RESOLUTIONS AND PROCLAMATIONS:

17.1. **PROCLAMATION** – *Childhood Cancer Awareness Month*, September 2022
Councillor Barrett read the Proclamation.

Motion by Councillor Barrett to accept, second Councillor Bevilacqua
PASSED *Yeas 6, Nays 0, Absent 2 (Jordan, Lewandowski)* 24-J

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

18.1. Councillor Bevilacqua, Chairman of *Planning and Development Committee* submits Minutes of meeting held on August 16 2022

Councillor Bevilacqua discussed the topics of the past committee meetings.

Motion by Councillor Bevilacqua to accept language in proposed modifications be accepted by the full City Council and be transmitted to the City Departments, second Councillor Barrett

PASSED *Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)* 26-G

Motion by Councillor Bevilacqua to accept minutes, second Councillor Rogers

PASSED *Yeas 7, Nays 0, Absent 2 (Jordan, Lewandowski)* 26-G

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. LONG TERM MATTERS STUDY LIST

21. ADJOURN

Motion by Councillor Sullivan, second Councillor McGonagle

PASSED *Yeas 6, Nays 0, Absent 2 (Jordan, Lewandowski)* Adjourned 20:22