



City of Haverhill
 City Council Minutes
 Tuesday, January 26, 2021

Virtual

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

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 have public comment for the site review major hearing.

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 Jordan was assigned the minutes

5. Communications from the Mayor

Mayor Fiorentini requests to give (COVID-19) crisis update along with Councillor Daly O’Brien. Mayor Fiorentini informed that the virus numbers are going down. The CDC has made some changes regarding vaccination categories. On Monday, February 1st Phase 2 starts. The first group will be 75 years and older, then 65-75 years old, then essential works, the general public will start in April. Walgreens in Bradford has the vaccine. The roll out has been slow and the state will run mass vaccine sites. Mass.gov website can answer questions about where you can get vaccinated. He showed a map and explained its indicators. Councillor Daly O’Brien informed that the federal government has made changes and asked folks to be patient when trying to sign up for vaccines. 5B

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:

Abatement report from City Assessor, Christine Webb for month of December 2020

PLACED ON FILE

Yeas 9, Nays 0

11

Preliminary reports for the month of November 2020 from City Auditor, Charles Benevento

PLACED ON FILE

Yeas 9, Nays 0

12

Preliminary reports for the month of December 2020 from City Auditor, Charles Benevento

PLACED ON FILE

Yeas 9, Nays 0

12B

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

10. Hearings and Related Orders:

Document 114: Petition from Attorney Paul Magliocchetti for applicant Ernest Cioto for revised development – Site Plan Review – Major for 48 Market Rate Condos in the Waterfront Zoning District – Subzone F at 38 Railroad st ; Parcel ID 701-630-9; *Recommendations from William Pillsbury, Jr., Planning Director*

HEARING OPENED

PRESIDENT BARRETT EXPLAINED THE MEETING RULES AND INFORMED THAT THE PUBLIC WOULD BE ABLE TO CALL IN BY USING THE PHONE NUMBER THAT WILL SCROLL ON THE TV.

ATTORNEY PAUL MAGLIOCCHETTI REPRESENTED THE APPLICANT ERNEST CIOTO. HE EXPLAINED THAT THE PROCESS STARTED A FEW YEARS AGO AND THAT THIS WAS A BY RIGHT PROPOSAL. HE INTRODUCED THE FOLLOWING TEAM MEMBERS: JOHN SAVA, ARCHITECT AND CHRIS CRUMP, ARCHITECT WITH CWC DESIGN; TJ MELVIN - MILLENNIUM ENGINEERING WHO WILL REVIEW THE SITE PLAN; KENNETH CRAM-BAYSIDE ENGINEERING WHO WILL REVIEW TRAFFIC STUDY; SANDY BERKENBUSH-STONERIDGE PROPERTIES TO DISCUSS MARKETING ANALYSIS AND STRATEGY. AFTER THOSE PRESENTATIONS HE WILL GIVE HIS PRESENTATION. AT THE END MR. CIOTO WILL SPEAK.

MR. CRUMP GAVE POWERPOINT PRESENTATION INDICATING 48 UNITS, 2 ENTRANCES TO PROPERTY. THERE WILL BE 3 BUILDINGS BUILT IN PHASES. THERE WILL BE 100% OFF STREET PARKING WITH SECURED COVERED SPACES UNDERNEATH AND OTHER ON-SITE PARKING. EACH BUILDING WILL HAVE 8 ONE BEDROOMS AND 8 TWO BEDROOMS. ALL HAVE VIEW OF RIVER. ALL UNITS WILL BE SOLD AT FULL MARKET VALUE – NO SECTION 8 HOUSING. MR. MELVIN INDICATED THEY RECONFIGURED PARKING THEY WILL CONSTRUCT A RAIL TRAIL. THERE IS A 66” SEWER MAIN THAT RUNS THRU THE PROPERTY THAT WILL BE MORE THAN ADEQUATE TO HANDLE WATER SERVICE. THE DESIGN WILL HAVE TO MEET RIVERFRONT STANDARDS. THEY HAVE TO FILE WITH CONSERVATION. THERE WILL BE 81 PARKING SPACES -71 ARE REQUIRED. THERE WILL BE 2 DUMPSTERS ON SITE. MR. SAVA SPOKE ABOUT THE BUILDING DESIGN. THERE WILL BE AN ARTIST DISPLAY AREA NEAR THE RAIL TRAIL. MS. BERKENBUSH SPOKE ABOUT SALES MARKETING. MR. CRAM SHARED TRAFFIC STUDY ANALYSIS. VOLUME FOR PEAK HOURS – 17 VEHICLES EXITING IN AM 7 TO 9AM AND 22 VEHICLES ENTERING IN PM 4 TO 6PM. THERE WILL BE 2 DRIVEWAYS, ONE IN AND ONE OUT.

ATTORNEY MAGLIOCCHETTI’S PRESENTATION WAS THAT THIS IS A BY RIGHT PROPOSAL ACCORDING TO CH. 255-174 INCLUSIVE, ARTICLE 16 WATERFRONT DISTRICT ZONE F. THEY ARE CONVERTING A DILAPITATED INDUSTRIAL BUILDING TO 48 RESIDENTIAL CONDO UNITS. MR. CIOTO IS NOT REQUESTING WAIVERS. THIS IS A SITE PLAN REVIEW MAJOR NOT SPECIAL PERMIT. HE REVIEWED THE START OF THE PROJECT WITH 60 UNITS TO CURRENT MODIFIED PROPOSAL AT 48 UNITS AFTER MEETING 4 TIMES WITH NEIGHBORS AND COUNCILLORS. THIS IS A 20% REDUCTION. THE EXISTING BUILDING WILL BE SUBSTANTIALLY REHABILITATED. THE PLAN KEEPS THE FLOOR AREA AND FOUNDATION TO BE USED AS CURRENT SPACE. DENSITY BONUS ALLOWS 56 UNITS BY RIGHT. THE SIZE OF THE PARCEL IS 1.4 ACRES. MR. CIOTO EXPLAINED HOW HE GOT INVOLVED WITH THE PROJECT. HE OWNS THE LAND AT 38 RAILROAD STREET.

THOSE SPEAKING IN FAVOR WERE MATT JUROS AND JOSEPH SOUCY.

THOSE OPPOSED WERE DANA FIELDS, SANDRA ODEA, WILLIAM GOULD JR, LESLIE GOULD, WILLIAM GOULD. ISSUES FOCUSED ON TRAFFIC FLOW AS IT RELATES TO SAFETY, TRAFFIC VOLUME, SEWER RUN OFF CONCERNS, SIZE OF PROJECT AND QUESTIONING IF PROJECT CAN BE CONSIDERED REHAB BECAUSE IT ONLY RETAINS SMALL PIECES OF MASONRY.

ATTORNEY MAGLIOCCHETTI REBUTTED THE ASSERTIONS AND MEMBERS OF THE TEAM ADDRESSED QUESTIONS.

HEARING CLOSED.

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR JORDAN TO MOVE FOR PASSAGE.

EACH COUNCILLOR EXPRESSED THEIR VIEW ABOUT THE PROPOSAL. PRESIDENT BARRETT ASKED IF THE PROJECT COULD BE REDUCED BY 3 TO HAVE EACH BUILDING BE 15 UNITS. MR. CIOTO’S RESPONSE WAS THAT HE WOULD DO IT ALTHOUGH HE IS TAKING A “BIG HIT” WITH THIS CONCESSION.

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

Yeas, - Councillors LePage, Jordan, McGonagle, Daly O’Brien, Macek and President Barrett 6

Nays, - Councillors Bevilacqua, Michitson and Sullivan 3

PASSED

Yeas 6, Nays 3

114/20

Councillors McGonagle and Daly O’Brien left the meeting.

11. Appointments:

Confirming Appointments:

Cultural Council: Kaitlin Wright, 17 Belvidere rd – re-appointment; Effective immediately and appointment to expire December 31, 2022.

CONFIRMED

Yeas 7, Nays 0, Absent 2

13

Non-Confirming Appointments: All appointments to expire December 31, 2021

Mayor’s Task Force on Public Health:

Shayn Toulouse, *Northeast Regional Nurse Consultant, Haverhill Public Schools*

Andy Vargas, *State Representative, 70 Washington st*

John Chemaly, *President & CEO, Trinity Ambulance*
 PLACED ON FILE Yeas 7, Nays 0, Absent 2 1D
 License Commission: Laura Angus, 29 Woodlawn av; She will fill the unexpired term of Gerald Sewell; Effective immediately and appointment to expire June 1, 2026
 PLACED ON FILE Yeas 7, Nays 0, Absent 2 1E
Resignations
Rocks Village Historic District Commission:
 Raymond Arsenault – Chair
 PLACED ON FILE Yeas 7, Nays 0, Absent 2 14
 Christine Kwitchoff
 PLACED ON FILE Yeas 7, Nays 0, Absent 2 14B

12. Petitions:

Annual License Renewals:
 Hawker Peddlers License 2021 - Fixed location
 Wade Dempsey to sell hot dogs, sausages, tonic at Bradford Common, Jan-Dec, Mon-Sat, 11AM to 5PM; *has all required approvals*
 GRANTED Yeas 6, Nays 0, Abstain 1(Barrett) Absent 2 15
 Buy & Sell Second Hand Articles
 Aidria Torres, “House of Pawn”, 24 Emerson st; *has Police approval*
 GRANTED Yeas 7, Nays 0, Absent 2 16

13. Motions and Orders

ORDERED: That the Mayor being and is hereby authorized on behalf of the City of Haverhill to accept a certain Water Booster Pumping Station located at 806 North Broadway, Haverhill, MA, as more particularly described in a bill of transfer from The Lowell Five Cent Savings Bank, a copy of which is attached hereto and incorporated herein. The Water Booster Pumping Station is located on land for which the City was granted a perpetual easement to locate such a Station. (See “No.2” in Easement recorded January 14, 2011 at Essex South District Registry of Deeds Book 30161, Page 237.) Said Water Booster Pumping Station is being conveyed relative to a definitive subdivision plan approved by the Haverhill Planning Board.
Related communication from Robert Ward, Deputy DPW Director
 MR. ROBERT WARD INFORMED THAT THE PUMPING STATION WAS OPERATIONAL IN 2019 AND THAT IT WAS ACCEPTED BY MASS DEP. WATER PRESSURE HAS IMPROVED AT PARSONAGE HILL ROAD
 PASSED Yeas 7, Nays 0, Absent 2 17

ORDERED: That in accordance with General Laws, Chapter 44, Section 64, authorize the payment of bills of the previous years and to further authorize the payment from current year departmental appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
Advanced Enterprise Systems	\$ 453.00	Wastewater Department	
Utility Cloud (2)	991.00	Wastewater Department	
Matrix Consulting Group (2)	14,240.00	Mayor	
Georgetown Building Supply	1,000.00	Highway	
PASSED		Yeas 7, Nays 0, Absent 2	18

ORDERED: That the City transfer the sum of \$2,900 from the Capital Budget to the Capital account:
 Veterans Banner Program

This item was discussed earlier.

MR. LUIS SANTIAGO, HAVERHILL DIRECTOR OF VETERANS SERVICES, INTRODUCED JENNIFER MATHEWS FROM THE EXCHANGE CLUB TO EXPLAIN THE HOMETIME HEROES BANNER PROGRAM.
 MS. MATHEWS INFORMED THIS PROGRAM IS BEING DONE IN COMMUNITIES ALL OVER THE COUNTRY AND THAT THE EXCHANGE CLUB WILL BE THE STEWARDS OF THE PROGRAM. THE PLAN IS TO INSTALL BANNERS AROUND MEMORIAL DAY. BANNERS WILL BE HUNG ON MERRIMACK ST, WASHINGTON ST, WASHINGTON SQ. AND 2 BRIDGES FOR A TOTAL OF 80 BANNERS. FOR ADDITIONAL INFORMATION CONTACT EITHER THE EXCHANGE CLUB OR CITY’S VETERANS SERVICES OFFICER.
 PASSED Yeas 9, Nays 0 10B

14. Ordinances (File 10 days)

Councillor Michitson was not available

MUNICIPAL ORDINANCE CHAPTER 240
 An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by ADDING the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

LOCATION	REGULATION	HOURS/DAYS		
Summer Street In front of No. 103 except for 1-24 hour handicap parking space at No. 103 Summer St. PLACED ON FILE for at least 10 days	No Parking	24 hours	Yeas 6, Nays 0, Absent 3	3C

Councillor Michitson returned to meeting

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by ADDING the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

LOCATION	REGULATION	HOURS/DAYS		
Summer Street In front of No. 58 except for 1-24 hour handicap parking space at No. 58 Webster St. PLACED ON FILE for at least 10 days	No Parking	24 hours	Yeas 7, Nays 0, Absent 2	3D

15. Communications from Councillors:

Communication was received from Councillor Michael McGonagle requesting Traffic & Safety Committee review a constituent request to make all of Irving av no parking on one side

ON MOTION OF COUNCILLOR SULLIVAN TO REFER TO TRAFFIC & SAFETY COMMITTEE REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 7, Nays 0, Absent 2 4L

Communication was received from Councillor Joseph Bevilacqua requesting to recognize the COVID Assistance Volunteer Grocery Shopping Program

ON MOTION OF COUNCILLOR BEVILACQUA TO POSTPONE TO FEB 2 MEETING POSTPONED TO FEB 2

Yeas 7, Nays 0, Absent 2 4M

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding the recently enacted 2-hour Sewerage Notification Bill and its benefit to Haverhill residents and to the Merrimack River

ON MOTION OF COUNCILLOR BEVILACQUA TO POSTPONE TO FEB 2 MEETING POSTPONED TO FEB 2

Yeas 7, Nays 0, Absent 2 4N

16. Unfinished Business of Preceding Meeting:

Document 3:

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by ADDING the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

LOCATION	REGULATION	HOURS/DAYS		
Nichols St. In front of No. 23-25 except for 1-24 hour handicap parking space at No. 23-25 Nichols St. PASSED	No Parking	24 hours	Yeas 7, Nays 0, Absent 2	3

Document 3-B: Ordinance re: Parking – Add Handicap Space 23-25 Nichols st

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by ADDING the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

LOCATION	REGULATION	HOURS/DAYS		
Fifth Avenue In front of No. 75 except for 1-24 hour handicap parking space at No. 75 Fifth Avenue PASSED	No Parking	24 hours	Yeas 7, Nays 0, Absent 2	3B

16. RESOLUTIONS and PROCLAMATIONS:

17. Council Committee Reports and Announcements:

18. Documents referred to committee study

19. Long term matters study list

Meeting adjourned 10:55 o'clock P.M.

Yeas 7, Nays 0, Absent 2

Attest: Linda Koutoulas
City Clerk