



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, October 4, 2022 at 7:00 PM

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

In-Person/Remote Meeting

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

Absent – Councillor Rogers

Administrative Assistant – Laurie A. Brown

City Clerk – Linda Koutoulas

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

September 27, 2022 minutes to be approved at next meeting.

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councillor Barrett assigned 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. John Pettis, *City Engineer* requests to have the following roadways opened:

431 Kenoza st Permit NGRD-22-89

887 Boston rd Permit NGRD-22-95

32-G

8.1.1 Order – Open 431 Kenoza st and 887 Boston rd for installation or abandonment of underground utilities

Motion by Councillor , second Councillor

PASSED

Yeas 8, Nays 0, Absent 1 (Rogers)

17-H

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

9.1. Document 114: Mass Electric Co, d/b/a National Grid requests permission for *joint pole locations* for Research Drive - #30570797

9.1.1. Document 114-B: Order grant National Grid joint pole locations on Research dr

President Jordan opened the hearing.

Dave Boucher appearing remotely on behalf of National Grid. First petition starts on Creekbrook Dr. and Research Dr. asking for 11 poles on Research Dr. poles #83-6 to 83-16 on the north side of Research Dr. to intersection of Computer Dr. Approval will allow to set poles as shown.

President Jordan asked if anyone would like to speak in favor? No one spoke.

President Jordan asked if anyone would like to speak in opposition? No one spoke.

President Jordan closed the hearing.



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Motion by Councillor Barrett to move for passage, second Councillor Sullivan

Madam Clerk please call the roll.

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, and Councillor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent (Councillor Rogers)

President Jordan: Passed

9.2.Document 115: Mass Electric Co, d/b/a National Grid requests permission for *joint pole locations* on Computer Drive - #30570797

9.2.1. Document 115-B: Order grant National Grid joint pole locations on Computer dr

President Jordan opened the hearing.

Dave Boucher appearing remotely on behalf of National Grid. To continue the pole line, this is on Computer Dr. and asking for 6 new poles continuance from poles just approved on Computer Dr. east side making way down to what exists now at entrance of Target. That would complete overhead portion for total of 17 poles.

President Jordan asked if anyone would like to speak in favor? No one spoke.

President Jordan asked if anyone would like to speak in opposition? No one spoke.

President Jordan closed the hearing.

Motion by Councillor Sullivan to move for passage, second Councillor Michitson

Madam Clerk please call the roll.

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, and Councillor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent (Councillor Rogers)

President Jordan: Passed

9.3.Document 106: Mass Electric Co, d/b/a National Grid requests permission for underground electric conduits for Research Drive - #30583989

9.3.1. Document 106-B: Order grant National Grid underground electric conduits for Research dr (both postponed from September 13th)

President Jordan opened the hearing.

Dave Boucher appearing remotely on behalf of National Grid. To finalize, going back to Creekbrook Dr. and Research Dr., this is the only petition tonight for underground



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conduit. Install 60' of new 2-5" conduit which would connect first pole approved tonight to underground system at MH2 Research Dr. to P83-6 Research Dr.

President Jordan asked if anyone would like to speak in favor? No one spoke.

President Jordan asked if anyone would like to speak in opposition? No one spoke.

President Jordan closed the hearing.

Motion by Councillor Sullivan to move for passage, second Councillor Barrett

Madam Clerk please call the roll.

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, and Councillor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent (Councillor Rogers)

President Jordan: Passed

9.4. Petition from Mass Electric Co, d/b/a National Grid & Verizon NE requesting permission for joint pole locations on Tenadel av, #30624060 Hearing Oct 25th
Motion by Councillor Barrett, second Councillor McGonagle
PASSED will be heard October 25, 2022 Yeas 8, Nays 0, Absent 1 (Rogers) 117

10. HEARINGS AND RELATED ORDERS:

10.1. Document 104: Attorney Donald Sheldon for owner Hardal, LLC requesting Zoning Amendment- Zone Line Adjustment – Neck Road - to change parcel of land identified ad 766-1-3, consisting of 40 acres of which 33+ acres are zoned BP and approximately 7 acres are zoned RH – the change requested is that the entire parcel be classified as BP *Favorable conditional recommendation from Planning Board and Planning Director*

President Jordan opened the hearing.

Donald Sheldon, 709 S. Main St., Bradford, represent Hardal, LLC. which is the owner of parcel 766-1-13 aka 130 Neck Road. The lot in question is approximately 40 acres of which approximately 30 acres are zoned BP and the remaining are zoned RH. We are here to request what is deemed corrective zoning to access BP zoning to the edge of the property there might making the entire parcel BP. The request is consistent with the current zoning practices. If approved my client agreed if the property is developed that there would be no further curb cuts on Ferry Road to enter the property except for any fire or safety or current easements like utilities. Any successors would include some time of fence or green buffer on Ferry Road side within and not to exceed first 20 ft of property. Project would not add any traffic to Ferry Road. Approval from Planning Department and Building Inspector. Assessor's office states it is the highest and best use for property, which we agree with. Thank you for your consideration.



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President Jordan asked if anyone would like to speak in opposition? No one spoke.

President Jordan closed the hearing.

Motion by Councillor Sullivan to move for passage, second Councillor Toohey

Attorney Sheldon provided additional language and requested to change two words in language, if possible. Regarding buffer for the Ferry Road frontage should say “buffer placement shall be within, and not to exceed, 20 feet from the property boundary edge of the Ferry Road frontage”

Councillor Sullivan agrees motion to move for passage with correction, second Councillor Toohey

Councillor Bevilacqua requests the minutes show for the record that the applicant voluntarily entered into a deed restriction with these conditions as written and referenced this evening. Attorney Sheldon confirmed.

Written language as provided by Attorney Sheldon below:

With regard to the access off Ferry Road:

No vehicular access from Ferry Road frontage, except for possible fire safety access, as well as, any current easements and/or relocation of accesses for any utility easements.

With regard to the buffer for the Ferry Road Frontage:

Upon development of the parcel, to provide buffering and/or screening along the Ferry Road Frontage. Said buffer may consist of fencing or vegetation after consultation with the building inspector, but said buffer placement shall be within, and not to exceed, 20 feet from the property boundary edge of the Ferry Road Frontage.

Madam Clerk please call the roll.

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, and Councillor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent (Councillor Rogers)

President Jordan: Passed with conditions

- 10.2. Document 110: #95788, Attorney Paul Magliocchetti requests that Eagle av (F.K.A.) Edward st and a portion of Willow st be Discontinued as a Public Way
Favorable recommendation from Planning Board & Planning Director



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10.2.1. Document 110-B: Order – Eagle av (F.K.A.) Edward Street & a portion of Willow Street be Discontinued as a Public Way

President Jordan opened the hearing.

Attorney Paul Magliocchetti, 70 Bailey Blvd., Haverhill appearing before the Council on behalf of Joy Label. Property was purchased in 1986, sitting dormant. In 2008, paperwork was filed to grandfather the lot, but Label's did not have resources to finish. Working with Engineering Dept., Site Review Dept., and Planning Director. Asking for discontinue of the paper streets the abut the property. Submitted plan with petition. There are three streets asking to be discontinued which are a portion of Willow Street, Eagle Avenue and Edward Street. Mostly wetlands and undevelopable and don't believe city needs or will ever develop these roads. To be clear, understand there are neighbor's here to speak on the proposal, but we are just here for the discontinuance. They do plan to try and build something there but do not know if or what we can yet. This is the first part of the process and all we are asking the Council is to discontinue the streets as provided in the petition provided.

President Jordan asked if anyone would like to speak in favor? No one spoke.

President Jordan asked if anyone would like to speak in opposition?

David McGinnis, 4 Hannah Street, addressed the Council stating contact in February by Attorney Magliocchetti who said they would be getting 20 feet. By the looks of the plans, it's more of a piece of pie ranging from 15.75 feet in front to 20-30 feet in the back. If it is 20 feet want 20 feet straight across. It shouldn't be beneficial to the person selling to a builder for development. Want it to be fair – 20 feet straight for everybody.

Steve Monaco, 2 Hannah Street, on behalf of son (homeowner) addressed the Council. Also told from Attorney Magliocchetti that they were getting 20 feet. Was not told property was being sold and developed.

Daniel Allers, 28 Willow Street, addressed the Council. Not as much time to respond, just found out. There are two different plans with different ways paper roads are being split. We want 20 feet even for all. I also do not have the resources, just asking for it being spilt at the midpoint of 20/20.

Patrick Adams, 2 Hannah Street, addressed the Council. Only concern is with the 20-foot rule. Looking at two separate plans, not sure where arbitrary numbers are coming from but are beneficial to the attorney vs making it fair and equitable. The Council should take into consideration and make it fair and equitable.

Attorney Magliocchetti apologized if any misunderstanding and as stated not sure what can be built there, just looking for street discontinuance tonight. Not sure how the plot lines came about, was not privy to that. It was done by the engineer, TJ Melvin of Millennium Engineering, unfortunately he could not be here this evening. It was done in conjunction with



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the Site Plan Review team and John Pettis the engineer office. I am not sure what the rationale is. This is the plan they gave me to apply with. Just to be clear, the amount of land is equal. It is not a straight line coming off of Willow Street. I am not sure if it has to be a straight line or not. I have been working with Solicitor Bill Cox who didn't have any objection.

Mr. Adams rebutting stating he has two separate drawings provided by Millennium Engineering which are totally different. The attorney should know since he represents the owner.

Attorney Magliocchetti stated has been in process for a long time. Plans change. Visited the neighbors twice while still in process.

President Jordan closed the hearing.

Motion by Councillor McGonagle to approve with discussion, second Councillor Sullivan

Councillor Barrett asked how some parcels are equally straight lines and hearing at Board of Appeals "from a legal perspective we own from the midpoint of the road" but on the A and B parcel you do some geometry, but it is not the midpoint.

Attorney Magliocchetti states it is the midpoint at the center of where the parcels are. I am not clear of the what the law is here, and I am not making any representation, I don't want to misrepresent anything to the Council.

Councillor Barrett quotes "you say here from a legal perspective, we own to the midpoint".

Attorney Magliocchetti replied "by law if you have a paper street and it is not discontinued or developed, you own to the midpoint". We are asking you to discontinue it and this is the plan we are asking you to adopt for the discontinuation, that's why you have the discrepancy. If you did nothing right now technically, we own to the midpoint. The plan still gives the same area to each person, it's just on a diagonal. You might need a 25 foot for access at Hannah Street for utilities and drainage, etc.

Councillor McGonagle believes the neighbors have been very fair, they just want an even split. I will not vote in favor without an engineer making a change fair for everyone.

Councillor Bevilacqua believes it should be divided evenly. I have never seen it skewed line. Would support discontinuance of the streets with an even distribution of land to both abutters. They are asking for equitable distribution. I have no objection to approving the discontinuance but not as shown on the plan, but instead with an even split between both sides.

Councillor Lewandowski echoes what Councillor Bevilacqua has said. Do they have a prescriptive easement? Is it possible to create a statutory private way for them?



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Attorney Magliocchetti stated they cannot have a prescriptive easement over a street because it is municipal property. Technically it is city property right now. It will become part of their parcel. Everyone will be adding a couple of hundred feet to parcels.

Councillor Michitson will support an even split only, will vote down without even split.
Councillor Sullivan agrees with other Councillors and suggests continuing.
Councillor Toohey also agrees and suggests postponing or tabling until we hear from John Pettis.

President Jordan echoes same as fellow Councillors. Abutters argument makes sense. I can support discontinuance with an even split of 20/20. Or the other option to table for explanation from City Engineer. What is your wish?

Attorney Magliocchetti states client is okay with 20/20 but want to come back to amend it. Have not done this process before, is it 10 days to figure out with engineers?
Councillor Bevilacqua clarified the Council can only take one action, which is approve as is.

Councillor McGonagle motion to table until October 25, 2022, second Councillor Toohey
Madam Clerk please call the roll.

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, and Councillor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent (Councillor Rogers)

President Jordan: PASSED Tabled until October 25, 2022

11. APPOINTMENTS:

- 11.1. **Confirming Appointments:**
- 11.2. **Non-Confirming:**
- 11.3. **Resignations:**

12. PETITIONS:

- 12.1. **Applications Handicap Parking Sign:** *with Police approval*
- 12.2. **Amusement/Event Application** - *with Police approval*
- 12.3. **Auctioneer License:**
- 12.4. **Tag Days:** *with Police approval*
- 12.5. **One Day Liquor License:**
- 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** – *with Police approval*
 - 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*



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12.6.7.1. Michael Malvers/Haverhill Steel for 115 Hale st

Motion by Councillor McGonagle, second Councillor Barrett

PASSED

All in Favor

45-D

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** - *pending 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:

13.1. Order – Transfer \$57,785 from Budget Reserve (101.946.5799) to IT Expenses(101.155.5586) in order to fully fund the City’s software licensing budget for FY 2023

Motion by Councillor Michitson, second by Councillor Bevilacqua

PASSED

Yeas 8, Nays 0, Absent 1 (Rogers)

95-E

14. ORDINANCES (FILE 10 DAYS)

14.1. Ordinance re: Vehicles & Traffic – Delete handicap parking in front of 123 Cedar st File 10 days

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Placed on File

All in Favor

19-J

15. COMMUNICATIONS FROM COUNCILLORS:

15.1. Councillor Sullivan requests a discussion to update the status of the Rocks Village Bridge Heavy Commercial Vehicle Exclusion and the timeline for re-opening the Bridge

Councillor Sullivan concerned about bridge reopening soon and no heavy truck exclusion at this time. MassDOT is not entertaining the exclusion, which disagree with. Perhaps with new year and new governor maybe

Councillors Bevilacqua, Michitson, Barrett, McGonagle and Toohey fully support Councillor Sullivan’s efforts and will continue to communicate with legislators on this issue along with possible alert options.

61-Z



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15.2. Councillor Joseph Bevilacqua requests to recognize October as Italian Heritage Month
Councillor Bevilacqua read the proclamation.
Motion by Councillor Bevilacqua to accept, second Councillor Barrett
PASSED Accepted and Placed on File All in Favor 118

15.3. Councillor McGonagle requests a discussion of safe trick-or-treating and the possibility of alternative options

Councillor McGonagle concerned about the safety of children trick-or-treating this year. Spoke with Chief Pistone who is taking it seriously. HPD posted safety tips on their Facebook page. 118-B

15.4. Councillors Barrett and McGonagle request to discuss closed caption capabilities for City meetings 118-C
Councillor Barrett and McGonagle spoke how previously had on agenda about a year ago. Want to give access and accommodations to all citizens especially with diminished news print. Important for all to hear what is happening at meetings in real time and HC Media has the capabilities to do so.

Chris Sicuranza, Chief of Staff, addressed the Council stating he is working on short- and long-term plans which include closed caption capabilities utilizing Microsoft programs already paid for by the city. Will keep the council updated on progress.

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

16.1. Document 61-Y: Councillor Joseph Bevilacqua requests recognition of MCB White Cane Awareness Day Virtual Celebration on October 14th
Postponed from September 27th
Councillor Bevilacqua read Proclamation into the record.
Dana Lovell thanked everyone for acknowledging the white cane community.
Motion by Councillor Bevilacqua to accept, second Councillor Barrett
PASSED placed on file All in Favor

16.2. Document 96-D: Ordinance re: Vehicles & Traffic - Stop Street-South Grove st north/south at intersection of South Kimball st
Motion by Councillor Bevilacqua, second Councillor Barrett
PASSED Yeas 8, Nays 0, Absent 1 (Rogers)

16.3. Document 96-E: Ordinance re: Vehicles & Traffic – Stop Street-Dalton av, East/West at intersection of South Williams st
both filed September 21st
Motion by Councillor Bevilacqua, second Councillor Barrett
PASSED Yeas 8, Nays 0, Absent 1 (Rogers)



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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 Barrett

PASSED

All in Favor

Adjourned 20:15