



City of Haverhill
City Council Minutes
Tuesday, October 20, 2020
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St, Room 202
Virtual and In-Person Meeting

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

Absent – Councillor 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 hybrid – in person, virtual and call-in.

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

4. Assignment of the minutes review for the next Meeting

Councillor Michitson was assigned the minutes

5. Communications from the Mayor

Mayor Fiorentini requests to give Coronavirus (COVID-19) crisis update
ALLISON HEARTQUIST, CHIEF OF STAFF, READ THE MAYOR’S UPDATE INTO THE RECORD.
THE STATE POP UP TESTING PROGRAM ENDS TODAY AT 6PM. THE STATE FEELS THAT THERE ARE OTHER CITIES THAT ARE MORE IN NEED RIGHT NOW. OUR NUMBERS AND POSITIVITY RATE ARE BOTH DECLINING BUT WE ARE STILL IN THE RED ZONE. THE CITY HAS CONTRACTED WITH TRINITY AMBULANCE TO PROVIDE FREE TESTING AT SOME ELDERLY HOUSING SITES. THIS WEEK THEY WILL TEST AT JUDSON HOUSE AND NEXT WEEK AT KENNEDY CIRCLE. THE MAYOR URGED RESIDENTS TO GET THEIR FLU SHOT.
MS. HEARTQUIST INFORMED THAT THERE IS NO SPREAD WITHIN THE SCHOOLS AND NONE OF THE CASES WITH THE STATE HAVE BEEN TRACED TO HAVERHILL SCHOOLS. ALSO, GOAL IS TO HAVE ALL SENIOR LOCATIONS TESTED.

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 September 2020

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

32I

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

Hearings and Related Orders:

Petition from Attorney Russell Channen for Atlantis Development, LLC requesting Hearing for Special Permit for development of a 3-story building at 42 Lafayette Square - for mixed commercial/multifamily use within the CG zone; commercial on first floor and residential on the second and third – 14 residential and 2 commercial - Jonathan Cody, Manager; *Favorable conditional recommendation from Planning Board & Planning Director*

PRESIDENT BARRETT OPENED THE HEARING. ATTORNEY RUSSELL CHANNEN REPRESENTED ATLANTIS DEVELOPMENT, LLC. HE INFORMED THAT THEY WENT BEFORE THE ZONING BOARD OF APPEALS FOR CONSTRUCTION OF THE PROPERTY. THEY DID NOT NEED TO GET A

VARIANCE FOR PARKING. THE USE OF THE FORMER COMMERCIAL BANK PARKING WILL BE USED FOR RESIDENTIAL PARKING. THIS BUILDING IS OWNED BY MR. JONATHAN CODY. HE HAS A PURCHASE & SALE AGREEMENT FOR THE 7 HILLSIDE PLACE PROPERTY. THIS PROPERTY WILL BE USED FOR THE COMMERCIAL PARKING. THERE WILL BE 14 UNITS ON THE SECOND AND THIRD FLOORS WITH TWO COMMERCIAL UNITS ON THE FIRST FLOOR, MAYBE A UNIT IN THE REAR OF THE FIRST FLOOR. MR. CODY INFORMED THAT THIS PROPERTY HAS BEEN VACANT SINCE A FIRE AT THE SITE IN 1997. HE DESCRIBED THE PROJECT AS A WIN-WIN FOR ALL.

NO ONE SPOKE IN FAVOR OR AGAINST THE SPECIAL PERMIT.

HEARING CLOSED.

COUNCILLORS THANKED MR. CODY FOR HIS INVESTMENT IN HAVERHILL. PRESIDENT BARRETT READ AN EMAIL FROM THE MAYOR INTO THE RECORD STATING THAT ONE UNIT WILL BE "AFFORDABLE".

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR SULLIVAN TO MOVE FOR PASSAGE OF THE SPECIAL PERMIT WITH THE FOLLOWING CONDITIONS: THAT THE STREET LEVEL REMAIN COMMERCIAL UNITS, ONE UNIT WILL BE AFFORDABLE AND ALL DEPARTMENT HEAD LETTERS BE INCLUDED.

PASSED WITH CONDITIONS Yeas 8, Nays 0, Absent 1 84

Document 93: Petition from Attorney Michael Migliori for applicant Larvanco, LLC requesting Special Permit to construct 9 attached residential condominium units on the lot located at 229 Water st - First Landing Condo Project; Assessor's Map 402, Block 90, Lot 1; in the WD-D district (waterfront-south side of Water st)

Related communication from Attorney Migliori for applicant, requesting a 1 week continuance of this hearing to October 27 2020

CONTINUED TO OCTOBER 27 AT THE REQUEST OF PETITIONER Yeas 8, Nays 0, Absent 1 93

10. Appointments:

Confirming Appointments:

Cultural Council – Pat Stoute, 29 School st; Effective immediately, appointment to expire 12/31/2021
 CONFIRMED Yeas 8, Nays 0, Absent 1 1-O

Non-Confirming Appointments:

11. Petitions:

Applications Handicap Parking Sign – renewals

Philip Siney for 5 Arch av
 GRANTED Yeas 8, Nays 0, Absent 1 4U

Robert Baker for 112 Emerson st, Apt 4
 GRANTED Yeas 8, Nays 0, Absent 1 4V

Joseph Miller for 20 Swasey st, 1st floor
 GRANTED Yeas 8, Nays 0, Absent 1 4W

Leonite Ramos for corner of Wilson st & Beach st – *new*
 REFERRED TO ENGINEERING FOR ORDINANCE Yeas 8, Nays 0, Absent 1 4X

Annual License Renewals:

Drainlayer License for 2020
 Thomas Todd – *new*
 GRANTED Yeas 8, Nays 0, Absent 1 46R

Christmas Tree Vendor - *renewal*
 Charles Hibbert for 297 Lincoln av – November 27th thru December 24th; Monday – Sunday 9 am to 9 pm; *Has police dept approval*
 GRANTED Yeas 8, Nays 0, Absent 1 102

12. Motions and Orders

ORDERED: That the City transfer \$100,000 from the Capital Budget to following Capital Account:
 City Hall Exterior Repairs
 PASSED Yeas 8, Nays 0, Absent 1 18P

ORDERED: That the City transfer \$21,000 from the Capital Budget to: Assessor's Property Change Detection Fly Over
 MS. CHRIS WEBB, ASSESSOR INFORMED THAT THIS TECHNOLOGY IS USED TO DETECT CHANGES TO PROPERTIES AND THAT THE MERRIMACK VALLEY PLANNING COMMISSION USES THIS TECHNIQUE EVERY 3 YEARS TO PICK UP ANY CHANGES. IT'S AN EFFECTIVE TOOL
 PASSED Yeas 8, Nays 0, Absent 1 18R

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 department appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Laz Parking	\$10,388.88	Highway Dept

Christopher Rundlett Carpentry	60.00	“	“
Nutter, McClellan, Fish LLP(2)	4,130.60	Law/Wastewater Dept	
School Employee Reimbursement	87.90	School Dept	
Dell Marketing LP	1,827.00	Information Technology	
TOTAL	\$16,494.38		
PASSED	Yeas 8, Nays 0, Absent 1		18S

13. Ordinances (File 10 days)

ORDERED: 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 § 240-104 Schedule V: School Dropoff and Pickup Zone:

NAME OF STREET	SIDE	LOCATION	
William Street	South	From 25' west of White Street, westerly from 100', Monday through Friday 7 am to 7 pm	
PLACED ON FILE for at least 10 days		Yeas 8, Nays 0, Absent 1	31D

ORDERED: 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
Montvale Street East side, entire length	No Parking	Monday-Friday 8-9:30 am and 2:40-4pm

Also, that current No Parking listed as Montvale Ave, Northwest side entire length, is corrected to be Montvale Street, West side entire length

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 31E

14. Communications from Councillors:

Communication was received from Council President Barrett and Councillor LePage requesting an update from Mayor on status of the advertising of a Request for Proposals (RFP) for the Goecke Deck along with appraisal documentation for the Goecke Deck property and nearby City parcels.

COUNCILLOR LEPAGE READ THE MAYOR'S UPDATE INTO THE RECORD. THE MAYOR ANTICIPATES HAVING THE RFP FOR THE PARKING DECK IN THE CENTRAL REGISTER NEXT WEEK. ONCE IT IS AVAILABLE TO THE PUBLIC IT WILL BE SENT TO A BROAD LIST OF DEVELOPERS AND REALTORS.

PLACED ON FILE 101D

Communication was received from Councillor LePage requesting an update from the Mayor on the creation of a stabilization fund for the accounting of revenue funds received from Licensed Marijuana Establishments and their allocation to mitigate costs and impacts to the City as previously discussed at the March 12 and September 24 2019 Council meetings.

COUNCILLOR LEPAGE READ THE MAYOR'S UPDATE INTO THE RECORD. THE MAYOR DOES NOT SUPPORT THE CREATION OF A STABILIZATION FUND FOR LICENSED MARIJUANA ESTABLISHMENTS. COUNCILLOR BEVILACQUA EXPRESSED CONCERN ABOUT NEXT YEAR'S BUDGET WHILE OTHERS INDICATED REVENUE FROM LME'S IS NEW. PRESIDENT BARRETT INQUIRED AS TO HOW THE 3% IMPACT FEE IS BEING USED AND WHO IS TRACKING RELATED EXPENSES.

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR JORDAN TO CONTINUE TO NEXT WEEK TO HAVE DISCUSSION WITH MAYOR.

CONTINUED TO 10/27 Yeas 7, Nays 0, Absent 1, Abstain 1 (McGonagle) 101E

Communication was received from Councillors Jordan and Michitson requesting a COVID update from Mayor Fiorentini

ADDRESSED IN THE MAYOR'S UPDATE

PLACED ON FILE 101F

Communication was received from Councillor Michitson requesting to address striving for digital equity in Haverhill

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR JORDAN TO CONTINUE TO NEXT WEEK TO HAVE DISCUSSION WITH MAYOR

CONTINUED TO 10/27 Yeas 8, Nays 0, Absent 1 101G

Communication was received from Councillor Bevilacqua requesting a discussion regarding speeding

cars from I-495 on Broadway towards downtown Haverhill and request consideration be given to reducing speed limit to 30 mph and referral to Traffic and Safety Committee
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 101H
 Communication was received from Councillor McGonagle requesting Traffic and Safety Committee review the intersection of 5th Avenue and Main st for vehicular and pedestrian safety
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 101I
 Communication was received from Councillor McGonagle submitting a request from a constituent for crosswalks on North Broadway in the area of Vale st and Diana dr and asks for referral to Traffic & Safety Committee for review
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 101J
 Communication was received from Councillor McGonagle requesting to refer a request for a speed limit sign on Ferry rd to Traffic & Safety Committee for review
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 101K

15. Unfinished Business of Preceding Meeting:

Document 89-I:

Mayor submits the following Memorandum of Agreement(MOA) between City of Haverhill and Haverhill Superior Officers Group and Salary Ordinance
 PLACED ON FILE Yeas 8, Nays 0, Absent 1 89I

Document 96-B:

Memorandum of Agreement between
 The City of Haverhill and the Haverhill Superior Officers Group

This Memorandum of Agreement sets forth the agreements of the parties for a new agreement, to supplement and supersede inconsistent terms of prior agreements in effect through June 30, 2020. This memorandum shall not be binding until ratified by the membership of the Union and funded by City Council. Failing such ratification, or funding, the Memorandum shall not be admissible in any proceeding between the parties, and both parties will be free to revert to bargaining positions prior to the negotiations which produced this agreement. (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 96B

Document 97-B:

ORDERED: MUNICIPAL ORDINANCE CHAPTER
 An Ordinance Relating to Salaries Superior Officers Group

Be it Ordained by the City Council of the City of Haverhill that Document 1-E of 2019 is hereby amended as follows: (see document for complete text)
 PASSED Yeas 8, Nays 0, Absent 1 97B

Document 89-F:

Mayor submits the following Memorandum of Agreement (MOA) and Salary Ordinance between City and AFSCME Wastewater Treatment Plant Employees Group
 PLACED ON FILE Yeas 8, Nays 0, Absent 1 89F

Document 96:

MEMORANDUM OF AGREEMENT BETWEEN
 THE CITY OF HAVERHILL AND AMERICAN FEDERATION OF STATE,
 COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 93, AFL-CIO
 LOCAL 939
 WASTEWATER TREATMENT PLANT GROUP
 (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 96

Document 97:

MUNICIPAL ORDINANCE CHAPTER
 An Ordinance Relating to Salaries AFSCME GROUP

Be it Ordained by the City Council of the City of Haverhill that Document 51-C of 2018 is hereby amended as follows (see document for complete text)
 PASSED Yeas 8, Nays 0, Absent 1 97

Document 100:

MUNICIPAL ORDINANCE CHAPTER 196
 AN ORDINANCE RELATING TO PROPERTY, CITY

Be it Ordained by the City Council of the City of Haverhill that Chapter 196 of the Code of the City of Haverhill, as amended, being and is hereby further amended by adding the following:

“Article IV. Purchase and Sale Agreements.
 All negotiated purchase and sale contracts for the sale of city-owned property shall be returned to the City Council for final approval.”

PASSED

Yeas 8, Nays 0, Absent 1

100

16. RESOLUTIONS and PROCLAMATIONS:

17. Council Committee Reports and Announcements:

18. Documents referred to committee study

19. Long term matters study list

Meeting adjourned 8:28 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk