



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, October 26, at 7:00 PM

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

In-Person/Remote Meeting

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

City Council Administrative Assistant – Laurie A. Brown

City Clerk – Linda L. Koutoulas

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. 18. 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

Motion by Councillor LePage place October 5, 2021 minutes on file, second Jordan

PASSED PLACED ON FILE All in Favor

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Minutes assigned to Councillor Michitson

5. Correction of Clerical Error for Minutes filed on August 25, 2021 for Special Permit CCSP 21-10 Beals & Thomas, Inc for BWC camp Brook LLC, 1050 Hilldale av Solar 2

Motion by Councillor Sullivan, second McGonagle

ACCEPTED AND PLACE ON FILE All in Favor

70-B

6. COMMUNICATIONS FROM THE MAYOR:

Mayor introduces Mary Connolly for Covid update.

Mary Connelly attending virtually with Covid update.

Booster shot has been approved and citizens can come in to get. Eligible people who haven't received full dose, 6 months after can get booster; JJ 2 months after; 65 and older; 18 and older in long term or under lying conditions and high-risk situation such as first responders, grocery workers, etc.

Giving booster Thursday, request preregister but will allow walk in for first and second doses.

CDC approval for children, meeting Nov. 2 and 3, children 5-11; state working for vaccine unit at Citizen Center for children at that time; pending on approvals and state services

To sign up can call but better online google Vaxfinder, enter zip code; all sites show up in Haverhill

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

7.1. Councillor Michael McGonagle requests to introduce Maureen Menzie, Board Member from Veterans Alliance of Greater Haverhill to invite the public to attend and support the pre-election breakfast being held at the *Amvets Post 147*, 576 Primrose st. on Sunday, October 31st from 9 am to 1 pm

Councillor McGonagle stepped out since he is the President of Veterans Alliance.

Maureen Menzie gave information on the Pre-Election breakfast benefiting the Veterans Alliance of Greater Haverhill. Sunday, October 31st from 9-11 am. All Welcome

Russell Chaput spoke of thanking the help the Veterans Alliance gives to the Veterans. 92-S



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Motion by Councillor Michitson to move to suspend the rules for Ruth's House to announce upcoming fundraiser, second McGonagle

PASSED RULES SUSPENDED

Yeas 9, Nays 0

92-T

Councillor Michitson introduces Amy Smith Boden to give information on autumn fundraiser on November 6th

Amy Smith Boden, Ruth's House, having gala fundraiser on November 6th. Ruth House outreaches to those in the most need including Veterans. To attend, you can purchase tickets online at ruthhouse.org, can call or come in at store location at 111 Washington Square.

8. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

9. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

9.1. Communication from Christine Webb, City Tax Assessor announcing Tax Classification Hearing for Fiscal Year 2022 will be held Tuesday, November 16 2021 in the Haverhill City Council Chambers, Room 202 at 7:00 pm

Motion by Councillor Sullivan, second Daly O'Brien

RECEIVED and PLACED ON FILE

All in Favor

97

9.2. Communication from John Pettis, City Engineer requesting permission for the following roadways to be opened as follows:

26 Longview st

New Gas Service

48 Grove st

Repair Gas Leak

333 North Broadway

New Gas Service

12-14 Macon av

Install new Waterline for Fire Suppression System

Placed on file

80-D

9.2.1 Order: City Council approve the request to open the following locations for installation or repair of underground utilities:

26 Longview st, 48 Grove st, 333 North Broadway and 12-14 Macon av

Motion by Councillor Macek, second McGonagle

PASSED

Yeas 9, Nays 0

80-DD

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

11. HEARINGS AND RELATED ORDERS:

11.1. Document 89: Application for Special Permit from Attorney Robert Harb for Owner/applicant WHC Haverhill, LLC; for property at 190 North av to reduce 127 beds at long term facility (Nursing Home) from 127 beds to 26 beds and convert the former 101 beds to 41 Assisted Living beds to be used for Assisted Living Memory care. The building is pre-existing and no exterior changes would occur – all renovations would be interior. *Comments from Depts are included*

Council President Barrett opened the special permit hearing.

Attorney Robert Harb, 17 West Street, Haverhill. Attending the hearing with Mr. Harb is David Feldman on behalf of Wingate or formally called WHC Haverhill, LLC. the applicant. This is only a request for a



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special permit for assisted living. It doesn't require a permit for the long-term care facility because that is already in existence. As said in our application, we are reducing the number of long-term care beds and putting in 41 assisted living units which will be memory care units. Mr. Feldman will explain why we need to do this and the continuum of care of different levels of memory care from beginning, to light, to advanced and to long-term care.

We meet all the zoning requirements. The building is pre-existing. No outside work to be done. Chapter 255 Section 10.4.2 sets forth the requirements for a special permit. This is special permit for the assisted living.

The proposed use or structure won't cause any detriment to the neighborhood taking into account the characteristics of the size, location, and existing structure and the proposal in regard to this site. As I mentioned, the building is not changing. We did submit a building plan, but it's the same building, the same structure. Parking won't change, we meet all the parking requirements and will have more parking than we need once we reduce the number of beds.

Is there a need in the community for this additional assisted living housing? Mr. Feldman will explain that the new facility that was built next door, the memory care units there are completely booked 100% with a waiting list for people that need memory units. Mr. Feldman will go into specifics when he speaks.

All safety and parking concerns have been addressed. Nothing is really changing, the ins and outs stay the same, the parking locations stay the same. We believe traffic will be lessened, less people going in and out, employees are reduced. After I make this short presentation on the special permit requirements, I will address one of the abutters that had some concerns.

All the City Department Heads (water, sewer, health) all say work is inside and there is no problem from the water department or conservation. There are no environmental changes so Rob Moore wrote there is really no impact, so we do not need any water impact studies for the conservation. We have adequate facilities for this. The structure of the building is not changing. We are restructuring within the building what the rooms will look like since you need more space for assisted living. One of the driving forces of this application is Covid. People are requesting single units for health reasons, do not want to live a two-, three- or four-unit room. That means our assisted living room are going to get bigger so will not have enough space for all the beds once the restructuring takes place.

The project will not affect the city's tax base. Over four million dollars will go into the renovation. There is no adverse impact on the City services. We feel we do meet all the requirements of the special permit.

I want to cover a couple of points raised by Patricia Barrett, next door neighbor as you face the building to the left. She was concerned about the employees and the continuum of care. Mr. Feldman will talk about the continuum of care and the different levels of care. Yes, we are reducing the number of beds, but you will hear because of Covid, that building is not full and cannot financially continue to exist with the kind of structure that it has with the lack of beds. Any employees that may be furloughed because of this will be offered jobs at the other facilities. We will continue to maintain the continuum of care. With regards to registered nurses' coverage, we are fortunate because it is going to be a mixed-use authorized and approved by the building inspector. We are going to have skilled registered nurses in the building. One other issue raised about the signage. There is already a sign in front of the nursing home. The applicant



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has no objection if the board were to say, “no new signage, just existing signage”. We do need a sign and it is already there. They don’t intend to take it down and put-up bigger signs, just might change what it says on the sign. No problem with condition of approval that signage remains as is. I think this might solve some of the questions from the abutter. I will now ask Mr. Feldman to give his presentation.

David Feldman, Needham, Mass. This is what is existing and what is proposed. There are no changes to parking, no changes to the building footprint. When we came before you prior, we changed the access into the campus off North Avenue and changed the exit to Concord Place which is a one way, you can’t exit from. That has been successful, and we will maintain that. There will be no changes to that. The existing second floor which is the long-term unit with 43 beds. This unit is 50% occupied. The skilled memory care will remain, and the amount of the work is finishes like lighting, new windows, and HVAC. We have closed a 40-bed section due to Covid; it is unoccupied right now. We are proposing apartments on second floor combining rooms, adding showers in bathrooms, and nourishment kitchens/bars within each apartment. The same on the first floor. Most being studio apartments.

A brief history of how we came to this decision. Pre-Covid the new building, Wingate Residence, was filling at about 80% occupancy with 100% memory care. Based on our market studies, we know memory care would be a quick fill because it is an unserved market in the community. The nursing home did not fare well pre-Covid. The short-term rehab, the unit that we closed, the occupancies was dwindling due to hospitals discharging patients’ home to home care. Staffing and beds were tapered back. Occupancy fell below 50% and decided to close the short-term rehab unit which remains closed today. Today occupancy in the skilled nursing home is 75% but we are down 40 beds, we are at 52% of licensed capacity. It is unsustainable. We recognize that and have a plan to make it more viable and serve a need within the community.

We have 88 total employees at the Nursing home. This includes 15-20 agency nurses, LPN’s, and CNA’s. We have 48 full-time positions at assisted living and looking both skilled and assisted to fill positions which is difficult. We see the biggest need on the assisted memory care side. We care for all three levels of memory care and it’s not ideal because they need different programing needs and assistance. Ideally would like to do an early-stage memory care in the new building; mid to late-stage memory care in the repositioned skilled nursing building which will allow them to transition to 24-hour care in the skilled memory care. We feel once we get beyond Covid, there will be a push by DPH for more private rooms. We feel strongly that the best use for this building is to decompress this skilled component, create private rooms, create a continuum within the memory care to give those residents the targeted services that they need based on their progressing disease.

Attorney Harb: I want to reiterate in your package you will see that all the comments from the city departments. We met all the city department’s requests and requirements. There was a comment about the fire suppressant system. They are going to live up to do, and what they need to do. There is already a fire suppressant there, but the Fire Department wanted it different if they changed the rooms. They are going to comply with all city department requirements. I believe we met all requirements of the statue and you heard why we need to do this, and we ask for your approval of the special permit for those 41 units.

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

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



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President Barrett closed the special permit hearing.

Motion to move for passage by Councillor McGonagle and second by Councillor Daly O'Brien.

Councillors' comments included no changes made to the outside of the facility, met all the requirements of the department heads, no additional signage, no negative impact on neighborhood, recognized the need for memory care services in the city, necessary pivot in order to stay viable, displaced employees will be offered jobs elsewhere within the Wingate system.

Councillor Macek would like to request that if Councillor McGonagle would be willing to add to the motion that the special permit passage include all of the Department Head's recommendations especially the Fire Departments request for HVAC improvements and that the current sign location and size be noted as to remain at that size or less in perpetuity. The content can change as far as what is on the sign, but the size has to remain.

Councillor McGonagle and Councillor Daly O'Brien agreed.

Mr. Feldman makes a clarification that there are actually two signs, one monument sign and a smaller sign that is exiting perpendicular to North Ave.

**Councillor Macek adjust the motion that the two existing signs remain in the same location and size.
Councillor McGonagle and Councillor Daly O'Brien agreed.**

Madam Clerk please call the roll

City Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-yes, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor McGonagle-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 9 Yeas, 0 Nays.

President Barrett: Passed with conditions.

12. APPOINTMENTS:

12.1. **Confirming Appointments:**

12.2. **Non-Confirming Appointments:**

12.3. **Resignations:**

13. PETITIONS:

13.1. **Applications Handicap Parking Sign: with police approval**

13.1.1. Lisa N Conway for 22 Hillside st – new ***see ordinance item 15.1*

Motion by Councillor Jordan, second Macek

PASSED

All in Favor

2-S

13.2. **Amusement/Event Applications:**

13.3. **Auctioneer License:**



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13.4. Tag Days:

13.4.1. *Riverside Bradford Baseball*, November 5 & 6

Motion by Councillor Bevilacqua, second Jordan

PASSED

All in Favor

52-J

13.5. One Day Liquor License:

13.6. Annual License Renewals:

13.6.1. **Hawker Peddlers License 2021 - Fixed location**

13.6.2. **Coin-Op License Renewals 2021**

13.6.3. **Drainlayer License for 2021 -with City Engineer approval**

13.6.3.1. Paul Brown - *new*

81-D

13.6.3.2. Zackary Prevost – *renewal*

81-E

Motion by Councillor Jordan, second Daly O’Brien

PASSED

All in Favor

13.6.4. **Christmas Tree Vendor:**

13.6.5. **Taxi Driver Licenses for 2021:**

13.6.5.1. Nicole Siney, 11A Charles st - *renewal*

51-T

13.6.5.2. Lee McNulty, 31 Lincoln st, No Andover – *new*

51-U

13.6.5.3. Jayme Regan, 81 Winter st - *new*

51-V

All have Police Dept approval

Motion by Councillor McGonagle, second Jordan

PASSED

All in Favor

13.6.6. **Taxi License**

13.6.7. **Junk Dealer License**

13.6.8. **Pool Tables**

13.6.8.1. *The Tap*, 100 Washington st, 1 Pool Table

Pending Police Approval

Motion by Councillor McGonagle, second Macek

PASSED

All in Favor

98

13.6.9. **Sunday Pool**

13.6.10. **Bowling**

13.6.11. **Sunday Bowling**

13.6.12. **Buy & Sell Second Hand Articles**

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

13.6.14. **Pawnbroker license**

13.6.15. **Fortune Teller**

13.6.16. **Buy & Sell Old Gold**

13.6.17. **Roller Skating Rink**

13.6.18. **Sunday Skating**

13.6.19. **Exterior Vending Machines**

13.6.20. **Limousine/Livery License/Chair Cars:**

14. MOTIONS AND ORDERS:

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

Vendor

Amount

Account



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Ready Refresh (2) \$	115.43	Fire Dept	
Sparkle Gear	4,560.00	School Dept	
Crest Collaborative	2,453.00	“	“
Nally Associates	485.00	“	“
Leftfield	4,960.00	“	“
Pest-End Inc	120.00	“	“
Employee Reimb-Verizon	152.22	“	“
Employee Reimb -Mileage	267.03	“	“
Melmark	300.00	“	“
Woodard & Curran	10,500.00	Water Dept	
Total: \$23,912.68			

Motion by Councillor Macek, second Jordan

PASSED Yeas 9, Nays 0 18-I

15. ORDINANCES (FILE 10 DAYS)

15.1. Ordinance re: Vehicles & Traffic; Add Handicap parking 60 High st **File 10 days**

Motion by Councillor Bevilacqua, second Macek

PASSED Placed on File All in Favor 3-O

15.2. Ordinance re: Vehicles & Traffic; Delete Handicap Parking for 426 Washington st, 64 Grove st and 11 Seventeenth av **File 10 days**

Motion by Councillor Bevilacqua, second Macek

PASSED All in Favor 3-P

15.3 Ordinance re: 22 Hillside Street

Motion by Councillor Macek, second McGonagle

PASSED Placed on File All in Favor **File 10 Days** 3-Q

16. COMMUNICATIONS FROM COUNCILLORS:

16.1. Councillor Michitson requests to address request from senior citizens for Police foot patrols in downtown Haverhill

Councillor Michitson had some senior citizens ask about foot patrols downtown so contacted the Chief of Police who is here to talk about it to see what is happening now and in the future.

Chief Robert Pistone states currently have an officer 5 days a week on day shift walking the beat downtown, 2 days a week officers are on peddle bikes downtown and throughout the city: night shift coverage 5 nights with two officers on Thursday-Saturday. Covered by Municipal Staffing Grant and mayor signed again today which will see \$255K for next year

Councillor Sullivan requests addressing animal waste problem and issuing fines.

Chief Pistone said department looking to be nationally accredited around November 19th and will come back to the council once finalized

Placed on File 91-J

16.2. Council President Barrett requests a discussion regarding needed improvements of sidewalks and signals for walking students of Golden Hill and Nettle



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Council President Barrett discussed with Mayor who agreed to fund lighting. Send letter to Mayor and T&S and include possibility of sidewalks

Motion by Councillor McGonagle, second Jordan

PASSED Refer to T&S Yeas 9, Nays 0 91-K

16.3. Councillor Bevilacqua requests a discussion regarding a meeting to discuss employment opportunities for both young working family members and senior citizens interested in returning to the workforce

Councillor Bevilacqua met with seniors and young families, there is need to connect them to employment opportunities who want to return to the work force. Both are in need of funds to assist them and their families and full or part time employment is a means to assist.

Motion to work with the Mayor’s office coordinating employment opportunities for both seniors and young families and connecting those interesting individuals to available full and part time jobs in either the private or public sector, second Sullivan

PASSED All in Favor 91-L

17. UNFINISHED BUSINESS OF PRECEDING MEETING

17.1. Document 17-G; Order- authorize Mayor to execute a certain Modification Agreement which provides that the City Shall indemnify Leemilt’s Petroleum Inc as to obligations set forth in a deed modification *postponed from October 19th*

City Solicitor Cox provided amended motion (also emailed to each Councillor) working towards finalizing closing on Procopio property where they will purchase and create a public park at 236 South Elm Street.

Motion by Councillor Sullivan, second Macek on amended order

PASSED Yeas 8, Nays 1 (Bevilacqua)

Motion to pass order as amended by Councillor Daly O’Brien, second Jordan

PASSED Placed on File Yeas 8, Nays 1 (Bevilacqua) 17-GG

18. RESOLUTIONS AND PROCLAMATIONS:

18.1. Proclamation – *Extra Mile Day*, November 1 2021

Councillor LePage read the Proclamation

Motion by Councillor LePage, second Macek

ADOPTED All in Favor 6-T

19. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

Housing task force November 16th at the Haverhill Public Library

No meeting November 2nd, please remember to Vote!

20. DOCUMENTS REFERRED TO COMMITTEE STUDY

21. LONG TERM MATTERS STUDY LIST

22. ADJOURN

Motion to by Councillor Sullivan, second Jordan All in Favor Adjourned 8:51 PM