



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, November 9, 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, Daly O’Brien and Macek.

Absent – Councillor McGonagle

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

Minutes from October 19, 2021 meeting

Motion by Councillor Bevilacqua, second Jordan

PASSED and Placed on file All in Favor

Minutes from October 26, 2021 meeting

Motion by Councillor Michitson, second Daly O’Brien

PASSED and Placed on File All in Favor

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Minutes assigned to Councillor Sullivan

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. Abatement report from Christine Webb, *Assessor* for month of October 2021

Motion by Councillor Bevilacqua, second Jordan

PASSED and Placed on File All in Favor 11-I

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

9.1. Petition from Mass Electric Co dba National Grid and Verizon NE requesting joint pole location for South Prospect st, Plan 30370926 Hearing November 30th

Motion by Councillor Macek, second Daly O’Brien

PASSED to be heard on November 30, 2021 All in Favor 99

9.2. Petition from Mass Electric dba National Grid requesting underground electric conduits at Research dr; Plan 30416148 Hearing November 30th

Motion by Councillor Macek, second Jordan

PASSED to be heard on November 30, 2021 All in Favor 100



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10. HEARINGS AND RELATED ORDERS:

- 10.1. Document 86: Petition of Attorney Robert Harb for owner/applicant Mazraany Construction Inc for CSP 21-13 for a 7 Unit multi-family dwelling (to be sold as condos) at 125-129 Kenoza av consisting of 4 lots *Continued from September 21st*

Council President Barrett opened the special permit hearing.

Attorney Robert Harb, Offices at 17 West Street, Haverhill with me is Pierre Mazraany, owner and manager of Mazraany Construction, LLC. and also, the architect for this project, John Sava from Newburyport.

This is an application for a special permit for a 7 unit multi-family dwelling to take the place of the funeral home at 125-129 Kenoza Avenue. The main structure and building will remain. There will be some additions to it and there will be four units in the main structure. A connection and then three brand new units is proposed for a total of seven units. This project originally received the support of the planning director and all city departments with just some requirements for water and fire for safety.

We believe that technically we meet all the requirements of Chapter 255 Section 10.4.2. This use isn't going to cause any detriment to the neighborhood, and you will see with the new plans that we submitted and will review with you tonight. It is a new proposed structure that will fit in with the neighborhood. I am happy to say and let you know that we had one zoom meeting with the neighbors before our last hearing, and we had one in person. Since that last hearing, we've had two more meetings with the neighbors and the association who's here to speak in favor of this project tonight and that caused the creation of new plans and new designs which I will go over with you momentarily.

We all know we need housing in Haverhill. There is no traffic or pedestrian issues with this proposed development. We have more than adequate parking. We have public utilities, public water, and sewer. This is a neighborhood that we are going to fit into, and I think better with this new plan. There is no impact on environment. You will see in this new plan we are proposing more green space than we proposed last time which is more than what the funeral home had. This project will increase the city's tax base and have no adverse impact on City services.

In addition to meeting the neighbors a couple of times to redesign the plan, I also talked to some of the neighbors who had some concerns about the water, the drainage, things of that nature and they were satisfied with our comments with them and talking with the Water Department.

I will point out, I am sure you will hear from the neighborhood association, Haverhill Highlands, they were requesting that if this board would so fit to approve this permit, a small condition that Mr. Mazraany and his construction company continue to cooperate with the association to provide input on final finishes and landscape. We explained to the neighbors that without the project being approved, the next level would spend thousands of dollars on a landscape engineer and to design what the materials were. The neighbors have faith in us, and they are going to request that you put a comment in that we need to continue to cooperate with them as we have.

*Slide show with new design. New proposal designed to fit in with the Victorian Era in the neighborhood. Mr. Mazraany with working with the neighbors designed all parking, garages and parking spaces will come



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into the middle. So, on the outside from Webster St. and Highland, you will not see any garage doors. This allowed new green space. We all believe this is a better design plan. This plan will bring the 7 units needed for the project. Density wise this lot would meet current zoning for 8 units, but originally told neighbors we would downsize to 7 and did that. It is lower density than the code calls for.

We ask for your approval with that small caveat and condition that we would continue to provide input on finishes and landscaping with the Association, the Haverhill Highlands Association. I will let them come up and speak. Thank you.

Jason Jussif, 125 Arlington Street. I wanted to say that there has been a lot of talks going back and forth between the neighbors and Mazraany Construction, John, and Adam. We provided a lot of what we think things should look like. They have gone back and redesigned. John came up with a really nice design. They presented us with Victorian Era features and incorporated them into the design which was what we were looking for. We are happy with the reduction of units. Timelines don't always match up with materials, so it would be great if Mazraany could reach out to us with any changes in materials or anything like that and get our input. It worked out well in the beginning and I am sure it will continue to work well. We also call on the Council to make sure these plans layout the way they should. I enjoyed this process and I feel this should be a sort of model on how development should go on in the city. I think it is a really good way whether it is a city committee or neighborhood association working with some of the developers to let them know what they foresee in some building. I think the final product will be a nice example of how we can enable that. Thank you.

President Barrett asked if anyone would like to speak in favor.

Lynda Brown, 26 Winsor Street, speaking virtually. At the beginning we were not sure how this was going to turn out. As an association, we are very involved in our neighborhood. We initially came together with Pierre, Bob, and other neighbors. We met a couple of times and talked through our concerns. They listened and were really hearing what we were saying about this project. We love our historic building here and we were concerned how that would be presented. These new drawings, we love them and they did a fantastic job. I can't thank them more for how much they worked with us. We as an association want to continue to work with them as closely as we did once if this special permit is approved tonight. We want to make sure we continue that to the final things about materials and landscaping. I wanted to thank the Council for continuing this a couple of months and us being able to come through with this on a positive note. Thank you.

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

President Barrett closed the special permit hearing.

Motion to approve by Councillor Bevilacqua with the appropriate city department conditions and the condition that they maintain a cooperative relationship with the Historic Highlands Neighborhood Association, second by Councillor Daly O'Brien

Councillors Daly O'Brien, Macek, Bevilacqua, Sullivan and Jordan all spoke in favor of the project with conditions (as outlined in the special permit minutes and conditions listed below).

First condition: The project post a performance bond to the completion of the project for seven units.



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Motion by Councillor Macek, Second by Councillor Daly O'Brien

Madam Clerk please call the roll on this condition.

City Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-yes, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 8 Yeas, 0 Nays, Absent 1 (Councillor McGonagle)

President Barrett: Passed

Second condition: No occupancy permit be given until all seven units are constructed, roofed, and finished on the exterior (no involvement on the interior) within reasonable period of time.

Attorney Harb: Based upon what Councillor Macek just said about the occupancy with the outside, the outside structure and the roof, the performance bond is very expensive. Is that for the exterior and the roof and things like that? Not the appliances, inside and everything? We don't know how to calculate the amount of the performance bond.

Councillor Macek: That would be fine, just for the construction portion as far as I am concerned. We don't need to get involved with the interiors. Just the façade. Those will get released as work becomes done. The cost of the bond actually goes down too.

Motion by Councillor Macek, Second by Councillor Michitson

Madam Clerk please call the roll on this condition.

City Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-yes, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 8 Yeas, 0 Nays, Absent 1 (Councillor McGonagle)

President Barrett: Passed

Third Condition: The exterior landscaping be completed to a landscape rendering approved by the Council.

Motion by Councillor Macek, Second by Councillor Michitson

Madam Clerk please call the roll on this condition.

City Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-yes, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 8 Yeas, 0 Nays, Absent 1 (Councillor McGonagle)

President Barrett: Passed

Fourth Motion: The exteriors are to be exactly as presented in the renderings unless any changes in design are approved before the city council as a major or minor change.

Motion by Councillor Macek, Second by Councillor Michitson

Madam Clerk please call the roll on this condition.



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President Barrett: Passed

Motion by Councillor Jordan that the trash be away from Mr. Rametta's property as previously agreed upon, Second by Councillor Macek.

Madam Clerk please call the roll on this condition.

City Clerk Koutoulas: Councillor LePage-yes, Councillor Bevilacqua-yes, Councillor Michitson-yes, Councillor Sullivan-yes, Councillor Jordan-yes, Councillor Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 8 Yeas, 0 Nays, Absent 1 (Councillor McGonagle)

President Barrett: Passed

President Barrett: Now have Councillor Bevilacqua's original motion to accept this proposal with conditions already passed, second by Councillor Daly O'Brien

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 Daly O'Brien-yes, Councillor Macek-yes, President Barrett-yes, 8 Yeas, 0 Nays, Absent 1 (Councillor McGonagle)

President Barrett: Passed with conditions.

11. APPOINTMENTS:

11.1. **Confirming Appointments:**

11.2. **Non-Confirming Appointments:**

11.2.1. *License Commission: Patrick Driscoll, 309 So Main st – Expires Dec 31 2024*

Motion Councillor Bevilacqua, second Sullivan

APPROVED Placed on File

All in Favor

87-E

11.3. **Resignations:**

12. PETITIONS:

12.1. Petition from Noel Ortega owner of *Welcome Motors Inc* requesting hearing for approval to expand his current lot at his dealership, 63 Pecker to park more vehicles (Hearing December 7th)

Motion by Councillor Macek, second Daly O'Brien

PASSED to be heard December 7, 2021 All in Favor

103

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

12.3. **Amusement/Event Applications:**



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- 12.3.1. *57th Annual VFW Santa Parade* - Daniel Plourde Sr., Chairman, on Sunday, November 21, 1 pm to 4 pm, and requests fees be waived *Public Works Approved*
Motion by Councillor Jordan, second Michitson
PASSED Yeas 8, Nays 0, Absent 1 104
- 12.4. **Auctioneer License:**
- 12.5. **Tag Days:**
- 12.5.1. *HHS Wrestling*; November 20 & 21
Motion by Councillor Macek, second
PASSED All in favor 52-K
- 12.6. **One Day Liquor License:**
- 12.7. **Annual License Renewals:**
- 12.7.1. **Hawker Peddlers License 2021 - Fixed location**
- 12.7.2. **Coin-Op License Renewals 2021**
- 12.7.3. **Drainlayer License for 2021 -with City Engineer approval**
- 12.7.3.1. Robert Ullo – *renewal*
Motion by Councillor Jordan, second Daly O’Brien
PASSED All in Favor 81-F
- 12.7.4. **Christmas Tree Vendor:**
- 12.7.5. **Taxi Driver Licenses for 2021:**
- 12.7.5.1. Hector L. DelaFuente, 89 Emerson st - *new*
Denied by Police
Motion by Councillor Macek, second Daly O’Brien
FAILED Yeas 0, Nays 8, Absent 1 51-W
Michael Brown, Manchester NH - *new*
Has Police Approval
Motion by Councillor Macek, second Jordan
PASSED Yeas 8, Nays 0, Absent 1 51-X
- 12.7.6. **Taxi License**
- 12.7.7. **Junk Dealer License**
- 12.7.8. **Pool Tables**
- 12.7.9. **Sunday Pool**
- 12.7.10. **Bowling**
- 12.7.11. **Sunday Bowling**
- 12.7.12. **Buy & Sell Second Hand Articles**
- 12.7.13. **Buy & Sell Second Hand Clothing**
- 12.7.14. **Pawnbroker license**
- 12.7.15. **Fortune Teller**
- 12.7.16. **Buy & Sell Old Gold**
- 12.7.17. **Roller Skating Rink**
- 12.7.18. **Sunday Skating**
- 12.7.19. **Exterior Vending Machines**
- 12.7.20. **Limousine/Livery License/Chair Cars:**



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13. MOTIONS AND ORDERS:

13.1. Order – transfer \$45,000 from the Capital Budget to the Capital account: *Inspection Vehicle Replacement*

Motion by Councillor Michitson, second Macek

PASSED

Yeas 8, Nays 0, Absent 1

10-Q

14. ORDINANCES (FILE 10 DAYS)

14.1. Bond Order – Appropriate \$430,000 to pay costs of exterior repairs to City Hall
File 10 days

Motion by Councillor Macek, second Daly O'Brien

PASSED Placed on File

All in Favor

26-E

15. COMMUNICATIONS FROM COUNCILLORS:

15.1. Councillor Michitson requests a discussion regarding the need for sidewalks on North Broadway in the vicinity of Monument st

Motion by Councillor Michitson, second Jordan

PASSED send letter to the Mayor

All in Favor

92-U

15.2. Councillor Macek requests a discussion on the results of the Ballot Questions from the November 2, 2021 Election, and to propose that in keeping with the will of the voters, that a process begin to seek approval from the Massachusetts State Legislature for a Charter change and implementation of Ward and At-Large Elected Officials for both the City Council and School Committee. Additionally, to request that a separate process be started to create a Charter Review Commission be appointed to study and suggest possible changes and updates to the City of Haverhill Charter.

Motion by Councillor Macek to send a letter to the Mayor to coordinate a joint meeting of the City Council, School Committee and Mayor to discuss the details of shifting to a Ward Council and Ward or District School Committee, second Daly O'Brien

Michitson would like confirmation from Solicitor Cox whether we can change the language on school committee discussion for 6 districts for school committee.

Councillor LePage would like to include a date for joint meeting. Councillor Daly O'Brien suggests including answer by November 16th and Councillor Macek to add meeting possible recommendation date of November 23, 2021.

PASSED

Yeas 8, Nays 0, Absent 1

92-V

Motion by Councillor LePage to send letter to Mayor to create a Charter Review

Commission with an answer by November 16, 2021 for date on meeting, second Jordan

PASSED

Yeas 8, Nays 0, Absent 1

16. UNFINISHED BUSINESS OF PRECEDING MEETING



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- 16.1. Document 3-N; Ordinance re: Vehicles and Traffic – Add Handicap Parking at 99 ½
Blaisdell st *filed Oct 20 2021*
Motion Councillor Sullivan, second Macek
PASSED Yeas 8, Nays 0, Absent 1
- 16.2. Document 3-O; Ordinance re: Vehicles and Traffic – Add Handicap Parking at 60 High
streets *filed Oct 27 2021*
Motion Councillor Sullivan, second Macek
PASSED Yeas 8, Nays 0, Absent 1
- 16.3. Document 3-P; Ordinance re: Vehicles and Traffic – Delete Handicap parking for 426
Washington st, 64 Grove st and 11 17th Avenue *filed Oct 27 2021*
Motion Councillor Sullivan, second Macek
PASSED Yeas 8, Nays 0, Absent 1

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 Daly O'Brien All in favor Adjourned 20:05