



City of Haverhill  
City Council Minutes

Tuesday, November 27, 2018  
Theodore A. Pelosi, Jr. Council Chambers, Room 202  
4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan, Macek, Daly O’Brien, and McGonagle.  
City Clerk – Linda L. Koutoulas

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 Sullivan was assigned the minutes
5. Communications from the Mayor:

Mayor Fiorentini submits communication and Vetoes of Document 117-B, setting the residential factor, and Document 34-Z establishing that the City tax to the levy limit.  
Mayor Fiorentini explained why he vetoed the documents. He informed that he still wanted the residential factor of 165 but that he would support 163 and that he will support a new or rehabbed Consentino school. \*  
Speaking to the issue were Andrea Watson, Joy Smith, William Mohns, Ted Kampinski, Jazmine Casado and Richard Rosa.

Document 34-Z:

ORDERED: That the City appropriate \$1,000,000 from Free Cash to be used to reduce FY2019 tax rate.

*Order amended to tax to the levy limit (Vetoed by the Mayor)*

ON MOTION OF COUNCILLOR JORDAN TO MOVE THE ORDER.

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Barrett, LePage, Jordan, McGonagle and President Michitson 5  
Nays,-Councillors Sullivan, Bevilacqua, Macek, and Daly O’Brien 4

VETO SUSTAINED 34Z

ON MOTION OF COUNCILLOR BARRETT TO AMEND ORDER TO \$500,000 FROM FREE CASH

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Sullivan, Barrett, LePage, Macek and Daly O’Brien 5  
Nays, Councillors Bevilacqua, Jordan, McGonagle and President Michitson 4

PASSED 34Z

ON MOTION OF COUNCILLOR MACEK TO PASS ORDER AS AMENDED

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Sullivan, Barrett, LePage, Macek and Daly O’Brien 5  
Nays, Councillors Bevilacqua, Jordan, McGonagle and President Michitson 4

PASSED AS AMENDED 34Z

Document 117-B

ORDERED: That the residential factor for fiscal year 2019 be adopted as .8998 (Vetoed by the Mayor)

ON MOTION OF COUNCILLOR MACEK TO MOVE THE ORDER

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Barrett, LePage, Jordan, McGonagle and President Michitson 5  
Nays,-Councillors Sullivan, Bevilacqua, Macek, and Daly O’Brien 4

VETO SUSTAINED 117B

ON MOTION OF COUNCILLOR BEVILACQUA TO AMEND ORDER TO \$1,000,000 FROM FREE CASH

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Bevilacqua, Macek and Daly O’Brien 3  
Nays, Councillors Sullivan, Barrett, LePage, Jordan, McGonagle and President Michitson 6

NOT PASSED

ON MOTION OF COUNCILLOR BARRETT TO ADOPT FACTOR 0.8982 (163)

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Sullivan, Barrett, LePage, Macek, and Daly O’Brien 5  
Nays,-Councillors Bevilacqua, Jordan, McGonagle and President Michitson 4

PASSED 117B

ORDERED: That the City appropriate \$900,000 from Free Cash to be used to reduce the Fiscal Year 2019 tax rate

ON MOTION OF COUNCILLOR MACEK TO AMEND ORDER TO \$900,000 FROM FREE CASH

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Sullivan, Bevilacqua, Macek and Daly O’Brien 4  
Nays, Councillors Barrett, LePage, Jordan, McGonagle and President Michitson 5

NOT PASSED 126

ORDERED: That the City transfer the sum of \$1,100,000 from Free Cash for Capital Projects \*  
 ON MOTION OF COUNCILLOR BEVILACQUA TO AMEND ORDER TO \$1,500,000 FROM FREE CASH  
 PASSED Yeas 9, Nays 0  
 PASSED AS AMENDED Yeas 9, Nays 0 126B

6. Communications and Reports from City Officers and Employees:

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

Notice of filing and public hearing of petition of National Grid for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021 on Monday, December 3 2018, 2PM, at the State DPU offices, 1 South Station, 5th Floor, Boston.

PLACED ON FILE Yeas 8, Nays 0, Absent 1 (Daly O'Brien) 127

8. Hearings and Related Orders

Document 95: Petition for Hearing regarding Zoning – Change to Zoning Map; from Attorney Michael representing Owner JR Builders Inc; Rezoning of Emma Rose Circle from “RR” Residential Rural to “RM” Residential Medium; Assessor’s Map 539, Block 439, Lots 10E-3 and 10E-4

Document 95-B: Ordinance re: Zoning – Rezone property on Emma Rose cir; Assessor’s Map 539, Block 43, Lots 10E & 10E-4, also shown on a plan filed with a petition from JR Builders Inc from Rural Residential (RR) to Residential Medium (RM) *Favorable recommendation from Planning Board & Director*

ATTORNEY MIGLIORI ASKED FOR THE HEARING TO BE CONTINUED TO DEC. 11 2018

CONTINUED TO DEC 11 2018 Yeas 9, Nays 0 95

ON MOTION OF COUNCILLOR SULLIVAN TO SUSPEND THE RULES TO INTRODUCE ORDER FOR AMENDMENT TO PROPERTY TAX EXEMPTION FOR SMALL BUSINESSES\*

RULES SUSPENDED Yeas 9, Nays 0 129

Councillor Sullivan informed that the Mayor would like to increase/amend the small business exemption from paying personal property tax from \$3,500 to \$5,000. This state provision was adopted by the city 10 years ago.

PASSED Yeas 9, Nays 0 129

9. Public Participation- Requests under Council Rule 28

10. Appointments:

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

**Councillor Daly O'Brien left the Chambers**

11. Petitions:

Applications:

Document 109-B Petition of A & B Crossing, 161 8th Avenue, to amend inflammable license with the City ; to eliminate 60,000 gallons Underground and add to Above Ground Storage along with 50,000 gallons for a total of 210,000 gallons

HEARING TO BE HELD DEC 18 2018 Yeas 8, Nays 0, Absent 1(Daly O'Brien) 109B

Hawker/Peddler Seasonal License:

Milton Russell – to sell Christmas trees and wreaths at 24 Summer st (Haverhill Elks) Nov. 28 to Dec 24, 2018 Monday – Friday, 3 -8PM and Saturday & Sunday, 10 AM -6 PM ; *Has Police Dept approval*

GRANTED Yeas 8, Nays 0, Absent 1(Daly O'Brien) 67D

12. Motions and Orders:

ORDERED: That the City transfer the sum of \$260,000 from the Capital Budget to the Capital account:

Fire Station Generators

PASSED Yeas 8, Nays 0, Absent 1(Daly O'Brien) 67D

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Auto Fair Ford of Haverhill	\$ 390.78	Highway
Taylor Rental	980.50	Highway
Nunan Florist	154.00	Brightside
Northeast Digital Imaging LLC	95.00	School Dept
University MA Medical School (4)	31,235.60	School Dept
New England Testing Laboratory	1,053.00	Water Dept
M.O.N. Landscaping (2)	37,350.00	Highway
Crosby Benefits (2)	638.40	Health Insurance
PASSED	Yeas 8, Nays 0, Absent 1(Daly O'Brien)	36I

13. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 255  
 An Ordinance Relating to Zoning

Temporary Moratorium on Marijuana Establishments

PREAMBLE:

Whereas, a special emergency involving the health and/or safety of the people and/or their property exists within the City of Haverhill as a result of the imminent lapsing of a temporary zoning moratorium on the use of land and structures in the City for Marijuana Retail and Distribution, so as to allow the City sufficient time to engage in planning process to address the effects of such structures and uses in the City and to enact ordinances in a manner consistent with sound land use planning goals and objections; and,

Whereas, substantial progress has been made in drafting zoning provisions for marijuana establishments, marijuana retailers and other sale or distribution of marijuana and marijuana products which will ensure the health and safety of the people and/or their property; and,

Whereas, the lapsing of the current moratorium before the appropriate zoning provisions can be enacted will have a deleterious and long lasting consequences for the health and/or safety of the people and/or their property exists within the City of Haverhill; and,

Whereas, the deferred operation of this ordinance would tend to defeat its purposes; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience, to maintain good order and to insure the health and safety of the citizens of Haverhill.

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Zoning, as amended, be and is hereby further amended as follows Article XVIV, §255-190 and §255-192 are amended by deleting the words and figures “December 1, 2018” and by inserting in place thereof the words and figures “March 1, 2019”.

SOLICITOR COX INFORMED THE COUNCIL THAT HE HAD DRAFTED AN EXTENSION OF A TEMPORARY MORATORIUM, AT THEIR REQUEST, ON MARIJUANA ESTABLISHMENTS AND THAT THE CITY CHARTER ALLOWS FOR THE PASSAGE ON AN ORDINANCE AT THE SAME MEETING WHEN THERE IS A SPECIAL EMERGENCY. A PREAMBLE IS REQUIRED AND MUST BE VOTED ON SEPARATELY. (See related communication from City Solicitor William Cox)

ON MOTION OF COUNCILLOR SULLIVAN TO VOTE ON THE PREAMBLE

PREAMBLE PASSED

Yeas 8, Nays 0, Absent 1(Daly O’Brien)

ORDINANCE PASSED

Yeas 7, Nays 1(Bevilacqua) Absent 1(Daly O’Brien) 128

14. Monthly Report

No schedule

15. Communications from Councillors:

Communication was received from Council President Michitson and City Council wishing to congratulate both Haverhill High Teams for their efforts in the Hack Haverhill Hackathon event at UMass-Lowell Innovation Hub

PRESIDENT MICHITSON GAVE AN OVERVIEW OF THE FIRST HACKATHON HELD NOV.16 & 17. FIFTEEN TEAMS OF CODERS AND SUBJECT MATTER EXPERTS MADE UP OF HIGH SCHOOL, COLLEGE AND PROFESSIONALS COMPETED TO SOLVE A PROBLEM. MONEY PRIZES WERE SPONSORED BY TEAM HAVERHILL. FIRST PLACE \$5K, SECOND PLACE \$3K, THIRD PLACE \$1K AND JUDGES CHOICE \$1K. HAVERHILL HIGH SCHOOL TEAM IT WON THIRD PLACE. STUDENTS OLIVIA BENE AND ALEX FALCON SPOKE ABOUT THEIR PROJECTS. CITATIONS PRESENTED PLACED ON FILE

Yeas 9, Nays 0 121F

Communication was received from Council President Michitson and Councillor Bevilacqua requesting a discussion about traffic safety issues at the intersection of Ashland, Webster and Grant Streets

ON MOTION OF COUNCILLOR BEVILACQUA TO REFER TO TRAFFIC & SAFETY COMMITTEE & NOTIFY MS FERREIRA OF MEETING

Yeas 8, Nays 0, Absent 1(Daly O’Brien) 121G

Communication was received from Councillor Daly O’Brien requesting to introduce Michelle Denzer to address the Council with concerns regarding parking on Franklin st and unsafe egress from off street parking driveways

COUNCILLOR DALY O’BRIEN INTRODUCED MS. MICHELLE CANCEICAO TO DESCRIBE PARKING ISSUES. MICHELLE AND HUSBAND ADAM INFORMED THE COUNCIL ABOUT LINE OF SIGHT CHALLENGES WHEN EXITING DRIVEWAY DUE TO CARS BEING PARKED ON BOTH SIDES. REQUESTED NO PARKING HERE TO CORNER SIGNAGE.

COUNCILLOR MCGONAGLE INFORMED THAT AN ORDINANCE IS NOT REQUIRED FOR THIS AND THAT THE COUNCIL COULD REQUEST APPROPRIATE SIGNAGE FOR FRANKLIN & JOHN ST. NOTIFY HIGHWAY DEPARTMENT TO INSTALL SIGNAGE

Yeas 9, Nays 0 121HH

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding no parking Ordinance at 18 Golden st at the request of Robin Simmons

ON MOTION OF COUNCILLOR BEVILACQUA TO REFER TO TRAFFIC & SAFETY COMMITTEE & NOTIFY MS SIMMONS OF MEETING

Yeas 8, Nays 0, Absent 1(Daly O’Brien) 121I

16. Unfinished Business of preceding Meetings :

Document 124

MUNICIPAL ORDINANCE

CHAPTER 80

An Ordinance Relating to Purchasing and Contracts

Be it Ordained by the City Council of the City of Haverhill that Chapter 80 of the Code of the City of Haverhill, Chapter 240, as amended, be and is hereby further amended by adding the following:

“§ 80-11. Contractors to Produce Licenses and Required Permits; Final Inspection Required for Payment

All contractors retained to perform work on any City facility, utility or infrastructure shall possess and produce

copies of their relevant and required licenses to the department requesting the work, and shall obtain all required permits and approvals prior to the commencement of work. The requesting department shall ensure that the contractor has provided the required licenses and permits prior to authorizing the commencement of work. Copies of the required licenses and permits, along with certification of the completion of the final inspection, shall be attached to the contractor's invoices for payment. Payment shall not be made to the contractor until the final inspection has been completed" *Related communication from William Cox, City Solicitor*  
PASSED Yeas 8, Nays 0, Absent 1(Daly O'Brien) 124

Document 123

Petition from Hillary Rogers/Greater Haverhill Chamber of Commerce, requesting to hang a banner across Washington st for Christmas Season to read "Seasons Greeting" *Related comments from several City departments are included*

CITY CLERK INFORMED THAT PETITIONER HAS WITHDRAWN REQUEST

PLACED ON FILE

Yeas 8, Nays 0, Absent 1(Daly O'Brien)

123

Document 107-H

Communication from Councillor LePage requesting a discussion concerning the audio and video broadcast quality from the Theodore a Pelosi Jr City Council Chambers; *Related communication from Darlene Beal, Executive Director of HC Media, to postpone to Dec 4 2018*

POSTPONED TO DEC 4 2018

Yeas 8, Nays 0, Absent 1(Daly O'Brien)

107H

Document 121-H

Communication from Councillor Joseph Bevilacqua requesting to introduce a discussion regarding Haverhill Youth Soccer with David Lefcourt, President and Edward Felker, Chairman Field Committee

ON MOTION OF COUNCILLOR BEVILACQUA TO CONTINUE TO DEC 4 2018

CONTINUED TO DEC 4 2018

Yeas 8, Nays 0, Absent 1(Daly O'Brien)

121H

**17. Resolutions And Proclamations**

**18. Council Committee Reports and Announcement**

Councillor LePage announced there will be an Administration & Finance Committee meeting on Nov. 29 at 7:00PM in the City Council office, room 204, to discuss marijuana zoning.

Councillor Barrett announced the Wreaths Across America program sponsored by Hilldale Cemetery. There is still time to sponsor a wreath.

**19. Documents Referred To Committee Study**

Meeting adjourned at 10:08 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas

City Clerk

\*Doc. 34-Z – Handout from Mayor – Haverhill Levy Limit 2019

\*Doc. 34-Z – Handout from President Michitson – Taxing Under the Levy Limit PowerPoint

\*Doc. 126-B – Handout from Mayor – Capital Needs

\*Doc. 129 – Suspension of Rules – Ordinance – Property Tax Exemption Amendment for Small Businesses