



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

**Tuesday, November 29, 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, Rogers, and Toohey
Administrative Assistant – Laurie A. Brown
City Clerk – Linda Koutoulas
Assistant City Clerk – Kaitlin Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councillor Michitson to approve 11/1/22 minutes, second Bevilacqua
PASSED All in Favor

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councillor McGonagle 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. Abatement report from Christine Webb, Assessor, for month of October 2022

Motion by Councillor Bevilacqua, second Councillor McGonagle

PASSED All in Favor 9-K

8.2. Order - HOME RULE PETITION - An Act Authorizing the City of Haverhill to appoint Retired Police Officers as Detail Police Officers within said City for paid detail assignments *related communication from City Solicitor, William Cox*

Deputy Chief Doherty appeared before the Council to answer any questions they may have on the Home Rule Petition before them for vote. No one had questions.

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Yeas 9, Nays 0 90-D

8.3. John Pettis, *City Engineer* requests to open 25 Essex st so a new Fire Suppression line can be run to the building 32-I

8.3.1. Order – Council approve request to excavate 25 Essex st for the installation of underground utilities

Motion by Councillor McGonagle, second Councillor Toohey

PASSED Yeas 9, Nays 17-J

8.4. William Pillsbury, *Economic Development & Planning Director*, requests Hearing to *discontinue* the following ways that are within the footprint of the *Goecke Parking Deck*: Haseltine and Academy ct and Pecker st ct, Pecker st, Saltonstall



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ct, Masonic ct, Fleet st, Court st, City Hall ct and Mechanics ct (*which have been formerly discontinued*) Refer to Planning Board and Council Hearing Dec 20th

Motion by Councillor Sullivan, second Councillor Rogers

PASSED

Yeas 8, Nays 0, Abstain 1 (Bevilacqua)

128

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

10. HEARINGS AND RELATED ORDERS:

- 10.1. Document 112: CCSP 22-13: Jeffrey Brem for Aaron Orso, Cedarcrest Homes requests Hearing for a Flexible Development, Pursuant to Chapter 255, Section 8.4 of the Haverhill Zoning Code; Mohawk Trail; a single family home development at 188 Lake st *comments from City Depts are included*

President Jordan opened the hearing.

Jeffrey Brem, Meisner Brem Corp. and Aaron Orso, Cedar Crest Development, presented Flexible Zoning development proposal to the Council.

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?

William Bourque, Mark Abare, Fred Skaff, Fiona Ritchie, Chris Hewett, Ginger Hurajt, and Preston Rowe all spoke in opposition.

President Jordan closed the hearing.

Motion by Councillor McGonagle to move for passage with discussion, second Councillor Sullivan

Councillor's comments included concerns with density, small lots, too many units, parking, snow removal, etc.

President Jordan asked Councillor McGonagle if he wanted to amend his motion.

Councillor McGonagle amend motion to move to twelve units and including all the comments from the department heads and Councillor Barrett's condition to neighbors on Lake Street adjacent to Mohawk Trail roadway has screening provided by the Developer, second by Councillor Sullivan

President Jordan: Madam Clerk please call the roll with conditions and amendments.



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City Clerk Koutoulas: Councillor Michitson-no, Councillor Barrett-no, Councillor Bevilacqua-no, Councillor Sullivan-yes, Councillor Lewandowski-no, Councillor McGonagle-yes, Councillor Rogers-yes, Councillor Toohey-yes, President Jordan-yes, 5 Yeas, 4 Nays

President Jordan: FAILED.

Jeffrey Brem asked for reconsideration.

President Jordan asked if going down to eleven, if not than no, this proposal failed.

Councillor McGonagle stated can come back with this proposal in six months or sooner with a substantially different proposal.

*****Request for reconsideration on the Mohawk Trail item filed in the Clerk's office by Councillor Lewandowski on 12/1/22 at 8:44 am due to substantial changes in the character of the proposal that warrant reconsideration by the Council to be heard at the December 6, 2022 Council meeting.***

10.2. Document 119: City of Haverhill requests Zoning Hearing regarding Accessory Dwelling Units (ADU) and submits related Ordinance proposal *Favorable conditional recommendation from Planning Board & Director*

10.2.1. Document 119-B: Ordinance re: Accessory Dwelling Units (ADU) *filed October 19th*

President Jordan opened the hearing.

Andrew Herlihy appeared before the Council representing the administration about the matter. Explained not a comprehensive housing solution but a tool to help with housing crisis. City has epidemic of illegal units per inspectional services. Housing Task Force gave goal to create affordable units without requiring substantial construction or having to approve large projects and allowing some home owners to generate some income from their properties.

Matt Hennigan from Community Development appeared before the Council. Gave brief presentation of housing tools to combat housing crisis including ADU zoning amendment.

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

Steve Woodall, 50 Groveland Street, appeared before the Council. House is Charlie of Charlie's Variety property. Large property, big back lot off the street. Looking to have elderly mother-in-law living with them who is very independent. Wanted a small 600 sq.



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ft. dwelling on back lot but building inspector said not allowed. Need a place for her to live, where she can live in like a “normal” person and where we can still take care of her.

Mayor Fiorentini addressed the Council. Stated Tom Bridgewater told him 90-99% are like Mr. Woodall’s situation, family members who want to move in another family member. This is one of many tools we would be working with Council on to alleviate the tremendous housing crisis we have in the City. Here to support ordinance tonight and ask for your support.

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

Motion by Councillor McGonagle, second Councillor Barrett

Councillor comments and questions included how does affect existing units; is there an application process; must meet all code requirements; does unit have to be connected; homeowners are cautious, nervous will change neighborhoods; minimum floor area; language for certain ages of homes; lot sizes requirements; recertification processes; would relatives only be allowed; creates a pathway to help people.

Matt Hannigan requested adding seven words to 8.1.5 “*built before the adoption of this section*” to eliminate loop holes.

President Jordan requested restating the original motion with amendments.
Councillor Barrett read the “ADU amendment for City Council meeting – Councillor Barrett 8.1.5 Use and Dimensional Requirements, Paragraph 1” language into the record and made motion to amend the document presented as presented.
Councillor Lewandowski questioned termination of special permit of sale of property or continues on and would like to consider amending.
Council Vice President suggests postponing with answers to all questions addressed.

*Motion by Councillor Michitson to postpone, second Councillor Lewandowski
Councillor McGonagle withdrew original motion.
PASSED postponed to December 6, 2022 Yeas 8, Nays 1 (Sullivan)*

- 10.3. Document 109-B :Hearing: Intent to Sell a portion of Haverhill Assessor’s parcel – 0.45 acre parcel 576-436-27 on Crystal st. Mayor Fiorentini upon review and recommendation of City Dept Heads recommends City Council waive the right of first refusal regarding this parcel

President Jordan opened the hearing.

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.



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President Jordan closed the hearing.

Motion by Councillor Sullivan, second Councillor McGonagle

PASSED

Yeas 7, Nays 0, Absent 2 (Barrett, Bevilacqua)

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*

12.4.1. *HHS Girls Basketball, December 3 & 4*

Motion by Councillor Bevilacqua, second Councillor Toohey

PASSED

All in Favor

15-V

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*

12.6.2.1. AMUS 22-6; *Wilbur M Comeau Post 4, The American Legion, 1314 Main st, 2 Coin-ops*

Motion by Councillor McGonagle, second Councillor Toohey

PASSED

All in Favor

14-E

12.6.3. **Drainlayer License Renewals** -*with City Engineer approval*

12.6.3.1. DL 22-16 Stephen Doherty

16-T

12.6.3.2. DL 22-17 John Enos

16-U

12.6.3.3. DL 21-14 Robert Ullo

16-V

Motion by Councillor Bevilacqua, second Councillor McGonagle

PASSED

All in Favor

12.6.4. **Christmas Tree Vendor** – *with Police approval*

12.6.5. **Taxi Driver Licenses for 2022:** *with Police approval*

12.6.6. **Taxi/Limousine License** *with Police approval:*

12.6.6.1. Yuri De los Santos, 15 Forest Acres dr, 1 Limousine
pending business certificate

Motion by Councillor McGonagle, second Councillor Barrett

PASSED

All in Favor

60-D

12.6.7. **Junk Dealer License** *with Police approval*

12.6.8. **Pool Tables**

12.6.9. **Sunday Pool**



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- 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 \$75,771.49 from Free Cash to the Opioid Stabilization Fund for opioid settlement funds received in FY 2022 and \$121,972 be transferred from current year – FY 2023 Miscellaneous Revenue to the Opioid Stabilization Fund. These funds totaling \$197,743.49 represent the total opioid settlement funds received to date by the City of Haverhill

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (Lewandowski) 95-H

- 13.2. Order – transfer \$7,000 from Budget Reserve to pay Structures North Consulting Engineers, Inc. for a survey analysis completed on Winnekenni Castle for roof and drain work

Motion by Councillor Barrett, second Councillor Bevilacqua

PASSED Yeas 8, Nays 0, Absent 1 (Lewandowski) 95-I

- 13.3. Order – transfer \$50,000 from FY23 Water account listed to the Capital Project account: **From:** Water Computer Hardware/Software \$50.000 **To:** Water Supply Fee Capital \$50.000

Motion by Councillor McGonagle, second Councillor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (Lewandowski) 95-J

14. ORDINANCES (FILE 10 DAYS)

- 14.1. Ordinance re: Vehicles and Traffic – Add Handicap parking in front of 124-128 Winter st File 10 days

Motion by Councillor Barrett, second Councillor McGonagle



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PASSED Placed on File

All in Favor

19-K

15. COMMUNICATIONS FROM COUNCILLORS:

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

- 16.1. Document 127: Mayor Fiorentini submits a “scope and project agreement” for the *Consentino Middle School* and requests Council approve this and authorize me to send this back to the MA School Building Authority Board and also submits a certificate by City Attorney Bill Cox stating that this is all done correctly

Postponed from November 15th

Related communication from Mayor regarding Bond Order and Project Scope & Budget Agreement regarding Consentino School Building Project

- 16.1.1 Bond Order – appropriate \$159,944,154 to pay costs of constructing a new *Dr. Albert B. Consentino Middle School* located at 685 Washington st

File 10 days 42-G

Motion by Councillor Michitson, second Councillor Barrett

PASSED to be heard December 13, 2022 Yeas 8, Nays 0, Absent (Lewandowski)

Mayor Fiorentini addressed the Council stating this item has already been placed on file and the other order needs to come first. Requests being postponed until December 13th.

- 16.2. Document 96-F: Ordinance re: Vehicles and Traffic - Stop Signs; Kenilworth Lane and Sussex Court at Sherwood dr *filed October 26th*

Motion by Councillor Barrett, second Councillor Toohey

PASSED Yeas 8, Nays 0, Absent 1 (Lewandowski)

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 Toohey

PASSED

All in Favor

Adjourned 21:31 pm