



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, December 7, 2021 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.

Administrative Assistant – Laurie A. Brown

City Clerk – Linda L. Koutoulas

**1. OPENING PRAYER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES OF PRIOR MEETING**

Motion by Councillor Sullivan to approve November 9, 2021 minutes, second Jordan  
PASSED Placed on File All in Favor

**4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**

Councillor Macek assigned minutes.

**5. COMMUNICATIONS FROM THE MAYOR:**

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

6.1. Councillor Jordan would like to introduce Pentucket Bank President Jon Dowst and Creative Haverhill Director Erin Padilla to announce the Pentucket Bank \$50,000 matching grant for Cogswell Artspace.

Councillor Jordan introduces Jon Dowst and Pentucket Bank’s matching grant of \$50,000 to Cogswell Artspace. One week left in fundraising campaign with \$10K left to meet \$50K.

Erin Padilla thanked Pentucket Bank for their donation. Donations can be made at [www.creativehaverhill/donate](http://www.creativehaverhill/donate). With the funds, the roof will be renovated immediately.

Councillor Jordan announced the Council will donate \$1,000 towards goal.

92-W

**7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**

**8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:**

8.1. City Assessor Christine Webb files abatement report for month of November 2021

Motion by Councillor Bevilacqua, second Jordan

PASSED Placed on File

All in Favor

11-J

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

**10. HEARINGS AND RELATED ORDERS:**

10.1. Document 68; Attorney Michael Migliori requests Special Permit, CCSP -21-4, pursuant to Chapter 255 Section 8.4 Flexible Development, to construct an Over 55 Age Restricted Development at 66 Merrimac Road, Map 430 Lots 1-6, in Zone RM and RS for owner/applicant Sixty-Six Merrimac-HAV LLC; consisting of 66 detached residential condominium homes on 47 acres of land

*Continued from September 21. Communication received from Atty Michael Migliori on behalf of client Sixty-Six Merrimac -HAV LLC requesting to withdraw Special Permit Application. Petition from neighbors submitted Nov 22 also included.*



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President Barrett: The applicant has withdrawn their application that means it is not before us. We will not open the hearing, it is withdrawn.

*Motion by Councillor Bevilacqua to withdraw with prejudice, second by Councillor Michitson.*

**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 WITHDRAWN WITH PREJUDICE**

10.2. Document 105; Order – Designating assignment of purchase option by the City of Haverhill to the Essex Greenbelt Association Inc. Notice of Intent to sell from Mark A Byra and Daniel S Byra, dated Oct 20 2020, regarding real property located at 97 Corliss Hill Road

*Continued from November 16.*

*Related communication and back up materials submitted by City Solicitor William Cox included*

**President Barrett opened the public hearing.**

Solicitor Cox: On behalf of the City, you have before you an order which would assign the City's option to purchase the property at 97 Corliss Hill Road to Essex County Greenbelt Association, Inc. In August, the Council approved the Memorandum of Agreement between the City and Essex County Greenbelt Association, Inc. which laid out all of the steps we are going to take in terms of doing this. The Memorandum was the first step. This is the second step. Tonight, you will be assigning the City's right to exercise the option of first refusal to purchase the land. Essex Greenbelt Association will then go ahead to perfect that by recording it. There are reciprocal conservation restrictions that are going to be provided for. Once they take title to the property, we will be back before you with an order for an eminent domain taking of a certain portion of this parcel. We will take that back, as you know we have agreed to pay \$150K for that. You will be acting in your capacity as the Water Supervisors for the City of Haverhill taking that land for the benefit of the Water Department and to preserve and protect that. That portion of the property is the forested portion of the property that the city is going to get title to. There is a small portion from the street into that property to allow for access. We would ask tonight, at the close of the public hearing, you move and act favorably on the order before you, assigning the City's option for first right of refusal in this particular parcel to Essex County Greenbelt Association, Inc.

Vanessa Johnson-Hall, Director of Essex County Greenbelt, attending virtually. I do not have anything to add. Attorney Cox summarized it succinctly. We are ready to move ahead as soon as the vote is taken. We have all of the documents drafted for the City and Greenbelt



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to execute and move forward with. We're very excited to be partnering with the City on this important acquisition.

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.

**President Barrett closed the hearing.**

*Motion by Councillor Bevilacqua to approve the order, second by Councillor Michitson.*

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**

- 10.3. Document 103; 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.

*Continued from November 9.*

*Communication from neighbors Joseph and Cory Tropea with request regarding petition.*

*Comments from City Departments included.*

**Council President Barrett opened the special permit hearing.**

Noel A. Ortega, Owner of Welcome Motors. I purchased the adjacent land to my dealership to expand and make more welcome to customers. We have continued traffic from all over the place. Owned for over 4 years and have been very successful looking to continue to grow.

President Barrett stated some neighbors have some concerns. Asked how many cars he would be expanded to.

Mr. Ortega stated he currently has a license for 21 vehicles. The empty lot should fit approximately 20 more vehicles and expanding with 3 more parking spaces, 2 for handicap and 3 for employees which will bring more revenue for the city as well. Currently it is a vacant lot which would like to make look nicer, add a new fence and lighting to make more welcoming.

**President Barrett asked if anyone would like to speak in Favor.**

Cory Tropea, 65 Pecker St., attending virtually. Submitted concerns before meeting which include privacy, business hours, parking, maintenance of lot and drainage. No major concerns just what is listed. Suggests perhaps Mr. Ortega meets with him to discuss the fence and the water issues if the lot is paved.



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President Barrett clarified the items on the list are the ones Mr. Tropea would like addressed and items can be conditions of the permit.

**President Barrett asked if anyone would like to speak in Opposition.**

Neal DeLeon, 69,71 & 73 Pecker St., attending virtually. Resident of Pecker St. for approximately 22 years. All for businesses but have concerns. The lot is a visual eye sore; it is a junk yard lot right now. How will cars get in and out of the lot? The permit states 10 cars allowed not 20. Will cars be sold or repaired since existing property on Welcome Street is jammed packed with cars. Would like to address how the lots will be cleaned up and maintained. Worried about the looks, do not want a chain link fence and another auto place. It is not esthetically pleasing and if this is how it is running now, I don't want it.

Mr. Ortega stated the cheapest cars they sell is about \$18K, no junk cars, lots of traffic and very successful. Going to make the lot nicer with pavement, fence around the property, lighting, etc. There are entrances and exits already established.

**President Barrett closed the hearing.**

***Motion by Councillor McGonagle to move for passage with discussion, second by Councillor Daly O'Brien.***

Councillor Daly O'Brien: It is clear, what we got presented to us does not give us a good clear picture of what is going on and also clear the neighbors are not happy with what's going on. You are not answering the direct comments of the neighbors. Should think about withdrawing and meeting with the neighbors to address the concerns or perhaps obtaining an attorney to help guide you with the process.

Councillor McGonagle: Glad you run a good business in the city and like everyone to succeed. We need to make sure your neighbors are part of the process because they have to look at what's outside their windows. Concerned the request doesn't match your narrative that gives me pause. I am not going to approve something when you are asking here for something different than what you applied for with the city. I will not be able to support this the way it is.

Councillor Macek: It is very confusing. We need to be careful to not just push this forward without the proper conditions as part of the applications for expansion of the current car lot. Some of the concerns include that you don't have a proper map, drainage (check with Conservation), paving, business hours, parking, zoning, fire department conditions, etc. I would be willing to continue this hearing to give you time to properly make the corrective changes to support the neighborhood and come back. I think it is premature tonight and I won't be able to support it if it goes to a vote maybe putting it off and getting the necessary paperwork to the Council.

Councillor Sullivan: I support everything that has been said. Your options are either let us vote and it would probably fail, or you ask for a continuance. If you ask for a continuance, you need to meet with



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the neighbors and address their exact concerns. They are looking for an improvement to their neighborhood and they don't have faith your expansion will do that. We don't have to vote this tonight; we could continue it and allow you the time needed to refine the proposal, so your permit application is correct. My recommendation is that you would continue.

Councillor Michitson: I think if you address the neighbors' concerns and meet some of the other conditions brought forward tonight, I think you could come back with a plan that we could approve. I would like to make a motion to postpone.

*Councillor McGonagle withdrew his previous motion.*

*Motion by Councillor Michitson to continue, second by Councillor Bevilacqua*

Councillor Bevilacqua: Small businesses are not really in tune to the requirements of working through city hall. I like to give an opportunity to go forward and address the issues heard tonight. I believe it's important to meet with the neighbors and explain their concerns and how to address it. I support the motion to continue the hearing and would ask Councillor Michitson to continue it to a certain date.

*Councillor Michitson motions to continue to December 28, 2021, second by Councillor Bevilacqua.*

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 CONTINUED TO DECEMBER 28, 2021**

**11. APPOINTMENTS:**

**11.1. Confirming Appointments:**

11.1.1. Washington Street Historic District Commission

Dana DeFranco, 7 Kimball Hill Dr

*Expires December 31 2022*

Motion by Councillor Bevilacqua, second Jordan

PASSED

Yeas 9, Nays 0

13-K

**11.2. Non-Confirming Appointments:**

11.2.1. Mayor's Task force on Ward City Council and School Committee

• Melinda Barrett, President, Haverhill City Council

• Mary Ellen Daly O'Brien, Haverhill City Council

• Scott Wood, Haverhill School Committee

• Richard Rosa, Haverhill School Committee

• Melissa Lewandowski, Haverhill City Council-Elect

Motion by Councillor Jordan, second Macek

PASSED Placed on File

Yeas 7, Nays 0, Abstain 1, Absent 1

87-G



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**Resignations:**

**12. PETITIONS:**

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

12.1.1. Bryan Waters, 84 Blossom st 2-T

12.1.2. John Caruso, 173 River st 2-U

Motion by Councillor Bevilacqua, second Macek

PASSED ALL IN FAVOR

**12.2. Amusement/Event Applications:**

**12.3. Auctioneer License:**

**12.4. Tag Days:**

**12.5. One Day Liquor License:**

**12.6. Annual License Renewals:**

**12.6.1. Hawker Peddlers License 2022 - Fixed location**

**12.6.2. Coin-Op License Renewals 2022**

**12.6.3. Drainlayer License for 2022 -with City Engineer approval**

12.6.3.1. Jay Davidowicz – Renewal 81-G

12.6.3.2. David Deloury – renewal 81-H

12.6.3.3. Robert Frye – renewal 81-I

12.6.3.4. John Grasso – renewal 81-J

12.6.3.5. Bill Hall – renewal 81-K

12.6.3.6. Bruce Hoehn – renewal 81-L

12.6.3.7. Brendan Larkin – renewal 81-M

12.6.3.8. Joseph Watson – renewal 81-N

Motion by Councillor Jordan, second McGonagle

PASSED ALL IN FAVOR

**12.6.4. Christmas Tree Vendor:**

**12.6.5. Taxi Driver Licenses for 2022:**

**12.6.6. Taxi License**

**12.6.7. Junk Dealer License**

**12.6.8. Pool Tables**

**12.6.9. Sunday Pool**

**12.6.10. Bowling**

**12.6.11. Sunday Bowling**

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

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

**12.6.14. Pawnbroker license**

**12.6.15. Fortune Teller**

**12.6.16. Buy & Sell Old Gold**

**12.6.17. Roller Skating Rink**

**12.6.18. Sunday Skating**

**12.6.19. Exterior Vending Machines**

12.6.19.1. Redbox – Walgreens, 800 River st , kiosk B 29-B



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12.6.19.2.	Redbox – Walgreens, 800 River st, Kiosk A	29-C
12.6.19.3.	Redbox- CVS Pharmacy 425 Lowell ave	29-D
12.6.19.4.	Redbox- Market Basket 400 Lowell ave	29-E
12.6.19.5.	Redbox – Market Basket 285 Lincoln ave	29-F
12.6.19.6.	Redbox – Market Basket 2 Water st Kiosk B	29-G
12.6.19.7.	Redbox – Market Basket 2 Water st Kiosk A	29-H
12.6.19.8.	Redbox – 151 Lafayette sq	29-I
	Motion by Councillor McGonagle, second Jordan	
	PASSED	ALL IN FAVOR

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

### 13. MOTIONS AND ORDERS:

### 14. ORDINANCES (FILE 10 DAYS)

14.1.	<b>Ordinance</b> re: Vehicles and traffic; Add handicap parking <b>173 River st</b>	3-R
14.2.	<b>Ordinance</b> re: Vehicles and traffic; Add Handicap parking <b>37 Wilson st</b>	3-S
14.3.	<b>Ordinance</b> re: Vehicles and traffic; add Handicap parking <b>73 Hilldale ave</b>	3-T
14.4.	<b>Ordinance</b> re: Vehicles and traffic; Add Handicap parking <b>83 Blossom st</b>	3-U
14.5.	<b>Ordinance</b> re: Vehicles and Traffic; Add Handicap parking <b>13 Highland st</b>	3-V

*All placed on file for 10 days*

Motion by Councillor Sullivan, second Jordan  
PASSED    ALL IN FAVOR

### 15. COMMUNICATIONS FROM COUNCILLORS:

- 15.1. City Council President Barret announcing 2022 City Council Meeting Schedule.  
Motion by Councillor Sullivan, second Jordan  
PASSED PLACED ON FILE    ALL IN FAVOR        91-O
- 15.2. City Council President Barrett requests City to adjust its process on how it handles the 61A process.  
Christine Kwitchoff spoke on importance of having this process.  
Motion by Councillor Daly O’Brien to send to Planning and Development, second Michitson  
PASSED    Yeas 9, Nays 0    91-P
- 15.3. Councillor Michitson wishes to address broadband and digital equity opportunities from infrastructure bill and related initiatives.  
Councillor Michitson gave a presentation on broadband and infrastructure and highlighted the potential with monies coming from the government.    91-Q
- 15.4. Councillor Bevilacqua requests a discussion regarding new pandemic relief ARPA funding opportunities coming from the State.  
Councillor Bevilacqua also highlighted the use for monies coming from the government for investments in city priorities, water and structure, public schools, broadband, public health, etc.    91-R



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**16. UNFINISHED BUSINESS OF PRECEDING MEETING:**

**17. RESOLUTIONS AND PROCLAMATIONS:**

**18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

Councillor McGonagle remembered Bob Dole who passed away December 5, 2021.

Councillor Bevilacqua also mentioned the 80<sup>th</sup> anniversary of Pearl Harbor.

**19. DOCUMENTS REFERRED TO COMMITTEE STUDY**

**20. LONG TERM MATTERS STUDY LIST**

**21. ADJOURN**

Motion to adjourn by Councillor Sullivan, second Daly O'Brien

ALL IN FAVOR

Adjourned 20:42