



City of Haverhill
City Council Minutes
Tuesday, April 6, 2021
4 Summer Street

Theodore Pelosi Jr. City Council Chambers, Room 202

In Person and Remote

Present – President Barrett, Councillors LePage, Bevilacqua, Michitson, Sullivan, Jordan and Daly O’Brien
Councillor Macek participated remotely

Absent – Councillor McGonagle

City Clerk – Linda L. Koutoulas

President Barrett read the following statement: This meeting of the Haverhill City Council is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus”.

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely and live so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This meeting will feature public comment.

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order temporarily suspending certain provisions of the Open Meeting Law, M.G.L. c. 30A sec. 20. 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

The minutes were approved

Yeas 8, Absent 1

4. Assignment of the minutes review for the next Meeting

Councillor Jordan was assigned the minutes

5. Communications from the Mayor:

Mayor Fiorentini requests to give an update on Haverhill’s efforts regarding the Coronavirus (COVID-19) crisis along with Councillor Daly O’Brien.

Mayor Fiorentini shared that there will be 2 free testing sites coming to Haverhill. One is the “Stop the Spread” testing site at Locke and Essex Streets, in front of Butch’s restaurant, same location as before, this Saturday at 9am. Another site at Consentino School run by the Veterans Administration. It is available to veterans regardless of discharge status and spouses or widows. This past Monday, those 55 plus or having one co-morbidity are eligible to receive the vaccine. Starting April 19th everyone 16 and over will be eligible for the vaccine. Use the state website to enroll.

Councillor Daly O’Brien added that surfaces no longer need to be disinfected as they are considered low risk. Use of soap or detergent is adequate. Continue to follow protocol for masking, distancing and washing hands.

PLACED ON FILE

5K

Mayor Fiorentini submits Bond Order to borrow \$363,874.00 to purchase parking kiosks for the Central Business Parking District.

PLACED ON FILE

26B

BOND

ORDERED: That Three Hundred Sixty-Three Thousand Eight Hundred Seventy-Four Dollars (\$368,874) is appropriated to purchase parking kiosks for the Central Business District, including the payment of all costs incidental and related thereto; that to meet his appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issues bonds or notes of the City therefor. (see document for complete text)

Communication from Mike Stankovich, DPW director

PLACED ON FILE for at least 10 days

Yeas 7, Abstain 1(Bevilacqua) Absent 1

26BB

6. Communications from Councillors to introduce an individual(s) to address the council.

Communication from Councillor Jordan requesting to introduce Jimmy Carbone seeking Council approval for Ciderfeast NE to be held on part of the Dempsey Boardwalk on Thursday, June 24, 2021 from 5-8:30PM.

MR. JAMES CARBONE GAVE A SUMMARY OF HIS BACKGROUND AND EXPERIENCE WITH HOSTING SMALL FESTIVALS AND TASTINGS IN NEW YORK. HE HAS MOVED BACK TO HAVERHILL AND FEELS THE CIDERFEAST, WITH THE ASSISTANCE OF THE HAVERHILL CHAMBER AND LOCAL VENDORS, WOULD BE A GREAT EVENT ON THE BOARDWALK PLACED ON FILE

7E

7. Public Participation- Requests under Council Rule 28

8. Communications and Reports from City Officers and Employees:

Communication from Captain Robert Pistone, Haverhill Police Department, reporting that the appointment only business restriction for CNA, located at 558 River St, will be lifted as of December 21, 2020; with the Fire Chief, City Engineer and Police Chief reserving the right to reestablish appointment only business restrictions should the need arise to address public safety and or inconvenience issues. The business hours have not changed and are still as provided on special permit.

CAPT. PISTONE INFORMED THIS IS A NOTIFICATION TO THE CITY COUNCIL ABOUT THE CHANGE IN APPOINTMENT ONLY STATUS.

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO PLACE ON FILE

Yeas 7, Nays 1(Bevilacqua) Absent 1 49

9. Utility Hearing(s) and Related Order(s):

10. Hearings and Related Orders:

Document 32, CCSP 21-1 Petition from Attorney Michael Migliori for applicant/owner DSF Water Street LLC for modification of a pre-existing special permit/Project built in 1970 for property located in the Waterfront District sub-zone D, at 1 Water st; Assessor's Map 200, Block 4, Lot 2 to convert existing commercial area on first floor into 8 residential units from a total of 164 to 172; *Unfavorable recommendation from William Pillsbury, Economic Development & Planning Director*

HEARING OPENED

ATTORNEY MIGLIORI STATED HIS WAS ATTENDING THE HEARING REMOTELY WITH YURIEDY MEDINA, DSF REPRESENTATIVE. HE WANTED TO CLARIFY THAT IN 2019 THE COUNCIL APPROVED A REQUEST TO MODIFY THE EXISITNG SPECIAL PERMIT TO ALLOW 3 ADDITIONAL UNITS FROM 164 TO 167 UNITS BUT DID NOT ALLOW THE CONVERSION OF COMMERCIAL UNITS THAT THE OWNER HAD REQUESTED. TODAY THEY ARE SEEKING TO INCREASE THE APARTMENT UNITS FROM 167 TO 172 (5 ADDITIONAL UNITS) AND REDUCE THE COMMERCIAL UNITS BY 5. ONE COMMERCIAL UNIT WOULD BE USED AS A RENTAL OFFICE. HE IS AWARE OF THE PLANNING DIRECTOR'S OPPOSITION TO THE REQUEST BUT DOES NOT BELIEVE THIS BUILDING IS NOT PART OF THE DOWNTOWN. BACK IN 2019 THE CITY COUNCIL SUGGESTED THAT THEY COME BACK TO COUNCIL IF THEY WERE NOT ABLE TO FIND APPROPRIATE TENANTS. THE BUILDING WAS SOLD AND THE NEW OWNERS HAVE PUT IN \$500K IN UPGRADES/IMPROVEMENTS IN THE PAST 2 YEARS. ATTORNEY MIGLIORI SHOWED PHOTOS OF CONVERTED AREAS. THE PARKING SET ASIDE FOR COMMERCIAL UNITS WOULD NO LONGER BE NEEDED AND WOULD BE USED BY THE TENANTS. THEY HAVE HAD DIFFICULTY FINDING COMMERCIAL TENANTS. NO ONE SPOKE IN FAVOR OF THE REQUEST. MS. ANN MARIE PUTNAM SPOKE STRONGLY IN OPPOSITION TO THE REQUEST. *

HEARING CLOSED

ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO APPROVE THE MODIFICATION TO THE PRE-EXISTING SPECIAL PERMIT.

COUNCILLORS SPOKE ABOUT WHY THEY FELT THIS PROPERTY NEEDED TO REMAIN COMMERCIAL ON THE FIRST FLOOR AND THAT EFFORTS HAD NOT BEEN MADE TO ADEQUATELY ADVERTISE THE SPACE; PROVIDE FOR ADDITIONAL PARKING FOR COMMERCIAL AND/OR TENANTS; BE CREATIVE IN ADVERTISING/OUTREACH. THEY AGREED WITH PLANNING DIRECTOR PILLSBURY'S UNFAVORABLE RECOMMENDATION.

COUNCILLOR SULLIVAN EMPHASIZED THE NEED FOR ADDITIONAL APARTMENTS AND FELT THAT COMMERCIAL TENANTS WOULD NOT BE COMING TO THIS PROPERTY.

ON MOTION OF COUNCILLOR DALY O'BRIEN WITH SECOND FROM COUNCILLOR JORDAN TO AMEND THE MOTION TO REDUCE COMMERCIAL SPACE FROM 6 UNITS TO 1 UNIT.

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

Yeas,-Councillors LePage, Sullivan, Jordan, Daly O'Brien, Macek and President Barrett	6
Nays,-Councillors Bevilacqua and Michitson	2
Absent,-Councillor McGonagle	1

AMENDMENT PASSED

VOTE ON MAIN MOTION

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

Yeas,-Councillors Sullivan and Daly O'Brien	2
Nays,-Councillors LePage, Bevilacqua, Michitson, Jordan, Macek and President Barrett	6
Absent,-Councillor McGonagle	1

MOTION FAILED

32

11. Appointments:

Confirming Appointments

Non-Confirming Appointments

Stephen Gullo, 196 Chadwick Rd to Board of Assessors; Effective immediately with appointment to expire April 6, 2024

PLACED ON FILE Yeas 8, Absent 1 1L

12. Petitions:

Applications Handicap Parking Sign

Richard Broadnax, 23 Chestnut st – *new*

REFERRED TO ENGINEER FOR ORDINANCE Yeas 8, Absent 1 3F

Leonidas Fernandez, 180 Summer st - *new*

REFERRED TO ENGINEER FOR ORDINANCE Yeas 8, Absent 1 3G

Amber Vine, 53 Bellevue ave. - *renewal*

GRANTED Yeas 8, Absent 1 3H

Amusement/Event Applications:

James Carbone, Ciderfeast NE - Cider tasting event on Dempsey Boardwalk - Thursday, June 24, 2021 from 5-8:30PM.

Has police approval with conditions, awaiting other dept approvals; also pending receipt of insurance bond.

GRANTED PENDING DEPT APPROVALS & INSURANCE BOND Yeas 8, Absent 1 48

Tag Days

One Day Liquor License:

James Carbone, Ciderfeast NE - Cider tasting event on Dempsey Boardwalk - Thursday, June 24, 2021 from 5-8:30PM; *Has Police and License Commission Approval*

GRANTED Yeas 8, Absent 1 47

Annual License Renewals:

Coin-Op License Renewals 2021

Wilbur Comeau Post 4, American Legion - 2 Machines and Sunday; *Has Police approval*

GRANTED Yeas 8, Absent 1 8F

13. Motions and Orders

ORDERED: That the sum of \$16,800 be transferred from the Budget Reserve Account to Inspections and Health Department Salaries and Overtime accounts for the purpose of funding the FY 2021 costs of the recently approved Inspectional Services Group union contract:

Insp/Health Salaries \$16,700

Insp/Health Overtime 100

PASSED Yeas 8, Absent 1 10F

Councillor Bevilacqua left the Chambers

ORDERED: That the sum of \$40,000.00 be transferred from the Water Department Insurance Account to Water Expense - the following accounts:

Distribution Construction/Mtls \$20,000

Water Admin-Vehicles Expense \$20,000

PASSED Yeas 7, Absent 2 10G

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
United Site Services	\$367.66	Highway Department

PASSED Yeas 7, Absent 2 18D

14. Ordinances (File 10 days)

Councillor Bevilacqua returned

15. Communications from Councillors:

Councillor Daly O'Brien requests a discussion regarding cars parking on Concord St sidewalks and the possibility of the City providing off-street parking.

COUNCILLOR DALY O'BRIEN PROPOSED THE USE OF AN AREA ACROSS FROM VICTORY STREET TO PROVIDE 8-10 OFF STREET PARKING SPACES

ON MOTION OF COUNCILLOR DALY O'BRIEN TO SEND LETTER TO MAYOR AND REFER TO NATURAL RESOURCES & PUBLIC PROPERTY COMMITTEE Yeas 8, Absent 1 27X

Councilor Bevilacqua requests a discussion proposing that non city officials-Haverhill citizens also be included in the study committee to recommend how to best spend the \$38M+ Covid Relief Funds to be awarded to Haverhill.

COUNCILLOR BEVILACQUA SUGGESTED THE MAYOR APPOINT 1 OR 2 CITIZENS TO THE COMMITTEE TO RECOMMEND SPENDING OF COVID RELIEF FUNDS

LETTER TO MAYOR Yeas 8, Absent 1 27Y

Councillor Bevilacqua proposes that abutters be notified when a change is proposed to eliminate the purchase by appointment only restriction from a City Council issued special permit marijuana retail store.

COUNCILLOR BEVILACQUA NOTED IT WAS IMPORTANT TO NOTIFY ABUTTERS OF CHANGE IN CONDITIONS TO A SPECIAL PERMIT AS APPROVED. COUNCILLOR SULLIVAN NOTED THAT DEPT HEADS WERE GIVEN AUTHORITY TO REVIEW CHANGE TO PERMIT AND THAT THERE WAS NO PROBLEM. COUNCILLOR LEPAGE NOTED THAT LME LOCATIONS ARE IN COMMERCIAL ZONES.

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR LEPAGE TO NOTIFY ABUTTERS OF CHANGE IN CONDITIONS OF SPECIAL PERMIT BY APPOINTMENT ONLY

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

Yeas,-Councillors LePage, Bevilacqua, Michitson, President Barrett	4
Nays,-Councillors Sullivan, Jordan, Daly O'Brien	3
Abstain,-Councillor Macek	1
Absent,-Councillor McGonagle	1

MOTION FAILED

27Z

Councillor Jordan requests, on behalf of Tom Riley of 195 Kingsbury Ave, to have the City consider surplus land that abuts his property, Map 768, Block 50, Lot 85A on Lincolnshire Ave to be referred to Natural Resource and Public Property Committee.

REFERRED TO NATURAL RESOURCES & PUBLIC PROPERTY COMMITTEE

Yeas 8, Absent 1 50

Councillor Bevilacqua wishes to recognize April 2021 as National Volunteer Appreciation Month and thank all the volunteers assisting in both the private and public sectors for the positive impact they have in our City for our residents.

ON MOTION OF COUNCILLOR BEVILACQUA TO RECOGNIZE THE IMPORTANCE OF ALL OUR CITIZENS WHO VOLUNTEER

Yeas 8, Absent 1 50B

Councillor Jordan announced the volunteer initiative by Team Haverhill's Clean and Green event on Weds, April 7th from 6-8PM behind Mr. G's and Battlegrounds Coffee;

Councillor Sullivan announced the volunteer Gale Foundation zoom meeting on April 7th at 6:30PM to discuss plans for Gale Fountain replacement

16. Unfinished Business ff Preceding Meeting:

17. RESOLUTIONS and PROCLAMATIONS:

PROCLAMATION – *Donate Life Month*. April 2021

COUNCILLOR LEPAGE READ THE PROCLAMATION INTO THE RECORD

ADOPTED

Yeas 8, Absent 1

6G

PROCLAMATION – *Autism Awareness Month*. April 2021

COUNCILLOR SULLIVAN READ THE PROCLAMATION INTO THE RECORD

ADOPTED

Yeas 8, Absent 1

6H

18. Council Committee Reports and Announcements:

19. Documents referred to committee study

20. Long term matters study list

Meeting adjourned 9:15 o'clock P.M.

Yeas 8, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 32 – Ann Marie Putnam – handout of photo