



City of Haverhill  
City Council Minutes  
Tuesday, April 7, 2020  
Theodore A. Pelosi, Jr. Council Chambers, Room 202  
4 Summer Street

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

President Barrett, Vice President LePage and City Clerk Koutoulas participated from the City Council office.

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 so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will not 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, 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 9, Nays 0
4. Assignment of the minutes review for the next Meeting  
Councillor Daly O’Brien was assigned the minutes
5. Communications from the Mayor  
Communication from Mayor Fiorentini requesting to address the Council to give an update on Haverhill’s efforts regarding the Coronavirus (COVID-19) crisis  
Mayor Fiorentini thanked the Haverhill Police and Fire Departments, nurses, CNA workers, first responders, supermarket workers, city and school staff during this crisis. He informed that Haverhill has 104 infected people with no deaths. He urged people to stay at home and observe social distancing measures to help flatten the curve.

PLACED ON FILE

21K

Communication from Mayor Fiorentini submitting an Emergency Ordinance relative to protecting the health and well-being of our community during the COVID-19 crisis. *Related communications from Police Chief Alan DeNaro and City Solicitor William Cox*

**SOLICITOR WILLIAM COX INFORMED THE COUNCIL OF THE FOLLOWING:**

The City Charter allows for the passage of the ordinance at the same meeting at which the ordinance is introduced when a special emergency involving the health or safety of the people exists. The Charter requires that a preamble defining the emergency be declared in the ordinance and that the preamble be voted on separately and receive the affirmative vote of two thirds of the Council This should be done before a vote on the substantive portion of the ordinance. I would recommend that the Preamble be read aloud before a vote is taken, and, that the body of the ordinance also be read aloud before action is taken on it.

MAYOR FIORENTINI INFORMED THAT HE BROUGHT THIS EMERGENCY ORDER FORWARD AS SUGGESTED BY THE POLICE CHIEF AS THERE WAS NO WAY TO ENFORCE GATHERINGS OF 10 OR MORE PEOPLE. HE ALSO SUGGESTED THAT THE ORDINANCE BE AMENDED TO REFLECT 5 UNRELATED PEOPLE INSTEAD OF 10. AFTER DISCUSSION THE CONSENSUS WAS TO GO FORWARD WITH ORDINANCE AS WRITTEN.

CLERK KOUTOULAS READ THE FOLLOWING EMERGENCY PREAMBLE INTO THE RECORD:

MUNICIPAL ORDINANCE CHAPTER 189

An Ordinance Relating to Peace and Good Order (Prohibition of Gatherings of More than 10 People)

Emergency Preamble:

WHEREAS, a special emergency involving the health and/or safety of the people exists within the City of Haverhill as a result of the grave threat that the spread of COVID-19 presents to the public health;  
WHEREAS, on March 19, 2020 the Mayor of the City of Haverhill and in conjunction with the Haverhill Board of Health declared a State of Emergency to respond to the spread of COVID-19;  
WHEREAS, on March 23, 2020 Governor Charles D. Baker issued an Order entitled “Assuring Continued Operation of Essential Services in the Commonwealth Closing Certain Workplaces and Prohibiting Gatherings of More than 10 People.”;  
WHEREAS, groups of more than of more than 10 people continue to gather and assemble in public places throughout the City of Haverhill;  
WHEREAS, The City of Haverhill h splice powers to protect public health and welfare pursuant to MGL c. 40 § 21 et seq.;

WHEREAS, in order to take all steps necessary to mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the City of Haverhill, provisions are necessary for the enforcement of the prohibition of gatherings of more than 10 people on all public lands; therefore,  
BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 189, as amended, is hereby further amended by adding the following:

§189-15 Prohibition of Gatherings of More than 10 People.  
ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR DALY O’BRIEN TO APPROVE THE EMERGENCY PREAMBLE  
EMERGENCY PREAMBLE PASSED Yeas 9, Nays 0 21L

CLERK KOUTOULAS READ THE FOLLOWING ORDINANCE INTO THE RECORD:

§189-15 Prohibition of Gatherings of More than 10 People.

No group of more than 10 people shall gather in or upon any public way or upon any way to which the public has a right of access, or any place which members of the public have access as invitees or licensees, in any park, playground, or recreation area, or on school grounds owned by the City of Haverhill. The prohibition does not prevent more than 6 feet in distance from each other at all times.

Emergency personnel, any personnel performing emergency services and/or employees of the City of Haverhill in the course of their duties are exempt.

An group of 10 or more people who shall be ordered to disperse by a police officer and fail to do so immediately shall individually be in violation of the above prohibition, and, shall be punishable by a fine of \$50 for a first offense; \$100 for a second offense; and, \$300 for a third and subsequent offense.”  
EFFECTIVE IMMEDIATELY for a period of thirty days or until such time as the March 19, 2020 State of Emergency is terminated by the Mayor and the Haverhill Board of Health, whichever occurs last.

ON MOTION OF COUNCILLOR LEPAGE WITH A SECOND FROM COUNCILLOR JORDAN TO APPROVE THE ORDINANCE  
PASSED Yeas 8, Nays 1 (McGonagle) 56

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

ON MOTION OF COUNCILLOR LEPAGE TO SUSPEND THE RULES TO INTRODUCE DONATE LIFE MONTH PROCLAMATION WITH SECOND FROM COUNCILLOR DALY O’BRIEN.  
RULES SUSPENDED Yeas 9, Nays 0 33D

COUNCILLOR LEPAGE READ THE DONATE LIFE MONTH PROCLAMATION INTO THE RECORD  
ADOPTED Yeas 9, Nays 0 33D

- 7. Public Participation- Requests under Council Rule 28
- 8. Communications and Reports from City Officers and Employees:
- 9. Utility Hearing(s) and Related Order(s)
- 10. Hearings and Related Orders:

Document 37: Petition from Attorney Robert Harb requesting for owner/applicant Lynn Garceau a Special Permit to convert a 3-family dwelling to 4-family in the RH Zone by connecting the main building to the barn at 367-369 Hilldale av; Assessor’s Map 528, Block 1, Lot 83; *Related communication from Attorney Harb requesting on behalf of applicant to continue this hearing to April 14 2020*  
POSTPONED TO APRIL 14 2020 Yeas 9, Nays 0 37

- 11. Appointments:  
No Schedule
- 12. Petitions:  
No Schedule

**13. Motions and Orders**

ORDERED: That the City transfer the sum of \$30,000 from the Capital Budget to: Street Light Expenses  
PASSED Yeas 9, Nays 0 18K

**14. Ordinances (File 10 days)**

MUNICIPAL ORDINANCE CHAPTER 182  
AN ORDINANCE RELATING TO NOISE

Be It Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 182, as amended, is hereby further amended by adding the following:

“§ 182-18 Prohibited activities during certain hours of the day.

No person or other legal entity shall operate or allow to be operated an unattended self-service car wash facility except between the hours of 7:00 AM and 9:00 PM. The allowed hours of operation shall be included on every occupancy permit or other permit for such a facility issued by the City.”

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 57

**15. Communications from Councillors:**

Communication was received from Councillor Joseph Bevilacqua requesting to introduce the small business assistance program

COUNCILLOR BEVILACQUA INFORMED THAT THE PAYCHECK PROTECTION PROGRAM UNDER THE STIMULUS PROGRAM PROVIDES SMALL BUSINESS UP TO 500 EMPLOYEES WITH A LOAN ADDRESSING EMPLOYEE COSTS, RENT, UTILITIES ETC. UP TO \$10 MILLION AND LOANS WILL BE FORGIVEN BY THE SBA IF ALL EMPLOYEES ARE KEPT ON THE PAYROLL FOR 8 WEEKS; THE SBA EMERGENCY INJURY DISASTER LOAN IS ANOTHER OPPORTUNITY. GO TO [SBA.GOV](http://SBA.GOV) WEBSITE FOR FURTHER INFORMATION AND/OR CALL CUSTOMER CARE CENTER 800 659-2955; [DISASTERCUSTOMERSERVICE@SBA.COM](mailto:DISASTERCUSTOMERSERVICE@SBA.COM). DOUGAN SHERWOOD, PRESIDENT OF GR. HAVERHILL CHAMBER OF COMMERCE, INFORMED THAT TIME IS OF THE ESSENCE WITH THESE PROGRAMS. THE CHAMBER WILL HAVE A FOLLOW UP QUESTION AND ANSWER SESSION ABOUT THE FEDERAL PROGRAMS THIS THURSDAY. HE HIGHLIGHTED LOCAL INITIATIVES - TWO WEEKS AGO THEY STARTED A RESTAURANT GIFT CARD MATCHING PROGRAM THAT RAISED OVER \$50K, TOMORROW THEY ARE LAUNCHING #HAVERHILLLOCAL. THIS PROGRAM WILL SUPPORT OTHER RETAIL BUSINESSES. GO TO THE COVID -19 PAGE ON THEIR WEBSITE AND/OR CONTACT THE CHAMBER FOR ADDITIONAL INFORMATION

PLACED ON FILE 34Z

Communication was received from Councillor Joseph Bevilacqua requesting to recognize Southwick for making face masks in curbing the virus

COUNCILLOR BEVILACQUA INFORMED THAT SOUTHWICK IS MAKING FACE MASKS AND MOTIONED THAT THE COUNCIL SEND THEM A THANK YOU LETTER. MR. SHERWOOD INFORMED THAT THE FOLLOWING BUSINESSES ARE INVOLVED WITH MAKING OR ASSISTING WITH PERSONAL PROTECTION EQUIPMENT: CREATORPULT, CEDAR’S, LIGHTSPEED ENGINEERING, MAKE IT HAVERHILL AND THANKED THEM ON BEHALF OF THE COMMUNITY.

LETTER TO SOUTHWICK Yeas 9, Nays 0 58

Communication was received from Councillor Joseph Bevilacqua proposing to extend payment of real estate taxes, personal property taxes, water and sewer bills during this Coronavirus emergency  
COUNCILLOR BEVILACQUA SUGGESTED THAT THIS PANDEMIC MAY EXTEND INTO THE SUMMER AND MOTIONED TO HAVE THE MAYOR DEVELOP A STRATEGY BEYOND THE EMERGENCY DECLARATION TO ASSIST THOSE TAXPAYERS WHO CAN NOT PAY THEIR TAXES DUE TO JOB LOSS/CLOSE OF BUSINESS WHO OTHERWISE WOULD BE CURRENT WITH PRIOR CITY BILLS.

LETTER TO MAYOR Yeas 9, Nays 0 58B

**16. Unfinished Business of Preceding Meeting:**

Document 34-Q: Communication from Councillor Michael McGonagle requesting to introduce Donald Jarvis to discuss tax reduction for veterans

DONALD JARVIS INFORMED THAT THE STATE PASSED THE VALOR ACT IN 2012. IN THAT PIECE OF LEGISLATION CITIES/TOWNS CAN ADOPT A LOCAL REDUCTION OF TAXES PROGRAM FOR VETERANS. IT ALLOWS WORK FOR A MINIMUM OF SET HOURS NOT TO EXCEED 125 HOURS FOR UP TO \$1,500 REDUCITON IN TAXES.

REFERRED TO ADMINISTRATION & FINANCE COMMITTEE Yeas 9, Nays 0 34O

**17. Council Committee Reports and Announcements:**

**18.** Documents referred to committee study

**19.** Long term matters study list

Attest: Linda Koutoulas  
City Clerk