



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, May 24, 2022 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202

### In-Person/Remote Meeting

Present – President Jordan, Councillors Michitson, Barrett, Bevilacqua, Sullivan, Lewandowski, McGonagle, Rogers and Toohey  
City Clerk – Linda L. Koutoulas

1. **OPENING PRAYER**
2. **PLEDGE OF ALLEGIANCE**

Councillor Bevilacqua requested a moment of silence for the victims of the Texas school shooting.

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

*Motion by Councillor Sullivan to accept May 17, 2022 minutes, second Councillor Barrett*  
*PASSED Placed on File All in Favor*

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

Councillor Lewandowski assigned minutes.

5. **COMMUNICATIONS FROM THE MAYOR:**

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

6.1. Councillor Barrett requests to introduce Gunther Wellenstein, Solid Waste Manager to discuss composting and the mattress and textile ban *postponed from May 10 2022*  
Councillor Barrett introduced Mr. Wellenstein to discuss the upcoming mattress and textile ban.

Gunther Wellenstein gave a presentation on the upcoming State waste bans effective this Fall. Residents will receive a mailing with information. 10-R

6.2. Councillors Lewandowski and Council Vice President request to introduce *Facilities Director*, Steve Dorrance for update on school facilities and maintenance and capital improvements

Steve Dorrance gave an update on the status of the school facilities and school safety. Stressed information presented is for planning purposes. 10-X

6.3. Councillors Bevilacqua and Toohey request a discussion regarding the conditions local roads are left in after excavation

*Motion by Councillor Bevilacqua to table to June 7<sup>th</sup>, second Councillor Barrett*  
*PASSED Yeas 9, Nays 0 61-G*

6.4. Councillor Bevilacqua requests a discussion regarding the poor condition Washington st Historic District planters are in and need for replacement

*Motion by Councillor Bevilacqua table to June 7<sup>th</sup>, second Councillor Barrett*  
*PASSED All in Favor 61-H*

**\*\*BOTH ITEMS PLACED INCORRECTLY ON AGENDA, MOVED TO SECTION 15**

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

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

8.1. Robert E Ward, *Interim DPW Director*, submits loan order for \$7,785,500 and the Authority to File document to fund cost of engineering and construction of the City's



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- Share to close Northern Mound of the *Old Haverhill Landfill* and will attend June 7<sup>th</sup>  
Council meeting to give more information 42-C
- 8.2. Authority to File – Landfill Closure
- 8.3. Loan Order - \$7,785,500.00 finance close Landfill, off Groveland rd File 10 days 42-D  
*Motion by Councillor Bevilacqua, second Councillor McGonagle*
- PASSED Placed on File Yeas 9, Nays 0* 42-E

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

#### 10. HEARINGS AND RELATED ORDERS:

- 10.1. Document 62: William Pillsbury Jr, Economic Development & Planning Director has a request to modify zoning for several parcels of land off Route 110 to create a new business park for the City – the change is to amend the zoning map to eliminate the zoning district OP (Office Park) and replace it with BP (Business Park) and overlay the CH portion of the site to BP as well

*Related communication from William Pillsbury, Economic Development & Planning Director - with recommendation to approve from Planning Board & Director*

President Jordan recused himself from the hearing due to possible conflict. Vice President Michitson as acting President for the hearing.

#### **President Michitson opened the hearing.**

William Pillsbury, Economic Development and Planning Director, brought before the Council the request to modify the zoning for several parcels of land off of Route 110 to create a new business park. The City worked in partnership with the Greater Haverhill Foundation and private landowners to assemble the land, engineer the plans for infrastructure and position the property for business park uses. The new Business Park is located on the north side of Route 110 and would create a new roadway entrance with new signalized intersection from Elliott Street. This would be the only entrance into the park. Would provide 700-800K sq. ft. of industrial space. Zoning is step one in the process, still need permitting, resources for infrastructure and also pursuing grants at the federal level. Looking to vote to change the zoning map to eliminate OP (Office Park) and replace that with BP (Business Park) and overly the CH portion of the site to BP as well. Project will run through all environmental approvals along with an extensive traffic analysis.

Speaking in favor of the rezoning included Will Cohen of Utile; Ken Cavallaro, President of Greater Haverhill Foundation; Ron Trombley, former Managing Director; Tom Mortimer, President Haverhill Bank all in support of the new industrial park stating how beneficial it will be to the city and how it relates to the master plan.

Christine Webb, City Assessor, addressed the Council stating the existing industrial parks are full, the industrial businesses benefit the city with a greater percentage of tax levy being paid for by the CIP classes which pays a higher rate, industrial use does not impact schools' demographics, fire and police will hopefully be minimally impacted as new buildings will be equipped with sprinklers, etc. Steve Gullo, Board of Assessors, stressed to the Council that this class of land is critical in overall real estate taxes due to the shifting of the levy to that class. Industrial properties lessen the burden on residential taxes.

#### **President Michitson asked if anyone else would like to speak in favor?**



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Andrew Herlihy, CDBG, stated currently using CDBG funds to hire a consultant for analysis of existing environmental and structural conditions at site; will also pursue federal and state grants for project.

**President Michitson asked if anyone would like to speak in opposition?**

Chris Todino, Shattuck Street resident, addressed the Council stating he is concerned with the industrial park going in his neighborhood; his property value will go down, traffic will increase, worried about excessive noise and what type of companies will be going in; regulations in place don't guarantee the fallout.

Susan Cloutier, Corliss Hill Road resident, also upset with impact on the neighborhoods, amount of truck traffic already on Corliss Hill Road and safety issues.

Joy Smith, resident of Amesbury Road, upset with not being notified of hearing on May 11<sup>th</sup>, feel city does not provide any services as is including a non-working fire station, already too much traffic and now will be worse, feels the city forgets the area until they want something.

Caroline Madison, Brandy Brow Road resident, is concerned about the proximity to the drinking water. Questioned the protection of water flow back and forth. Have not seen a plan to protect our drinking water.

Robert Ward answered that the water does not flow between Kenoza Lake and Tilton Swamp across Route 110. The drainage of Route 110 catch basins flow into Tilton Swamp, Tilton Swamp flows out the other side through a culvert near the intersection of Rte. 108 then towards Haverhill County Club area. The area is outside of the Watershed Overlay Protection District. Can ask consultants to look at it if wanted confirmation.

Anita Toscano, Corliss Hill Road resident, concerned about the type of businesses going into park; traffic; the effect on the environment; the quality of life for the residents of the assisted living facility nearby; questioned if tax rate will actually go down; master plan mentioned keeping rural areas; seems existing business park still has vacancies.

Michael Kruse, Whittier Road resident, also opposed of project mainly due to the potential environmental impact; it's wetlands, high priority flood zone in the entire area; traffic concerns but main concern is environmental.

Christine Kwitchoff, Colby's Lane, asked Andrew Herlihy when will the analysis done by the Consultant be available and if it will be shared with the public?

Andrew Herlihy stated in order to apply for federal grants have to undertake a public environmental review process. Will not be able to move forward without review process. Bill Pillsbury clarified further stated that beginning of process and needed site control and zoning change before being able to move forward with applications with all the agencies.



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#### **President Michitson asked again if anyone would like to speak on opposition?**

Patrick Devany, East Broadway resident, stating he does not like the process here. Spoke of the site on Amesbury Road for a diesel station, no information available, only find out last minute. Asked that the process be more visible to the public who is intimately involved.

#### **President Michitson closed the hearing.**

#### ***Motion by Councillor McGonagle to move for passage, second Councillor Barrett***

Councillor Lewandowski asked Mr. Pillsbury if there was any way for more transparency for people who have spoken in opposition, so they feel informed during the process?

Mr. Pillsbury stated there will be public hearings but can also take the names of the residents and inform them when hearings are going to happen.

Councillor Sullivan comments included knew eventually last rural area would be developed; the access point is a positive for project since one road in and one road out; solves problem at Elliott Street intersection while protecting Rte. 108; no projects will pass MEPA unless environmentally sound; proposed building a new fire station in the park perhaps at the entrance which would make project more attractive and increase public safety. It is only one step in a very lengthy review.

Councillor Barrett asked Mr. Pillsbury if a traffic study could be done on the neighboring roads to see if a stricter truck exclusion is needed. Already zoned office park, if the manufacturing included environmentally concerning will there be mitigation?

Mr. Pillsbury stated a full traffic study will be to justify a traffic signal at Elliott Street. Conditions will be part of the orders of conditions during the project review process.

Councillor Bevilacqua thanked the neighbors, the city and foundation; project will be a positive for linking Northern Essex Community College and Whittier Tech; must provide jobs for residents; great opportunity for Haverhill; neighbors will be involved in project.

Councillor McGonagle will support; there are legitimate concerns; asked clerk about notifications for upcoming inflammable hearing confirming notifications were made; project will benefit entire city and tax classification will help; Haverhill Foundation is here to help build infrastructure for Haverhill.

President Michitson has two issues: one is jobs, the other is keeping rural nature of neighbors. Would like to know the type of businesses planning on marketing? Asked about building in city standards for environmental sustainability?

Mr. Cavallaro stating looking at Rte. 97 model as target for audience; entry level to advanced engineering. Mr. Pillsbury stated environmental sustainability standards are a priority at the state level and we will also include as part of the approval process.



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**President Michitson: Madam Clerk please call the roll.**

City Clerk Koutoulas: Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, Councillor Rogers-yes, Councillor Toohey-yes, President Michitson-yes, 8 Yeas, 0 Nays, 1 Absent (Jordan)

**President Michitson: Passed**

10.2.Document 57: application for Inflammable License from Steven J Eddy for the diesel fueling station proposed at 298 Amesbury rd – 32, 000 gallons of diesel fuel to be stored underground *Related communication from Attorney Michael Migliori requesting continuance of the hearing to June 21, 2022*

*Motion by Councillor McGonagle, second Councillor Toohey  
PASSED to be heard June 21, 2022 Yeas 9, Nays 0*

10.3.Document 65: Kenville Mercury requests Special Permit – CCSP 22-7 for housing project at 345 River st for commercial/residential 3-unit multifamily in the Residential Rural zone *Dept comments are included*

**President Jordan opened the special permit hearing.**

Andrea and Kenville Mercury presented their application for special permit for restoration of a three-family dwelling at 337-339 River Street.

**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.**

**President Jordan closed the special permit hearing.**

*Motion by Councillor McGonagle for passage with conditions from Department Heads, second Councillor Rogers.*

**Madam Clerk please call the roll on the Motion.**

City Clerk Koutoulas: Councillor Michitson-yes, Councillor Barrett-yes, Councillor Bevilacqua-yes, Councillor Sullivan-yes, Councillor Lewandowski-yes, Councillor McGonagle-yes, Councillor Rogers-yes, Councillor Toohey-yes, President Jordan-yes, 9 Yeas, 0 Nays

**President Jordan: Passed with Conditions from Department Heads.**

### 11. APPOINTMENTS:

11.1.Confirming Appointments:

11.2.Non-Confirming:

11.3.Resignations:

11.3.1. *Haverhill Cultural Council; Mary Gould*

*Motion Councillor Barrett, second Councillor McGonagle*

*PASSED Placed on File*

*All in Favor*

64-C

### 12. PETITIONS:



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12.1. Guy Bresnahan/*Broco Oil*, requests to amend their Inflammable license for Biodiesel Fuel at 168 Hale st; *has Board of Appeals approval*

Hearing June 21 2022

*Motion Councillor Sullivan, second Councillor Barrett*

*PASSED to be heard June 21, 2022*

*Yeas 9, Nays 0*

79

12.2. Applications Handicap Parking Sign: *with Police approval:*

12.3. Amusement/Event Application: pending approvals

12.3.1. Erin Padilla/*Creative Haverhill* requests to hold *Haverhill Art Walk* on Wingate st. ; June 11<sup>th</sup> from 12 pm to 7 pm, with set up for artists from 3 to 6 and also requests fees be waived

Stated businesses know and only one lot will be closed

*Motion by Councillor Barrett, second Councillor Sullivan*

*PASSED Fees waived*

*Yeas 9, Nays 0*

66-H

12.4. Auctioneer License:

12.5. Tag Days: with Police approval

12.6. One Day Liquor License – *with approvals*

12.7. Annual License Renewals:

12.7.1. **Hawker Peddlers License 2022 - Fixed location** – *with approvals*

12.7.2. **Coin-Op License Renewals** - *with Police approvals*

12.7.3. **Drainlayer License Renewals for 2022** -*with City Engineer approval*

12.7.4. **Christmas Tree Vendor:**

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

12.7.6. **Taxi License:**

12.7.7. **Junk Dealer License** *with Police approval:*

12.7.8. **Pool Tables**

12.7.9. **Sunday Pool**

12.7.10. **Bowling**

12.7.11. **Sunday Bowling**

12.7.12. **Buy & Sell Second Hand Articles** *with Police approval:*

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

12.7.14. **Pawnbroker license**

12.7.15. **Fortune Teller** *with Police approval*

12.7.16. **Buy & Sell Old Gold**

12.7.17. **Roller Skating Rink**

12.7.18. **Sunday Skating**

12.7.19. **Exterior Vending Machines**

12.7.20. **Limousine/Livery License/Chair Cars** *with Police approval:*

### 13. MOTIONS AND ORDERS:

13.1. Transfer \$7,000.00 from *Reserve for Capital Projects Budget* to the Capital Account – *Winnekenni Park – Castle Evaluation*

*Motion by Councillor Barrett, second Councillor Sullivan*

*PASSED*

*Yeas 9, Nays 0*

18-N

### 14. ORDINANCES (FILE 10 DAYS)



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#### 15. COMMUNICATIONS FROM COUNCILLORS:

15.1. Council President Jordan announces the addition of a Council Meeting on Tuesday, June 14, 2022 at 7 pm in the Council Chambers for the purpose of the final Budget vote  
*Motion by Councillor Bevilacqua to delay to June 21st, second Councillor Toohey*  
*PASSED Final Budget June 21, 2022 Yeas 6, Nays 3 (Michitson, Rogers, Jordan) 61-I*

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

16.1. Document 2-H; Ordinance re: Vehicles and Traffic, Delete 1 Handicap Parking spot in front of 73 Hilldale av and 3 handicap spots in front of 103 Summer st

*Motion by Councillor Michitson, second Councillor McGonagle*

*PASSED Yeas 9, Nays 0*

16.2. Document 19-E; Ordinance re: Vehicles and Traffic; Add handicap parking space at 162 South Pleasant st and 103 Portland st

*Motion by Councillor McGonagle, second Councillor Barrett*

*PASSED Yeas 9, Nays 0*

16.3. Document 73; Ordinance re: Vehicles and Traffic; Amend City Code Chapter 240, by adding "Article XVII Valet Parking Permit"

*Related communication from William Cox Jr, City Solicitor regarding requested Amendments to Valet Parking Ordinance All ordinances filed May 11 2022*

*Motion by Councillor Barrett to amend ordinance, second Councillor McGonagle*

*PASSED Yeas 9, Nays 0*

*Motion by Councillor Barrett to pass newly amended ordinance, second Councillor Rogers*

*PASSED Yeas 9, Nays 0*

#### 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 to adjourn Councillor Sullivan, second Councillor Barrett*

*PASSED All in Favor*

Adjourned 22:15