



City of Haverhill
City Council Minutes
Tuesday, June 16, 2020
Virtual Meeting

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 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 from June 2 and June 9 meetings were approved Yeas 9, Nays 0
4. Assignment of the minutes review for the next Meeting
Councillor Macek 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. The Mayor informed that between yesterday and today there was 1 new case in Haverhill. The big news is that yesterday there were no new cases and this is the first time since March with a recovery rate of 90%. Also, there will be free testing for all residents on June 17 & 18 only at LGH with 2 hr. turnaround and CVS in Lafayette Sq. with on-line sign up. Results will take 2 days. No doctor’s script is required. Because of the BLM protests in the state all participants are encouraged to be tested. The Mayor is working on the budget and will email it to council at the end of the week. The state will be doing a 1/12 budget and may have their budget at the end of July. 21U

Communication from Mayor Fiorentini announcing that the Ornsteen Riverfront project is moving forward and is submitting a Purchase and Sale Agreement for 31-35 Railroad Ave. and also submits related Order.

Councillor Sullivan recused himself and left the meeting.

The Mayor gave a brief background about the Orsteen property. The city acquired the property 20 years ago for back taxes. Since then there have been 4 sets of RFPs. He feels this current response is outstanding as the buyer would offer to purchase the property at the appraised value of \$1M and this would be a beautiful gateway city project. The project would include, at the owner’s expense, an amphitheater, retail restaurant overlooking the water, apartments and riverfront park walkway. The Mayor asked the Council to allow him to sign the purchase and sale agreement. It then comes back to Council for permitting.

Attorney Migliori represented the Procopio Companies for the purchase and sale agreement. After the purchase they will proceed to the special permit with a proposed residential-transformational project. He introduced Mike Procopio who gave a brief PowerPoint presentation. Mr. Procopio informed that parcels

relevant to the project are at 19 Railroad Ave. and 236 S. Elm and these are under contract with hard deposit. The current proposal is a three-building project for 290 residential units with retail space, \$1M purchase price and parks will be gifted to the city. There will be public access and view corridors; below grade parking; park area with water access with docks. The project aligns with Vision Haverhill 2035 Master Plan and promotes transit-oriented development and will create at a minimum 280 to 400 jobs.

Councillors asked questions relative to deposits, construction timeline, size of project and voiced strong concerns about traffic. Attorney Cox answered questions about deposits. Mr. Procopio informed that the construction timeline is 26 months. Councillor LePage recommended that the Peer Review Committee include a council member and the Council send a letter to the Mayor. 21V

ORDERED: That the real property located at 31-35 Railroad Avenue, also known as the Ornsteen property, located on Assessor's Map 711, Block 4, Lots 3, 4, and 4A; and Map 712, Block 684, Lots 1, which also includes Lot 2, and which contains 4.8 acres more or less, being and is hereby declared surplus.

Further, the Mayor is hereby authorized to sell to PE Realty Partners, LLC said real property for the total sum of One Million (\$1,000,000.00) Dollars. The Mayor is also authorized to execute a purchase and sale agreement to PE Realty Partners, LLC or their assigns, a copy of which is attached hereto and incorporated herein, and any other documents necessary to effectuate the sale of said real property, including but not limited to a deed.

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILOR DALY TO APPROVE THE ORDER

PASSED Yeas 7, Nays 1 (Barrett) Abstain 1 (Sullivan) 67

Councillor Sullivan returned to the meeting

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:

Abatement report from Board of Assessors for month of May 2020

PLACED ON FILE Yeas 9, Nays 0 32E

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

10. Hearings and Related Orders:

Document 43: Petition from Thomas Hodgson/Livingston Development Corp requesting City accept a portion of South Pearson st as a Public Way

POSTPONED TO JUNE 30, 2020 AS NO REPRESENTATIVE WAS AVAILABLE Yeas 9, Nays 0 43

Document 43-B; Order – accept a portion of South Pearson st as a Public Way

Postponed from March 24 2020; Favorable Conditional recommendation from Planning Board and Planning Director

POSTPONED TO JUNE 30, 2020 AS NO REPRESENTATIVE WAS AVAILABLE Yeas 9, Nays 0 43B

Document 44: Petition from Attorney John McKenna for applicant Amerco Real Estate Co and U-Haul Company of Eastern Mass requesting Special Permit under POD Ordinance for *Storage Containers* pursuant to Zoning Ordinance Section 120-16; for the use of more than 2 regulated storage containers for more than 6 months at 211-219 Lincoln av; Rivers Edge Plaza; *postponed from June 2 2020; Comments from various City Departments included*

PRESIDENT BARRETT OPENED THE HEARING. ATTORNEY MCKENNA REQUESTED ADDITIONAL TIME TO PREPARE RENDERINGS AND APPROPRIATE PLANS AND ASKED FOR CONTINUANCE TO NEXT CITY COUNCIL MEETING. HE APOLOGIZED FOR NOT MEETING THE 11AM DEADLINE TO SUBMIT HIS REQUEST. HIS REQUEST WAS SUBMITTED AT 11:15AM. RENDERINGS ARE COMING FROM OUT OF STATE AND HE SHOULD HAVE THE MATERIALS BY THE END OF THE WEEK. HE INFORMED THAT HE WOULD NOTIFY ABUTTERS WHEN ASKED IF THEY WOULD BE NOTIFIED.

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO POSTPONE TO JULY 28 COUNCIL MEETING.

POSTPONED TO JULY 28 2020 Yeas 7, Nays 2 (Macek, Barrett) 44

Document 54 - Petition from Attorney Russell Channen representing Jonathan Cody Manger of Atlantis Development LLC requesting a Special Permit for former St Joseph School on 26 Broadway to create a multi-family consisting of 36 residential units within the RH zone; *Favorable conditional recommendation from Planning Board & Planning Director*

PRESIDENT BARRETT OPENED THE HEARING. ATTORNEY CHANNEN INFORMED HE WAS ATTENDING THE MEETING WITH JONATHAN CODY, MANAGER OF ATLANTIS DEVELOPMENT, SEEKING A SPECIAL PERMIT TO CREATE 36 RESIDENTIAL UNITS AT THE FORMER ST. JOSEPH SCHOOL. ATLANTIS HAS A PURCHASE AND SALE AGREEMENT WITH THE ARCHDIOCESE OF

BOSTON SUBJECT TO CITY COUNCIL APPROVAL OF THE SPECIAL PERMIT. MR. CODY HOPES TO SIGN THE PURCHASE AND SALE AGREEMENT BY THE END OF SEPTEMBER 2020. THEY ALREADY WENT BEFORE THE ZONING BOARD OF APPEALS FOR A NUMBER OF VARIANCES. THE GYM AND BOWLING ALLEY WILL BE MAINTAINED FOR USE BY THE COMMUNITY. PLANNING BOARD APPROVED THE PLAN WITH RECOMMENDATIONS. THEY PURCHASED PROPERTY ACROSS THE STREET FOR A PARKING LOT. ELAINE BARKER CALLED IN AND EXPRESSED HER SUPPORT. EMAILS WERE RECEIVED FROM THE FOLLOWING LENDING THEIR SUPPORT: THOMAS MORTIMER, TARA CONTE-SALVI, PETER & KATHY RICHARDSON AND DANIEL BROSNAN, JR. NO ONE WAS OPPOSED. HEARING CLOSED

COUNCILLORS INQUIRED ABOUT PARKING. ATTORNEY CHANNEN INFORMED THAT THERE ARE 39 RESIDENTIAL PARKING SPACES ON THE EXISTING FOOTPRINT AND THERE ARE ABOUT 40 SPACES ACROSS THE STREET WITH THE LOT THAT WAS PURCHASED. THE LOT CREATED A PASSAGEWAY EXIT ONTO FEDERAL STREET. MR. CODY INFORMED THAT SPACES AROUND THE SCHOOL WILL BE FOR RESIDENTS; THERE WILL BE 2 ENTRANCES ON OAK STREET & OAK TERRACE AND ONE AROUND THE BACK. RENTS - \$1,300 FOR STUDIOS (28) AND \$1,500 FOR ONE BEDROOM (8).

Councillor Bevilacqua lost his internet connection

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR SULLIVAN TO APPROVE THE SPECIAL PERMIT WITH THE CONDITIONS FROM THE PLANNING DIRECTOR AND LETTERS FROM THE DEPARTMENT HEADS.
PASSED WITH CONDITIONS

Yeas 8, Nays 0, Absent 1 54

When Councillor Bevilacqua rejoined the meeting (Item 15) he requested to add his vote in favor of the special permit.

11. Appointments:

No Schedule

12. Petitions:

Petition from Richard Carter requesting special permit approval to convert a building at 417 Washington st; May 511, Block 276, Lot 6; into 4 single bedroom apartment to be rentals

REFERRED TO PLANNING BOARD

COUNCIL HEARING AUGUST 11 2020

Yeas 8, Nays 0, Absent 1(Bevilacqua) 68

13. Motions and Orders

14. Ordinances (File 10 days)

Councillor Bevilacqua rejoined the meeting

15. Communications from Councillors:

Communication was received from Council President Barrett and Councillor Michitson requesting Mayor-Council conference on way ahead for addressing racism and potential policy changes involving Police Department and other City departments

COUNCILLOR MICHITSON REQUESTED THAT THE CITY BEGIN NECESSARY CONVERSATION REGARDING RACISM TO BRING ABOUT MEANINGFUL CHANGE IN HAVERHILL AND THIS WILL REQUIRE COMMUNITY INPUT. PRESIDENT BARRETT INFORMED THAT COMMUNITY STAKEHOLDERS ARE ALREADY WORKING ON THE GROUND WITH THE POLICE. A NUMBER OF COUNCILLORS ATTENDED THE PEACEFUL BLACK LIVES MATTER PROTEST ON SATURDAY, JUNE 13 AND COMMENDED THE ORGANIZERS OF THE EVENT. THE MAYOR INFORMED THAT HE WILL BE PUTTING TOGETHER A TASK FORCE ON INCLUSION AND DIVERSITY. A PROVISIONIAL LIEUTENANT WILL REVIEW POLICE POLICIES AND PROCEDURES.

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR SULLIVAN TO REQUEST A MAYOR/COUNCIL CONFERENCE WITH POLICE CHIEF, POLICE UNION REP. AND OTHER COMMUNITY STAKEHOLDERS

Yeas 9, Nays 0 69

Communication was received from Councillor Timothy Jordan requesting an update on Haverhill's application for the \$5.6M of CARES Act money that our City is eligible for.

THE MAYOR AND ANDREW HERLIHY, DIVISION DIRECTOR-CDGB, EXPLAINED FUNDING FROM THE CARES ACT. HAVERHILL'S PORTION IS \$5,646,348. THE MONEY IS AVAILABLE THRU CALENDAR YEAR 2020 AND CROSSES FISCAL YEAR 21. THE CITY IS TRYING TO RECOUP EXTRAORDINARY UNBUDGETED COSTS FROM FY20 DUE TO CORONAVIRUS. LAST WEEK HAVERHILL'S APPLICATION WAS SUBMITTED FOR \$1,945,505 REMIMBURSEMENT. THIS LEAVES A BALANCE OF ALMOST \$3.7M FOR FISCAL YEAR 21. ANOTHER APPLICATION WILL BE SUBMITTED AT THE END OF DECEMBER.

CATEGORIES NOT COVERED UNDER THE CARES ACT ARE LONG-TERM CAPITAL IMPROVEMENTS AND LOSS OF REVENUE. SCHOOL EXPENSES WILL BE REIMBURSED IF THEY ARE

ELIGIBLE. FUNDS ARE AVAILABLE FROM CDBG TO ASSIST RESTAURANTS, RENTAL AND HOUSING ASSISTANCE, UTILITIES, FOODBANKS AND SMALL BUSINESSES. MR. HERLIHY WILL PROVIDE COUNCIL WITH A DETAILED REIMBURSEMENT ACCOUNTING.

PLACED ON FILE

69B

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding proposed regional business-educational-residential municipal internet service
COUNCILLOR BEVILACQUA INFORMED THAT THERE IS FUNDING IN THE CARES ACT FOR ABOVE INTERNET SERVICE AND THAT HE DEVELOPED A PROPOSAL AND SENT IT TO THE MERRIMACK VALLEY PLANNING COMMISSION. COUNCILLOR MICHITSON REMINDED ALL THAT HE HAS BEEN WORKING ON A PROPOSAL WITH LANE GLENN, PRESIDENT-NECC, FOR THE EXACT INTERNET TYPE SERVICE FOR QUITE SOME TIME. THEY HAVE A REGIONAL BROADBAND PROVIDERS CONFERENCE SCHEDULED FOR THE FALL WITH THE GREATER HAVERHILL CHAMBER OF COMMERCE. REPRESENTATIVE VARGAS HAS ALREADY PUT IN FUNDING FROM THE STATE AND THE TEAM IS WRITING AN RFF LOOKING AT VARIOUS FUNDING OPTIONS.

69C

Communication was received from Councillor Michael McGonagle requesting to refer a request for a pedestrian crossing sign on Washington st before the crosswalk at Julian Steele Senior housing
ON MOTION OF COUNCILLOR MCGONAGLE TO REFER TO TRAFFIC & SAFETY COMMITTEE.
REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 9, Nays 0

69D

Communication was received from Councillor Michael McGonagle requesting to have the Traffic & Safety Committee review a request for a “no outlet” sign at the entrance of Booth st
ON MOTION OF COUNCILLOR MCGONAGLE TO REFER TO TRAFFIC & SAFETY COMMITTEE.
REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 9, Nays 0

69E

16. Unfinished Business of Preceding Meeting:

Document 8-D

MUNICIPAL ORDINANCE

CHAPTER 240

AN ORDINANCE RELATIONG TO VEHICLES AND TRAFFIC

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be and is hereby further amended as follows:

That the “Central Business District Parking Map dated 8/17/2011”, be revised and amended, shall be further revised and amended by relocating two (2) handicap parking spaces from the easterly side of the entrance of the Merrimack Street Parking Lot to the two most easterly parking spaces abutting the entrance to the Herbert H. Goecke, Jr. Parking Deck, all as shown on the attached map.

Further, said map shall now reflect “as last revised on 06/02/2020” wherever said words and figures should appear in Chapter 240; *Related communication from William Cox Jr, City Solicitor*

PASSED

Yeas 8, Nays 0, Abstain 1(McGonagle) 8D

17. RESOLUTIONS and PROCLAMATIONS:

18. Council Committee Reports and Announcements:

19. Documents referred to committee study

20. Long term matters study list

Meeting adjourned 9:00 o'clock P.M.

Yeas 9, Nays 0

Attest: Linda Koutoulas

City Clerk