



City of Haverhill
City Council Minutes
Tuesday, June 30, 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 were approved Yeas 9, Nays 0
4. Assignment of the minutes review for the next Meeting
Councillor LePage was assigned the minutes
5. Communications from the Mayor:
Communication from Mayor Fiorentini regarding several Orders to enact Haverhill’s operational budget for FY 2021:
PLACED ON FILE Yeas 9, Nays 0 21W

BOND

ORDERED: That Five Hundred Twenty-One Thousand Dollars (\$521,000) is appropriated to acquire A fire truck, including the payment of all costs incidental and related thereto; that to meet this 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 issue bonds or note of the City therefor. (see document for complete text)

CHUCK BENEVENTO, AUDITOR, ANSWERED QUESTIONS ABOUT INCREASING THE BOND ORDER TO INCLUDE THE COST OF ANOTHER FIRE TRUCK. MR. BENEVENTO INFORMED THAT THE BOND ORDER HAD TO GO ON FILE FOR 10 DAYS AND BE ADVERTISED. ALSO, THE COUNCIL DID NOT HAVE THE AUTHORITY TO INCREASE THE AMOUNT.

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 70

ORDERED: That as part of the fiscal year 2021 annual budget **\$196,162,837** be and is hereby raised and appropriated within the categories as designated as appropriated as listed on the attached and further that said appropriation be funded in the following manner:

\$ 205,445	Water Receipts
\$ 609,010	Wastewater Receipts
\$5,100,000	Free Cash
\$ 100,000	Transfer from Capital Projects-Sidewalk Repair Projects
\$ 700,000	Transfer from Capital Projects-Roadways
\$189,448,382	Taxation and Other Receipts

ALLISON HEARTQUIST, CHIEF OF STAFF AND CHUCK BENEVENTO ANSWERED QUESTIONS DURING THE BUDGET DISCUSSION. THE CITY HAS NOT RECEIVED INDICATION FROM THE STATE ABOUT APPROPRIATIONS. THE COUNCIL REQUEST FOR TWO NEW FIRE TRUCKS TO REPLACE TWO 33-YEAR OLD HAHN TRUCKS WAS NOT INCLUDED IN THE FY2021 BUDGET.

On motion for passage, the yeas and nays were as follows:

Yeas – Councillors Bevilacqua, Sullivan and Daly O’Brien 3

Nays – Councillors LePage, Michitson, Jordan, McGonagle, Macek and President Barrett 6

NOT PASSED

71

ORDERED: That the City Council, in accordance with the City Ordinance Chapter 83 set the annual budget for the following revolving funds:

Recreation and Youth Activities	\$175,000
Veteran’s Memorial Skating Rink	\$456,000
Citizen Center Rental	\$25,000
Council on Aging Activities	\$50,000
Wood School Daycare	\$100,000
Municipal Open Space Management	\$100,000

PASSED

Yeas 9, Nays 0

71B

ORDERED: That as part of the fiscal year 2021 annual budget the sum of \$10,249,776 be appropriated to operate the Water Department for items marked as appropriations on the attached

and \$8,224,927 come from Water revenue

and that \$2,230,294 come from available Retained Earnings

and that \$205,445 be appropriated in the General Fund and funded from Water Receipts

PASSED

Yeas 9, Nays 0

71C

ORDERED: That as part of the fiscal year 2021 annual budget the sum of \$11,751,460 be appropriated to operate the Wastewater Department for items marked as appropriation on the attached

and \$12,360,470 come from Wastewater revenue

and that \$609,010 be appropriated in the General Fund and funded from Wastewater receipts

PASSED

Yeas 9, Nays 0

71D

ORDERED: That as part of the fiscal year 2021 annual budget the sum of \$2,000,000 be raised and appropriated from the Stabilization Fund and transferred into General Fund-Group Insurance Expenses

On motion for passage, the yeas and nays were as follows:

Yeas – Councillors Bevilacqua, Sullivan and Daly O’Brien 3

Nays – Councillors LePage, Michitson, Jordan, McGonagle, Macek and President Barrett 6

NOT PASSED

71E

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

Communication from Councillor Timothy Jordan requesting to introduce Judy Matthews who wishes to state why she believes the Hannah Duston statue should be removed from GAR Park

MS. MATTHEWS INFORMED THAT WITH THE RECENT PROTESTS NOW IS THE TIME TO CONSIDER THE REMOVAL OF THE HANNAH DUSTON STATUE IN GAR PARK. THE STATUE WAS FUNDED BY PRIVATE FUNDS AND PLACED IN A PUBLIC PARK. SHE READ A PREPARED STATEMENT FROM THE MASSACHUSETTS CENTER FOR NATIVE AMERICAN AWARENESS. OF PARTICULAR OFFENSE IS THE LANGUAGE/DESCRIPTON AT THE BASE OF THE STATUE. COUNCILLORS CAUTIONED THERE ARE VARIOUS ACCOUNTS OF THE HANNAH DUSTON STORY AND AT THIS TIME THE CITY IS FACED WITH OTHER PRIORITIES.

PLACED ON FILE

55B

7. Public Participation- Requests under Council Rule 28

8. Communications and Reports from City Officers and Employees:

Communication from Robert E Ward, Deputy DPW Director, submitting proposed City Council Order for Water and Wastewater User Rates for approval with the FY21 Budget

MR. WARD INFORMED THAT THERE ARE A NUMBER OF FACTORS THAT IMPACT THE RATE INCREASES. LOAN PAYMENTS ARE DUE THIS YEAR FOR ODOR CONTROL, SEWER IMPROVEMENTS AND OTHER PROJECTS.

PLACED ON FILE

71F

ORDERED: An Order Relating to Water and Wastewater Rates

That Document #81 of June 25, 2019, (An Order Relating to Water and Wastewater Rates) be and is hereby deleted in its entirety and the following inserted in place thereof:

RATES FOR WATER AND WASTEWATER, EFFECTIVE JULY 1, 2020

The City Council of the City of Haverhill hereby establishes the wastewater user rate shall be \$5.97 per hundred cubic feet and the water user rate shall be \$3.25 per hundred cubic feet.

Those persons that qualify pursuant to M.G.L. Chapter 59, Section 5, Clause 41C, as adopted by the City from time to time, shall receive a fifteen (15) percent discount on the above rates.

PASSED Yeas 9, Nays 0 71FF

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

THE CITY CLERK INFORMED THAT THE PETITIONER WAS CONTACTED ABOUT THE RESCHEDULED DATE

POSTPONED TO JULY 14, 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 June 16 2020; Favorable Conditional recommendation from Planning Board and Planning Director

POSTPONED TO JULY 14, 2020 AS NO REPRESENTATIVE WAS AVAILABLE Yeas 9, Nays 0 43B

Document 59 – Petition from Attorney Robert Harb for applicant James H Lyons, Trustee of the Dennysville-Lyons Trust, requesting that Catalina Way be accepted as a Public Way. Favorable conditional recommendation from Planning Board & Planning Director

HEARING OPENED

Attorney Robert Harb represented the applicant James H. Lyons, Trustee of the Dennysville-Lyons Trust. He informed that the roadway was built according to an approved definitive plan and that bonds were posted. The City Engineer reviewed the project and recommended that the bond be reduced to zero. A recommendation was that gas hoods be installed in catch basins prior the City Council meeting this evening which have been completed. No one spoke in favor or opposed to the petition.

HEARING CLOSED 59

ORDERED: It appearing that the common convenience and necessity require it, it is hereby that the following street herein described be accepted as a public way Catalina Way (see document for complete text) ON MOTION OF COUNCILLOR MACEK WITH SECOND FROM COUNCILLOR BEVILACQUA TO ACCEPT CATALINA WAY AS A PUBLIC WAY WITH A FAVORABLE CONDITIONAL RECOMMENDATION FROM THE PLANNING BOARD AND PLANNING DIRECTOR. ALL LETTERS FROM DEPARTMENT BE INCLUDED.

PASSED WITH CONDITIONS Yeas 9, Nays 0 59F

11. Appointments:

Confirming Appointments

Shelby Powe, 30 Race st to the Haverhill Cultural Council; appointment effective immediately and to expire Dec 31 2021

CONFIRMED Yeas 9, Nays 0 1H

Non-Confirming Appointments

Reverend Kenneth Young, Chairman of the Mayor’s Task Force on Diversity & Inclusion

PLACED ON FILE Yeas 9, Nays 0 2G

ON MOTION OF COUNCILLOR DALY O’BRIEN TO SUSPEND THE RULES TO INTRODUCE THE MAYOR’S COMMUNICATION AND ORDER RELATIVE TO PLUM ISLAND KAYAK LICENSE AGREEMENT

RULES SUSPENDED Yeas 9, Nays 0 21X

Communication from Mayor Fiorentini relative to Plum Island Kayak License Agreement with related communication from Andrew Herlihy, CDBG Director

PLACED ON FILE

Councillor Daly O’Brien informed that Plum Island Kayak intends to rent kayaks in downtown Haverhill and that their operation would require shared use of the docks with other boaters and the public as well as their exclusive seasonal usage of the city’s new operations/ticket booth structure. The term of the license is July 1, 2020 through October 31, 2020. Councillor Daly O’Brien read the following order into the record:

ORDERED: That the Mayor is hereby authorized to execute a Boardwalk/Dock/Booth License Agreements with PLUM ISLAND KAYAK, INC, for use of the Boardwalk and Dock adjacent to Riverfront Park and the Phoenix Row Parking Lot, and, exclusive use of the portable ticket/storage booth located in Riverfront Park, a copy of which is attached and incorporated herein.

PASSED Yeas 9, Nays 0 38C

12. Petitions:

Hawker Peddlers License 2020 - Fixed location/new

James Waldrup to sell fried seafood, grilled foods, sandwiches, soda & bottled water at 543 Amesbury rd; Mon-Sun; 11 am to 8:30 pm; *Approvals from various City Departments are pending*
 THE CITY CLERK INFORMED THAT MR. WALDRIP HAD WITHDRAWN HIS APPLICATION.
 ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR MACEK TO VOTE ON THE WITHDRAWAL OF THE APPLICATION.

APPLICATION WITHDRAWN Yeas 9, Nays 0 5C

Drainlayer License for 2020:

Daniel Briscoe – *new*
 GRANTED Yeas 9, Nays 0 46K

Theodore L Norton – *new*
 GRANTED Yeas 9, Nays 0 46L

Brendan Larkin – *renewal*
 GRANTED Yeas 9, Nays 0 46M

David Tebbetts – *renewal*
 GRANTED Yeas 9, Nays 0 46N

Junk Dealer License:

James Smith for *TJS Metals, 39 Hale st - renewal*
 GRANTED Yeas 9, Nays 0 72

13. Motions and Orders

ORDERED: That the Mayor being and is hereby authorized on behalf of the City of Haverhill to accept a deed from Gedymino Club, Inc. to the City for certain real property located on Montvale Street containing 6.14 acres of land in total, a copy of which is attached hereto and incorporated herein along with a plan entitled “Form A Plan, Proposed Site Plan of Land at Montvale Street, Haverhill, Massachusetts, Owner/Applicant: Lithuanian Gedymino Cub, P.O.Box 1861, Haverhill, MA 01831, Date: June 24, 2019, Scale: 1”=40”. Said deed is being conveyed relative to the requirements of an Order of Conditions issued by the Haverhill Conservation Commission under M.G.L. Chapter 131, Section 40, and Haverhill City Code Chapter 253 regarding the protection of wetlands, related water resources, and adjoining land areas.

PASSED Yeas 9, Nays 0 73

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
Alarm contracting Services	\$ 262.50	School Dept	
WB Mason	7.98	Water Engineering	
Nutter, McClennen & Fish LLP	19,236.24	Wastewater Dept	
PASSED		Yeas 9, Nays 0	25D

14. Ordinances (File 10 days

MUNICIPAL ORDINANCE CHAPTER 240
 An Ordinance Relating to Parking
 74 Portland St – ADD Handicapped Parking

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 further amended by adding the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

Location	Regulation	Hours/Days	
Portland Street In front of No.74 except For 1-24 Hour Handicap Parking space at 74 Portland Street	No Parking	24 hours	
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	9H

15. Communications from Councillors:

Communication was received from Councillor Michael McGonagle requesting to have the Traffic and Safety Committee review a request for a “no outlet” sign at the entrance of Silver Birch Lane
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69F

Communication was received from Councillor Michael McGonagle requesting to refer a request for a stop sign at the intersection of Greenough st and Sherman av to the Traffic & Safety Committee
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69G

Communication was received from Councillor Bevilacqua requesting a discussion proposing to postpone the rescheduled Master Plan Zoning Public Hearing until such time as residents are able to attend in person live City Council Hearings for reasons to be discussed
 ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR MACEK NOT TO HAVE ZONING HEARING UNTIL SUCH TIME AS THE FULL OPPORTUNITY EXISTS FOR CITY COUNCIL TO HOST MEETING WITH IN PERSON PUBLIC MEETING THAT ALLOWS THE PUBLIC

TO COME TO PARTICIPATE DIRECTLY, NOT REMOTELY BY ELECTRONIC COMMUNICATION.
ZONING HEARING POSTPONED TO A DATE TO BE DETERMINED Yeas 9, Nays 0 69H

Communication was received from Councillor Joseph Bevilacqua requesting a discussion of traffic concerns on West Rochambault st as identified by Frank Cook and other residents and request to be referred to Traffic and Safety Committee

COUNCILLOR BEVILACQUA INFORMED ABOUT RESIDENTS CONCERNS OF SPEEDING CARS REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69I

Communication was received from Councillor Colin LePage requesting a status update on the Matrix study regarding the "Organization of our Facilities Maintenance Department" as previously requested ON MOTION OF COUNCILLOR LEPAGE TO TABLE TO JULY 14

TABLED TO JULY 14 2020 Yeas 9, Nays 0 69J

16. Unfinished Business of Preceding Meeting:

17. RESOLUTIONS and PROCLAMATIONS:

18. Council Committee Reports and Announcements:

19. Documents referred to committee study

20. Long term matters study list

ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCILLOR MCGONAGLE TO TAKE A RECESS.

PRESIDENT BARRETT DECLARED RECESS Yeas 9, Nays 0

ON MOTION OF COUNCILLOR DALY O'BRIEN WITH SECOND FROM COUNCILLOR BEVILACQUA TO RECONVENE MEETING MEETING RECONVENED

Yeas 9, Nays 0

ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCILLOR MACEK FOR A RECONSIDERATION OF VOTE ON ITEM 5.3 (DOCUMENT 71- BUDGET) ON THE AGENDA RECONSIDERATION PASSED

Yeas 9, Nays 0

During recess President Barrett and Vice President LePage spoke with Mayor Fiorentini, City Solicitor Cox and Auditor Chuck Benevento. Mr. Benevento emailed a 1/12 budget order for the month of July. All Councillors were provided the order.

City Clerk Koutoulas read the following order into the record: *

ORDERED: That as part of the fiscal year 2021 annual budget a continuing appropriation in the sum of \$12,914,205 be and is hereby raised and appropriated with the categories as designated as appropriated on the attached for the month of July and further that said appropriation be funded in the following manner:

\$5,100,000	Free Cash
\$7,814,205	Taxation and Other Receipts

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO AMEND THE ORIGINAL BUDGET BY INSERTING THE 1/12 BUDGET AS PROVIDED BY AUDITOR BENEVENTO PASSED

Yeas 9, Nays 0 71A

ON MOTION OF COUNCILLOR DALY O'BRIEN WITH SECOND FROM COUNCILLOR LEPAGE TO PASSED THE AMENDED BUDGET PASSED AS AMENDED

Yeas 9, Nays 0 71A

Meeting adjourned 11:24 o'clock P.M. Yeas 9, Nays 0

Attest: Linda Koutoulas
City Clerk

*Doc. 71A – Email from Chuck Benevento, 1/12 Budget Order for month of July 2020