



City of Haverhill
City Council Minutes
Tuesday, June 4, 2019
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Bevilacqua, Barrett, LePage, Jordan, Macek, Daly O’Brien, and McGonagle.

Absent – Councillor Sullivan

City Clerk – Linda L. Koutoulas

1. Opening Prayer

2. Pledge of Allegiance

3. Approval of Minutes of Prior Meeting

The minutes were approved

Yeas 8, Nays 0, Absent 1

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 requesting to address the City Council regarding the proposed FY 2020 Haverhill Budget

THE MAYOR GAVE AN OVERVIEW OF FY20 BUDGET. HE INFORMED THERE WILL BE FULL FUNDING OF THE SCHOOL SUPERINTENDENT’S BUDGET, THERE WILL BE NEW AND ALL DAY FREE KINDERGARTEN, FREE SCHOOL LUNCH & BREAKFAST PROGRAMS, MANDATORY SUMMER SCHOOL FOR FAILING 8TH GRADERS, FULLY CIVILIANIZE POLICE & FIRE DISPATCHERS THIS WILL ADD 4 OFFICERS TO EACH DEPARTMENT, INCREASED HOURS FOR INSPECTORS, ADDITIONAL FUNDING FOR PUBLIC WORKS, FULL TIME CLEANING POSITION FOR THE DOWNTOWN, INCREASED BUDGETING FOR LIBRARY. TOTAL FY20 BUDGET IS \$201,203,869, AN INCREASE OF \$6,183,612 OR 3.2%.

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

70

6. Communications and Reports from City Officers and Employees:

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

Petition from National Grid for pole location to install pole in public way and anchor on private property to provide electric service to new home located at 9 Vincent av

HEARING SCHEDULED FOR JUNE 25 2019

Yeas 8, Nays 0, Absent 1

71

8. Hearings and Related Orders

Document 55-C LME 19-1: Petition from Attorney Michael Migliori on behalf of Full Harvest Moonz Inc requesting Hearing for Special Permit under Chapter 255, Article XIX LME-RO to operate an Adult Use Marijuana Establishment at 95 Plaistow rd; Hearing continued from May 21 2019. Related communication from Attorney Michael Migliori requesting to continue Hearing to June 11 2019; Related communication from Council President Michitson announcing a Special City Council meeting on June 11 2019 at 7:00PM in the City Council Chambers, Room 202, City Hall, 4 Summer st to discuss Document 55-C, LME 19-1, this Petition as listed above

ON MOTION OF COUNCILLOR MACEK TO APPROVE ATTORNEY MIGLIORI’S REQUEST TO CONTINUE PETITION TO JUNE 11 AND TO SCHEDULE A SPECIAL CITY COUNCIL MEETING ON JUNE 11 2019

Yeas 7, Nays 0, Abstain 1(McGonagle), Absent 1

55C

9. Public Participation- Requests under Council Rule 28

10. Appointments:

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

11. Petitions

Annual License Renewals

Fortune Teller - renewal

Psychic Readings by Priscilla, 101 So Main st, Priscilla Miller

GRANTED

Yeas 8, Nays 0, Absent 1

66G

Roller Skating Rink - renewal

Skateland, 19 Railroad av, Marc Pyche

GRANTED

Yeas 8, Nays 0, Absent 1

66H

Sunday Skating

Skateland, 19 Railroad av

GRANTED

Yeas 8, Nays 0, Absent 1

8M

12. Motions and Orders:

ORDERED: That the Mayor be and hereby is authorized to enter into and execute a contract with Whitsons New England Inc for operation of a food service program for the students, employees, visitors and guests of the Haverhill Public Schools on behalf of the School Committee. The term of the contract exceeding three (3) years, City Council authorization is required by MGL c. 30B, §12(b). A copy of the contact is attached hereto and incorporated herein.

Related communication from Brian A. O’Connell, Business Manager

ORDERED: That the sum of \$422,969.60 be appropriated from Wastewater account Reserve for CSO Impact Fee and transferred to a new Capital Fund account Ph III CSO Tasks

Related communication from Robert Ward Deputy DPW Director

PASSED

Yeas 8, Nays 0, Absent 1

41I

ORDERED: That the Mayor be and is hereby authorized to enter into and execute a "LEASE AGREEMENT" on behalf of City of Haverhill with Roman Catholic Archbishop of Boston, a Corporation Sole acting on behalf of St. James Parish, for the premises located at 415 Primrose Street, also known as the St. James School, a copy of which is attached hereto and incorporated herein

Related communication from William Cox Jr., City Solicitor

COUNCILLOR MACEK INQUIRED IF SOLICITOR COX COULD NEGOTIATE THE REPAIR AND/OR REPLACEMENT OF THE CHAINLINK FENCE WITH THE ARCHDIOCESE. SOLICITOR COX WILL ADVISE

ON MOTION OF COUNCILLOR MACEK TO POSTPONE TO JUNE 11 SPECIAL CITY COUNCIL MEETING POSTPONED TO JUNE 11 2019

Yeas 8, Nays 0, Absent 1

21C

ORDERED: Ballot Question for designated number of marijuana establishments – "Shall this City of Haverhill adopt this Ordinance?" *Related communication from William Cox Jr., City Solicitor*

Councillor McGonagle recused himself and left the chambers

Solicitor Cox gave an overview about the General Election held in November, 2016 when the ballot question asked the Massachusetts voters if they were in favor or against permitting the sale and cultivation of recreational marijuana, 54% of Haverhill voters voted in favor. He explained the process by which local government would follow if the city wanted to change the number or types of establishments permitted. The city is required to go back to the residents if they want to restrict number or types of licenses. This would be a two step process, if ballot is passed, then a zoning ordinance must be enacted to mirror the ballot question. The zoning change can occur before or after the November 5, 2019 regular municipal election. The order would have to pass tonight and then be referred to the Mayor for approval to be placed on the 2019 municipal election ballot. If the order fails, then there are provisions in the city charter for an Initiative Petition by voters. Solicitor Cox further explained the formula used by the state to determine the amount of retail operations, which would be 6, based upon 20% of all alcohol licenses issued by the city. The Order provides 2 options, Option 1 would limit the amount of establishments and Option 2 would prohibit the sale.

ORDERED: That the following question shall be included on the November 5, 2019 regular municipal election ballot pursuant to the provisions of MGL. C. 94G, §3;

“– “Shall this City of Haverhill adopt this Ordinance?”

OPTION 1: City Solicitor Summary: Massachusetts General Laws, Chapter 94 G, Section 3, allows a city, through adoption of an ordinance, to limit the number of all or certain types of adult use (recreational) marijuana establishments from operation in the town, In a city such as Haverhill that voted "yes" on Question 4 at the November 8, 2016 State Election in favor of the legalization, regulation on taxation of marijuana, a ballot question is also required to implement such a limitation. The Zoning Ordinance amendment set forth below would limit the number of "Marijuana Retailers" and "Social Consumption Establishments" as those terms are defined in the Zoning Ordinance. A "yes" vote on this Ballot Question would be in favor of adopting the below Zoning Ordinance to limit the number of Marijuana Remailers and Social Consumption Establishments in the City. A "no" vote would be opposed to adopting the limiting Zoning Ordinance.

§255-200 Designated number of marijuana establishments.

- A. The total number of all marijuana retailers or social consumption establishments may not exceed _____ within the City.
- B. There shall be no restrictions on the number of any particular type of establishment permitted within the City, other than as regulated in Subsection A”.

OPTION 2: City Solicitor Summary: Massachusetts General Laws, Chapter 94 G, Section 3, allows a city, through adoption of an ordinance, to limit the number of all or certain types of adult use (recreational) marijuana establishments from operation in the town, In a city such as Haverhill that voted "yes" on Question 4 at the November 8, 2016 State Election in favor of the legalization, regulation on taxation of marijuana, a ballot question is also required to implement such a prohibition. The Zoning Ordinance amendment set forth below would prohibit "Marijuana Retailers" and "Social Consumption Establishments" as those terms are defined in the Zoning Ordinance. A "yes" vote on this Ballot Question would be in favor of adopting the below Zoning Ordinance to prohibit Marijuana Remailers and Social Consumption Establishments in the City. A "no" vote would be opposed to adopting the prohibitory Zoning Ordinances.

§255-200 Designated number of marijuana establishments.

- A. Marijuana retailers or social consumption establishments shall not be permitted within the City.

- B. There shall be no restrictions on the number of any particular type of establishment permitted within the City, other than as regulated in Subsection A”.

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND BY COUNCILLOR JORDAN, TO AMEND THE ORDER BY STRIKING OPTION 2 AND INSERTING

Option 1: A, by inserting the number 1; another question by inserting the number 2, another question by inserting the number 3, another question by inserting the number 4, another question by inserting the number 5.

On the question of passage, the yeas and nays were as follows:

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

MOTION FAILED

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND BY COUNCLLLOR JORDAN, TO AMEND THE ORDER BY STRIKING OPTION 1, THIS WOULD PROHIBIT

On the question of passage, the yeas and nays were as follows:

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

MOTION FAILED

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND BY COUNCLLLOR JORDAN, TO AMEND THE ORDER BY INSERTING THE NUMBER 1 IN OPTION 1:A AND STRIKING OPTION 2

On the question of passage, the yeas and nays were as follows:

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

72

MOTION FAILED

Councillor McGonagle returned to Chambers

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

	<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
	Nutter, McClennen & Fish LLP	\$26,354.37	Highway Refuse & Recycling	
PASSED			Yeas 8, Nays 0, Absent 1	32C

- 13. Ordinances (File 10 days)
- 14. Monthly Report
- 15. RESOLUTIONS and PROCLAMATIONS

16. Communications from Councillors:

Communication was received from Council President Michitson requesting to address citizen traffic and safety concerns at intersection of Bowdoin dr and Golden Hill av

MS. KAITLIN GHEN DESCRIBED DANGEROUS SITUATION WITH AUTOMOBILIES HEADED UP GOLDEN HILL AVE FROM BOARDMAN ST WITH BOWDOIN DR. OBSTRUCTED ON RIGHT BY HILL, SHRUBBERY AND DISREGARD FOR POSTED 20 MPH SIGNAGE. SHE PROPOSED CURVED/ROUND MIRROR NEAR INTERSECTION OF POWDER HOUSE AVE/BOWDOIN DR * ON MOTION OF COUNCILLOR BEVILACQUA TO REFER TO TRAFFIC & SAFETY COMMITTEE REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 8, Nays 0, Absent 1 59Q

Communication was received from Council President Michitson requesting to introduce Mirca Mejias of the Mt. Washington area to discuss neighborhood concerns and requests

MS. MIRCA MEJIAS SHARED A LIST OF IDEAS/SUGGESGTIONS FOR IMPROVEMENTS SUCH AS BUS BOOTHS WITH CAMERAS, EMERGENCY RESPONSE CALL BOXES, & LIGHTS; FLASHING LIGHTS STOP SIGNS, PEDESTRIAN CROSSING SIGNS BY CROSSWALKS AND PUBLIC SAFETY CONCERNS FOR STUDENTS AT N. BROADWAY/BROADWAY, GROVE/BROADWAY AND WASHINGTON ST/LOWEL AVE

ON MOTION OF COUNCILLOR BARRETT TO SEND TO TRAFFIC & SAFETY COMMITTEE FOR CROSSWALK CONCERNS AND ON MOTION OF COUNCILLOR BEVIALCQUA TO SEND TO APPROPRIATE DEPARTMENTS

Yeas 8, Nays 0, Absent 1 59R

Communication was received from Councillor Bevilacqua requesting the Council to approve a 2019 ballot question to ask the citizens to reduce the number of recreational retail marijuana establishments in Haverhill below the state established number of six

COUNCILLOR BEVIALCQUA INFORMED THAT SOLICITOR COX HAD PREPARED THE BALLOT

QUESTION(S) FOR ACTION BY THE COUNCIL. SEE DOC. 72 FOR VOTES TAKEN.

PLACED ON FILE

59S

Communication was received from Councillor Macek requesting a wooden guard rail be installed on the access road to Winnekenni Castle

COUNCILLOR MACEK INFORMED THAT SINCE TREES HAVE BEEN REMOVED THE SIGHT LINE HAS CHANGED DRIVING DOWN FROM THE CASTLE WHICH CAN BE DISORIENTING & DANGEROUS BECAUSE OF THE CLIFF. MORE TREES WILL BE REMOVED THIS YEAR. HE READ AN EMAIL FROM COUNCILLOR SULLIVAN REQUESTING THE ENTIRE ROAD ON THE KENOZA LAKE SIDE HAVE A WOODEN GUARD RAIL INSTALLED

LETTER TO MAYOR

Yeas 8, Nays 0, Absent 1

59T

Communication was received from Councillor Macek requesting to introduce a request from Jeanne Cunningham to purchase City owned property on Brandy Brow rd; Map 462, Block 204, Lot 25

ON MOTION OF COUNCILLOR MACEK TO REFER TO NATURAL RESOURCES & PUBLIC PROPERTY (NRPP) COMMITTEE

REFERRED TO NRPP COMMITTEE

Yeas 8, Nays 0, Absent 1

59U

Communication was received from Councillor Jordan requesting to introduce Lisa Marzilli to share her proposal regarding a cleaner and greener downtown Haverhill

MS. LISA MARZILLI SHARED HER PRESENTATION OF CLEANER & GREEN DOWNTOWN HAVERHILL PAMPHLET OUTLINING ELEMENTS OF A GREAT DOWNTOWN, OPPORTUNITIES FOR IMPROVEMENT, GREENING IN PROGRESS AND HAVERHILL'S WONDERFUL ASSETS *

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

59V

Communication was received from Councillor McGonagle requesting to refer a request from Northern Essex Community College to review exit from College onto Kenoza st as the configuration of the intersection poses safety concerns

ON MOTION OF COUNCILLOR MCGONAGLE TO REFER TO TRAFFIC & SAFETY COMMITTEE

REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 8, Nays 0, Absent 1

59W

Communication was received from Councillor McGonagle requesting to discuss parking and signage on Fountain st at the intersection of Main st

ON MOTION OF COUNCILLOR MCGONAGLE TO REFER TO TRAFFIC & SAFETY COMMITTEE

REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 8, Nays 0, Absent 1

59X

17. UNFINISHED BUSINESS OF PRECEDING MEETINGS

Document 16-M

MUNICIPAL ORDINANCE

CHAPTER 240

44 White Street Establish – Handicapped Parking

An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that Article XIII, §240-1302 – Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by inserting the following:

LOCATION

REGULATION

HOURS/DAYS

44 White Street

No Parking

24 Hours

PASSED

Yeas 8, Nays 0, Absent 1

16M

Document 59-J

Communication from Councillor Barrett requesting to introduce communication from Legislative Delegation concerning the Bradford Layover Station and seeks Council endorsement

COUNCILLOR BARRETT ASKED FOR THE ITEM TO BE POSTPONED FOR 4 WEEKS. UPON SUBSEQUENT CONVERSATION, POSTPONED TO JULY 23 2019 Yeas 8, Nays 0, Absent 1

59J

18. Council Committee Reports and Announcements

Councillor Joseph Bevilacqua presented Minutes and Recommendations of the Planning & Development Committee meeting held on May 22, 2019 regarding discussion of item Doc. 59-H – municipal fiber to the home network. The next step would be to have the Mayor meet with Mr. Chris Lynch, Matrix Design. On motion of Councillor Bevilacqua to accept the minutes as presented and send a letter to the Mayor.

MOTION TO ACCEPT MINUTES AS PRESENTED & PLACE ON FILE Yeas 8, Nays 0, Absent 1 30I

19. Documents Referred to Committee Study

President Michitson announced there will be a Special City Council meeting next Tuesday, June 11, to address Doc. 55-C LME 19-1, 95 Plaistow Road Special Permit and Doc. 21-C, Lease Agreement, 415 Primrose St – St. James School

Meeting adjourned 9:29 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 59-Q – Photos from Kaitlin Ghen

*Doc. 59-V – Handout from Lisa Marzilli – Clean & Green Downtown Haverhill pamphlet\