



City of Haverhill
City Council Minutes
Tuesday, July 14, 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 Bevilacqua was assigned the minutes

5. Communications from the Mayor:

Communication was received from Mayor Fiorentini regarding the condition of two of our reserve fire trucks. The Mayor and Fire Chief Laliberty have been working on possible solutions. The Mayor will have a proposal as soon as possible and recommends that we wait until we have the up to date revenue numbers from the state and also recommends that we go forward with the bond order for the one new truck while we explore other options

MAYOR FIORENTINI INFORMED THAT HE THOUGHT THE BOND ORDER WAS BEFORE COUNCIL THIS EVENING FOR A VOTE. CLERK KOUTOULAS CLARIFIED THAT ADVERTISING FOR THE BOND DID NOT MAKE THE NEWSPAPER DEADLINE BECAUSE OF THE HOLIDAY AND WILL BE ON THE JULY 28 AGENDA.

THE MAYOR TOLD THE COUNCIL HE WILL WORK WITH THEM. HE DOES NOT WANT TO PAY CASH FOR THE FIRE TRUCKS. THE PAYMENT OF \$1M IN CASH LAYSOFF 20 FULL TIME EMPLOYEES. COUNCILLORS URGED HIM TO CONSIDER BONDING FOR 2 NEW FIRETRUCKS; BUYING A REHABBED/REFURNISHED TRUCK IS NOT ADVANTAGEOUS TO THE CITY BASED ON PRIOR EXPERIENCE. HE WILL LOOK INTO THE POSSIBILITY OF PAYING A PORTION OF THE COST FROM CDBG FUNDS BUT THAT ACTION WOULD REQUIRE HUD APPROVAL. THE MAYOR STATED HE WOULD HAVE AN AMENDED CAPITAL PLAN TO THE COUNCIL BY LABOR DAY.

PLACED ON FILE

21Y

Communication was received from Mayor Fiorentini to address Council along with City Auditor, Charles Benevento regarding payments being made to City by Haverhill Heights and also to address our demand and collection policies

MR. WILLIAM PILLSBURY, PLANNING DIRECTOR, INFORMED OF HIS CONVERSATION WITH SAL LUPOLI, DEVELOPER OF THE HAVERHILL HEIGHTS PROJECT, REGARDING THE TWO PAST DUE ANNUAL INSTALLMENT PAYMENTS TOTTALLING \$225,333,34 FOR LAND PURCHASED FROM THE CITY. THE JUNE 15 2019 PAYMENT OF \$112,666,67 WAS MADE ON JULY 10 2020. MR. LUPOLI WILL PAY 1/3 OF THE \$112,666.67 AMOUNT DUE FOR THE NEXT 3 FRIDAYS IN JULY.

MAYOR FIORENTINI INFORMED THAT THE CITY WAS NEVER AT RISK OF LOSING ITS MONEY ON THE PROJECT AND THAT HE TAKES COMPLETE RESPONSIBILTY SINCE AN INVOICE WAS NOT SENT TO MR. LUPOLI. IN THE FUTURE, ALL CONTRACTS WILL BE ONLINE AND THERE WILL BE A 5% LATE CHARGE.

MR. BENEVENTO, CITY AUDITOR, INFORMED THAT THEY HAVE REVIEWED THE INTERNAL POLICIES TO ENSURE TIMELY PAYMENTS. PROCEDURES AREN'T NEW BUT THEY WILL BE FORMALIZED. HE REVIEWED THE DETAILS WITH COUNCIL. MR. BENEVENTO WILL ALSO CHECK TO SEE IF OTHER PROJECTS/DEVELOPERS OWE PAYMENTS TO CITY.

PLACED ON FILE 21Z

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

Communication from Councillor Jordan requesting to introduce Anna Pearse to address the Council to advocate that the City budget includes funding towards local nonprofits that are doing grassroots and anti-racist equity work

MS. ANNA PEARSE INFORMED THAT SHE HAS BEEN EDUCATING HERSELF ON RACISM AND ADVOCATED FOR ALLOTMENT OF FUNDS FOR RACIAL INJUSTICE WORK BEING DONE BY POSE AND LEAVING THE STREETS MINISTRIES. ALSO, THE REMOVAL OF HANNAH DUSTON STATUE FROM GAR PARK TO THE BUTTONWOODS MUSEUM OR DESCENDANTS OF HANNAH DUSTON. MAYOR FIORENTINI SPOKE ABOUT THE IMPORTANT WORK BEING DONE BY UTEC. PRESIDENT BARRETT ASKED COUNCILLOR DALY O'BRIEN TO READ THE MAYOR'S PROCLAMATION ON RACISM AS A PUBLIC HEALTH CRISIS (Item 17)

PLACED ON FILE 55C

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 a proposed loan order and a transfer order for funding the engineering and construction of Dry Weather Connector Pipe improvements at various locations in the sewer system

PLACED ON FILE 64B

ORDERED: That the sum of \$1,288,454.41 be transferred from Capital Project Wastewater Odor Control to Capital Project Phase 3 CSO Tasks

MR. WARD INFORMED THAT THE ODORS AT THE WASTEWATER TREATMENT PLANT HAVE BEEN "VERY GOOD" THE LAST 2 YEARS AND THIS WILL REDUCE CSO OUTFLOW VOLUME PASSED

Yeas 9, Nays 0 18L

BOND

ORDERED: That Five Hundred Sixty-Five Thousand Dollars (\$565,000) is appropriated for sewer system improvements related to combined sewer overflow regulators at Bethany Avenue, Middlesex Street, South Webster Street and Chestnut Street, 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)

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 26C

Abatement report from City Assessor, Christine Webb, for the month of June

PLACED ON FILE Yeas 9, Nays 0 32F

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. *Favorable Conditional recommendation from Planning Board and Planning Director*

HEARING OPENED

Mr. Thomas Hodgson informed that he has received a favorable ruling from the Planning office and asked the Council to accept a portion of South Pearson Street as a Public Way. No one spoke in favor or opposed to the petition.

HEARING CLOSED 43

ORDERED: It appearing that the common convenience and necessity require it, it is hereby that a portion of the following street herein described be accepted as a public way South Pearson Street (see document for complete text)

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR MACEK TO ACCEPT A PORTION OF SOUTH PEARSON STREET AS A PUBLIC WAY WITH A FAVORABLE CONDITIONAL RECOMMENDATION FROM THE PLANNING BOARD AND PLANNING DIRECTOR. ALL LETTERS FROM DEPARTMENTS TO BE INCLUDED.
 PASSED WITH CONDITIONS Yeas 8, Nays 0, Absent 1(Sullivan) 43B

11. Appointments:

Confirming Appointments

Board of Appeals: Louise Bevilacqua, 84 Winona av; appointment to expire Dec 31 2021
 CONFIRMED Yeas 9, Nays 0 1I

Haverhill Historic Commission:

Daniel Speers, 104 Jericho rd; appointment to expire July 31 2021
 MR. SPEERS INTRODUCED HIMSELF AND READ A BEAUTIFUL POEM THAT COUNCILLOR DALY O'BRIEN REQUESTED A COPY FOR THE MINUTES*

Ronald Peacetree, 160 Webster st; appointment to expire July 31 2022
 CONFIRMED Yeas 9, Nays 0 1J

Non-Confirming Appointments:

Task Force on Diversity: Police Chief Alan DeNaro, ex officio or designee

Nomsa Ncube, 67 Washington st	Noemi Custodia-Lora, Northern Essex Community College
Lynda Brown, 26 Windsor st	Roxanna Patroni, 505 West Lowell av
Jesus Ruiz, 13 High st	Kathy Rurak, 701 East Broadway
Kat Everett, 41 South Central st	Ismael Mattias, 253 Farrwood dr
Rev. Mark Rivera, 278 Groveland st	Gina Faustin, 36 Brookdale ln
Kalister Green-Byrd, 1 Kennedy cir	

Mayor Fiorentini is asking Task Force to issue a report by Labor Day, September 7th and make recommendations on: 1. Police use of force policies and any recommended changes 2. Specific recommendations on steps to take to diversify our work force and the makeup of City boards and commissions
 PLACED ON FILE Yeas 9, Nays 0 2H

12. Petitions:

Applications Handicap Parking Sign:

Jeffrey Sterling for 38 Hancock st
 REFERRED TO ENGINEERING FOR ORDINANCE Yeas 9, Nays 0 4J

13. Motions and Orders

ORDERED: That the sum of \$76,000 be appropriated from the Sale of non-tax Title land account and transferred to the following Capital Account:

	Police Station Canopy	\$76,000	
PASSED		Yeas 9, Nays 0	18M

ORDERED: That the sum of \$1,057,205 be transferred to/from the following accounts as stated below to close out FY2020:

FROM:		TO:	
23,700	Constituent Services Salary	5,400	Mayor Salary
12,000	Treasurer Expense	600	Mayor Expense
1,000	Legal Expense	3,100	Constituent Services Expense
44,205	Highway Salary	6,200	Assessing Salary
19,200	Refuse Collection Expense	5,900	Human Resources Expense
12,700	Veterans Expense	2,500	Other Education Funding
650,000	Budget Reserve	12,000	Treasurer Salary
57,000	Snow & Ice Salary	1,000	Legal Salary
23,500	Liability Insurance Premiums	22,955	Highway Expense
54,400	Parking Expense	11,350	Vehicle Maintenance Salary
159,500	Essex North Shore Agriculture	9,900	Parks Salary
		19,200	Refuse Collection Salary

	7,500	Veterans Salary
	5,200	Citizen Ctr Expense
	650,000	Snow & Ice Expense
	57,000	Snow & Ice Expense
	237,400	Street & Outdoor Lighting
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1,057,205	1,057,205	

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO AMEND THE ORDER.

COUNCILLOR SULLIVAN READ THE AMENDMENT INTO THE RECORD:

\$378,661 FROM Sewer Debt Service to \$378,661 Wastewater Capital Outlay

88,000 FROM Sewer Health Insurance to \$144,000 Stormwater System Improvements

56,000 FROM Sewer Salaries

Amended Total FROM \$1,579,866 TO \$1,579,866

PASSED

Yeas 9, Nays 0

ON MOTION OF COUNCILLOR BEVILACQUA WITH SECOND FROM COUNCILLOR LEPAGE TO PASS THE AMENDED ORDER

Yeas 9, Nays 0

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR SULLIVAN TO VOTE ON THE ORIGINAL ORDER

Yeas 9, Nays 0

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR MACEK FOR RECONSIDERATION

Yeas 9, Nays 0

CITY CLERK KOUTOULAS INFORMED THAT THE ORIGINAL (MAIN) MOTION SHOULD HAVE BEEN READ AND THE AMENDMENT STATED AT THE SAME TIME. CLERK KOUTOULAS READ THE MAIN ORDER

74

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR MACEK TO AMEND THE ORDER.

Mr. Robert Ward informed that he was not able to provide the amendment to the Clerk's office by deadline and apologized.

COUNCILLOR SULLIVAN READ THE AMENDMENT INTO THE RECORD:

\$378,661 FROM Sewer Debt Service to \$378,661 Wastewater Capital Outlay

88,000 FROM Sewer Health Insurance to \$144,000 Stormwater System Improvements

56,000 FROM Sewer Salaries

Amended Total FROM \$1,579,866 TO \$1,579,866

PASSED

Yeas 9, Nays 0

ON MOTION OF COUNCILLOR MACEK WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO PASS THE AMENDED ORDER

PASSED AS AMENDED

Yeas 9, Nays 0

74A

14. Ordinances (File 10 days)

15. Communications from Councillors:

Communication from Council President Barrett, Councillors LePage, Michitson, Jordan, McGonagle, and Macek requesting that Mayor Fiorentini submit an Order for an appropriation of \$1,023,722.00 in the operational budget for FY2021, for the purpose of acquiring two new fire trucks which are deemed necessary by the Council, but are not included in the annual budget as presented. This request is being made under the Power of Council, as provided in M.G.L., Chapter 44, Sections 33. Power of Council to add to appropriation; conditions; limitations.

SOLICITOR COX EXPLAINED THAT THE ABOVE MGL CHAPTER 44, SECTION 33 HAS TO BE READ WITH SECTION 32. THE BUDGET SUBMITTED BY THE MAYOR PROVIDES FOR FIRE SERVICES, AS WELL AS THE MAINTENANCE, PURCHASE AND PAYMENT OF DEBT FOR FIRE TRUCKS. COUNCIL CAN ONLY ADD AN ITEM TO THE BUDGET IF THE MAYOR'S BUDGET FAILS TO PROVIDE FOR THE OBJECT OF THE APPROPRIATION. THIS HAS BEEN DETERMINED

BY CASE LAW. SOLICITOR COX CITED FLOOD V. HODGES A 1918 SUPREME JUDICIAL COURT DECISION.

PLACED ON FILE

69K

Communication from Councillor Colin LePage requesting a discussion on the oversight and enforcement of terms and conditions of City negotiated contracts with private parties, including, but not limited to the Haverhill Heights project

This item was discussed with Document 21-Z. President Barrett asked Councillor Bevilacqua if he wanted to abstain since his son works for the developer to which he declined.

COUNCILLOR LEPAGE GAVE A POWERPOINT PRESENTATION OF THE TIMELINE OF THE HAVERHILL HEIGHTS PROJECT HIGHLIGHTING THE INITIAL DEPOSIT, THE REVISED PURCHASE AND SALE AGREEMENT, PROMISSORY NOTE, PAYMENTS AND OUTSTANDING MONEY OWED TO CITY. HE WANTED TO ENSURE THAT THE CITY WAS “MADE WHOLE” AND TO PROTECT THE TAX PAYERS.*

ON MOTION OF COUNCILLOR DALY O’BRIEN WITH SECOND FROM COUNCILLOR MACEK TO REFER TO ADMINISTRATION & FINANCE COMMITTEE TO CREATE A PROCESS WHERE AGREEMENTS COME BACK TO COUNCIL FOR REVIEW. Yeas 8, Nays 0, Abstain 1(McGonagle) 69L

Communication from Councillor Michael McGonagle requesting to have the Traffic & Safety Committee review a request for a “no outlet” sign at the entrance of Leonard Avenue
REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69M

Communication from Councillor Michael McGonagle requesting to have the Traffic & Safety Committee review a request for “autistic child in area” signage in the area of 4 Village Woods Road
REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69N

16. Unfinished Business of Preceding Meeting:

Document 9-H

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	
PASSED		Yeas 9, Nays 0	9H

Document 69-J

Communication from Councillor Colin LePage requesting a status update on the Matrix study regarding the “Organization of our Facilities Maintenance Department” as previously requested
COUNCILLOR LEPAGE ASKED CHIEF OF STAFF HEARTQUIST IF SHE RECEIVED A COPY OF THE STUDY. SHE INFORMED THAT SHE RECEIVED A DRAFT TODAY BUT HASN’T OPENED THE EMAIL. ON MOTION OF COUNCILLOR LEPAGE TO TABLE TO JULY 28.
TABLED TO JULY 28, 2020 Yeas 9, Nays 0 69J

17. RESOLUTIONS and PROCLAMATIONS:

PROCLAMATION OF RACISM AS A PUBLIC HEALTH CRISIS
ADOPTED Yeas 9, Nays 0 33K

18. Council Committee Reports and Announcements:

19. Documents referred to committee study

20. Long term matters study list

Meeting adjourned 10:17 o’clock P.M. Yeas 9, Nays 0

Attest: Linda Koutoulas
City Clerk

*Doc. 1-J – Poem by Dan Speers

*Doc. 69-L – PowerPoint presentation by Councillor LePage