



City of Haverhill
City Council Minutes
Tuesday, July 9, 2019
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan, Macek, Daly O’Brien, and McGonagle.
City Clerk – Linda L. Koutoulas

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 Daly O’Brien was assigned the minutes
5. Communications from the Mayor
6. Communications and Reports from City Officers and Employees:
7. Utility Hearing(s) and Related Order(s)
Petition from National Grid of North Andover for electric conduit location Essex st to upgrade electric service at 124 Washington st; Plan 28211827
COUNCIL HEARING AUG 6 2019 Yeas 9, Nays 0 83

Items 9 thru 15 were discussed prior to Doc. 55-E

8. Hearings and Related Orders

Document 55-E: Petition from Attorney Michael Migliori representing applicant CNA Stores Inc; Robert DeFazio, CEO and Billie Haggard Jr, COO requesting Special Permit for an Adult Use Establishment – LME 19-2 for property located at 558 River st; Assessors Map 508, Block 260, Lot 9

Councilor McGonagle recused himself and left the Chambers

HEARING OPENED

Attorney Migliori introduced Mr. Robert DeFazio, CEO and members of the team, Michael Allen – Chief of Security and Ken Cram – Traffic Consultant. Mr. DeFazio, CEO of CNA Stores gave his background and made PowerPoint presentation. He is a service-disabled veteran and intends to hire from veteran community. This will be a retail store and buying from Sanctuary Medicinals in Littleton. It will be appointment only with ordering on-line. 20 customers per hour. Parking is available in front, side and rear will be for employees. Exit will be out of the side. Delivery will come thru covered sally port. Security will be on site with uniformed police and police detail. Hours will be 10-8 Monday-Saturday and 12-6 on Sunday. Mr. Allen informed that positive ID verification is required. There will be sophisticated video surveillance and monitors in vestibule area. Mr. Cram addressed traffic study and mitigation plan with traffic volume summary of River St, east of Maxwell Street and discussion about Florence Ave. Traffic impact is insignificant in the location. Mr. DeFazio informed that 3% of gross sales will be given to city; they will make \$25K charitable contribution to local charity, Veterans Outreach and LUNGSTRONG. They will give 100 community hours. They will provide employment for veterans and Haverhill residents, about 15-20 employees and plan on using local vendors. Attorney Migliori informed that they have a signed Host Community Agreement. CNA intends to team up with Full Harvest Moonz regarding the school system issues of education. They comply with zoning ordinance Ch. 255-80 Sec. E and they have no objections to accepting the conditions as stated by departments. Melissa Cerasuolo spoke in favor. Those speaking against were Lynn Wedge, Catherine Mortimer, Terasema Brown, Deborah Elliott and Jessica Winiecki.

HEARING CLOSED

ON MOTION OF COUNCILLOR SULLIVAN TO MOVE FOR PASSAGE WITH SECOND FROM COUNCILLOR DALY O’BRIEN.

Councillor Jordan clarified that the Host Community Agreement reflected December 2019 and that it should be 2018. Councillors asked questions about security, placement of cameras to help with drug related activity in area, numbers of parking spaces and contribution to Haverhill School System drug education program.

ON MOTION OF COUNCILLOR BARRETT WITH SECOND FROM COUNCILLOR MACEK TO CONDITION SPECIAL PERMIT TO INCLUDE INSTALLATION OF CAMERAS FACING DOWN BOTH MARGIN ST. & FLORENCE AVE FOR PURPOSE OF CURTAILING ILLEGAL ACTIVITIES

ON MOTION OF COUNCILLOR MACEK WITH SECOND FROM COUNCILLOR DALY O’BRIEN TO REDUCE INITIAL NUMBER TO BE 4 PER QUARTER HOUR WITH MAXIMUM TO BE 16 PER HOUR WITH OVERSIGHT AND CONTROL BY POLICE CHIEF, FIRE CHIEF AND CITY ENGINEER. IF AMOUNT TO BE INCREASED, THEN THEY MUST SEEK APPROVAL OF THOSE 3 INDIVIDUALS AND SHOULD THEY NEED TO REDUCE APPOINTMENTS THEN IT WOULD GO BACK TO INITIAL NUMBER OF 16 PER HOUR.

ON MOTION OF COUNCILLOR MACEK WITH SECOND FROM COUNCILLOR DALY O’BRIEN

TO CONDITION SPECIAL PERMIT THAT HOURS OF OPERATION BE SUNDAY THRU WEDS 10-6; THURS, FRI, SAT 10-8 WITH FLEXIBILITY TO EXPAND HOURS WITH APPROVAL OF POLICE CHIEF, FIRE CHIEF AND CITY ENGINEER.

ALL ABOVE 3 CONDITIONS WERE COMBINED
PASSED

Yeas 8, Nays 0, Abstain 1

ON MOTION OF COUNCILLOR JORDAN WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO ADD CONDITION THAT \$22K BE GIVEN PER YEAR TO SCHOOL DEPARTMENT TO BE USED UNDER DIRECTION OF SCHOOL PHYSICIAN/SUPERINTENDENT
PASSED

Yeas 8, Nays 0, Abstain 1

MAIN MOTION PASSED AS AMENDED WITH CONDITIONS
Yeas 7, Nays 1 (Bevilacqua) Abstain 1
55-E LME 19-2

Public Participation- Requests under Council Rule 28

9. Appointments:

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

10. Petitions:

Petition from City of Haverhill requesting Hearing for Street Alteration – to take a portion of Bellevue av and add it to Hillside av

REFERRED TO PLANNING

COUNCIL HEARING SEPT 17 2019

Yeas 9, Nays 0

84

Applications Handicap Parking Sign

Sandra Curtis – 36 Bellevue av – *renewal*

GRANTED

Yeas 9, Nays 0

16N

Ann DiNoto – 17 Temple st – *renewal*

GRANTED

Yeas 9, Nays 0

16O

Susanne Davis – 50 Howard st - *renewal*

GRANTED

Yeas 9, Nays 0

16P

Rodney Ball – 151 Franklin st Apt 2R – *new*

REFERRED TO PLANNING

Yeas 9, Nays 0

16Q

Edwin Anthony Lazu – 151 Franklin st – 3rd floor – *new*

REFERRED TO PLANNING

Yeas 9, Nays 0

16R

11. Motions and Orders:

On motion of Councillor Sullivan to suspend the rules to amend the order to include the Snow and Ice Budget that was inadvertently left out of the year end transfer order

Yeas 9, Nays 0

41LL

ORDERED: That the sum of \$745,200 be transferred to/from the following accounts as stated below to close out FY2019 Snow and Ice account:

From

Snow and Ice Salary \$148,100

Budget Reserve \$597,100

To

Snow and Ice Expenses \$745,200

ORDERED: That the sum of \$649,676 be transferred to/from the following accounts as stated below to close out FY2019:

From:

\$ 5,208 Constituent Services Salary

\$ 68,665 Salary Reserve

\$ 229,000 Group Insurance-City

\$ 154,000 Liability Insurance

\$ 16,285 Information Tech Expense

\$ 37,200 Workers Comp-City

\$ 54,000 Public Property Salary

\$ 42,850 Vacation Buy-Back

\$ 19,200 Library Salary

\$ 25,124 Inspection/Health Salary

To:

\$ 6,310 Public Works Admin Expense

\$ 19,200 Library Expense

\$ 560 Inspection/Health Expense

\$ 63,447 Public Property Expense

\$ 3,200 Unemployment – City

\$ 14,315 Assessing Salary

\$ 5,109 Mayor Salary

\$ 100 City Council Salary

\$ 36,838 Information Technology Salary

\$ 67,945 Building/Zoning Salary

\$ 17,508 Public Works Admin Salary

\$ 188,000 Medicare

\$ 229,000 Sick Leave Buy Back

ON MOTION OF COUNCILLOR SULLIVAN TO APPROVE AS AMENDED Yeas 9, Nays 0

PASSED AS AMENDED

Yeas 9, Nays 0

41L

12. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 240
46 Newcomb Street - Delete – Handicapped 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 deleting the following:

LOCATION	REGULATION	HOURS/DAYS	
46 Newcomb Street	No Parking	24 Hours	
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	29R

Document 29-S
MUNICIPAL ORDINANCE CHAPTER 240
32 Verndale Street - Delete – Handicapped 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 deleting the following:

LOCATION	REGULATION	HOURS/DAYS	
32 Verndale Street	No Parking	24 Hours	
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	29S

13. RESOLUTIONS and PROCLAMATIONS

14. Communications from Councillors:

Communication was received from Councillor Barrett requesting a discussion regarding improving safety at Bradford Country Club cart crossing on Chadwick rd
REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 79K

Communication was received from Councillors Barrett and Macek requesting a discussion regarding the need for safety improvements on Main st median strip
COUNCILLOR BARRETT INFORMED THAT THE ORIGINAL PLANS INCLUDED FENCING IN THE MEDIAN STRIP. COUNCILLOR MACEK WANTED A FOLLOW UP FOR REQUEST TO MEET WITH STATE OFFICIALS & ENGINEER ABOUT DESIGN. COUNCILLOR BEVILACQUA ADDED THE SIGNAL TIME FOR PEDESTRIAN CROSSING IS TOO FAST
LETTER TO MAYOR Yeas 9, Nays 0 79L

Communication was received from Councillor Michael McGonagle requesting to submit recommendations of the Traffic & Safety Committee meeting held on June 19 2019
COUNCILLOR MCGONAGLE READ THE JUNE 19 MINUTES OF THE TRAFFIC & SAFETY COMMITTEE INTO THE RECORD.
MINUTES ACCEPTED AS PRESENTED & PLACED ON FILE Yeas 9, Nays 0 79M

Communication was received from Councillor Michael McGonagle requesting to remove a handicap parking space at 21 Blaisdell st that is no longer needed
REFERRED TO PLANNING Yeas 9, Nays 0 79N

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding trash disposal receptacles in the downtown on Washington/Wingate/Merrimack Streets
COUNCILLOR BEVILACQUA DESCRIBED SITUATION OF OVERFLOWING DUMPSTER IN RAILROAD SQ/MOULTON WAY. BOARD OF HEALTH HAS CONTACTED OWNER BUT PROBLEM PERSISTS. SUGGESTED BOARD OF HEALTH CONSIDER LOCKED DUMPSTER AND SIZE ACCORDING TO USAGE.
LETTER TO BOARD OF HEALTH Yeas 9, Nays 0 79O

Communication was received from Councillor LePage requesting an update on the potential sale of the Ornsteen Property
LETTER TO MAYOR Yeas 9, Nays 0 79P

15. UNFINISHED BUSINESS OF PRECEDING MEETINGS

Bond Order –

ORDERED: That the City appropriates Seven Hundred Thousand Dollars (\$700,000) to pay costs of purchasing and equipping a rescue truck for Fire Department, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. (see document for complete text)
PASSED Yeas 9, Nays 0 54C

MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

Be in 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 to § 240-98 Schedule P: Heavy Commercial Vehicles: *Related communication from City Engineer John Pettis III*

NAME OF STREET	LOCATION OF EXCLUSION	EXCLUSION TYPE	EXCLUSION TIMES
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Old Ferry Road From East Broadway All vehicles 24 Hours
to Orchard Avenue over 2 ½ tons 7 days
PASSED Yeas 9, Nays 0 76

MUNICIPAL ORDINANCE CHAPTER 137
An Ordinance Relating to Dogs and Other Animals

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 137, as amended, is hereby further amended as follows:

By adding the following at the end of the Chapter:

“Article IX Animal Welfare

17-27 Confining an animal in a motor vehicle.

Any person owning, possessing or controlling an animal in the City of Haverhill shall not allow or permit said animal to be confined inside of a stationary or parked motor vehicle in a manner that would reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold. The process of removing an animal from a motor vehicle will be defined by M.G.L. c.140, § 174F. An initial violation of this subsection shall be punished by a fine of \$50.00, and, a second and subsequent offense shall be punished by a fine of \$300.00. Nothing in this subsection shall preclude prosecution under M.G.L. c.272, §77.”

PASSED Yeas 9, Nays 0 82

On motion of Councillor Macek to suspend the rules in order that Attorney William Faraci can speak on matter that he believes that due diligence was impaired when agenda was put together for July 9 council meeting

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

Yeas-Councillors Bevilacqua, Barrett, LePage, Macek and Daly O’Brien 5

Nays-Councillors Sullivan, Jordan and President Michitson 3

Absent-Councillor McGonagle 1

SUSPENSION FAILED

16. Council Committee Reports and Announcements

17. Documents Referred to Committee Study

Meeting adjourned 9:38 o’clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk