



City of Haverhill
City Council Minutes
Tuesday, August 20, 2019
Nicholas Ross Auditorium, 4 Summer St. 2nd Floor

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

Absent – Councillor 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 8, Nays 0, Absent 1

4. Assignment of the minutes review for the next Meeting

Councillor Bevilacqua was assigned the minutes

5. Communications from the Mayor

Communication from Mayor Fiorentini submitting the following *Memorandum of Agreement (MOA)* and Salary Ordinance between City of Haverhill and *Haverhill Superior Officers Union Group*

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

20J

Memorandum of Agreement between

The City of Haverhill and The Haverhill Superiors Officers Group (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

52D

MUNICIPAL ORDINANCE
An Ordinance Relating to Salaries
(see document for complete text)

CHAPTER
Superior Officers Group

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

1E

Communication from Mayor Fiorentini submitting the following *Memorandum of Agreement (MOA)* and Salary Ordinance between City of Haverhill and *Teamsters Engineering Department Group*

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

20K

Memorandum of Agreement between

The City of Haverhill and The Engineering Group – Teamsters Local #170
(see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

52E

MUNICIPAL ORDINANCE
An Ordinance Relating to Salaries
(see document for complete text)

CHAPTER
Engineering Group

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

1F

On motion of Councillor Daly O’Brien to suspend the rules to approve application from Haverhill Chamber of Commerce for event on August 23rd.

RULES SUSPENDED

Yeas 8, Nays 0, Absent

95

On motion of Councillor Daly O’Brien to grant permission to the Haverhill Chamber of Commerce to use the Harbor Place Plaza on August 23, from 6PM to 9PM for Country Night.

GRANTED

Yeas 8, Nays 0, Absent 1

95

6. Communications and Reports from City Officers and Employees:

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

8. Hearings and Related Orders

Petition from Christopher Edwards, CEO on behalf of *Haverwell Market, LLC*, 24 R Pleasant st, Newburyport, MA requesting a Special Permit for an Adult Use Marijuana Establishment – LME 19-4 for 399 Amesbury rd – proposing to build a new 6600 s/f structure on a vacant lot *Comments from Department Heads included*

HEARING OPENED

Attorney William Faraci represented Haverwell Market, LLC stating that the requested activity is legal, located in a zone accepted by the city and the site is away from the street with partial screening and shielded. Product delivery will be inside and behind secured door. They have more than adequate parking and the petitioner will extend the sewer line. He introduced Christopher Edwards, CEO, who gave a PowerPoint presentation. Mr. Edwards spoke about his extensive background with Alternative Therapies Group. The site has frontage on Rte. 110, adjacent to the Mobil Station at 339 Amesbury Rd. There will be 2 separate retail entrances. They are leasing only 4,800 sq. ft. out of the total 6,600 sq. feet space. There will be 59 parking spaces. There will be 9 POS lines. Hours of operations will be Monday thru Saturday, 9-7 and Sunday 12-7. The rear will be for storage and packaging. The site will be monitored remotely with limited amount of product on site. There will be 30 plus jobs, part-time and full-time. They do not have a Host Community Agreement but will be assessed a 3% community impact fee. They will donate \$25K for a charitable fee and

will give \$22K annually to support youth risk survey. The will use appointment only model. There will be on site security and will have police detail. Jeffrey Durham, traffic engineer, Vanasse & Associates, Inc. spoke about traffic analysis. The site provides sufficient capacity. They reviewed 9 years of crash data. Posted speed limit is 40mph, cars travel 43mph. There are no obstructed views. Those speaking in favor were Fred Simmons, Marlene Consoli, Dougan Sherwood and Mike Gallant. Those speaking against were Dan MacDonald, Susan Cloutier, Chris Todino, Mitch Forman, Caroline Matterson.

HEARING CLOSED

ON MOTION OF COUNCILLOR SULLIVAN TO MOVE FOR PASAGE WITH SECOND FROM COUNCILLOR DALY O'BRIEN.

Councillors asked questions about hours of operation and number of appointments per hour. Attorney Faraci informed that petitioner was requesting 25 appointments per 15 minutes. Councillors voiced their concerns against this number.

ON MOTION OF COUNCILLOR MACEK TO CONDITION PERMIT TO 5 PER QUARTER HOUR AND INCREASE CAN ONLY BE APPROVED BY POLICE CHIEF, FIRE CHIEF AND CITY ENGINEER. IF THE INCREASE BECOMES A PROBLEM, THEN NUMBER WOULD BE REDUCED TO 5 PER QUARTER HOUR AS INITIALLY GRANTED WITH SECOND FROM COUNCILLOR BARRETT.

Attorney James Smith, who represents Mellow Fellows, raised the issue of the ownership of Haverwell Market, LLC. Councillors asked Mr. Edwards questions about ownership of Haverwell Market and divesting of ATG stores operated by him. They expressed concerns about the application as filed with the Cannabis Control Commission which limits the number of stores allowed per operator and the City of Haverhill.*

ON MOTION OF COUNCILLOR SULLIVAN TO CONTINUE TO SEPT. 24 TO ALLOW APPLICANT TO PROVIDE INFORMATION COUNCIL IS SEEKING WITH SECOND FROM COUNCILLOR DALY O'BRIEN.

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

Yeas – Councillors Sullivan, Barrett, LePage, Jordan and Daly O'Brien - 5

Nays – Councillors Bevilacqua, Macek and President Michitson - 3

Absent – Councillor McGonagle - 1

CONTINUED TO SEPT 24 2019

55F

Petition from Attorney Paul Magliocchetti and Attorney James E Smith representing *Mellow Fellows, LLC*, Haverhill - *Managers*: Timothy Riley, Haverhill; Charles Emery, Haverhill; and Edward Phillip Brown, Haverhill; requesting a Special Permit for an Adult Use Marijuana Establishment – LME – 19-5 with location to be leased from owner *MAC&D Realty, LLC* at 330 Amesbury rd; *Comments from Department heads included*

Councillor Thomas Sullivan read into the record an opinion letter from the Mass. State Ethics Commission regarding his providing professional real estate closing services for this property on March 29, 2019 for which he was compensated with a one-time fee. The Ethics Commission opined that there is no conflict of interest which prevented Councillor Sullivan from participating in the matter, but suggested that to dispel even the appearance of a conflict of interest he should file a MGL c. 268A, §23(b)(3) Disclosure of Appearance of Conflict of Interest form, which Councillor Sullivan has filed with the City Clerk's office.

HEARING OPENED

Charles Emery, represented Mellow Fellows and gave an introduction of the officers, all 3 of whom are life long Haverhill residents. He reviewed their background and credentials. He informed that local residents and minority groups applications are prioritized with the state. Matthew Juros, architect and owner of Fishbrook Design Studio gave a PowerPoint presentation.* This site is the former Seafood Etc. at 330 Amesbury Rd. and the existing building will be reused/redeveloped. The front portion, elevated deck is where the clients will walk up and will have to show their government issued ID and confirmed appointment to the security guard before access into the building. There will be 19 parking spaces with 6 parking spaces in the back for employees. There will be an 8 foot chain link fence around the entire property and will build a 6 foot residential style wooden fence along the side of the residential property. He reviewed the entry and exit process. James Smith, legal counsel, spoke about compliance with local and state Cannabis Control Commission regulations. They are drafting state application and do not have a Host Community Agreement. Scott Thornton of Vanasse & Associates reviewed the traffic study and analysis. There is posted speed limit of 45mph with vehicles traveling 44-45mph. There are no issues related to safety and line of sight. They are proposing 6 customers per 15 minutes and operating 10 hr. days. It will be appointment only. James Danforth is consulting with Mellow Fellows and spoke about the sophisticated security measures. Armored vehicles will do pick up and drop off with a sealed access door in the rear. Those speaking in favor were Fred Simmons, Erin Riley and Eric Darby. Those speaking against were Susan Cloutier, Deb Scovatti, Nick Forman and Daniel MacDonald.

HEARING CLOSED

ON MOTION OF COUNCILLOR SULLIVAN TO MOVE FOR PASSAGE WITH SECOND FROM COUNCILLOR BARRETT.

Councillors asked questions about hours of operation and parking should there be a need to increase parking. Also, if applicant was willing to make donation to school for at risk youth survey. The proposed hours of operation are Monday thru Saturday 10-8 and Sunday 12-8. Matt Juros assured the Council that the site would accommodate increased parking should they need it. Attorney Smith replied that they would do what other business are doing and requested 6 appointments per 15 minutes.

ON MOTION OF COUNCILLOR MACEK TO CONDITION PERMIT TO START WITH 4 APPOINTMENTS EVERY 15 MINUTES AND INCREASE CAN ONLY BE APPROVED BY POLICE CHIEF, FIRE CHIEF AND CITY ENGINEER. IF THE INCREASE BECOMES A PROBLEM, THEN NUMBER

WOULD BE ROLLED BACK TO 4 PER 15 MINUTES AS INITIALLY GRANTED WITH SECOND FROM COUNCILLOR BARRETT.

Yeas 8, Nays 0, Absent 1

ON MOTION OF COUNCILLOR MACEK THAT THE BUILDING PROVIDE PROTECTIVE COVERAGE FROM THE ELEMENTS FOR THE SECURITY PERSONNEL WITH SECOND FROM COUNCILLOR DALY O'BRIEN

Yeas 7, Nays 1(Bevilacqua) Absent 1

ON MOTION OF COUNCILLOR MACEK TO INCLUDE THE 2 ABOVE AMENDMENTS AS CONDITIONS

PASSED AS AMENDED

Yeas 7, Nays 1(Bevilacqua) Absent 1 55G

9. Public Participation- Requests under Council Rule 28

10. Appointments:

Confirming Appointments:

Robert V Driscoll, 55 North Broadway to the Haverhill Housing Authority; Appointment to expire

Aug 5 2022

CONFIRMED

Yeas 8, Nays 0, Absent 1

3G

Non-Confirming Appointments:

11. Petitions:

Applications Handicap Parking Sign

Fawn Gale 48 Wilson st, renewal

GRANTED

Yeas 8, Nays 0, Absent 1

16U

Ana Albino for son - 7A Tremont st, renewal

GRANTED

Yeas 8, Nays 0, Absent 1

16V

Amusement/Event Applications:

Tag Days:

HHS Field Hockey, Dale Windle - Oct 25, 26 and 27

GRANTED

Yeas 8, Nays 0, Absent 1

53I

Annual License Renewals

Drainlayer License for 2019:

Richard Peters, Emergency Sewer and Drain, *renewal*

GRANTED

Yeas 8, Nays 0, Absent 1

10U

Taxi Driver Licenses for 2019:

Mary Minion, 37 Cedar St, *renewal*

GRANTED

Yeas 8, Nays 0, Absent 1

27P

12. Motions and Orders:

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:

Vendor	Amount	Account	
Comprehensive Environmental Inc	\$ 535.00	Park Department	
Greenman-Pedersen, Inc	\$ 1,373.40	Legal-Refuse&Collection	
Conn Kavanaugh	\$ 6,676.50	Law Department	
Covanta Energy	\$ 96,929.04	Refuse & Collection	
S J Services	\$ 3,520.00	Public Property	
ASAP Alarm & Electrical	\$ 525.00	Municipal Parking	
Merrimack Valley Planning Comm	\$ 5,000.00	Water/WW	
Capitol Waste Services Inc	\$236,942.25	Refuse & Collection	
PASSED			Yeas 8, Nays 0, Absent 1 94

13. Ordinances (File 10 days)

14. Monthly Report

City Assessor Christine Webb submits report for month of July 2019.

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

19H

15. Resolutions and Proclamations

16. Communications from Councillors:

Communication from Councillor McGonagle requesting the removal of a handicap parking space at 94 River St.

REFERRED TO PLANNING

Yeas 8, Nays 0, Absent 1

89N

17. Unfinished Business of Preceding Meeting

Document 52-C

Memorandum of Agreement between the City of Haverhill and The Water Department Group – Teamsters Local #170 Office Group (see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

52C

Document 1-D

MUNICIPAL ORDINANCE CHAPTER
An Ordinance Relating to Salaries Water Group
(see document for complete text)

PASSED

Yeas 8, Nays 0, Absent 1

1D

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 establishing the following:

LOCATION	REGULATION	HOURS/DAYS	
42 Allen Street (see document for complete text)	No Parking	24 Hours	
PASSED		Yeas 8, Nays 0, Absent 1	29W

18. Council Committee Reports and Announcements

Councillor Bevilacqua presented Minutes and Recommendations of the Planning and Development Committee meeting held on August 1 2019 for acceptance and discussion. Items discussed were Doc 20-B, Haverhill Public Library Study Technical Draft Report; Doc 38-T, reconstruction of Main Street from City Hall to Monument Square; Doc 38-S, Construction vehicle parking in Washington Street Historic District; and Doc 38-X, Veterans Clinic parking on Merrimack Street.

ON MOTION OF COUNCILLOR BEVILACQUA TO ACCEPT THE MINUTES, RECOMMENDATIONS & COMMUNICATIONS AS PRESENTED

ACCEPTED AND PLACED ON FILE Yeas 8, Nays 0, Absent 1 30K

Councillor LePage presented Minutes and Recommendations of the Administration and Finance Committee meeting held on August 5 2019 for acceptance and discussion. Items discussed were Doc 38-I, Zoning, Solar Energy Systems; Doc 38-K, Solar panels on proposed commercial buildings; Doc 13-Y, Accounting of revenue funds received from Licensed Marijuana establishments and allocation to the City; Doc 89-D, Exposure of persons under 21 to billboards advertising marijuana and zoning of vape stores.

ON MOTION OF COUNCILLOR LEPAGE TO ACCEPT THE MINUTES AND RECOMMENDATIONS AS PRESENTED

ACCEPTED AND PLACED ON FILE Yeas 8, Nays 0, Absent 1 30L

19. Documents Referred to Committee Study

Meeting adjourned 11:48 o'clock P.M. Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc.55-F – Handout from Attorney James Smith – Ch.40: Zoning

*Doc.55-G – Mellow Fellows PowerPoint