



City of Haverhill
City Council Minutes
 Amended Agenda – Adding Agenda Items 12.3, 12.4, 12.5
 Tuesday, August 21, 2018 at 7:00 PM
 Theodore A. Pelosi, Jr. Council Chambers, Room 202
 4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan and Daly O’Brien
 Remote Participation – Councillors Macek and McGonagle due to geographic distance
 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 Macek was assigned the minutes

President Michitson read the following: Because the City Council must approve appropriations/transfers from the stabilization account by the City's Charter and there is no other body that can perform this work, and because due to conflicts of interest a quorum (6 votes required) will not be available to act on the matter, the Rule of Necessity allows those who are conflicted to participate.

Councillor Sullivan explained the Rule of Necessity and invoked the Rule of Necessity, upon advice of the City Solicitor. He disclosed that he has a conflict of interest because he has a parking pass and he parks in the parking garage and that his business is located in the Merrimack Street Business District; Councillor McGonagle disclosed that he has a conflict of interest because he owns property at 100-102 Merrimack Street; Councillor Barrett disclosed that she has a conflict of interest because her family owns property on Merrimack Street; Councillor Bevilacqua disclosed that he has a conflict of interest because he is a director at Haverhill Bank which abuts the property in question and that his son works for Lupoli Companies and Mr. Lupoli is Chairman of the Merrimack Valley Chamber of Commerce Board of Directors.

Councillor Bevilacqua left the chambers

President Michitson asked the City Clerk to move up item 16.8, Document 24-D.

16.8 Unfinished Business of Preceding Meetings:

Document 24-D

ORDERED: That \$1,120,000 is appropriated to pay a portion of the costs of the construction of the Boardwalk extension and 59 space parking deck project at 192 Merrimack Street, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. This appropriation is in addition to the MassWorks grant available for the project. (see complete text)

ON MOTION OF COUNCILLOR BARRETT TO SUSPEND THE RULES TO INTRODUCE 12.5.

**12.5 ORDERED: -That the sum of \$500,000 be appropriated from Stabilization and transferred to the following Capital Fund Account: River Boardwalk; Related communication from Mayor*

ON MOTION OF COUNCILLOR BARRETT TO SUSPEND THE RULES FOR TRANSFER ORDER TO APPROPRIATE \$500,000 FROM STABILIZATION FOR THE HAVERHILL HEIGHTS PROJECT
 RULES SUSPENDED Yeas 8, Nays 0, Absent 1 34T

Mayor Fiorentini informed that this money would extend the boardwalk closer to the area behind the Casey building and that he was modifying his original request. The land beside the Haverhill Heights project would remain a city owned surface lot. It will not be built on. The investment in the boardwalk extension for \$500,000 will yield approximately \$5million return; intangible benefits - 200 new jobs, new Culinary Arts Institute (NECC)*

COUNCILLORS EXPRESSED THEIR SUPPORT OF THE PROJECT
 PASSED Yeas 8, Nays 0, Absent 1 34T

ON MOTION OF COUNCILLOR DALY O’BRIEN TO PLACE DOCUMENT 24-D ON FILE
 PLACED ON FILE Yeas 8, Nays 0, Absent 1 24D

5. Communications from the Mayor:

Mayor Fiorentini requests to address the City Council on Sal Lupoli’s *Haverhill Heights*
 MAYOR FIORENTINI SPOKE ABOUT THE BENEFITS OF THE PROJECT AND INTRODUCED MR. SALVATORE LUPOLI TO GIVE AN OVERVIEW OF HAVERHILL HEIGHTS. MR. LUPOLI GAVE AN EXTENSIVE OVERVIEW OF THE PROJECT WITH A POWERPOINT PRESENTATION AND “ANIMATED PHOTOS”. MR. LUPOLI INFORMED THAT HAVERHILL HEIGHTS WILL BE A 10 STORY BUILDING, WITH RESTAURANTS, INCUBATOR SPACE, MARKET RATE HOUSING WITH 42 LUXURY APARTMENTS. FLOORS 2-3 WILL HAVE A CULINARY SCHOOL & INCUBATOR SPACE FOR SMALL ENTREPRENEURS; FLOORS 4-9 WILL HAVE LUXURY APARTMENTS, THERE WILL BE A ROOFTOP RESTAURANT/SKY LOUNGE SUPPORTED BY RESTAURANT BELOW. HE ASKED THE CITY TO EXTEND THE BOARDWALK. HE WILL BE INVESTING MILLIONS OF

DOLLARS ON THIS PROJECT. HE ALSO PURCHASED THE BUILDING AT 131-133 MERRIMACK ST. THEY WILL USE PROPERTY FOR STAFF WHILE HAVERHILL HEIGHTS IS BEING BUILT AND THEN IT WILL BE TORN DOWN.

COUNCILLORS EXPRESSED THEIR SUPPORT OF THE PROJECT

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

1L

Councillor Bevilacqua returned to chambers

6. Communications and Reports from City Officers and Employees

Director of Public Works, Michael K Stankovich submits Contract for solid waste & recycling services and representatives from MA DEP will be at the meeting to further explain environmental trends and what Mass communities can do to lessen their impacts

MR. STANKOVICH INTRODUCED BROOKE NASH, MASS DEPT BRANCH CHIEF, MUNICIPAL WASTE REDUCTION PROGRAM WHO GAVE A POWERPOINT PRESENTATION. SHE INFORMED THAT CHINA HAS IMPOSED HIGHER LEVELS ON CONTAMINATED PRODUCTS EFFECTIVE 1/1/2018. CHINA IS LARGEST IMPORTER OF RECOVERED PAPER AND PLASTICS IN THE WORLD. THE MILFORD, MA, GLASS PLANT CLOSED 3/30/18 WHICH WAS THE LARGEST CONSUMER OF RECYCLED GLASS IN THE NORTHEAST. CONTAMINATION IN RECYCLING INCREASES COSTS. ALL COMMUNITIES ARE SEEING RISE IN RECYCLING COSTS. MASS DEP IS LAUNCHING AN EDUCATIONAL EFFORT TO HAVE PEOPLE RECYCLE SMARTER. GRANT PROGRAMS ARE AVAILABLE THRU MASS DEP (RECYCLING IQ KIT) TO EDUCATE COMMUNITIES ABOUT RECYCLING WHICH INCLUDES REVIEW OF MATERIALS IN RECYCLE BINS TO REDUCE CONTAMINATION AND INCREASE SMARTER RECYCLING. OUR NEW RECYCLING/SOLID WASTE COORDINATOR, AMANDA BUCKLEY, WILL BE INVOLVED WITH THE OUTREACH EFFORT.

PLACED ON FILE

Yeas 9, Nays 0

97

ORDERED: That the Mayor be and is hereby authorized to enter into and execute an "Articles of Agreement – Solid Waste and Recyclable Materials Collection and Transportation" on behalf of City of Haverhill (see document for complete text)

COUNCILLOR LEPAGE PRESENTED SLIDES GIVING AN OVERVIEW OF THE RECYCLING PROGRAM WITH AUTOMATED TRASH PICK UP. RECYCLING HAS INCREASED BY 18% IN THE LAST 2 YRS. LAST 8 YRS TOTAL SAVINGS \$2,073,119.00.

ON MOTION OF COUNCILLOR BARRETT TO APPROVE AGREEMENT WITH CONDITION OF \$200,000 CAP

PASSED

Yeas 9, Nays 0

PASSED AS AMENDED

Yeas 9, Nays 0

20D

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

8. Hearings and Related Orders

9. Public Participation- Requests under Council Rule 28

Richard LeBlond, 242 Broadway, would like to discuss speed signs to be placed on Haverhill streets POSTPONED TO NEXT MEETING, SEP 11, SINCE MR. LEBLOND WAS NOT ABLE TO ATTEND POSTPONED TO SEP 11, 2018

Yeas 9, Nays 0

16F

10. Appointments:

No Schedule

Councillor Bevilacqua left chambers

11. Petitions:

Petition from Attorney Michael Migliori requesting to postpone his applicant's Special Permit hearing; Document 89; Bread and Roses Housing Inc; to build 10 residential units at 432 Washington st; changed from Sep 11 2018 to Oct 2 2018

REFERRED TO PLANNING BOARD & NEW HEARING DATE OCT 2, 2018

PASSED NEW HEARING DATE OCT 2 2018

Yeas 8, Nays 0, Absent 1

89B

Applications:

Tag Days

HHS Wrestling – November 24th

GRANTED

Yeas 8, Nays 0, Absent 1

32L

Councillor Bevilacqua returned to chambers

12. Motions and Orders:

Order Pay bills of previous/current years from Departmental appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Covanta	\$93,616.59	Refuse Collection
Crompton, S/Lawnmaster	828.00	Highway Brightside
FBS Tire Recycling Inc	1,712.00	Refuse Collection
Hi Way Safety Systems Inc	3,321.36	Highway-Traffic
Shawmut Communications	1,316.00	Refuse Collection
S J Services Inc (2)	2,920.00	Public Property
Solect	2,156.93	Public Property

ON MOTION OF COUNCILLOR BEVILACQUA TO AMEND BY REMOVING SOLECT PAYMENT BECAUSE INVOICE IS FOR 2018	Yeas 9, Nays 0	
PASSED AS AMENDED	Yeas 9, Nays 0	36E

ORDERED: That the Mayor be and is hereby authorized to execute a certain easement, relative to real property located on Crystal Lake Road, Assessors Map 566, Block 2, Lot 11, as further defined on the attached "Easement" and as shown on the attached plan

SOLICITOR COX EXPLAINED THAT A SMALL PORTION OF THE HOUSE AND SOME OF EXISTING DECK ENCROACH ON CITY LAND WHICH ABUTS THE PROPERTY. HOUSE WAS BUILT IN EARLY 1960'S AND PERMITS CANNOT BE LOCATED. HE ALSO WILL MODIFY EASEMENT, NUMBER 4, PARAGRAPH 2 IN THE FINAL FORM TO INCLUDE PEDESTRIAN INGRESS/EGRESS.

ON MOTION OF COUNCILLOR SULLIVAN TO GRANT EASEMENT WITH ADDITIONAL LIMITATIONS		
PASSED	Yeas 9, Nays 0	98

**Amended agenda items:*

**12.3 ORDERED: That the Mayor be and is hereby authorized to enter into and execute a "License To Occupy Real Property" on behalf of the City Of Haverhill with the Commonwealth of Massachusetts/Division of Capital Asset Management and Maintenance (DCAMM) on behalf of the Massachusetts Trial Court for a portion of the premises located at 4 Summer Street, Second Floor for an additional one (1)month, through Sept 30 2018, and, that said space is hereby declared surplus for the purposes of entering into said License.*

ON MOTION OF COUNCILLOR BARRETT TO SUSPEND THE RULES TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE A LICENSE TO OCCUPY REAL PROPERTY ON BEHALF OF THE CITY OF HAVERHILL WITH MA DCAMM FOR MASS TRIAL COURT FOR PORTION OF CITY HALL FOR ADDITIONAL MONTH THROUGH SEPT 30 2018

RULES SUSPENDED	Yeas 9, Nays 0	30E
Solicitor Cox informed that the Court House move would require an extension as the move back will be gradual		
PASSED	Yeas 9, Nays 0	30E

**12.4 ORDERED: That the Mayor be and is hereby authorized to execute a certain "Waiver as to Right of First Refusal" (Waiver)relative to real property located at 10-12 Temple st, as further defined in the deed references contained within said Waiver; Related communication from Mayor*

ON MOTION OF COUNCILLOR SULLIVAN TO SUSPEND THE RULES TO AUTHORIZE MAYOR TO EXECUTE A CERTAIN "WAIVER AS TO RIGHT OF FIRST REFUSAL" RELATIVE TO 10-12 TEMPLE ST

RULES SUSPENDED	Yeas 9, Nays 0	21B
Solicitor Cox stated that Dr. Comeau had contacted him to inform him that the land had been sold and deeded to his father, Raymond Comeau by Community Action in 1960. When the land transferred, there was driveway associated with it (land in question). Dr. Comeau is selling his property and the driveway is critical for the sale.		
PASSED	Yeas 9, Nays 0	21B

13. Ordinances (File 10 days)

MUNICIPAL ORDINANCE	CHAPTER 240	
An Ordinance Relating to Parking		
103 Summer Street, Apt.2 – Establish Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days	Yeas 9, Nays 0	22L

MUNICIPAL ORDINANCE	CHAPTER 240	
An Ordinance Relating to Parking		
8 Irving Avenue - Delete Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days	Yeas 9, Nays 0	22M

MUNICIPAL ORDINANCE	CHAPTER 240	
An Ordinance Relating to Parking		
Avon Place, No Parking, Both Sides (see document for complete text)		
PLACED ON FILE for at least 10 days	Yeas 9, Nays 0	37B

14. Monthly Reports:

City Assessor, Christine Webb, submits abatement report for month of July 2018		
PLACED ON FILE	Yeas 9, Nays 0	19H

15. Communications from Councillors:

Communication was received from Council President Michitson cancelling the City Council meeting scheduled for October 9, 2018 at 7:00 PM in the Theodore Pelosi Jr. City Council Chambers		
PASSED & CITY COUNCIL MEETING SCHEDULED FOR OCT 9 CANCELLED	Yeas 9, Nays 0	35C

Communication was received from Councillor Joseph Bevilacqua requesting to have petition for *No Parking* in front of 1 Bartlett av referred to Traffic & Safety Committee

ON MOTION OF COUNCILLOR BEVILACQUA TO REFER TO TRAFFIC & SAFETY COMMITTEE ON BEHALF OF ALEX PEGNATO		
REFERRED TO TRAFFIC & SAFETY COMMITTEE	Yeas 9, Nays 0	93T

16. Unfinished Business of Preceding Meetings:

Document 94

Mayor Fiorentini submits *Memorandum of Agreement and Salary Ordinance* for the *Haverhill Patrolmen's Association*

MAYOR FIORENTINI INFORMED THAT THE BIGGEST PART OF THE AGREEMENT IS CIVILIAN DISPATCH. ONCE DISPATCHERS ARE TRAINED, THEN OFFICERS CAN GO OUT ON STREETS.

MEMORANDUM OF AGREEMENT PASSED Yeas 9, Nays 0 94

Document 51-B

MUNICIPAL ORDINANCE
An Ordinance Relating to Salaries

CHAPTER
Law Enforcement
Police Officers

Be it Ordained by the City Council of the City of Haverhill that Document 13-D of 2017 is hereby amended and replaced with the following: (see document for complete text)

Amend Section 21: Salaries by the following:

Effective 7/1/17 2%

Effective 7/1/18 2%

Amend Section 29 Educational Incentive Pay

Amend Section 34 Civilian Positions

PASSED Yeas 9, Nays 0 51B

Document 2C

MUNICIPAL ORDINANCE
An Ordinance Relating to Vehicles and Traffic

CHAPTER 240

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240-108, Article XVI. Parking Fees, Rates, and Terms is hereby amended as follows:

By deleting Footnote ** on the CENTRAL BUSINESS DISTRICT PARKING FEES, RATES AND TERMS chart in its entirety, and by inserting in place thereof the following:

“** Permit parking available to residents and employees of the Central Business District (District). Those persons who regularly conduct business in the District, but are not a resident or employed within the District or a regular MBTA/Amtrak train or bus commuters, may apply to the Central Business Parking Commission for authorization to obtain a parking permit.”

ON MOTION OF COUNCILLOR DALY O'BRIEN TO REFER TO ADMINISTRATION & FINANCE COMMITTEE

Yeas, Councillors LePage, Jordan, Macek, Daly O'Brien and President Michitson 5

Abstain, Councillors Sullivan, Bevilacqua, Barrett and McGonagle 4

REFERRED TO ADMINISTRATION & FINANCE COMMITTEE 2C

Councillor Daly O'Brien left chambers

Document 22H

MUNICIPAL ORDINANCE
An Ordinance Relating to Parking

CHAPTER 240

112 Emerson Street – Establish Handicap Parking (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22H

Document 22I

MUNICIPAL ORDINANCE
An Ordinance Relating to Parking

CHAPTER 240

37 Curtis Street – Establish Handicap Parking (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22I

Document 22J

MUNICIPAL ORDINANCE
An Ordinance Relating to Parking

CHAPTER 240

81 Pilling Street – Delete Handicap Parking (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22J

Document 22K

MUNICIPAL ORDINANCE
An Ordinance Relating to Parking

CHAPTER 240

13 Ford Street – Delete Handicap Parking (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22K

Document 93-C, Communication from Councillor LePage requesting to introduce Amanda Buckley, Haverhill Recycling Coordinator, to discuss the curbside recycling program and other related matters
MS. BUCKLEY INTRODUCED HERSELF AS THE NEW RECYCLING/SOLID WASTE COORDINATOR
PLACED ON FILE Yeas 8, Absent 1 93C

Document 93-I: Communication from Councillor Bevilacqua requesting a discussion regarding possible relocation of Water Street Fire Station to create a waterfront development site opportunity
COUNCILLOR BEVILACQUA MENTIONED THE POSSIBILITY OF BUILDING A NEW WATER STREET FIRE STATION IN THIS AREA AND REFERRED MATTER TO PLANNING & DEVELOPMENT COMMITTEE AND MASTER PLAN COMMITTEE Yeas 8, Absent 1 93I

Document 34-S (this item was taken out of order)

ORDERED: That the City transfer the sum of \$17,500 from the Capital Budget to the Capital account Court House Stairs

PASSED Yeas 8, Nays 1 (Bevilacqua) 34S

17. Resolutions And Proclamations

18. Council Committee Reports and Announcement

Councillor Sullivan announced the 50th Anniversary Celebration of the Winnekenni Foundation with a cocktail reception scheduled for Aug. 23, from 6-8PM, public is invited

Meeting adjourned at 9:47 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 34-T – Handout from Mayor Fiorentini – Haverhill Heights Project summary