



City of Haverhill
City Council Minutes
Tuesday, September 10, 2019
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, LePage, Jordan, Macek and McGonagle.

Absent – Councillor Daly O’Brien

City Clerk – Linda L. Koutoulas

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of Minutes of Prior Meeting – The minutes were not approved. Councillor Bevilacqua requested to have the motion for the special permit, Doc. 55-G, amended to reflect the 2 conditions in the motion and passed as amended.

On motion of Councillor Bevilacqua to table to Sep 17 Council meeting Yeas 8, Nays 0, Absent 1

4. Assignment of the minutes review for the next Meeting
Councillor Barrett was assigned the minutes.

Councillor Jordan requested a moment of silence in memory of King Davis, community activist.

5. Communications from the Mayor
6. Communications and Reports from City Officers and Employees:
Proposed decision regarding *Haverhill Stem, LLC Special Permit Decision* with related communication from William D Cox Jr., City Solicitor requesting review and approval

Councillor McGonagle recused himself and left the Chambers

Solicitor Cox informed that there is pending litigation on this matter and that the City retained services of outside legal counsel and stenographer to prepare the minutes for the Special Permit hearing held on June 18, 2019, Doc. 55-D.

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE SPECIAL PERMIT DECISION FOR HAVERHILL STEM, LLC, DOC. 55-D.

DECISION APPROVED BY COUNCIL Yeas 6, Nays 1(Bevilacqua), Abstain 1, Absent 1 96

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

Councillor McGonagle returned to Chambers

8. Hearings and Related Orders

Document 90 - Petition from Attorney Paul Magliocchetti representing Michael Malvers dba *One Ten Towing Co* requesting a Special Permit to sell used cars on the property at 112 Hale st; Assessor’s Map 601, Block 451, Lot 1. *Comments from Department Heads are included*

President Michitson opened the Special Permit hearing. Attorney Paul Magliocchetti represented Mr. Michael Malvers who he introduced. He is seeking to have 3 spaces in the lot that he owns to sell used cars. If approved, the request will be reviewed by the License Commission for approval. Speaking in favor was Michael Malvers and no one was opposed.

HEARING CLOSED.

ON MOTION OF COUNCILLOR MACEK TO GRANT THE SPECIAL PERMIT

PASSED Yeas 8, Nays 0, Absent 1 90

9. Public Participation- Requests under Council Rule 28

Lisa Corr, 76 Gale av requests to discuss parking downtown

MS. CORR SPOKE ABOUT HER PARKING TICKET SHE RECEIVED ON ESSEX ST AND THAT HER TIRE HAD BEEN CHALKED WHICH IS UNCONSTITUTIONAL UNDER THE FOURTH AMENDMENT * SHE PARKED TWICE ON ESSEX ST. ON THE SAME DAY BUT DID NOT EXCEED THE TIME LIMIT. SHE QUESTIONED THE CITY ORDINANCE ABOUT PARKING ON THE SAME STREET TWICE A DAY. SHE APPEALED THE PARKING TICKET AND DID NOT HAVE TO PAY. MS. CORR ALSO SPOKE ABOUT HER EXPERIENCE WITH THE MVRTA PARKING GARAGE.

ON MOTION OF COUNCILLOR MCGONAGLE TO SEND LETTER TO MVRTA AND LETTER TO MAYOR

Yeas 8, Nays 0, Absent 1 2B

10. Appointments:

Confirming Appointments:

Haverhill Housing Authority, Board of Commissioners; Robert V Driscoll – correction to his appointment to expire August 5 2024 rather than August 5 2022

CONFIRMED Yeas 8, Nays 0, Absent 1 3H

Non-Confirming Appointments:

Patrick Driscoll, 309 So Main st to the *Vietnam Veteran’s Memorial Ad Hoc Commission*

PLACED ON FILE Yeas 8, Nays 0, Absent 1 4M

11. Petitions:

Toni Sapienza-Donais requests to hold a meet and greet on the boardwalk behind Harbor Place on Wednesday, September 11, 2019 from 4:00 to 7:00 pm

GRANTED Yeas 8, Nays 0, Absent 1 97

Applications Handicap Parking Sign

Francis Cronin for 8 Freeman st – *new*

REFERRED TO PLANNING Yeas 8, Nays 0, Absent 1 16W

Amusement/Event Applications:

Tag Days:

HHS Wrestling – November 22, 23, 24

GRANTED Yeas 8, Nays 0, Absent 1 53J

One Day Liquor License:

One-Day Beer & Wine, Autumn Lannon-Goodwin for wedding at Winnekenni Castle, Saturday, September 21st; 4 pm to 11 pm

GRANTED Yeas 8, Nays 0, Absent 1 6M

One-Day All Alcohol, Victoria Palmacci for wedding at Winnekenni Castle, Friday, October 4, 6 pm to 11 pm

GRANTED Yeas 8, Nays 0, Absent 1 6N

Applications have Police & License Commission approval

Annual License Renewals

Drainlayer License for 2019:

Steven Granese – *renewal*

GRANTED Yeas 8, Nays 0, Absent 1 10V

Taxi Driver Licenses for 2019: The following were all granted: Yeas 8, Nays 0, Absent 1

Raymond Blodgett, 22 Lafayette sq, new 27Q

Alexander Holmes, 25 A High st, renewal 27R

William A House, 22 Justin st, new 27S

Robert McDonald, 11 Pentucket st, new 27T

David McLaughlin, 15 Grandview rd, renewal 27U

Buy & Sell Second Hand Articles:

The following were all granted: Yeas 7, Nays 0, Absent 1, Abstain 1 (Barrett)

In A Blue Moon - at 99 Merrimack st, Maria Turchi , new 61G

Buy & Sell Second Hand Clothing:

In A Blue Moon – Maria Turchi new 62E

Buy & Sell Old Gold

In A Blue Moon – Maria Turchi new 98

12. Motions and Orders:

ORDERED: That the City transfer \$22,100 from Capital Budget to Capital account Vietnam Veterans Memorial

PASSED Yeas 8, Nays 0, Absent 1 41S

ORDERED: That the sum of \$150,000 be appropriated from the sale of non-tax title land account and transferred to Capital Account Police Station Roof Repairs

PASSED Yeas 8, Nays 0, Absent 1 41T

ORDERED: That the sum of \$18,000 be transferred from Capital Projects account to Capital Account: Flashing Crosswalk Light \$18,000

PASSED Yeas 8, Nays 0, Absent 1 41U

ORDERED: That the City transfer \$28,000 from Capital Budget to Capital account: Health Department Vehicle

PASSED Yeas 8, Nays 0, Absent 1 41V

ORDERED: To see if the city/town will authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the Mayor, a lease purchase financing agreement for the acquisition of one Trackless MT7 Municipal Tractor, may be acquired through the issuance of debt under G.L. c.44, for Public Works-Highway Department (see document for complete text

PASSED Yeas 8, Nays 0, Absent 1 41W

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

| <u>Vendor</u> | <u>Amount</u> | <u>Account</u> |
|------------------------------------|---------------|-------------------|
| Tufts Medical Center | \$763.77 | School Department |
| Gale Associates | 354.69 | Police Department |
| Greg Foucault Appliance | 574.00 | Public Property |
| Turf Works Irrigation & Landscapes | 182.50 | Park Department |
| Telelanguage Inc. | 7.58 | Police Department |

13. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 240
94 River 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 | |
|---|------------|------------|------------------------------|
| 94 River Street (see document for complete text) | No Parking | 24 Hours | |
| PLACED ON FILE for at least 10 days | | | Yeas 8, Nays 0, Absent 1 29X |

BOND

ORDERED: That \$700,000 is appropriated to pay costs of the construction of a High School Track, including the payment of all costs incidental and related thereto, and that to meet the 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 (see document for complete text)

Mayor Fiorentini informed that the track should be called the Toni Sapienza Track.

Council will amend order when they vote on the bond order.

| | | |
|-------------------------------------|--------------------------|-----|
| PLACED ON FILE for at least 10 days | Yeas 8, Nays 0, Absent 1 | 54D |
|-------------------------------------|--------------------------|-----|

14. Monthly Report

Preliminary financial reports for month of June from City Auditor, Charles Benevento

| | | |
|----------------|--------------------------|-----|
| PLACED ON FILE | Yeas 8, Nays 0, Absent 1 | 33I |
|----------------|--------------------------|-----|

15. Resolutions and Proclamations

16. Communications from Councillors:

Communication was received from Councillor LePage requesting to introduce Dr. John Maddox to present the *Massachusetts Prevention Alliance* position on restricting youth access and exposure to pro-marijuana and social normalizing from billboard and outdoor advertising

THIS ITEM WAS DISCUSSED AFTER DOCUMENT 96

COUNCILLOR LEPAGE GAVE A POWERPOINT PRESENTATION ABOUT BILLBOARD ADVERTING REGARDING SMOKING AND SHOWED THE CURRENT BILLBOARD ON ESSEX STREET SPONSORED BY WEEDMAPS THAT DOES ADVERTISING ON BEHALF OF MARIJUANA COMPANIES/DISPENSARIES. DR. MADDUX AND ATTORNEY JOHN SCHEFT WERE INTRODUCED. ATTORNEY SCHEFT WORKS ON BEHALF OF MASS. PREVENTION ALLIANCE. HE INFORMED THAT MASS. CANNABIS CONTROL COMMISSION HAS STRICT STANDARDS REGARDING ADVERTISING. AN AUDIENCE COMPOSITION STUDY IS SUPPOSED TO BE DONE BEFORE BILLBOARD IS INSTALLED AND IS TO INDICATE THAT 85% OF THE TARGETED AUDIENCE ARE 21 YEARS AND OLDER.* SOLICITOR COX ANSWERED QUESTIONS FROM COUNCILLORS AND INDICATED THAT HE WOULD FIND OUT IF CITY HAS AUTHORITY TO ENFORCE CANNABIS CONTROL COMMISSION REGULATIONS

| | | |
|---|---|-----|
| ON MOTION OF COUNCILLOR MACEK TO REFER TO ADMINISTRATION & FINANCE COMMITTEE. | Yeas 6, Nays 1(Bevilacqua) Absent 1, Abstain 1(McGonagle not in chambers) | 89O |
|---|---|-----|

Communication was received from Councillors LePage and Melinda Barrett requesting to give an update of on-going Capital Improvement projects, including but not limited to the *Haverhill High School Track* Improvement and *Animal Shelter* projects

THE SAPIENZA TRACK BOND IS MOVING THRU THE PROCESS. MAYOR FIORENTINI INFORMED THAT THE ANIMAL SHELTER IS ON THE LIST FOR THE SPRING BUT WILL NOT BE THE \$2M DESIGNED INITIALLY SUBMITTED

| | | |
|----------------|--------------------------|-----|
| PLACED ON FILE | Yeas 8, Nays 0, Absent 1 | 89P |
|----------------|--------------------------|-----|

Councillor Bevilacqua left the Chambers

Communication was received from Councillor Macek requesting a discussion on crosswalk safety Signage

ON MOTION OF COUNCILLOR MACEK TO SEND A LETTER TO MAYOR AND DPW TO START IMPLEMENTING PROGRAM TO INSTALL SIGNAGE, I.E. NO PARKING HERE TO CROSSWALK, MAKE EFFORT TO ENFORCE NO PARKING IN CROSSWALK WORKING WITH POLICE DEPT.

| | | |
|--|--------------------------|-----|
| | Yeas 7, Nays 0, Absent 2 | 89Q |
|--|--------------------------|-----|

Councillor Bevilacqua returned

Communication was received from Councillor Bevilacqua requesting to recognize Hispanic Heritage month celebrating the many contributions, diverse culture and heritage of the Hispanic and Latino Americans to our City

COUNCILLOR BEVILACQUA INFORMED THAT HISPANIC HERITAGE MONTH IS SEPT 15-OCT 15 AND RECOGNIZED CONTRIBUTIONS OF HISPANICS LOCALLY AND STATEWIDE

| | | |
|----------------|--------------------------|-----|
| PLACED ON FILE | Yeas 8, Nays 0, Absent 1 | 89R |
|----------------|--------------------------|-----|

Councillor Jordan left the Chambers

Communication was received from Councillor Bevilacqua requesting a discussion regarding advance

coordination between *School Department* and *DPW* regarding school bus zones snow plowing and school area sidewalk improvement inventory

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO SCHOOL DEPARTMENT TO HAVE THEM NOTIFY THE DPW OF CHANGES IN THE SCHOOL BUS ZONE; HAVE THE SCHOOL DEPT. AND DPW IDENTIFY SIDEWALKS AND SURROUNDING SCHOOL AREAS THAT COULD USE IMPROVEMENT AND NOTIFY THE MAYOR'S OFFICE. THE POLICE DEPT/TRAFFIC SAFETY OFFICERS SHOULD BE INCLUDED IN THIS REVIEW. Yeas 7, Nays 0, Absent 2 89S

Councillor Jordan returned

Communication was received from Councillor McGonagle requesting a discussion about notification to Haverhill residents when sewerage is dumped into the Merrimack River

COUNCILLOR MCGONAGLE URGED THE CITY TO BE PROACTIVE ABOUT NOTIFYING RESIDENTS WHEN SEWERAGE IS DUMPED INTO THE MERRIMACK RIVER. HE SUGGESTED USE OF SOCIAL MEDIA AND VISUAL NOTIFICATION

ON MOTION OF COUNCILLOR MCGONAGLE TO SEND LETTER TO THE MAYOR TO HAVE HIM WORK WITH ROBERT WARD, DEPUTY DPW DIRECTOR, TO COME UP WITH IMMEDIATE NOTIFICATION PLAN Yeas 8, Nays 0, Absent 1 89S

17. Unfinished Business of Preceding Meeting

Document 52-D:

Memorandum of Agreement between

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

MAYOR FIORENTINI INFORMED ABOUT HIS PLAN TO USE THE EXISTING CIVIL SERVICE LIST AND HAS CONCESSIONS TO USE "SPECIALS OR INTERMITENTS" AND REMOVE THESE POSITIONS FROM THE CIVIL SERVICE. THIS HAS TO BE VOTED ON BY THE UNION

PASSED Yeas 8, Nays 0, Absent 1 52D

Document 1-E:

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

CHAPTER
Superior Officers Group

PASSED Yeas 8, Nays 0, Absent 1 1E

Document 52-E:

Memorandum of Agreement between

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

PASSED Yeas 8, Nays 0, Absent 1 52E

Document 1-F:

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

CHAPTER
Engineering Group

PASSED Yeas 8, Nays 0, Absent 1 1F

Document 79-R:

Communication from President Michitson requesting to recognize the extraordinary efforts of Keith Boucher and team

ON MOTION OF PRESIDENT MICHITSON TO POSTPONE TO DEC 2 COUNCIL MEETING POSTPONED TO 12/2 Yeas 8, Nays 0, Absent 1 79R

Document 79-Y: Communication from Councillor Macek requesting a discussion regarding lightning rod legislation

COUNCILLOR MACEK INFORMED THAT THE STATE DOES NOT REGULATIONS REGARDING LIGHTING RODS AND GAVE EXAMPLES OF RESOURCES THAT CAN BE REFERRED TO FOR STANDARDS SUCH AS THE MASS FIRE MARSHALL'S OFFICE AND NATIONAL FIRE PROTECTION ASSOCIATION

ON MOTION OF COUNCILLOR MACEK TO SEND LETTER TO LOCAL DELEGATION REGARDING THIS ISSUE Yeas 8, Nays 0, Absent 1 79Y

18. Council Committee Reports and Announcements

Councillor McGonagle presented the Minutes and recommendations of the Public Safety Committee meeting held on August 27 2019 with regards to Document 79-U, Firefighters staffing and other concerns and Document 89-E; discussion regarding sidewalk during construction projects downtown.

ON MOTION OF COUNCILLOR MCGONAGLE TO ACCEPT THE MINUTES AS PRESENTED WITH THE ASSOCIATED LETTERS AS INDICATED Yeas 8, Nays 0, Absent 1 30M

Councillor Bevilacqua requested a moment of silence for the victims of 9/11

Councillor McGonagle announced the Public Safety meeting scheduled for Sept. 18 to discuss group homes has been cancelled and asked the City Clerk to notify invitees.

19. Documents Referred to Committee Study

Meeting adjourned 9:30 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 2-B – Handout from Lisa Corr – parking ticket

*Doc. 89-O– Handout from Attorney John Scheft – Marijuana related billboard advertising