



City of Haverhill  
City Council Minutes  
Tuesday, September 15, 2020  
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St, Room 202  
Virtual and In-Person Meeting

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

Absent – Councillor McGonagle

City Clerk – Linda L. Koutoulas

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 and live so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**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." This meeting will have public participation.**

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 Daly O’Brien was assigned the minutes

5. Communications from the Mayor:

Mayor Fiorentini requests to give an update on the Coronavirus (COVID-19) Crisis

MAYOR FIORENTINI GAVE A POWERPOINT PRESENTATION. THE CITY IS IN THE YELLOW CATEGORY. HE INFORMED THAT THE CITY IS DOING CONTACT TRACING, TESTING AND ISOLATION AND THAT THE NUMBERS WILL FLUCTUATE. HE INTRODUCED MARY CONNOLLY-PUBLIC HEALTH NURSE, KATE VOZELOS-SCHOOL NURSE AND DR. GARRETT BOMBA OF PENTUCKET MEDICAL ASSOCIATES TO SPEAK ABOUT THE WORK THEY ARE DOING. WE HAVE STARTED A NEW PARTNERSHIP WITH PMA. DR. BOMBA INFORMED THERE WILL BE AN OFFICE TRAILER IN THE EDWIN TAYLOR MEMORIAL SECTION OF THE PUBLIC PARKING LOT AT 1 PARKWAY. THE TRAILER WILL BE FOR RAPID TESTING AND THE GENERATOR IS BEING PAID BY THE CITY. THE MAYOR INFORMED THAT HE HAS DEPLOYED MASK AMBASSADORS IN PARKS AND DOWNTOWN. HE HAS ASKED HIS CHIEF OF STAFF, ALLISON HEARTQUIST TO COORDINATE WITH THE CITY OF REVERE TO SEE IF WE CAN ADOPT SOME OF THEIR WEB INFORMATION. HE URGED EVERYONE TO GET A FLU SHOT TO AVOID A “TWINDEMIC” – 2 VIRAL INFECTIONS – COVID 19 AND FLU.

PLACED ON FILE

89

Mayor Fiorentini requests that Ralph Basiliere address the City Council to give an update on Haverhill’s Vietnam Memorial fundraising efforts and event

MR. RALPH BASILIERE INFORMED THAT PHASE 3 OF THE MEMORIAL CONSTRUCTION IN MILL BROOK PARK WAS FINISHED ON TIME AND UNDER BUDGET WITH NO TAXPAYER FUNDS. HE READ THE NAMES OF THE 13 VETERANS WHO PERISHED IN THE VIETNAM WAR AND DEDICATED THE MEMORIAL TO THEM.

PLACED ON FILE

89B

Mayor Fiorentini submits final recommendations of Matrix Company

MR. ROBIN HALEY OF MATRIX COMPANY GAVE A POWERPOINT PRESENTATION. THE GOALS OF THE STUDY WERE TO ANALYZE ALL ASPECTS OF FACILITY MAINTENANCE OPERATIONS; TO ASSESS INTERDEPARTMENTAL COMMUNICATIONS AND COLLABORATION, AS WELL AS

STAKEHOLDERS SATISFACTION; TO ASSESS ADEQUACY OF STAFFING, BUDGETS, RESPONSE TIMES; TO ANALYZE CENTRALIZATION OF SPECIFIC FUNCTIONS; AND TO PROVIDE REPORT THAT SUMMARIZES FINDINGS AND RECOMMENDATIONS. HIS COST ESTIMATES WITH ACHIEVING GOALS DID NOT INCLUDE BRINGING THE CITY UP TO STANDARDS. MR. HALEY WILL ADJUST THE NUMBERS AND WILL PROVIDE COUNCIL WITH AN EDITED REPORT. COUNCILLORS PROVIDED THEIR OBSERVATIONS AND POSED QUESTIONS TO MR. HALEY. THE MAYOR STATED HE WOULD BRING THIS TO THE SCHOOL COMMITTEE FOR MR. HALEY TO GIVE HIS PRESENTATION. HE STRESSED THE NEED FOR THE SCHOOL DEPARTMENT TO GO ALONG WITH THE FINDINGS OF THE REPORT WITH RESPECT TO FACILITY MANAGEMENT POSITION. THE SCHOOL COMMITTEE HAS TO VOTE ON IT.  
ON MOTION OF COUNCILLOR JORDAN TO REFER TO NATURAL RESOURCES AND PUBLIC PROPERTY COMMITTEE

Yeas 7, Nays 1 (Bevilacqua) Absent 1 89C

Mayor Fiorentini submits a Loan Order for \$272,000 for purchase of land for water supply protection and also an Order authorizes him to purchase the land. *Related communication from Robert Ward, DPW Director*

PLACED ON FILE Yeas 8, Nays 0, Absent 1 89D

ORDERED: That the City is hereby authorized to acquire, either by purchase or eminent domain, the property located off of Amesbury Road identified as Assessor's Parcel ID 464-3-1, for the purpose of protecting the City's water supply system, and to take any other action incidental and related thereto; that Two Hundred Seventy Two Thousand Dollars (\$272,00) is appropriated to pay the costs of said land acquisition project, 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 pursuant to Chapter 44, Section 8 (3) 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)

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 26F

ORDERED: That the City Council finds that a certain undeveloped parcel of real property located at 0 Groveland Bridge Road containing 20.56-acres of land or 895,594 square feet, more or less, Assessor's Parcel 464-3-1, is an essential parcel for public drinking water supply protection. The parcel is located entirely within the watershed of Millvale Reservoir, which supplies up to 70+ percent of the City of Haverhill's drinking water. (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 38D

Mayor Fiorentini submits the updated Capital Plan and Order for fiscal years 2021 to 2025 and requests Council vote to approve or disapprove the related Order  
MAYOR FIORENTINI GAVE A POWERPOINT PRESENTATION HIGHLIGHTING \$27 MILLION IN IMPROVEMENTS (NOT INCLUDING \$60M FOR A NEW HUNKING SCHOOL) IN THE PAST 5 YEARS. HE REVIEWED \$77 MILLION IN PROPOSED IMPROVEMENTS FOR NEXT 5 YEARS  
ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR JORDAN TO

TABLE TO OCT 6 2020 Yeas 8, Nays 0, Absent 1 90

ORDERED: The City Council hereby adopts and approves FY 21 – FY 25 Capital Plan  
ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR JORDAN TO

TABLE TO OCT 6 2020 Yeas 8, Nays 0, Absent 1 90B

Mayor Fiorentini submits Bond Order authorizing bond proceeds for \$250,000 for an Asset Management Plan for City's drinking water distribution system, stormwater collection system and wastewater collection system. *Related communication from Robert Ward, DPW Director*

PLACED ON FILE Yeas 8, Nays 0, Absent 1 89E

## BOND

ORDER: That \$250,000 is appropriated, for the purpose of planning and engineering to complete tasks related to the preparation of an asset management plan for the City's water, wastewater, and stormwater assets, including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c78; that to meet this appropriation the Treasurer with the approval Mayor and the City Treasurer is authorized to borrow \$250,000 and issue bonds or notes therefor under Chapter 44 of the General Laws, or pursuant to any other enabling authority. (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 8, Nays 0, Absent 1 26G

6. Communications from Councillors to introduce an individual(s) to address the Council:

7. Public Participation - Requests under Council Rule 28

8. Communications and Reports from City Officers and Employees:

Communication from John Pettis, City Engineer requesting to move the hearings to accept the following streets as public ways to October 27 2020: 78A

The following were all moved to Oct. 27 Yeas 8, Nays 0, Absent 1

Amy Lynne Lane 78

Ryan Patrick Way	79
Cortland Rd.	80
Pear Tree Rd.	81
Russett Hill Rd.	82

Communication from William Pillsbury, Economic Development & Planning Director, requesting to reschedule Zoning Hearing, Doc 40 and Zoning Ordinance, Doc 40-B, to November 10 2020  
 COUNCILLORS ASKED FOR A RED LINE VERSION TO COMPARE EXISTING WITH PROPOSED AND SUMMARY FOR THE PUBLIC. SOLICITOR COX INFORMED THAT SOME SECTIONS HAVE BEEN REWRITTEN. HE WILL WORK WITH ATTORNEY BOBROWSKI TO PROVIDE INFORMATION AS REQUESTED  
 HEARING SCHEDULED FOR NOVEMBER 10 2020 Yeas 8, Nays 0, Absent 1 40 & 40B

Abatement report from Christine Webb, Assessor for August 2020  
 PLACED ON FILE Yeas 8, Nays 0, Absent 1 32H

**9. Utility Hearing(s) and Related Order(s)**  
 Hearings and Related Orders:

Document 85: Petition from Attorney Paul Magliocchetti for applicant Ernest M Cioto, Trustee of Cioto Realty Trust for a Special Permit to allow construction in the Waterfront District (Zone F) with site sitting directly on the Merrimack River to build 54 condos at 38 Railroad St: Assessors Map 701, Block 630, Lot 9  
 Comments from City Departments are included. *Related communication from Attorney Paul Magliocchetti for applicant requesting to withdraw this application without prejudice*

PRESIDENT BARRETT ASKED SOLICITOR COX TO EXPLAIN THE PROCESS FOR HANDLING THE REQUEST TO WITHDRAW THE APPLICATION WITHOUT PREJUDICE.

SOLICITOR COX INFORMED THAT WHEN THE PETITION WAS FILED IT WAS CLASSIFIED AS A SPECIAL PERMIT. IT IS NOT A SPECIAL PERMIT APPLICATION. IT IS A MAJOR SITE APPROVAL PETITION IN THE WATERFRONT DISTRICT THAT REQUIRES CITY COUNCIL APPROVAL. BECAUSE OF THAT, THE APPLICANT IS FREE TO WITHDRAW AT ANYTIME IF THEY WISH. NO FURTHER ACTION IS REQUIRED BY THE CITY COUNCIL. SINCE THIS IS NOT A SPECIAL PERMIT APPLICATION IT IS NOT SUBJECT TO THE SAME RULES. THE ONLY MATTER BEFORE THE COUNCIL IS SITE PLAN APPROVAL.

COUNCILLORS EXPRESSED THEIR CONCERNS ABOUT THE "OVERLAYS" IN RELATION TO THEIR RIGHTS AND AUTHORITY.  
 PLACED ON FILE 85

**10. Appointments:**

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

**11. Petitions:**

Petition from Wady & Jewnifer Grullon requesting to purchase City property that abuts their property at 14 Silver Birch Lane; Assessors Map 574, Block 1 Lot 7

REFERRED TO NATURAL RESOURCES & PUBLIC PROPERTY

COMMITTEE Yeas 8, Nays 0, Absent 1 91

Petition from Attorney Thomas MacMillan for applicant Haverhill Stem LLC, 124 Washington st, requesting minor modification to a special permit previously granted on September 11 2019  
 MS CAROLINE PINEAU INFORMED THAT HER ATTORNEY WAS NOT ABLE TO ATTEND. SHE REQUESTED THE COUNCIL TO MODIFY THE SPECIAL PERMIT TO: REMOVE CONDITION OF APPOINTMENT ONLY; REMOVE CONDITION OF NUMBER OF RETAIL CUSTOMERS PER HOUR; ADD CLARIFYING LANGUAGE TO MODIFY HOURS OF OPERATION BETWEEN 9AM TO 9PM, AND NOT OPERATING BEFORE 12NOON ON SUNDAYS. CURRENTLY OPEN ON SUNDAYS FROM 12NOON TO 7PM AND SEEKS TO GO TO 12NOON TO 9PM.  
 COUNCILLOR MACEK QUESTIONED THE COUNCIL'S ABILITY TO RETAIN OVERSIGHT. MS. PINEAU CLARIFIED SHE WAS JUST SEEKING TO MODIFY SPECIAL PERMIT NOT REMOVAL OF OVERSIGHT. SOLICITOR COX INFORMED THE COUNCIL CAN HAVE STEM COME BACK IF HOURS NEED TO BE CHANGED.

ON MOTION OF COUNCILLOR MACEK WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO MODIFY SPECIAL PERMIT GRANTED TO HAVERHILL STEM LLC ON SEPTEMBER 11 2019  
 MODIFICATION PASSED Yeas 7, Nays 1 (Bevilacqua) Absent 1 92

Applications Handicap Parking Sign – Renewals - All have Police Department approval

The following renewals were all GRANTED Yeas 8, Nays 0, Absent 1  
 Sandra Hanagan for 103 Summer st, Apt 2 4L  
 Cristina Perez for 37 Curtis st 4M  
 John Connor for 31 Fourth av 4N

Stephen O’Leary for 38 Wilson st 4O  
 Carol A Young for 10 South Lincoln st 4P

Drainlayer License for 2020  
 Tim White – *renewal*  
 GRANTED Yeas 8, Nays 0, Absent 1 46Q

Limousine/Livery License/Chair Cars  
 New England Health Transportation Inc, Victor Gonzalez for 143 Essex st; 3 Livery Vehicles  
 GRANTED Yeas 8, Nays 0, Absent 1 24D

**12. Motions and Orders**

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
Conn Kavanaugh LLP	\$ 2,628.50	Law Department	
North Shore Data Services	\$ 558.00	Information Technology	
Benevento Bituminous Products	\$ 76.76	Highway Department	
Hometown Forecast Services	\$ 125.00	Highway Department	
Fidelity House CRC	\$ 277.20	Mayor Office	
Toshiba	\$ 168.00	City Clerk	
Brown, Richardson & Rowe	\$ 1,795.65	Recreation	
Cassidy Water Conditioning Inc	\$ 47.50	Wastewater Department	
Paul Pascucci	\$ 1,120.00	Water-Engineering	
LexisNexis	\$ 1,184.69	Police Department	
HF Group LLC	\$ 25.00	Insp/Health Department	
Comcast Business (9)	\$ 4,971.81	Police Department	
Xerox Corporation	\$ 2,155.00	Information Technology	
PASSED		Yeas 8, Nays 0, Absent 1	25G

**13. Ordinances (File 10 days)**

**14. Communications from Councillors:**

Communication was received from Councillor Bevilacqua requesting to recognize Hispanic Heritage month, 9/15-10/15, recognizing the history, culture and contributions of Hispanic and Latino Americans  
 PLACED ON FILE Yeas 8, Nays 0, Absent 1 86K

Communication was received from Councillors Michitson and Jordan requesting an update on COVID-19 status and impact to Haverhill from Mayor Fiorentini  
 THIS ITEM WAS DISCUSSED WITH MAYOR’S COVID-19 UPDATE – DOC. 89  
 PLACED ON FILE 86L

Communication was received from Councillor Bevilacqua requesting a discussion about Haverhill’s untreated sewage discharge into the Merrimack River and proposed public notice requirement  
 COUNCILLOR BEVILACQUA MOTIONED TO POSTPONE DISCUSSION TO 9/29  
 POSTPONED TO SEP 29 2020 Yeas 8, Nays 0, Absent 1 86M

Communication was received from Council President Barrett requesting to refer issues of traffic and parking on Montvale Avenue as schools reopen to the *Traffic & Safety Committee*  
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 86N

Communication was received from Councillor McGonagle requesting to refer a request for ”No Parking Here to Corner” sign on Portland st at intersection of White st to the *Traffic & Safety Committee*  
 REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 86O

Unfinished Business of Preceding Meeting:

Document 69-J; Communication from Councillor Colin LePage requesting a status update on the Matrix study regarding the “Organization of our Facilities Maintenance Dept” as previously requested  
*Tabled from August 25 2020*  
 THIS ITEM WAS DISCUSSED WITH MAYOR’S RECOMMENDATIONS OF MATRIX CO. – DOC 89C  
 PLACED ON FILE 86L

**16. RESOLUTIONS and PROCLAMATIONS:**

**17. Council Committee Reports and Announcements:**

Councillor Colin LePage presented Minutes and Recommendations of the Administration & Finance Committee meeting held August 4, 2020 for acceptance and discussion. Items discussed were Doc 34-O; tax reduction for veterans; Doc 69-L; oversight and enforcement of terms and conditions of City negotiated contracts and Doc 11-F; Asynchronous City Council meetings  
 ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCILLOR SULLIVAN TO ACCEPT THE MINUTES AND PLACE ON FILE

PLACED ON FILE 48E  
ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCLLOR SULLIVAN TO SEND  
LETTER TO SOLICITOR COX ASKING HIM TO DRAFT DOCUMENT REGARDING OVERSIGHT  
AND ENFORCEMENT OF TERMS AND CONDITIONS OF CITY NEGOTIATED CONTRACTS  
LETTER TO SOLICITOR COX Yeas 7, Nays 0, Abstain 1 (Bevilacqua), Absent 1 48E

**18.** Documents referred to committee study

**19.** Long term matters study list

Meeting adjourned 10.02 o'clock P.M. Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas  
City Clerk