



City of Haverhill  
City Council Minutes

Tuesday, December 12, 2017 at 7:00 PM  
Theodore A. Pelosi, Jr. Council Chambers, Room 202  
4 Summer Street

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

Absent – Councillor Vargas

City Clerk – Linda L. Koutoulas

1. Opening Prayer

2. Pledge of Allegiance

3. Approval of Minutes of Prior Meeting

The December 5<sup>th</sup> minutes were not approved

Approval of minutes of November 28 meeting

The minutes were approved Yeas 8, Nays 0, Absent 1

4. Assignment of the minutes review for the next Meeting

Councillor Sullivan was assigned the minutes

5. Communications from the Mayor

Communication from Mayor Fiorentini requesting to have Alternative Therapies Group address the Council concerning their request for a letter of non-opposition and also submitting a draft letter of non-opposition and related Order

MAYOR FIORENTINI INTRODUCED CHRISTOPHER EDWARDS, EXECUTIVE DIRECTOR OF ALTERNATIVE THERAPIES GROUP. HE EMPHASIZED HIS SUPPORT OF MEDICAL MARIJUANA AND THAT HE WAS AUTHORIZED BY THE STATE TO SIGN THE NON-OPPOSITION LETTER BUT PROMISED HE WOULD BRING IT TO THE COUNCIL FOR THEIR SUPPORT. THIS IS A MULTI-STEP PROCESS AND A SPECIAL PERMIT HEARING WOULD HAVE TO BE HELD. MR. EDWARDS INFORMED THAT THEY WERE THE FIRST COMPANY SELECTED BY THE STATE TO HAVE MEDICAL MARIJUANA DISPENSARY AND HAVE BEEN IN SALEM FOR TWO AND A HALF YEARS. THEY HAVE HOST AGREEMENTS WITH SALEM AND AMESBURY. THEY ARE LOOKING TO LOCATE AND BUILD 6,000 SQ. FOOT STRUCTURE IN THE MMO DISTRICT AND NEED TO BRING IN UTILITIES ON THE PARCEL AND BUILD A ROAD FOR ACCESS. THIS WOULD BE A \$2-3MILLION INVESTMENT. THE COMMUNITY HOST AGREEMENT WOULD BE CAPPED AT 3% OF GROSS REVENUE FOR A TERM OF 5 YEARS. AS A BONUS, THEY WOULD GIVE PRIORITY TO LOCAL VENDORS, CONTRACTORS/ENGINEERS WITH EMPLOYMENT PRIORITY TO LOCAL RESIDENTS AND WOULD MAKE AN ANNUAL \$25,000 DONATION TO CHARITIES. THEY WOULD WAIVE RIGHTS TO CONDUCT ON-SITE “SOCIAL CONSUMPTION” EVEN IF STATE ALLOWED IT. DR. JOHN MADDOX SHARED HIS CONCERNS WITH HAVERHILL BEING THE #1 CITY IN ESSEX COUNTY FOR OPIOID DEATHS, UNDERSTAFFED POLICE, STRENGTHENING REGULATIONS FOR ACCESS/USE OF VAPING AND E-CIGARETTES, ADVERTISING/ MARKETING TO GENERAL PUBLIC PLACED ON FILE 11Q

ORDERED: That the Mayor be and is hereby authorized to sign the attached letter of non-opposition for Alternative Therapies Group to locate a Medical Marijuana facility in the Medical Marijuana Overlay District (MMOD) on Research Drive which is located in a zoning district that allows such use pursuant to local permitting. The letter of non-opposition is contingent upon signing a Community Host Agreement.

ON MOTION OF COUNCILLOR BEVILACQUA TO AMEND LETTER OF NON-OPPOSITION TO INCLUDE “NOT FOR RECREATIONAL MARIJUANA USE”

THE MAYOR STATED THAT THE LANGUAGE IN THE LETTER IS DICTATED BY THE DEPARTMENT OF PUBLIC HEALTH AND THAT THE LETTER CAN NOT BE CHANGED BUT UNDERSTOOD HIS INTENT.

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Bevilacqua and LePage 2

Nays,-Councillors Barrett, McGonagle, Daly O’Brien, Macek, Sullivan and President Michitson 6

Absent,-Councillor Vargas 1

MOTION FAILED

ON MOTION OF COUNCILLOR MACEK TO AMEND ORDER IN FIRST LINE TO DELETE “THAT THE MAYOR BE AND IS HEREBY AUTHORIZED” TO INSERT: “Order of support for the Mayor to sign.....

On the question of passage the yeas and nays were as follows:

Yeas,-Councillors Barrett, McGonagle, Daly O’Brien, Macek, Sullivan and President Michitson 6

Nays,-Councillors Bevilacqua and LePage 2

Absent,-Councillor Vargas 1

PASSED AS AMENDED

**Councillor Bevilacqua left the chambers**

6. Communications and Reports from City Officers and Employees

Communication from William Pillsbury, Economic Development & Planning Director requesting approval for following resolution relating to Lupoli Project Merrimack Street

PLACED ON FILE

Yeas 5, Absent 1, Abstain 3 (Barrett, McGonagle, Bevilacqua) 125

RESOLUTION – Be It Resolved that the City Council of the City of Haverhill (a) Adopts and authorizes the Mayor to approve and execute HDIP documents including a TIF agreement, pursuant to Massachusetts General Laws Program HDIP Program between the City of Haverhill and the Lupoli Companies on the basis of the purchase of the Merrimack Street parcel; and (b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.

MR. PILLSBURY CLARIFIED THAT THE TIF AGREEMENT IS NOT RELATED TO COMMERCIAL AND IS ONLY FOR MARKET RATE HOUSING

ADOPTED Yeas 5, Absent 1, Abstain 3 (Barrett, McGonagle, Bevilacqua) 14K

**Councillor Bevilacqua returned**

Communication from William Pillsbury, Economic Development & Planning Director requesting approval for resolution relating to 14 Stevens Street

PLACED ON FILE Yeas 7, Absent 1, Abstain 1 (Barrett) 126

RESOLUTION – Be It Resolved that the City Council of the City of Haverhill (a) Adopts and authorizes the Mayor to approve and execute HDIP documents including a TIF agreement, pursuant to Massachusetts General Laws Program HDIP Program between Winn Development and the City of Haverhill on the basis of the purchase of the 14 Stevens Street parcel; and (b) Authorizes the Mayor or his designee to take such other and further actions as may be necessary or appropriate to carry out the purposes of this resolution, or take any other action relative thereto.

COUNCILLORS URGED THE MAYOR TO USE LOCAL HIRES FOR CONSTRUCTION AND POSSIBLY SETTING UP INFORMATION ON CITY WEBSITE TO MAKE TRADESMEN AWARE OF PROJECTS AND VICE VERSA. THE MAYOR SUPPORTS LOCAL HIRES AND AN APPRENTICESHIP PROGRAM  
ADOPTED Yeas 7, Absent 1, Abstain 1 (Barrett) 14L

**Councillor McGonagle left the chambers**

ON MOTION OF COUNCILLOR MACEK TO SUSPEND THE RULES TO ANNOUNCE TENNEY PLACE HOUSING LOTTERY

SUSPENSION PASSED Yeas 7, Nays 0, Absent 2

Councillor Macek read the Mayor’s press release about the Tenney Place Housing Lottery. Tenney Place is located off West Lowell Avenue. Applications are being accepted now through December 31, 2017. Applications are available on the city’s website [www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us) and at City Hall at the Community Development office room 309. Lottery drawing will be held on January 10, 2018 at the Haverhill Public Library.

- 7. Utility Hearing(s) and Related Order(s)
- 8. Hearings and Related Order  
No Schedule
- 9. Public Participation- Requests under Council Rule 28  
No Schedule
- 10. Appointments:  
No Schedule  
Resignations  
Cultural Council, Letriah Masters, 19 Franklin st

PLACED ON FILE Yeas 7, Nays 0, Absent 2 100B

**11. Petitions:**

Petition for Joint pole location from National Grid & Verizon New England for Dupre av; Plan 24446387  
COUNCIL HEARING JANUARY 2 2018 Yeas 7, Nays 0, Absent 2 127

Petition for Electric Conduit location from National Grid of North Andover for West Gile st; Plan 24556876  
COUNCIL HEARING JANUARY 2 2018 Yeas 7, Nays 0, Absent 2 128

Annual License Renewals:

- Drainlayer License 2018 – The following were all granted: Yeas 7, Nays 0, Absent 2
- Serge Beaulieu 37P
  - George Charest 37Q
  - John Davidowicz 37R
  - George De Felice 37S
  - Anthony DeNapoli 37T
  - Stephen J Doherty Sr. 37U
  - Richard P Early Jr. 37V
  - Richard P Early Sr. 37W
  - Robert A Frye 37X
  - John Grasso 37Y
  - Bill Hall 37Z
  - Bruce Hoehn 129
  - John C Jablonski 129B
  - Scott Laffey 129C
  - Michael Mazzotta 129D
  - Gary Merrill 129E
  - Joseph Phelan 129F

Michael W Reilly	129G
William T Sawyer	129H
Joseph Scott	129I
John Sullivan	129J
Henry Torromeo	129K
Frank Gibbs	129L
William F Hutton	129M

ON MOTION OF COUNCILLOR DALY O'BRIEN TO SUSPEND THE RULES FOR TAG DAY APPLICATION FROM HAVERHILL HIGH SCHOOL GYMNASTICS FOR DEC 16 & 17 2017  
 SUSPENSION PASSED Yeas 7, Nays 0, Absent 2 46N  
 HAVERHILL HIGH SCHOOL GYMNASTICS TAG DAY EVENT IS ON DEC 16 & 17  
 GRANTED Yeas 7, Nays 0, Absent 2 46N

**12. Motions and Orders**

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 from current year departmental appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
Grainger	\$ 171.40	Public Property	
Holy Family Hospital	\$ 424.00	School Dept	
MaintStar Inc	\$12,940.00	Public Works	
Desman Design Management(2)	\$ 5,225.00	Municipal Parking	
PASSED		Yeas 7, Nays 0, Absent 2	170

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

MUNICIPAL ORDINANCE CHAPTER 240  
 An Ordinance Relating to Parking  
 110 Blaisdell Street – Delete Handicap Parking (see document for complete text)  
 PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 114D

MUNICIPAL ORDINANCE CHAPTER 240  
 An Ordinance Relating to Parking  
 8 Irving Ave – Establish Handicap Parking (see document for complete text)  
 PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 114E

MUNICIPAL ORDINANCE CHAPTER 240  
 An Ordinance Relating to Parking  
 135 South Elm Street – Establish Handicap Parking (see document for complete text)  
 PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 114F

MUNICIPAL ORDINANCE CHAPTER 240  
 An Ordinance Relating to Parking  
 21 Blaisdell Street – Establish Handicap Parking (see document for complete text)  
 PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 114G

MUNICIPAL ORDINANCE CHAPTER 240  
 An Ordinance Relating to Parking  
 10 South Lincoln Street – Establish Handicap Parking (see document for complete text)  
 PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 114H

Monthly Reports  
 No Schedule

**14. Communications from Councillors**

Communication was received from Councillor LePage requesting a discussion about the Green Communities program.

NEAL DUFFY OF MASS DEPARTMENT OF ENERGY RESOURCES (DOER) GAVE A POWERPOINT OVERVIEW OF THE GREEN COMMUNITIES PROGRAM AND QUALIFICATION CRITERIA FOR DESIGNATION. BENEFITS INCLUDE STREET LIGHT RETROFITS AND GRANT FUNDING. HAVERHILL'S ESTIMATED DESIGNATION GRANT AWARD WOULD BE \$312,000 AND WOULD BECOME ELIGIBLE FOR \$250,000 EACH YEAR IN COMPETITIVE GRANTS.

ON MOTION OF COUNCILLOR LEPAGE TO SEND LETTER TO MAYOR WITH RESOLUTION TO BECOME A GREEN COMMUNITY\* Yeas 7, Nays 0, Absent 2 120Q

Communication was received from Councillor Sullivan requesting to introduce Leslie Lawrence, Associate Director, Emmaus Inc. to discuss the "Tree of Love" fundraising campaign and to give a brief update on homelessness in the City

MS. LAWRENCE INFORMED ABOUT THE EMERGENCY SHELTERS & 97 UNITS OF AFFORDABLE HOUSING THAT THEY OWN AND OPERATE. FUNDRAISING EFFORTS, 3 MAJOR CAMPAIGNS, PAY FOR 24% OF THEIR BUDGET. THEY PROVIDE STABILIZATION SERVICES, RAPID RE-HOUSING, HOMELESS PREVENTION SERVICES. SHE THANKED THE PUBLIC FOR THEIR SUPPORT.

PLACED ON FILE Yeas 7, Nays 0, Absent 2 120R

Communication was received from Councillor Daly O'Brien requesting a discussion about having the Mayor appoint a "Main Street Historic District Study Commission"

PETER CARBONE, CHAIR OF HAVERHILL HISTORIC COMMISSION, INFORMED THAT THE COMMISSION IS LOOKING TO ESTABLISH A MAIN STREET HISTORIC DISTRICT STUDY AND THAT THE CITY COUNCIL HAS TO APPROVE THE FINDINGS OF THE DISTRICT STUDY. COUNCILLOR DALY O'BRIEN EXPRESSED INTEREST ON BEING APPOINTED TO THE HAVERHILL HISTORIC COMMISSION.

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MAYOR ASKING HIM TO APPOINT A MAIN STREET HISTORIC DISTRICT STUDY COMMISSION Yeas 7, Absent 2 120S

Communication was received from Councillor Joseph Bevilacqua requesting to recognize Sal and Dana DeFranco of Battle Grounds Coffee Company

CITATION PRESENTED TO SAL & DANA DEFRANCO FOR RECEIVING THE 2017 MASSACHUSETTS FAMILY BUSINESS ASSOCIATION FIRST GENERATION BUSINESS OF THE YEAR AWARD

Communication was received from Joseph Bevilacqua requesting a discussion regarding the lack of resolution of the continuing barrels at Broadway & North Broadway intersection

ALLISON HEARTQUIST, CHIEF OF STAFF, INFORMED THAT BIDS WERE EXCESSIVELY HIGH FOR REPAIR AND THEY HAVE GONE OUT TO BID AGAIN. AREA WILL BE PAVED BY THE END OF YEAR

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO DPW ASKING FOR STATUS UPDATE Yeas 7, Nays 0, Absent 2 120U

Communication was received from Councillor Macek requesting to discuss a zoning change regarding nursery schools; *Related communication from City Solicitor, William Cox and also submitting Ordinance to revise Zoning Code*

REFERRED TO PLANNING BOARD and COUNCIL HEARING JAN 30 2018

Yeas 7, Nays 0, Absent 2 130

#### MUNICIPAL ORDINANCE

#### CHAPTER 255

#### AN ORDINANCE RELATING TO ZONING

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Table 1: Use and Parking Regulations, as amended, be and is hereby further amended as follows:

Page 1 – “Community Facilities” By deleting the words “(provided that there is a minimum of 100 square feet of outdoor play space per each enrolled child)” after the words “Nursery schools” in the last block at the bottom of said page, all as per attached copy.

Page 10 – “Accessory Uses” – By deleting the words “and there shall be a minimum of 100 Square feet of outside play area for each enrolled child” after the words “Private day nursery or kindergarten,” in the last block at the bottom of said page, all as per attached copy. (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 130B

#### 15. Unfinished Business of preceding Meetings

##### Document 44-E – Bond Order

ORDERED: That \$2,000,000 is appropriated to pay costs of the construction of a girls softball field, 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. (see document for complete text)

PASSED Yeas 7, Nays 0, Absent 2 44E

##### Document 44-F – Bond Order

ORDERED: That \$1,561,216 is appropriated to pay costs of the police radio system, 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. (see document for complete text)

PASSED Yeas 7, Nays 0, Absent 2 44F

##### Document 120-D

Communication from Councillor Joseph Bevilacqua requesting recognition of Dale Rogers, Dana DeFranco and Cheryl Folk for the American Dog Show on Bradford Common

MR. ROGERS INFORMED THAT HE STARTED THE EXHIBITION IN 2009 AND TRAVELS AROUND THE COUNTRY WITH THE EXHIBIT. DANA DEFRANCO STATED THAT MONEY THAT WAS RAISED WAS GIVEN TO CHARITY. COUNCILLORS EXPRESSED INTEREST IN HAVING THIS GREAT COMMUNITY EVENT HELD ON A REGULAR BASIS.

CITATIONS PRESENTED BY COUNCILLOR BEVILACQUA

PLACED ON FILE Yeas 7, Nays 0, Absent 2 120D

#### 16. Resolutions And Proclamation

No Schedule

#### 17. Council Committee Reports and Announcements

Councillor Sullivan presented the minutes and recommendations of the Natural Resources and Public Property Committee meeting held on October 18 2017. Ms. Pam Carr petitioned the city to purchase a parcel of land abutting her property. A neighbor was also interested in the parcel. The committee recommended a shared cost of acquisition to the Mayor.

Minutes accepted and placed on file. Yeas 7, Nays 0, Absent 2 123O

Councillor LePage presented the minutes and recommendations of the Administration & Finance Committee meeting held on December 4 2017. Items for discussion were the Heller Team Study which the

committee recommended a Mayor/Council conference to discuss the Study in preparation for the FY19 budget; Chris Bullock of ClearGov gave a comprehensive PowerPoint presentation of the Fiscal Transparency Program and updated features of the budget-data program which the committee recommended that an application be made to the Massachusetts Community Compact program; and local regulations relative to Recreational Marijuana. The state is working on promulgating regulations, guidelines and protocols necessary for the issuance of licenses. The Committee's recommendation, with the full council support, was to have the City Solicitor/City Departments draft a temporary moratorium document for submittal to the state. The Council supported sending 3 letters to the Mayor regarding the recommendations.  
Minutes accepted and placed on file. Yeas 7, Nays 0, Absent 2 123P

**18. Documents Referred To Committee Study**

Meeting adjourned at 9:28 o'clock P.M.

Yeas 7, Nays 0, Absent 2

Attest: Linda Koutoulas  
City Clerk

\*Doc. 120Q – Handout from Neal Duffy, Green Communities Designation Program & 2017 Stretch Energy Code - Haverhill