



City of Haverhill
City Council Minutes

Tuesday, April 11, 2017 at 7:00 PM
City Council Chambers, Room 202
4 Summer Street

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

Absent – Councillors LePage and Vargas.

City Clerk – Linda L. Koutoulas

1. Opening Prayer

2. Pledge of Allegiance

3. Approval of Records of the Previous Meeting

The minutes were approved.

Yeas 7, Nays 0, Absent 2

4. Assignment of the minutes review for the next Meeting

Councillor Daly O’Brien was assigned the minutes.

5. Communications from the Mayor

No Schedule

6. Communications and Reports from City Officers and Employees

Communication from Police Chief Alan DeNaro requesting permission for Deputy Police Chief Anthony Haugh to appear before the Council to give an update on group homes in Haverhill

DEPUTY CHIEF HAUGH REVIEWED HANDOUT OF GROUP HOME CALLS FOR SERVICE 2014 THRU PROJECTED 2017 AT 3 GROUP HOMES RUN BY NFI MASSAC HUSSETTS. HOMES ARE LOCATED AT 230 LIBERTY ST, 31 S. KIMBALL ST & 4 S. KIMBALL ST. THE CALL RATES, MAINLY FOR RUNAWAYS, HAVE TRIPLED SINCE 2014 AND IS PROJECTED TO INCREASE TO OVER 700 IN 2017. DEPUTY CHIEF ASKED ON BEHALF OF THE POLICE DEPARTMENT, TO HAVE THE CITY COUNCIL REACH OUT TO DCF TO ASK IF THESE PROGRAMS ARE WORKING? ISSUES SUCH AS RATIO OF STAFF TO RESIDENTS NEED TO BE EXAMINED.*

Many of the Councillors expressed their concerns about the effectiveness of the programs and the impact of the group home calls on the police work load.

ON MOTION OF COUNCILLOR BEVILACQUA TO WRITE LETTER TO THE APPROPRIATE STATE AGENCY & LEGISLATIVE DELEGATION THAT THE PROGRAM IS OUT OF CONTROL AND IS AT A CRISIS LEVEL AND HOW ARE THEY GOING TO ADDRESS THE PROBLEM AND SEEKING A RESPONSE WITHIN 30 DAYS. LETTER TO INCLUDE ISSUES OF SCREENING PROCESS, STAFFING. ANOTHER SUGGESTION WAS TO HAVE THE MAYOR AND CHIEF SET UP A MEETING WITH THE LEGISLATIVE DELEGATION, TO INCLUDE THE GOVERNOR AND DCF. PAUL MAGLIOCCHETTI, SCHOOL COMMITTEE MEMBER, STATED THAT THE CHILDREN ATTEND THE HAVERHILL PUBLIC SCHOOLS AND HAVE A SIGNIFICANT FINANCIAL IMPACT ON THEIR BUDGET.

LETTER TO STATE AGENCY

Yeas 7, Nays 0, Absent 1

50

ON MOTION OF COUNCILLOR BEVILACQUA TO SUSPEND THE RULES FOR BROADWAY ORDER OF TAKING*

RULES SUSPENDED

Yeas 7, Nay 0, Absent 2

29H

Communication from City Engineer John Pettis, submitting *Order of Taking* and related documents in relation to Broadway Reconstruction.

MR. PETTIS SUMMARIZED THE PROJECT. IT WILL BEGIN IN THE FALL WITH A TIMELINE OF 3 YEARS; STARTING AT RESEARCH DR. ALL THE WAY UP TO SILVER BIRCH LANE. THIS IS A MASS DOT PROJECT WITH CONSTRUCTION ESTIMATE OF \$7.8MILLION. CITY HAS TO TAKE CARE OF RIGHT OF WAY PROCESS. PROJECT WILL PROVIDE NEW SIDEWALKS, BICYCLE LANES, FULLY SIGNALIZED INTERSECTIONS AT FOREST ST AND LAKE ST.

PLACED ON FILE

Yeas 7, Nays 0, Absent 1

50B

ORDERED: That the sum of \$42,749.14 be transferred from the Capital Projects account to the following Capital Accounts: Broadway Easements \$42, 749.14

PASSED

Yeas 7, Nays 0, Absent 1

29H

ORDER OF TAKING

At a regularly convened meeting of the City Council of the City of Haverhill, held this 11th day of April, 2017, it was voted and ordered as follows:

The City Council of the City of Haverhill, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 82, Sections 21-24, Massachusetts General Laws Chapter 79, the City’s Charter, as amended, and any and every other power and authority which is hereunto in any way enabling, hereby takes, for the purpose of undertaking the Broadway (Route 97)

Reconstruction Project (the “Project”) and for all other purposes for which public ways are used, including, without limitation, for installing, constructing, improving, inspecting, maintaining, repairing, replacing, relocation and/or abandoning in place rights of ways, sidewalks, driveways, walkways, wheelchair ramps, guardrails, pavement markings, slopes of excavation and/or embankment, retaining walls, stone walls, drainage structures and facilities and other utilities, traffic signals and posts, bicycle racks, and landscaping, and any and all other purposes and/or uses incidental or related thereto, the following interests in land (see document for complete text)

PASSED Yeas 7, Nays 0, Absent 1 50BB

ORDER: CERTIFICATE OF DONATION (see document for complete text)

PASSED Yeas 7, Nays 0, Absent 1 50BBB

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

Petition from Verizon New England Inc and Mass Electric company requesting joint pole location on Ordway Avenue; Plan P 2017-1A2D4TC

HEARING SCHEDULED FOR APR 25 2017 Yeas 7, Nays 0, Absent 2 51

8. Hearings and Related Orders

Document 33; Petition from Attorney Robert Harb for applicants Lloyd Jennings and J Bradford Brooks for Special Permit for a Mixed Use – 2 commercial and 2 residential condominiums on the top 2 floors at 128 Washington st; Assessors Map 310, Block 1, Lot 17 and also to erect, construct and maintain and place on and over Phoenix Row a Deck and to Maintain a Dumpster in said Phoenix Row – the first floor is to remain a restaurant; *Planning Board motioned to withdraw the application and Recommendation from William Pillsbury, Planning Director is to Approve the permit to utilize the alley area to construct a rear deck*

ATTORNEY HARB REPRESENTED THE PETITIONER. ATTORNEY MAGLIOCCHETTI REPRESENTED THE VICTOR EMANUEL LODGE (SONS OF ITALY). ATTORNEY HARB’S CLIENT WILL ALSO BUILD A DECK FOR THE LODGE AT NO COST TO THEM. EACH GROUP IS RESPONSIBLE FOR MAINTAINING THEIR REAR DECK.

ON MOTION OF COUNCILLOR SULLIVAN TO APPROVE THE PERMIT TO CONSTRUCT REAR DECKS FOR 128 WASHINGTON STREET AND SONS OF ITALY WITH THE CONDITION THAT THE APPLICANT PROVIDE THE CITY CLERK WITH A PUBLIC LIABILITY INSURANCE POLICY, OR A CERTIFICATE THEREOF, APPROVED AS TO FORM BY THE CITY SOLICITOR AND ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THE COMMONWEALTH, INSURING THE CITY FOR NOT LESS THAT \$1,000,000 AGAINST ALL CLAIMS, DAMAGE TO PERSONS OR PRPPERTY AND EXPENSE ARISING OUT OF THE ERECTION AND MAINTENANCE OF SUCH DECK AND DUMPSTER.

PASSED WITH CONDITION Yeas 6, Nays 0, Abstain 1(Bevilacqua), Absent 2 33

9. Public Participation- Requests under Council Rule 28

10. Appointments:

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

CONSTABLES- *renewals*

Ronald Bertheim, Steven Ring, David Hall, Gerald Sewell, Mike Lixandroi, Walter F Sorenson Jr
NEW: James Ford , Julio Perez ; All to expire April 11 2018

GRANTED Yeas 7, Nays 0, Absent 2 52

11. Petitions:

Communication from Joan Parah, Program Director; on behalf of Rebuilding Together Greater Haverhill, Inc announcing their annual Rebuilding Together Day on Saturday, April 29th along with several related requests including the waiving of some City fees

JOAN PARAH STATED THIS IS THE 25TH YEAR OF THE PROGRAM. THIS YEAR 14 HOMES WILL BE WORKED ON. VOLUNTEERS ARE WELCOME. MEET AT 7AM AT THE ELKS LODGE FOR BREAK-FAST AND ASSIGNMENTS.

MOTION TO SUPPORT WAIVING OF FEES, TO INCLUDE REQUEST TO HAVE EXTENDED HOURS FOR DUMPING AT HIGHWAY GARAGE Yeas 6, Nays 0, Abstain 1 (McGonagle), Absent 2 53

Applications:

No Schedule

Applications/Handicap Parking Signs - New:

Application from Karie Gould for handicap parking sign at 11 Observatory av

REFERRED TO PLANNING Yeas 7, Nays 0, Absent 2 31

Taxi Driver License:

Chelsea Corthell, 110 East Pleasant st, Lawrence for *Haverhill Taxi- new*

GRANTED Yeas 7, Nays 0, Absent 2 38K

12 Motions and Orders

ORDERED: That the Mayor being and is hereby authorized on behalf of City of Haverhill to accept a deed from Michael Meagher to the City for certain real property located on Mascoma Street being Assessor’s Map 747, Block 2, Lots 16 & 17. Said deed is being conveyed relative to a settlement agreement in the matter of Michael Meagher v. City of Haverhill, Essex Superior Court, Docket # 1577CV00996.

Related communication from City Solicitor, William Cox

PASSED Yeas 7, Nays 0, Absent 2 54

12A. Ordinances

MUNICIPAL ORDINANCE CHAPTER 240
AN ORDINANCE RELATING TO PARKING
25 Auburn St – DELETE HANDICAPPED PARKING
(see document for complete text)

PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 9R

12B. MONTHLY REPORTS

Abatement report from Board of Assessors for month of March 2017

PLACED ON FILE Yeas 7, Nays 0, Absent 2 22D

13 Communications from Councillors

No Schedule

14. Unfinished Business of preceding Meetings

Document 12-B

Memorandum of Agreement Between City of Haverhill and the Conversation Officers, Animal Control Officers, Police Mechanics (Motor Equipment Repairmen), Police Building Maintenance Craftsmen/ Custodians and Public Property Building Custodian Group – Teamsters Local #170 (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 7, Nays 0, Absent 2 12B

MUNICIPAL ORDINANCE CHAPTER
An Ordinance Relating to Salaries Conservation Officers, Dog Officers
Police Mechanics (ME Repairmen) Police
Building Maintenance Craftsmen/Custodian
Public Property Building Custodian Group
(see document for complete text)

PASSED Yeas 7, Nays 0, Absent 2 12BB

Side Letter Agreement – for Teamster Local #170 as listed - Re: Building Custodian
Related communication from Mayor Fiorentini (see document for complete text)

PASSED Yeas 7, Nays 0, Absent 2 12BBB

Document 31-W

Communication from Councillor Bevilacqua requesting to propose a new Haverhill Economic development identity.

COUNCILLOR BEVILACQUA SPOKE ABOUT THE NEED TO USE A NEW APPROACH TO ADDRESS ECONOMIC POSSIBILITIES AND IDENTITY.

PLACED ON FILE Yeas 7, Nays 0, Absent 2 31W

Document 47

MUNICIPAL ORDINANCE CHAPTER 227
AN ORDINANCE RELATING TO TAG DAYS

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 227, as amended, is hereby further amended as follows:

§227-7. Soliciting on public ways.

By deleting the section in its entirety and inserting in place thereof the following:

“No solicitation on or in a public way shall be allowed”

PASSED Yeas 6, Nays 1(Bevilacqua) Absent 2 47

ON MOTION OF COUNCILLOR BARRETT TO SUSPEND THE RULES TO INTRODUCE ORDER FOR ACQUISITION OF LAND AND EASEMENTS*

RULES SUSPENDED Yeas 7, Nays 0, Absent 1 50BBBB

Solicitor Cox read the order into the record:

ORDERED: That the City Council of the City of Haverhill, on behalf of the City and by virtue of and in accordance with the authority granted by Chapter 82, Sections 21-24 and Chapter 79 of the Massachusetts General laws, as amended, the City of Haverhill Charter and General Ordinance Chapter 222, and any and every other power and authority which is hereunto in any way enabling: take by eminent domain, for any and all purposes for which public ways are used in the City of Haverhill, including, with limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, slop, grading, rounding, construction and other easements and to enable the City to undertake the Broadway Reconstruction Project, the fee in three (3) parcels of land and permanent and temporary

easements in, on and under the parcels of land within, abutting or near Broadway, which parcels taken and which land subject to said easements are shown more particularly on a plan of land entitled "Taking Plan of Broadway (Route 97) Prepared for the City of Haverhill, Massachusetts Essex County" dated March 16, 2017 (see document for complete text)

PASSED

Yeas 7, Nays 0, Absent 2

50BBBB

15 RESOLUTIONS AND PROCLAMATIONS

16 Council Committee Reports and Announcements

17 DOCUMENTS REFERRED TO COMMITTEE STUDY

Meeting adjourned at 8:18 o'clock P.M.

Yeas 7, Nays 0, Absent 2

Attest: Linda Koutoulas
City Clerk

*Doc. 50 – Handout from Deputy Chief Haugh – Group Home Calls Summary

*Doc. 29H – Suspension of Rules – Handout – Order for transfer of \$42,749.14

*Doc. 50BBBB – Suspension of Rules – Handout – Order Acquisition of Land and Easements