



City of Haverhill
City Council Minutes

Tuesday, August 7, 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, Macek, Daly O’Brien, and McGonagle.
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 Jordan was assigned the minutes

ON MOTION OF COUNCILLOR BARRETT TO SUSPEND THE RULES TO HAVE THE MAYOR OR CHIEF DENARO DISCUSS CRIME ISSUES THAT HAVE BEEN HIGHLIGHTED IN THE NEWS-PAPER RECENTLY AND HAVE THEM GIVE THEIR POINT OF VIEW
RULES SUSPENDED Yeas 9, Nays 0 96

MAYOR FIORENTINI ACKNOWLEDGED THAT WE HAVE A PROBLEM WITH GANGS, DRUGS AND GUNS AND THAT THIS IS A TOP PRIORITY FOR HIM AND HIS ADMINISTRATION. DURING THE LAST 5 YEARS HE HAS ADDED 20 OFFICERS AND THE CITY HAS PARTNERED WITH UTEC. OVERALL, CRIME IS DOWN BUT HE IS CONCERNED WITH THE RECENT GANG VIOLENCE.
CHIEF DENARO INFORMED THAT OUT OF THE 3 HOMICIDES, 2 HAD BEEN SOLVED. THERE ARE OVER 100 CAMERAS IN THE CITY. SSI GRANT (GANG INITIATIVE GRANT) FOCUS IS TO WORK WITH CHILDREN BEFORE THEY GET INVOLVED WITH GANGS. THIS IS GOING TO TAKE SEVERAL YEARS TO LAY THE FOUNDATION. THE POLICE WEBSITE IS BEING REVAMPED. THEY ARE ADDING NEW GANG UNITS. ENCOURAGED GENERAL PUBLIC TO USE THE ANONYMOUS TIP LINE WHICH HAS BEEN VERY HELPFUL. COUNCILLORS CAN ALSO BE CONTACTED IF THE PUBLIC WANTS TO SHARE A TIP. THE CITY HAS SIGNED A CONTRACT WITH THE FBI WHOSE AGENTS ARE HELPING THE CITY. ALSO ASSISTANCE FROM U.S. MARSHALL, SECRET SERVICE & STATE POLICE. A NEW DRUG COURT IS BEING ESTABLISHED.
PLACED ON FILE Yeas 9, Nays 0 96

- 5. Communications from the Mayor :
Mayor Fiorentini submits Memorandum of Agreement and Salary Ordinance for the Haverhill Patrolmen’s Association
PLACED ON FILE Yeas 9, Nays 0 94

MUNICIPAL ORDINANCE CHAPTER
An Ordinance Relating to Salaries 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
PLACED ON FILE for at least 10 days and
LETTER TO MAYOR & AUDITOR CONFIRMING INCREASE IS BUDGETED Yeas 9, Nays 0 51B

- 6. Communications and Reports from City Officers and Employees
7. Utility Hearing(s) and Related Order(s)
Hearing was held on Document 84, a petition from National Grid for Pole and Wire locations on Overlook av; Plan 26158526. With Paulo Sathler from National Grid appearing in favor.
Hearing closed. 84
ORDERED: Grant National Grid, Pole & Wire Locations on Overlook av
PASSED Yeas 9, Nays 0 84B

- 8. Hearings and Related Orders
9. Public Participation- Requests under Council Rule 28
10. Appointments:
Confirming Appointments:
Lynda Brown, 26 Windsor st, to the Zoning Board of Appeals – appointment to expire Dec 10 2018
CONFIRMED WITH APPOINTMENT DATE TO EXPIRE DEC 10 2019 Yeas 9, Nays 0 76F

Non-Confirming Appointments:

Francis Pelosi, 33 Hyatt av, to the Harbor Commission- appointment to expire Dec 31 2018 PLACED ON FILE WITH APPOINTMENT DATE TO EXPIRE DEC 31 2019	Yeas 9, Nays 0	17K
John Berrini, 71 Webster st, to the Haverhill Cable TV Advisory Committee- appointment to expire Dec 31 2018 PLACED ON FILE WITH APPOINTMENT DATE TO EXPIRE DEC 31 2019	Yeas 9, Nays 0	17L
Nousa Ncube, 67 Washington st, to the Community Action Commission PLACED ON FILE	Yeas 9, Nays 0	17M
Juliet Sithole-Berk, 150 Wilson st, to the Community Affairs Advisory Board PLACED ON FILE	Yeas 9, Nays 0	17N

11. Petitions:

Petition for Hearing regarding Zoning – Change to Zoning Map; from Attorney Michael Migliori representing Owner JR Builders Inc; Rezoning of Emma Rose Circle from “RR” Residential Rural to “RM” Residential Medium; Assessor’s Map 539, Block 439, Lots 10E-3 and 10E-4
REFERRED TO PLANNING BOARD
COUNCIL HEARING OCT 16 2018

Yeas 9, Nays 0 95

Applications:

Applications/Handicap Parking Sign

Sandra Hanagan for 103 Summer st, Apt 2 – new
REFERRED TO PLANNING

Yeas 9, Nays 0 47G

Herbert Bergh for 15 Forest av – renewal
RENEWAL PASSED

Yeas 9, Nays 0 47H

Tag Days

Knights of Columbus, Council 202 - October 27 & 28
GRANTED

Yeas 9, Nays 0 32J

Haverhill Boys Basketball Boosters – December 1 & 2
GRANTED

Yeas 9, Nays 0 32K

One Day Liquor License:

Winnekenni Foundation Inc for Fundraiser; for all alcohol, at the Castle, Thursday, August 23,
5:00PM to 10:00PM; *has Police approval*
GRANTED

Yeas 9, Nays 0 28F

Tattersall Farm Charitable Foundation Trust for Farm Day; for Beer and Wine, at the Farm, 542 North
Broadway; Sunday, September 9 with rain date of Sunday September 16th; 12Noon to 5:00PM; *has Police
approval with conditions*

GRANTED WITH CONDITIONS

Yeas 9, Nays 0 28G

12. Motions and Orders

ORDERED: That the sum of \$750.00 be transferred the from General Fund, *Police Salaries* to Police Expense
Account – Public Safety Supplies
PASSED

Yeas 9, Nays 0 34R

ORDERED: That the City transfer \$17,500 from Capital Budget to the Capital account Court House Stairs
ON MOTION OF COUNCILLOR BEVILACQUA TO TABLE & TO SEND LETTER TO MAYOR ASKING
WHY CITY IS PAYING FOR WORK EVEN THOUGH ON CITY LAND,WHY DIDN’T CITY GIVE THEM
AN EASEMENT?

TABLED

Yeas 9, Nays 0 34S

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

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Cottage Garden (2)	\$ 185.81	Highway-Brightside
Northeast Digital Imaging (2)	280.00	“ “
Nunan Florist/Greenhouse (4)	2,917.98	“ “
The Sign Center	45.00	“ “

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Atty William Solomon	\$3,638.00	Comcast License Renewal
Career Resources Corp (3)	743.40	Mayor’s Office
AFC Urgent Care	220.00	Human Resources
MMA Mayor’s Spring Conf	395.00	Mayor’s Office
Merrimack Engraving & Marking	150.00	“ “
KV Partners LLC	1,089.00	Highway
Comprehensive Environmental Inc (2)	3,620.00	Park
Vegetation Control		
Service Inc	5,300.00	“ “
LAZ Parking	4,589.12	Municipal Parking

PASSED

Yeas 9, Nays 0 36D

13. Ordinances (File 10 days)

	<u>Document 22H</u>		
	MUNICIPAL ORDINANCE	CHAPTER 240	
	An Ordinance Relating to Parking		
	112 Emerson Street – Establish Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	22H
	<u>Document 22I</u>		
	MUNICIPAL ORDINANCE	CHAPTER 240	
	An Ordinance Relating to Parking		
	37 Curtis Street – Establish Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	22I
	<u>Document 22J</u>		
	MUNICIPAL ORDINANCE	CHAPTER 240	
	An Ordinance Relating to Parking		
	81 Pilling Street – Delete Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	22J
	<u>Document 22K</u>		
	MUNICIPAL ORDINANCE	CHAPTER 240	
	An Ordinance Relating to Parking		
	13 Ford Street – Delete Handicap Parking (see document for complete text)		
PLACED ON FILE for at least 10 days		Yeas 9, Nays 0	22K

Document 2C
MUNICIPAL ORDINANCE CHAPTER 240
An Ordinance Relating to Vehicles and Traffic

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.”

Councillors Sullivan, Bevilacqua, Barrett and McGonagle left the chambers
ON MOTION OF COUNCILLOR MACEK TO PLACE ON FILE FOR 10 DAYS

Yeas 4 Nays 1(Macek) Abstain 4

IT WAS DETERMINED THAT THE ORDINANCE HAS TO BE PLACED ON FILE for at least 10 days 2C

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)

COUNCILLORS HAD NUMEROUS QUESTIONS ABOUT THE STATUS OF THE LUPOLI PROJECT (HAVERHILL HEIGHTS) IN GENERAL AND VOICED THEIR CONCERN ABOUT HAVING TAXPAYER DOLLARS PAY FOR THE CONSTRUCTION OF THE PARKING GARAGE WITH LIMITED USAGE FOR THE PUBLIC. SOME QUESTIONS THEY WANTED ANSWERS TO: IF A TIF (TAX INCREMENT FINANCING) HAD BEEN GRANTED, WERE THERE SIGNED AGREEMENTS, WHO WOULD MAINTAIN GARAGE?

ON MOTION OF COUNCILLOR DALY O’BRIEN TO PLACE ON FILE FOR AT LEAST 10 DAYS AND SEND LETTER TO THE MAYOR SEEKING ANSWERS TO QUESTIONS PRIOR TO NEXT COUNCIL MEETING
Yeas 5, Nays 0, Abstain 4

Councillors Sullivan, Bevilacqua, Barrett and McGonagle returned to the chambers

14. Monthly Reports:

City Auditor, Charles Benevento submits preliminary financial reports for month of June 2018
PLACED ON FILE Yeas 9, Nays 0 48E

Councillor Daly O’Brien left the chambers

15. Communications from Councillors:

Communication was received from Council President Michitson requesting to introduce Jack Gardner to provide status update on the 21st Century Job Skills Project for Haverhill

MR. GARDNER UPDATED THE COUNCIL ON PROGRESS SINCE HIS INITIAL APPEARANCE BEFORE THE COUNCIL LAST YEAR. A GOAL IS TO IDENTIFY PATHS TO LIVING WAGE JOBS FOR HIGH SCHOOL STUDENTS. A SMALL STEERING GROUP HAS BEEN FORMED. GR. HAVERHILL CHAMBER OF COMMERCE WILL BE INVOLVED.
PLACED ON FILE Yeas 8, Nays 0, Absent 1 93K

Communication was received from Council President Michitson requesting to introduce Dave Labrode to discuss street tree plantings

MR. LABRODE, LONGTIME BRIGHTSIDE MEMBER, QUESTIONED THE PLACEMENT OF CERTAIN TREE SPECIES ON VARIOUS STREETS AND SHOWED THE NEGATIVE EFFECTS ON IMPROPER PLACEMENT.

Communication was received from Councillor Jordan requesting to introduce Gretchen Arntz, Philanthropy Director, to discuss public art sculpture donation from Emmaus

MS. ARNTZ INFORMED THAT THEY HAD RECEIVED A GRANT FROM THE HAVERHILL CULTURAL COUNCIL TO CREATE AN OUTDOOR SCULPTURE USING RECYCLED MATERIALS. SHE INTRODUCED JACK NORTON, WHO WILL BE WORKING WITH A PROFESSIONAL SCULPTURE ARTIST TO CONSTRUCT THE METAL PIECE.*

ON MOTION OF COUNCILLOR JORDAN TO ACCEPT THE DONATION OF THE SCULPTURE, LOCATION TO BE DETERMINED IN WORKING WITH BRIGHTSIDE. Yeas 8, Nays 0, Absent 1 93M

Communication was received from Councillor Bevilacqua requesting to introduce Kaleigh Pare of Haverhill Pentucket Kiwanis to discuss their August 29th Jackie MacMullan Fundraiser

MS. PARE INFORMED THAT THE EVENT WILL BE HELD AT DIBURRO'S, AUG 29, AT 6PM, TICKETS ARE \$80, PROCEEDS WILL SUPPORT BUTTONWOODS MUSEUM AND HAVERHILL HIGH SCHOOL

ATHLETICS

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

93N

Communication was received from Councillor LePage requesting a discussion to increase the age of purchasing tobacco and nicotine containing products within the City

COUNCILLOR LEPAGE INFORMED THAT THE STATE LEGISLATURE WILL BE RAISING THE AGE TO PURCHASE TOBACCO PRODUCTS TO 21 EFFECTIVE JAN 1, 2019. HOWEVER, IT WILL BE A PHASED IN PROCESS AND WILL TAKE 2 YEARS BEFORE AGE 21 GOES INTO EFFECT.

ON MOTION OF COUNCILLOR LEPAGE TO SEND A LETTER TO CITY SOLICITOR ASKING HIM TO ENACT A CITY ORDINANCE (SIMILAR TO THE STATE) THAT RAISES AGE TO 21 EFFECTIVE JAN 1 2019, TO PURCHASE TOBACCO PRODUCTS Yeas 8, Nays 0, Absent 1 93O

Communication was received from Councillors Macek and Barrett requesting a discussion in regards to the new traffic signalization on Main st

COUNCILLOR MACEK ASKED THAT CITY ENGINEER BE CONTACTED TO INQUIRE ABOUT THE SYNCHRONIZATION OF THE LIGHTS BECAUSE IT SEEMED LIKE THEY WEREN'T WORK PROPERLY; COUNCILLOR BARRETT INFORMED THAT WHEN THE PEDESTRIAN LIGHT IS ON TO ALLOW WALKING, VEHICULAR TRAFFIC IS MOVING CONCURRENTLY. THIS NEW TECHNOLOGY IS CONFUSING AND PEDESTRIANS NEED TO BE MADE AWARE OF THIS.

ON MOTION OF COUNCILLOR BARRETT TO SEND LETTER TO MAYOR/CITY ENGINEER TO ASK THE STATE TO ISSUE BULLETIN/NOTICE FOR PEDESTRIANS AND TO REVIEW SYNCHRONIZATION Yeas 8, Nays 0, Absent 1 93P

Communication was received from Councillor McGonagle requesting the removal of a handicap parking space at 8 Irving av, as it is no longer needed

REFERRED TO PLANNING

Yeas 8, Nays 0, Absent 1

93Q

Communication was received from Councillor Bevilacqua requesting a discussion regarding non-emergency contractor parking on City streets and within City lots within and about the Washington/Wingate Historic District

COUNCILLOR BEVILACQUA HAD QUESTIONS ABOUT DEVELOPMENT PROJECTS USING ON STREET PARKING IN THE DOWNTOWN AREA AND IF THE CITY IS COLLECTING FEES FROM DEVELOPER? IS DEVELOPER ASKED ABOUT USING ON STREET PARKING & OTHER PARKING RELATED QUESTIONS

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MAYOR/BUILDING INSPECTOR INQUIRING ABOUT ON STREET PARKING Yeas 8, Nays 0, Absent 1 93R

Communication was received from Councillor Bevilacqua requesting a review to change Bellevue Avenue to a one way from Alexander Way towards High st

COUNCILLOR BEVILACQUA RECEIVED REQUEST FROM ROBERT LAPIERRE SEEKING REVIEW OF BELLEVUE AV TO MAKE IT ONE WAY FROM ALEXANDER WAY TOWARDS HIGH ST BECAUSE OF THE NARROWNESS ON THAT PORTION OF STREET FOR TWO WAY TRAFFIC

REFERRED TO TRAFFIC & SAFETY COMMITTEE

Yeas 8, Nays 0, Absent 1

93S

16. Unfinished Business of preceding Meetings : (This item was taken out of order)

Document 92

MUNICIPAL ORDINANCE CHAPTER 173

An Ordinance Relating to Littering

Reduction of Checkout Bags by Retail Establishments

Be it Ordained by the City Council of the City of Haverhill that Chapter 173, Littering, of the Code of the City of Haverhill, as amended, being and is hereby further amended by adding the following:

173-10. Checkout Bags

A. Definitions

1. "Checkout Bag" means a carryout bag provided by a store to a customer at the point of sale, Checkout Bags shall not include:

- a. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of the sale or check-out area of a Retail Establishment; or
 - b. Laundry or dry-cleaner bags; or
 - c. Newspaper bags; or
 - d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackages or not, to prevent or contain moisture.
2. "Recyclable Bag" means a paper bag that is (1) 100% recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and (3) displays the words "Recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag; or (4) certified biodegradable bags made with starches from renewable crops which can readily be composted with organic waste.
3. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.
4. "Retail Establishment" means any person, corporation, partnership, business venture, or vendor that sell or provide merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience or grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, the term Retail Establishment as used herein does not include bazaars or festivals operated by nonprofit organizations or religious institutions, outdoor Farmer's Markets, or, any establishments with an interior finished floor area under 3,000 square feet. (see document for complete text)

ON MOTION OF COUNCILLOR DALY O'BRIEN TO APPROVE THE ORDINANCE, WITH SECOND BY COUNCILLOR MCGONAGLE

Councillor Bevilacqua shared his research about the use of plastic bags and why he was against the ordinance. Audience members also spoke. Salvatore DeFranco felt it was a "dangerous precedent . . . regulating small businesses", an elderly gentleman spoke against it, and Stan Colten was against it; speaking in favor were Jane Thiefels, Ron Peacetree and Helen Mulcahy.

Councillor Macek read into the record the definition of "retail establishment" and informed about effective dates.

ON MOTION OF COUNCILLOR DALY O'BRIEN TO AMEND THE MOTION TO DELETE THE SENTENCE "(4) CERTIFIED BIODEGRADABLE BAGS MADE WITH STARCHES FROM RENEWABLE CROPS WHICH CAN READILY BE COMPOSTED WITH ORGANIC WASTE" AND CHANGE "3.0 MILS" TO "4.0 MILS"

Yeas 8, Nays 1(Bevilacqua)

PASSED AS AMENDED

92

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

ON MOTION OF COUNCILLOR LEPAGE TO TABLE TO AUG 21

TABLED TO AUG 21

Yeas 8, Nays 0, 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

ON MOTION OF COUNCILLOR BEVILACQUA TO TABLE TO AUG 21

TABLED TO AUG 21

Yeas 8, Nays 0, Absent 1

93I

17. Resolutions And Proclamations

18. Council Committee Reports and Announcement

Councillor LePage announced there will be an Administration & Finance Committee meeting on Aug. 14, 7PM in the Council Office, room 214, to discuss marijuana guidelines

Meeting adjourned at 10:34 o'clock P.M.

Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas
City Clerk

*Doc. 93K – Handout from Jack Gardner – Haverhill Pacing Events & Milestones summaries

*Doc. 93M – Handout from Gretchen Arntz, Emmaus Public Sculpture Project flyer