



City of Haverhill
City Council Minutes
Tuesday, July 28, 2020
Virtual Meeting

Present – President Barrett, Councillors LePage, Bevilacqua, Michitson, Sullivan, Jordan, McGonagle, Daly O’Brien and Macek.
Assistant City Clerk – James Blatchford

President Barrett, Vice President LePage and Assistant City Clerk Blatchford participated from the City Council office.

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

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

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."

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 Michitson was assigned the minutes
5. Communications from the Mayor:

Citation: Recognition of Ralph Basiliere for completing Massachusetts Conservation Commissioners training program.

HARMONY WILSON, CONSERVATION COMMISSION CHAIR, PRAISED MR. BASILIERE FOR COMPLETING THE TRAINING PROGRAM. MAYOR FIORENTINI THANKED HIM FOR HIS WORK WITH THE VIETNAM VETERANS MEMORIAL PROJECT AND HIS INVOLVEMENT WITH THE CONSERVATION COMMISSION AND PRESENTED THE CITATION, WHICH WILL BE MAILED TO HIM.

PLACED ON FILE

33L

ORDERED: That as part of the fiscal year 2021 annual budget a continuing appropriation in the sum of \$25,863,736 be and is hereby raised and appropriated within the categories as designated as appropriated on the attached for the month of August and further that said appropriation be funded in the following manner: \$25,863,736 (see document for complete text) 71G

Related communication from Mayor recommending not to approve 1/12 budget for August; rather, recommending adoption of full FY2021 budget.

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR BEVILACQUA TO SUSPEND THE RULES TO INTRODUCE TWO BUDGET ORDERS: REPLACE AND SUPERSEDE THE ABOVE 1/12 BUDGET ORDER WITH FY2021 BUDGET ORDER AND INTRODUCE ORDER FOR STABILIZATION FUND.

SUSPENSION PASSED

Yeas 9, Nays 0

ORDERED: That as part of the fiscal year 2021 annual budget the sum of \$196,162,837 be and is hereby raised and appropriated within the categories as designated as appropriated on the attached ad further that said appropriated be funded in the following manner:

\$ 205,445	Water Receipts
\$ 609,010	Wastewater Receipts
\$5,100,000	Free Cash
\$ 100,000	Transfer from Capital Projects-Sidewalk Repair Projects
\$ 700,000	Transfer from Capital Projects-Roadways
\$189,448,382	Taxation and Other Receipts

MAYOR FIORENTINI INFORMED THAT THE STATE WON'T HAVE A BUDGET UNTIL THE END OF OCTOBER AND THEY ARE USING A ONE QUARTER BUDGET. CHAPTER 70 MONIES ARE LEVEL FUNDED. ALSO, DEPARTMENT HEADS ARE HAVING DIFFICULTY PAYING BILLS BECAUSE OF THE 1/12 BUDGET. HE COMMITTED TO SUBMITTING AN AMENDED CAPITAL PLAN THAT WILL INCLUDE PURCHASE OF TWO PUMPER FIRETRUCKS
 PASSED Yeas 9, Nays 0 71H

ORDERED: That as part of the fiscal year 2021 annual budget the sum of \$2,000,000 be raised and appropriated from the Stabilization Fund and transferred into General Fund-Group Insurance Expenses
 PASSED Yeas 9, Nays 0 71I

6. Communications from Councillors to introduce an individual(s) to address the Council:
 Councillor Jordan wishes to introduce Ben Roy to address Council on Hannah Duston Statue. MR. ROY QUESTIONED WHETHER THE HANNAH DUSTON MONUMENT LOCATED IN GAR PARK SHOULD BE THE "MASCOT" FOR THE CITY AND SHOULD BE REMOVED. ALSO, THE MASSACHUSETTS CENTER FOR NATIVE AMERICAN AWARENESS OF BOSTON HAS CALLED FOR ITS REMOVAL. COUNCILLOR DALY O'BRIEN SUGGESTED THAT THE MAYOR'S NEWLY FORMED DIVERSITY COMMITTEE WOULD BE AN APPROPRIATE FORUM FOR DISCUSSION ON THIS SUBJECT.
 ON MOTION OF COUNCILLOR MICHITSON TO REFER TO NATURAL RESOURCE AND PUBLIC PROPERTY (NRPP) COMMITTEE TO REASSESS PLACEMENT OF MONUMENT. THERE WAS DISCUSSION ABOUT INVITING MEMBERS FROM DIVERSITY COMMITTEE TO MEETING, REPRESENTATIVES FROM THE BUTTONWOODS MUSEUM AND HAVERHILL HISTORIC COMMISSION.
 REFERRED TO NRPP COMMITTEE Yeas 9, Nays 0 55D

- 7. Public Participation- Requests under Council Rule 28
- 8. Communications and Reports from City Officers and Employees:
- 9. Utility Hearing(s) and Related Order(s)

Hearings and Related Orders:

Document 44: Petition from Attorney John McKenna for applicant Amerco Real Estate Co and U-Haul Company of Eastern Mass requesting Special Permit under POD Ordinance for *Storage Containers* pursuant to Zoning Ordinance Section 120-16; for the use of more than 2 regulated storage containers for more than 6 months at 211-219 Lincoln av; *Rivers Edge Plaza; Postponed from June 16 2020; Comments from various City Departments are included; Updated renderings included*
 PRESIDENT BARRETT REOPENED THE HEARING
 ATTORNEY MCKENNA REPRESENTED U HAUL OF EASTERN MASSACHUSETTS FOR THIS PETITION FILED IN FEBRUARY 2020 POSTPONED TO JUNE 16 AND AGAIN TO JULY 28 FOR PETITIONER TO PROVIDE UPDATED ARCHITECTURAL RENDERINGS WHICH WERE SENT TO THE CLERK AND ABUTTERS WHO REQUESTED THEM. THESE RENDERINGS ADDRESS COMMENTS BY CONSERVATION COMMISSION AND CITY ENGINEER PETTIS. ATTORNEY MCKENNA ASKED FOR PERMISSION TO HAVE SCOTT CHASE FROM U HAUL AND ATTORNEY NORMAN GREENBERG REPRESENTING THE SELLER TO SPEAK. HE INFORMED THAT PARKING AREA IS IN THE FLOODPLAIN AND THERE IS ROOM FOR COMPENSATORY STORAGE IN THE BACK OF THE BUILDING WHERE THERE IS A RIDGE BY THE RIVER. THE RENDERINGS SHOW IN FRONT BY THE ENTRANCE, 1,000 SQ. FEET OF CONTAINERS – 10 CONTAINERS – 2 ROWS OF 5 (10X10). ALONG ENTRANCE ROWS OF APPROXIMATELY 3,500 SQ. FEET, 35 CONTAINERS IN FRONT OF BUILDING. ANOTHER 15 CONTAINERS BEHIND CVS IN THE BACK BY THE DUMPSTER. THE ORIGINAL PROPOSAL WAS FOR 8,000 SQ. FEET. WHICH HAS BEEN CUT BACK TO 6,000 SQ. FEET. HE CITED THE CONDITIONS OF THE PLANNING BOARD.
 MR. SCOTT CHASE, PRESIDENT OF U HAUL INFORMED THAT HE HAS 4-6 INDEPENDENT DEALERS IN HAVERHILL. HE UNDERSTANDS THAT THE SITE IS AN EYESORE. THAT WILL BE CLEANED UP BUT THE OUTDOOR STORAGE IS NECESSARY FOR THEIR BUSINESS PLAN. THESE ARE PREFAB BUILDINGS. THE ROOMS ARE ALARMED FOR ACCESS BY CUSTOMER. THE COMMUNITY HAS A NEED FOR SELF STORAGE. THIS WILL CREATE 10-12 JOBS.

ATTORNEY NORMAN GREENBERG INFORMED THAT THEY HAD MARKETED THE PROPERTY FOR 5-6 YEARS AS RETAIL SPACE AND THERE WAS NO INTEREST. THE ONLY INTEREST WAS SELF STORAGE. U HAUL IS PREPARED TO SPEND MILLIONS TO IMPROVE THE PROPERTY. ATTORNEY MCKENNA READ 2 LETTERS OF SUPPORT INTO THE RECORD. ONE FROM PAUL KAKNES DBA K'S FUEL STOP AND THE OTHER FROM CHARLES AUBUCHON, AUBUCHON HARDWARE.

PRESIDENT BARRETT ASKED IF ANYONE WAS IN FAVOR. GARY EVANS STATED HE WAS NEITHER FOR NOR AGAINST THE PETITION BUT QUESTIONED THE USE AS ACCESSORY AS HE SEES IT AS A PRIMARY USE.

THOSE OPPOSED WERE STEPHEN MANGANO, JAY FERRANTINI AND ROBERTA ALICATA. ATTORNEY MCKENNA STATED THE STORAGE CONTAINERS ARE ESSENTIAL TO THE PLANS AND THEY ARE OPEN TO LANDSCAPING.

HEARING CLOSED.

COUNCILLORS COMMENTS INCLUDED OVERALL CONCEPT OF PODS ON THE PARKING LOT, THE USE IS NOT ACCESSORY AS THEY WILL REMAIN THERE. THE VISUAL IMPACT IS NEGATIVE AND PODS ARE BETTER SUITED IN COMMERCIAL/BUSINESS PARK. NOT HIGHEST AND BEST USE OF SITE. THE CONCERNS SITED BY CONSERVATION AND ENGINEER WERE NOT ADDRESSED. PETITIONER DID NOT COME UP WITH SOLUTIONS.

ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR SULLIVAN TO APPROVE THE SPECIAL PERMIT.

SPECIAL PERMIT NOT PASSED Yeas 0, Nays 9 44

Document 49 – Petition from City Engineer, John Pettis, requesting that the City Accept as Public the following 3 ways: Ahern Circle, Masys Way and Piper Glen Lane. *Favorable Conditional recommendations from Planning Board and Planning Director and other departments.*

HEARING OPENED

Mr. Pettis informed that Ahern Circle was built in late 1996/1997 and never went for proper acceptance. The catch basins were cleaned yesterday. No one else spoke in favor or opposed to the petition.

HEARING CLOSED 49

ORDERED: It appearing that the common convenience and necessity require it, it is hereby that the following street herein described be accepted as a Public Way – Ahern Circle (see document for complete text) ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR MCGONAGLE TO ACCEPT AHERN CIRCLE AS A PUBLIC WAY

PASSED Yeas 9, Nays 0 49B

Masys Way

HEARING OPENED

Mr. Pettis informed that Masys Way was built in 1979/1980 and never went for proper acceptance. The culvert pipe area was cleaned and there was no street sign. The sign has been ordered. No one else spoke in favor or opposed to the petition.

HEARING CLOSED 49

ORDERED: It appearing that the common convenience and necessity require it, it is hereby that the following street herein described be accepted as a Public Way – Masys Way (see document for complete text) ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR JORDAN TO ACCEPT MASYS WAY AS A PUBLIC WAY

PASSED Yeas 9, Nays 0 49C

Piper Glen Lane

HEARING OPENED

Mr. Pettis informed that Piper Glen Lane was built in 2001/2002 and never went for proper acceptance. The catch basins were cleaned yesterday. No one else spoke in favor or opposed to the petition.

HEARING CLOSED 49

ORDERED: It appearing that the common convenience and necessity require it, it is hereby that the following street herein described be accepted as a Public Way – Piper Glen Lane (see document for complete text)

ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR JORDAN TO ACCEPT PIPER GLEN LANE AS A PUBLIC WAY

PASSED Yeas 9, Nays 0 49D

10. Appointments:

Confirming Appointments

Non-Confirming Appointments:

Dougan Sherwood, 2 Merrimack st. to the Harbor Commission; appointment to expire July 28 2021.

PLACED ON FILE Yeas 9, Nays 0 2I

11. .Petition

Caroline Pineau, Haverhill Stem LLC, 124 Washington st: Request to increase number of hourly appointments from 20 -25 as provided for in Special Permit; *Related communications from Police, Fire and Engineering Departments*

Councillor McGonagle recused himself and left the meeting. President Barrett asked if anyone else needed to abstain. Councillor Bevilacqua informed that Haverhill Stem is a member of the Merrimack Valley Chamber and he has no financial interest.

ATTORNEY THOMAS MACMILLAN REPRESENTED HAVERHILL STEM AND REFERENCED THE SEPTEMBER 10, 2019 CITY COUNCIL MEETING WHEN THE COUNCIL VOTED ON THE HAVERHILL STEM, LLC SPECIAL PERMIT DECISION. CONDITION 4 REQUIRES INPUT FROM THE POLICE CHIEF, FIRE CHIEF AND CITY ENGINEER IN ORDER FOR THE APPROVED 20 APPOINTMENTS PER HOUR BE INCREASED TO 25 APPOINTMENTS PER HOUR. LETTERS FROM THE POLICE DEPARTMENT, FIRE CHIEF AND CITY ENGINEER SUPPORT INCREASE TO 25 PER HOUR. COUNCILLOR MACEK INFORMED THAT SHOULD THERE BE A PROBLEM THE CITY HAS THE AUTHORITY TO ROLL IT BACK TO THE INITIAL AMOUNT. ON MOTION OF COUNCILLOR SULLIVAN WITH SECOND FROM COUNCILLOR DALY O'BRIEN TO INCREASE THE APPOINTMENTS TO 25 PER HOUR.

GRANTED Yeas 7, Nays 1(Bevilacqua) Abstain 1 75

Councillor McGonagle returned to the meeting.

12. Motions and Orders

ORDERED: That, in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to provide for the sale and issuance of refunding bonds pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, at one time or from time to time, to refund all or any portion of the City's general obligation bonds outstanding as of the date of adoption of this order, and that the proceeds of the refunding bonds issued pursuant to this order shall be used to pay the principal, redemption premium and interest on the bonds of the City to be refunded and costs of issuance of the refunding bonds; and the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.

(see document for complete text)

COUNCILLOR LEPAGE INFORMED THAT BY REFINANCING THE LOAN, THE CITY WILL SAVE \$10-\$20K FOR THE REMAINING PART OF THE TIME

PASSED Yeas 9, Nays 0 76

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

Vendor	Amount	Account
Fidelity House CRC	\$ 140.30	Mayor's office
Nutter, McClennan & Fish, LLP	\$ 8,305.82	Wastewater Department
Nutter, McClennan & Fish, LLP	\$ 21,176.00	Law Department
TOTAL	\$ 29,622.12	
PASSED Yeas 9, Nays 0 25E		

BOND

ORDERED: That Five Hundred Four Thousand Dollars (\$504,000) is appropriated to acquire a fire truck, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 7 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or note of the City therefor. (see document for complete text)

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 26D

13. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 240
 An Ordinance Relating to Parking
 38 Hancock Street– ADD Handicapped Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by adding the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

Location	Regulation	Hours/Days
Hancock Street In front of No.38 except For 1-24 Hour Handicap Parking space at No. 38 Hancock Street	No Parking	24 hours

PLACED ON FILE for at least 10 days

Yeas 9, Nays 0

9I

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, as amended, be further amended by adding the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

Fountain Street No Parking 24 hrs.
North side, between driveways to
#92-94 and #98, length approx.. 16'
PLACED ON FILE for at least 10 days Yeas 9, Nays 0 31B

14. Communications from Councillors:

Communication was received from Council President Barrett and Councillor Sullivan requesting discussion on illegal fireworks in City.
COUNCILLOR SULLIVAN INFORMED THAT HE HAD RECEIVED A REPORT FROM HAVERHILL POLICE DEPARTMENT AND THAT FROM JUNE 1 TO JULY 27 THERE WERE 421 CALLS ABOUT ILLEGAL FIREWORKS. FROM THOSE CALLS THEY WERE ABLE TO IDENTIFY 105 PERSONS. IN 2018 THERE WERE 140 CALLS AND IN 2019 THERE WERE 113 CALLS. COUNCILLORS SUGGESTED AN INCREASE IN FINES FROM CURRENT FINE OF \$100 TO \$300 – STATE LIMIT MIGHT BE A DETERENT. THEY AGREED THAT MORE PUBLIC AWARENESS IS NEEDED. THIS IS AN ISSUE THAT SEVERELY IMPACTS CHILDREN AND DOGS.
ON MOTION OF COUNCILLOR SULLIVAN TO REFER TO PUBLIC SAFETY COMMITTEE
REFERRED TO PUBLIC SAFETY COMMITTEE Yeas 9, Nays 0 69O

Councillor Macek was received requests discussion on Asynchronous City Council hearings.
COUNCILLOR MACEK INFORMED THIS IS A PLATFORM FOR PUBLIC MEETINGS AND ENGAGEMENTS. IT GIVES THE CITY AN OPPORTUNITY TO DO MANY DIFFERENT THINGS.
ON MOTION OF COUNCILLOR MICHITSON TO REFER TO ADMINISTRATION & FINANCE COMMITTEE
REFERRED TO ADMINISTRATION & FINANCE COMMITTEE Yeas 9, Nays 0 69P

Councillor Bevilacqua requests recognition of the 30th Anniversary of the Americans with Disabilities Act of 1990.
ON MOTION OF COUNCILLOR MICHITSON TO INVITE THE COMMISSION ON DISABILITIES TO ATTEND A CITY COUNCIL MEETING TO GIVE AN UPDATE ON MAKING CITY BUILDINGS ACCESSIBLE Yeas 9, Nays 0 69Q

Councillor Bevilacqua requests recognition of Unites States Cadet Nurse Corps Day.
COUNCILLOR BEVILACQUA INFORMED THAT 9,000 STUDENT NURSES SERVED DURING WWII VOLUNTEERING TO WORK ON CIVILIAN HOSPITAL FLOORS AND THIS BILL, CHAMPIONED BY REP. DEAN CAMPBELL, COMMEMORATES AND RECOGNIZES THEIR SERVICE
PLACED ON FILE 69R

Councillor McGonagle requests Traffic and Safety Committee review request for crosswalk across Mill St from White Ave to Belvedere Rd.
ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR MACEK TO REFER TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69S

Councillor McGonagle requests to have Traffic and Safety Committee review request for stop sign at South Prospect st near 181 South Pleasant st
ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR MACEK TO REFER TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69T

Councillor McGonagle requests to have Traffic and Safety Committee review the left turn from Lafayette Sq onto Lafayette Ave.
ON MOTION OF COUNCILLOR MCGONAGLE WITH SECOND FROM COUNCILLOR JORDAN TO REFER TO TRAFFIC & SAFETY COMMITTEE Yeas 9, Nays 0 69U

15. Unfinished Business of Preceding Meeting:

Document 70: Bond Order

ORDERED: That Five Hundred Twenty-One Thousand Dollars (\$521,000) is appropriated to acquire a fire truck, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount pursuant to Chapter 44, Section 7 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or note of the City therefor. (see document for complete text)
PASSED Yeas 9, Nays 0 70

Document 26-C: Bond Order

ORDERED: That Five Hundred Sixty-Five Thousand Dollars (\$565,000) is appropriated for sewer system improvements related to combined sewer overflow regulators at Bethany Avenue, Middlesex Street, South Webster Street and Chestnut Street, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount

pursuant to Chapter 44, Section 7 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or note of the City therefor. (see document for complete text)
PASSED Yeas 9, Nays 0 26C

Document 69-J: Communication from Councillor Colin LePage requesting a status update on the Matrix study regarding the “Organization of our Facilities Maintenance Department” as previously requested
ON MOTION OF COUNCILLOR LEPAGE TO TABLE TO AUG 25
TABLED TO AUGUST 25 2020 Yeas 9, Nays 0 69J

16. RESOLUTIONS and PROCLAMATIONS:

Council President Barrett and Council Vice President LePage wish to introduce Resolution regarding COVID-19 State Funding of Schools - *Haverhill City Council Resolution* – Resolution in Support of COVID-19 STATE FUNDING OF SCHOOLS (see document for complete text)
COUNCILLOR LEPAGE READ THE RESOLUTION INTO THE RECORD AND INFORMED THAT THE HAVERHILL EDUCATION ASSOCIATION PRESENTED THIS RESOLUTION TO THE SCHOOL COMMITTEE
RESOLVED Yeas 9, Nays 0 33M

17. Council Committee Reports and Announcements:

18. Council Committee Reports and Announcements

Councillor LePage announced the Administration & Finance Committee scheduled for Aug. 4 at 7PM in the Council Chambers. Discussion items include Doc. 34-O – Tax reduction for veterans; Doc. 69-L – oversight and enforcement of terms and conditions of city negotiated contracts; Doc. 69-P – Asynchronous City Council meetings

19. Documents referred to committee study

20. Long term matters study list

Meeting adjourned 9:55 o'clock P.M. Yeas 9, Nays 0

Attest: James Blatchford
Assistant City Clerk