



City of Haverhill
City Council Minutes

Tuesday, November 29, 2016 at 7:00 PM
City Council Chambers, Room 202
4 Summer Street

Present – President Michitson, Councillors Barrett, Vargas, McGonagle, Bevilacqua, LePage, Daly
O'Brien, Macek and Sullivan.
City Clerk – Linda L. Koutoulas

1. Approval of Records of the Previous Meeting

The minutes were approved Yeas 9, Nays 0

2. Assignment of the minutes review for the next Meeting

Councillor LePage was assigned the minutes

3. Communications from the Mayor:

Communication from Mayor Fiorentini requesting to introduce representatives of the Commonwealth's Division of Conservation and Recreation's (DCR) "Greening the Gateway Cities" program who are stationed in Haverhill to speak regarding free trees throughout the City's Environmental Justice areas. NATHAN TOBEY & JACKIE BEEBE GAVE A POWERPOINT PRESENTATION. THIS IS A 3 YEAR PROGRAM. AN ASSESSMENT IS BEING DONE. THE GEOGRAPHIC AREA IS 1,000 ACRES WHICH INCLUDES SCHOOLS, HOUSING AUTHORITIES AND RESIDENTS IF THEY ARE INTERESTED. TREES WILL BE PLANTED IN LOW INCOME NEIGHBORHOODS.
PLACED ON FILE 26Q

Communication from Mayor Fiorentini submitting a letter of recommendation from Haverhill's Energy Manager and a Payment in Lieu of Tax (PILOT) agreement with Clean Energy Collective Solar #1096 LLC, for approved solar project at 1305 Broadway, Haverhill. Communication from Orlando Pacheco, Purchasing Director/Energy Manager.
THIS IS A COMMUNITY SOLAR 1.382 MEGAWATTS PROJECT
PASSED Yeas 9, Nays 0 26R

Communication from Mayor Fiorentini submitting letter of recommendation from City's Energy Manager, a Power Purchase Agreement (PPA) and an Easement between Invaleon Solar Technologies for solar project located at Tilton School, 70 Grove st, Haverhill. Related communication from Orlando Pacheco, Purchasing Director/Energy Manager.
THE AGREEMENT WLL ALLOW CITY TO PURCHASE NET METERING CREDITS FOR 10.5 CENTS PER KWH. CREDITS WILL BE APPLIED TOWARDS TILTON ELEMENTARY SCHOOL ELECTRIC BILL. THIS PPA WILL HAVE TO BE APPROVED BY THE SCHOOL COMMITTEE.
PASSED Yeas 9, Nays 0 26S

ON MOTION OF COUNCILLOR MACEK TO APPROVE THE DEED OF EASEMENT BETWEEN INVALEON SOLAR TECHNOLOGY AND THE CITY OF HAVERHILL
PASSED Yeas 9, Nays 0 95B

Communication from Mayor Fiorentini submitting letters of recommendation from Haverhill's Energy Manager, Orlando Pacheco and easements with City of Haverhill for maintenance of approved solar array projects as listed:

Solect Energy for Haverhill City Hall, 4 Summer st
PASSED Yeas 9, Nays 0 95BB

Solect Energy for Maintenance Garage, 93 Downing av
PASSED Yeas 9, Nays 0 95CC

Mass American Energy for Police Station, 40 Bailey blvd
ON MOTION OF COUNCILLOR BARRETT TO AMEND TO REFLECT HAVERHILL PS SOLAR LLC
PASSED AS AMEDNED Yeas 9, Nays 0 95DD

Communication from Mayor Fiorentini submitting Order to sell a parcel of land on Merrimack st to the Lupoli Companies for \$701,000 and related documents relative to development of the site

COUNCILLORS BARRETT, MCGONAGLE, BEVILACQUA AND SULLIVAN RECUSED THEMSELVES AND LEFT THE CHAMBERS

Mayor Fiorentini introduced Salvatore Lupoli who gave a PowerPoint presentation of Lupoli Companies. His organization buys and holds properties such as Sal's Pizza on Winter Street which was his first purchase 26 years ago. The proposed building would be 8-12 floors with businesses and market rate housing. Jason Schreiber of Nelson/Nygaard spoke about the parking.*

ORDERED: The Mayor is hereby to sell to Lupoli Companies, LLC real property located on Merrimack Street, known as the Riverfront Promenade Parking Lot/Cram Place Parking Lot, all as shown on Assessor's Map 102, Block 7, Lots 11 and 17 containing approximately 0.73 acres, for the total sum of Seven Hundred and One Thousand (\$701,000.00) Dollars. The Mayor is also authorized to execute a purchase and sale agreement and development agreement, with Lupoli Companies, LLC or their assigns, and any other documents necessary to effectuate the sale of said real property, including a deed.

November 29, 2016

ON MOTION OF COUNCILLOR DALY O'BRIEN TO APPROVE ORDER

PASSED

Yeas 5, Abstain 4(Barrett, McGonagle,
Bevilacqua, Sullivan)

47H

4. Communications and Reports from City Officers and Employees

No Schedule

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

No Schedule

6. Appointments:

No Schedule

7. Petitions

No Schedule

8. Applications/Handicap Parking Signs:

No Schedule

9. One Day Liquor Licenses:

No Schedule

10. Applications for Permit

No Schedule

11. Tag Days

No Schedule

12. Annual License Renewals:

Buy & Sell Second Hand Articles

Loughlam Service Inc, Repair Mobile phones – 141 Winter st

GRANTED

Yeas 5, Absent 4 (Barrett, McGonagle,
Bevilacqua, Sullivan)

112

COUNCILLORS BARRETT, MCGONAGLE AND SULLIVAN RETURN TO CHAMBERS

Coin-Ops (Renewals)

The following applications were all **GRANTED**

Yeas 8, Absent 1(Bevilacqua)

GLS Associates Inc, 7 Parkridge rd – 12 Coin-ops

3N

Market Basket, 2 Water st – 2 Coin-ops

3O

Academy Lanes, 725 So Main st – 12 Coin-ops

3P

American Legion Post 4 Inc – 3 Coin-ops

3Q

Sunday License

GLS Associates Inc, 12 Sunday Coin-ops

4N

Market Basket, 2 Sunday Coin-ops

4O

Academy Lanes, 12 Sunday Coin-ops

4P

American Legion Post 4 Inc – 3 Sunday Coin-ops

4Q

Hawker/Peddler

Milton Russell to sell Christmas trees & wreaths at the Elks, 24 Summer st; November 26 thru December 24,
Monday-Friday 3:00PM to 8:PM and Saturday & Sunday, 11:00AM to 7:00PM

GRANTED

Yeas 8, Absent 1(Bevilacqua)

54F

COUNCILLOR BEVILACQUA RETURNED TO CHAMBERS

13. Drainlayer 2016 License

No Schedule

14. Hearings & related orders:

Document 99: William Pillsbury, City's Economic Development & Planning Director requests

Hearing regarding an amendment to Zoning Ordinance – Lake Street area; RR & RM Zoning Line adjustments
along with related Zoning Ordinance; Favorable recommendation from Planning Board and Planning Director
HEARING OPENED

MR. PILLSBURY STATED THIS WAS A CORRECTIVE ZONING AMENDMENT, MOVING THE
ZONE LINE TO THE LOT LINE. RON MCKINNON, JANICE FILTEAU, AND NOEL ALLAIN SPOKE
IN FAVOR. NO ONE WAS OPPOSED.

HEARING CLOSED

Document 99-B:

MUNICIPAL ORDINANCE

CHAPTER 255

An Ordinance Relating to Zoning Map

Be it Ordained by the City Council of the City of Haverhill that Chapter 255, being and is further amended as
follows:

Ch. 255 Zoning Ordinance map: The zoning map is further amended to reflect the zone line to be deleted and
the zone line to be added as shown on the attached plan. (see document for complete text)

ON MOTION OF COUNCILLOR BEVILACQUA TO APPROVE THE ZONING CHANGE AS RECOMMENDED BY THE PLANNING BOARD AND PLANNING DIRECTOR.

PASSED

Yeas 9, Nays 0

99B

COUNCILLOR DALY O'BRIEN LEFT THE CHAMBERS

Document 100: Petition from Dave Traggorth/Traggorth Companies LLC, requesting special permit to redevelop and restore 81-87 Washington st; known as the Al Forno Building; to create up to 24 rental apartments, including 6 two-bedroom units and 12 one-bedroom units to include 1,900 SF of ground floor retail space for lease along Washington st; Assessor's Map 301, Block 52, Lot 6; Favorable conditional recommendation from Planning Board and Favorable conditional recommendation from Planning Director to include all items in all letters from City Departments also requesting Council approve a waiver from the affordability requirement in our current ordinance

HEARING OPENED

PRESENTATION WAS MADE BY MR. TRAGGORTH WHO STATED HOW SUCCESSFUL HIS PREVIOUS PROJECT IS AT JM LOFTS (PREVIOUSLY OFFICE SUPPLY BUILDING). WILL BE USING THE SAME ARCHITECT. KEVIN DEBLER OF RODE ARCHITECTS REVIEWED THE PLANS. ALLEYWAYS WILL BE LIT. MR. TRAGGORTH HAS MET WITH PRIVATE PROPERTY OWNERS ABOUT LIGHTING THEIR ALLEYS. PARKING HAS BEEN SECURED AT THE NEARBY PARKING GARAGE. WILLIAM PILLSBURY ADDRESSED THE PARKING REQUIREMENTS AND AVAILABILITY. SALVATORE DEFRANCO, OWNER OF BATTLEGROUND'S COFFEE COMPANY AND BEV DONOVAN, PRESIDENT, GR. HAVERHILL CHAMBER OF COMMERCE, NOAH KORETZ, AND MAYOR FIORENTINI SPOKE IN FAVOR. NO ONE WAS OPPOSED.

HEARING CLOSED

ON MOTION OF COUNCILLOR BEVILACQUA TO APPROVE THE SPECIAL PERMIT AND TO INCLUDE ALL ITEMS IN ALL LETTERS FROM CITY DEPARTMENTS.

PASSED

Yeas 7, Abstain 1 (Barrett) Absent 1 (Daly O'Brien)

100

ON MOTION OF COUNCILLOR MACEK TO WAIVE THE AFFORDABILITY REQUIREMENT

PASSED

Yeas 7, Abstain 1 (Barrett) Absent 1 (Daly O'Brien)

100

Communication from William Pillsbury, Economic Development and Planning Director submitting documents related to redevelopment of market rate/mixed use project at 81-87 Washington (formerly Trattoria Al Forno) for approval to include resolution.

PLACED ON FILE

100B

RESOLUTION

Be it resolved that the City Council of the City of Haverhill:

- (a) Adopts and authorizes the Mayor to approve and execute a TIF agreement (copy attached as Exhibit A Pursuant to Massachusetts General Laws HDIP Program between and the City of Haverhill on the basis of the purchase of the 81-87 Washington Street parcel, Haverhill parcel ID; 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.

RESOLUTION PASSED

Yeas 6, Abstain 2 (Barrett, Bevilacqua) Absent 1 (Daly O'Brien)

44N

15. New Business/Orders:

ORDERED: The sum of \$376,888 be appropriated from the Health Insurance Trust Fund and transferred to the FY2017 Health Insurance Budget

PASSED

Yeas 8, Absent 1 (Daly O'Brien)

80P

ORDERED: That the sum of \$778,162.06 be appropriated from the Health Insurance Trust Fund and transferred to the Stabilization

PASSED

Yeas 8, Absent 1 (Daly O'Brien)

80Q

ORDERED; That the following Home Rule Petition Be Adopted by the City Council and Forwarded to the General Court

HOME RULE PETITION

An Act authorizing the City of Haverhill to assess fines for failure to relocate or remove utility poles and wires (see document for complete text)

Related communication from William Cox, City Solicitor stating that the Home Rule Petition was prepared as requested by the Administration and Finance Committee

ADOPTED

Yeas 8, Absent 1 (Daly O'Brien)

113

16. Ordinances (File 10 days):

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

49 Bellevue Ave - Delete Handicap Parking

(see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Absent 1 (Daly O'Brien)

20L

MUNICIPAL ORDINANCE

CHAPTER 120

An Ordinance Relating to Building Construction

November 29, 2016

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 120, as amended, be and is hereby further amended as follows:

§120-11 Fees.

by deleting "(g) There shall be no permit fee for work being done for the City." From subsection B. Electrical Fees, and,

by adding the following at the beginning of §120-11: "When the City of Haverhill is the property owner or lessee, there shall be no permit fee for work being performed for the City."

Related communication from William Cox, City Solicitor stating that the Home Rule Petition was prepared as requested by the Administration and Finance Committee

PLACED ON FILE for at least 10 days Yeas 8, Absent 1 (Daly O'Brien) 114

17. Unfinished Business:

No Schedule

18. Monthly Reports

No Schedule

19. Communication from Councillors

Communication was received from President Michitson and Councillor Barrett requesting to discuss the pending occupancy by the Essex County Sheriff's Department Pre-release Program on 5th Avenue
MAYOR FIORENTINI INTRODUCED SHERIFF COUSINS WHO GAVE AN OVERVIEW OF PROGRAMS MANAGED BY THE ESSEX COUNTY SHERIFF'S PRE-RELEASE PROGRAM AND THAT THE PROGRAM WILL NOT BE SITED AT 5TH AVENUE. THERE IS AN ONGOING PROGRAM AT WEBSTER ST. WITH NO CALLS TO THE POLICE SINCE IT STARTED THERE 2 YEARS AGO. THE PROGRAM AT 5TH AVE WOULD HAVE HOUSED SUBSTANCE & ALCOHOL RELATED OFFENDERS. THEY WOULD BE MONITORED 24/7 WITH GPS BRACELETS. MANY OF THE OFFENDERS COME FROM HAVERHILL. MOST COUNCILLORS OBJECTED TO THE LOCATION. NUMEROUS NEIGHBORS EXPRESSED CONCERN THAT THE LOCATION WAS NOT THE RIGHT AREA AND THAT THEY WERE NOT MADE AWARE OF THE SITING OF THIS PROGRAM. ATTORNEY BRIAN CHASE, REPRESENTED THE OWNER GARY GEICO, STATED THAT THE PROJECT WAS WITHDRAWN AND THEY HAD BEEN WORKING WITH THE CITY FOR 6 MONTHS AND THAT THERE WAS TO BE 3 TENANTS ON EACH FLOOR.

PLACED ON FILE 108L

Communication was received from Councillor Barrett requesting to introduce Jack Welch to speak about the Rail Trail art placement
MR. WELCH EXPRESSED CONCERN ABOUT THE LOCATION OF HIS ARTWORK CLOSE TO EDGE OF MERRIMACK RIVER AND SEWER OVERFLOW PIPE *
LETTER TO MAYOR TO REVIEW DESIGN & PLACEMENT Yeas 8, Absent 1(Daly) 108M

Communication was received from Councillors Bevilacqua and LePage requesting a discussion regarding appropriate safe regulation of marijuana shop access and locations
POSTPONED TO DEC 6, 2016 Yeas 8, Absent 1 (Daly O'Brien) 108N

Communication was received from Councillor McGonagle requesting a discussion about the No Parking ordinance on Franklin st, east side
REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Absent 1 (Daly O'Brien) 108O

Communication was received from Councillor Bevilacqua requesting to introduce Ron MacLeod to discuss traffic safety in the City
POSTPONED TO DEC 6, 2016 Yeas 8, Absent 1 (Daly O'Brien) 108P

Communication was received from Councillor Bevilacqua requesting to introduce Ron MacLeod to discuss public participation at council meetings
POSTPONED TO DEC 6, 2016 Yeas 8, Absent 1 (Daly O'Brien) 108Q

20. Resolutions and Proclamations

No Schedule

21. Council Committee Reports and Announcements

No Schedule

22. Documents referred to Committee Study

Meeting adjourned at 10:37 o'clock P.M. Yeas 8, Absent 1

*Doc. 26-T – Handout from Salvatore Lupoli – Lupoli Companies brochure

*Doc. 100 – Handout from Dave Traggorth – Alley Components flyer

*Doc. 108-M – Handout from Jack Welch – Rail Trail art placement photos

Attest: Linda Koutoulas
City Clerk