



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, July 9, 2024 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202

In-Person/Remote Meeting

Present – President Sullivan, Councilors Basiliere, Hobbs Everett, Michitson, Ferreira, Jordan, Lewandowski, LePage, and Rogers

Attending Remote – Councilor McGonagle

Absent – Councilor Toohey

City Clerk – Kaitlin M. Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councilor McGonagle to approve June 18th minutes, second Councilor Rogers

PASSED Yeas 10, Nays 0, Absent 1 (Toohey)

Motion by Councilor Rogers to approve June 25th minutes, second Councilor Jordan

PASSED Yeas 9, Nays 0, Absent 2 (McGonagle, Toohey)

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councilor LePage assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Communication from Mayor Barrett to waive option to purchase property in accordance with Chapter 61A; a certain parcel of land off of Lovers Lane; Assessors' Parcel 463-206-

6 *related communication from City Solicitors, Lisa L Mead and Ryan S Clemens 2-W*

5.1.1. Order – Relating to the Notice of Intent to Convert Assessors' Parcel No. 463-206-6. That the City ought waive its statutory right to purchase this certain parcel off Lovers Lane, Haverhill, in accordance with Section 14 of Chapter 61A of General Laws of the Commonwealth of Massachusetts

Robert Harb addressed the Council representing this applicant and a second applicant. Through inadvertence, there are three parcels involved in this project which we sent different letters in for each but only one was processed. Spoke with the City Solicitor and decided to ask for a continuance for two weeks to enable the city to add the second applicant and parcels for waiver of first refusal.

Motion by Councilor Basiliere to postpone to July 23rd, second Councilor Jordan

PASSED postponed to July 23rd Yeas 8, Nays 0, Absent 2 (McGonagle, Toohey) 71

6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:

6.1. Councillor Lewandowski requests to introduce Michael Jarvis who is seeking an age waiver home rule petition to take the Civil Service exam for position of firefighter in the City of Haverhill



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Councilor Lewandowski introduced Mike Jarvis, well known photographer who captures footage of fire rescues and other emergencies and city events. Recent graduate of Mass State Fire Academy Call Volunteer Program and is seeking an age waiver.

Mike Jarvis addressed the Council stating since Covid has been taking photos for Haverhill Fire Dept. and other local departments. Recently became interested in joining the fire dept. Completed the fire academy and am looking to become a full-time firefighter.

- 6.1.1. Home Rule Petition – An act authorizing Michael E Jarvis, Jr to take the Civil Service examination for the position of Firefighter in the City of Haverhill notwithstanding the maximum age requirement

Motion by Councilor Basiliere, second Councilor Lewandowski

PASSED

Yeas 10, Nays 0, Absent 1 (Toohey)

73-C

- 6.2. Councillor Hobbs-Everett requests to introduce Brian Dacey and Jason Restituyo who are both seeking an age waiver home rule petition for the position of Police Officer in the City of Haverhill

Councilor Hobbs Everett introduced Brian Dacey and Jason Restituyo who are both seeking age waivers for position of police officer.

Brian Dacey addressed the Council stating he has been a resident for 10 years and would like to serve as a police officer and needs an age waiver.

Jason Restituyo also addressed the Council stating he is a Haverhill resident currently working as an officer for the federal government but would like to serve his community, also needs an age waiver.

- 6.2.1. Home Rule Petition – An Act authorizing Brian Dacey to take the Civil Service examination for the position of Police Officer in the City of Haverhill notwithstanding the maximum age requirement

Motion by Councilor Hobbs Everett, second Councilor Rogers

PASSED

Yeas 10, Nays 0, Absent 1 (Toohey)

73-D

- 6.2.2. Home Rule Petition – An Act authorizing Jason Restituyo to take the Civil Service examination for the position of Police Officer in the City of Haverhill notwithstanding the maximum age requirement

Motion by Councilor Hobbs Everett, second Councilor Lewandowski

PASSED

Yeas 10, Nays 0, Absent 1 (Toohey)

73-E



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President Sullivan asked for another roll call now that Councilor McGonagle was able to join remotely after technical difficulties.

Madam Clerk called the roll with 10 Present, 1 Absent (Toohey)

- 6.3. Councilor Ferreira requests to introduce Erin Padilla of *Creative Haverhill* and Hailey Moschella of *Haverhill Art Walk* to formally introduce a “Say Nice Things About Haverhill” campaign

Councilor Ferreira stated Erin and Hailey both had parental commitments and are unable to attend so she will be speaking on their behalf. At the Haverhill Art Walk, we debuted the Say Nice Things About Haverhill campaign. My idea is to roll out a campaign to say nice things about Haverhill similar to the one back in the 70’s about Detroit. People seem to love what Haverhill was before Urban Renewal, so the logo reflects the logo of that time. Thanks to the help of Creative Haverhill and Haverhill Art Walk you can order a bag for \$10 on Creative Haverhill website. It is a free logo for sharing. It is an easy way to positively impact people by saying nice things about Haverhill.

- 6.4. Council Vice President Tim Jordan requests to introduce Melissa DeFriesse, the President of the Rotary Club to invite everyone to join the Rotary Club this Thursday, July 11th at 5:30 pm at the fountain at *Harbor Place* for the dedication of three plaques in honor of three distinguished citizens, Dr. George Cogswell, William “Professor Bill” Mobley, and Anthony “Tony” Sapienza

Councilor Jordan introduced the president of the Haverhill Rotary Club, Melissa DeFriesse.

Melissa DeFriesse appeared before the Council to announce an upcoming event dedicating plaques in honor of Dr. Cogswell, Willima Mobley and Anothy Sapienza. The event is Thursday, July 11 at Harbor Place and directly after will be going to Barrio. All are welcome.

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

- 8.1. City Engineer John Pettis submits request to open 38 Garrison av, EROM 24-7, so
National Grid can repair a gas leak 32-F
- 8.1.1. Order – approve opening of 38 Garrison av for work on underground utilities

Motion by Councilor Jordan, second Councilor Michitson

PASSED

Yeas 10, Nays 0, Absent 1 (Toohey)

32-FF



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8.2. City Assessor Christine Webb submits abatement report for the month of June 2024

Motion by Councilor Jordan, second Councilor Rogers

PASSED

Yeas 10, Nays 0, Absent 1(Toohey)

4-F

9. UTILITY HEARING(S) AND RELATED ORDER(S):

10. HEARINGS AND RELATED ORDERS:

10.1. Document 52; petition for CCSA 24-1 from Attorney Russell Channen for applicant Dennis Suslavich for approval of a Repetitive Petition for property located at 0 Stanley Drive

Comments from several City Depts are included

Planning Director and Planning Board find specific material changes in new petition and recommend the application be presented in a separate new hearing

President Sullivan opened the hearing.

Attorney Russell Channen, 25 Kenoza Avenue, appeared before the Council to present the Repetitive Petition on behalf of Dennis Suslavich. A repetitive petition is allowed if in fact the Council finds specific material changes to the prior application or petition that had been filed within a two-year period which must be approved by two-thirds members of both the Planning Board and the Council. Specific changes include going from a two-family to a single-family owner-occupied home at the location, and detailed and outlined all the concerns that are requested and contained in Section 9.2 of the code relative to drainage.

Councilor Michitson: I would like to make a motion just wanted to explain it with the official terminology that *I agree that there are specific changes and material changes* and I move for passage, second Councilor Rogers

President Sullivan: Madam Clerk please call the roll.

City Clerk Kaitlin M. Wright: Vice President Jordan-yes, Councilor Basiliere-yes, Councilor Hobbs Everett-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Lewandowski-yes, Councilor McGonagle-yes, Councilor LePage-yes, Councilor Rogers-yes, President Sullivan-yes
Yeas 10, Nays 0, Absent 1 (Toohey)

President Sullivan: PASSES

President Sullivan closed the hearing.



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10.2. Document 52-B; petition for CCSP 24-5 from Attorney Russell Channen for applicant Dennis Suslavich for approval of a Special Permit to build a single-family home at 0 Stanley Drive which is located in the Watershed Protection District
Comments from several City Depts are included

President Sullivan opened the hearing.

Attorney Russell Channen addressed the Council. Special permit application for clients, Dennis and Susan Suslavich, to construct a single-family home on Stanley Drive. The special permit is required because the property is located in the Watershed Protection District. Issues raised with the previous application have been addressed. The project meets the criteria under section 9.2.

Dennis Suslavich addressed the Council stating he has lived in Haverhill for 37 years and has owned a business in town for over 38 years. Needs to downsize from his current home due to major medical issues. This home will be acceptable to his needs later on. He spoke with the neighbors about their concerns and tried to mitigate them and be a good neighbor.

Joseph Serwatka, Engineer, addressed the Council stating that the previous plans have been revised to a single-family home, kept the drainage, added a French drain, rain gardens and revised the grading ensuring now runoff water issues into Pentucket Lake.

President Sullivan asked if anyone would like to speak in favor? No one spoke.

President Sullivan asked if anyone would like to speak in opposition?

Linda Downey, 5 Quimby, addressed the Council stating she has concerns about the underground water situation on this lot. There is always water across the road, do the French drains address that?

Joseph Serwatka stated every lot in Massachusetts has ground water. It is typically 4-6 feet deep. We are not intercepting ground water. There will be a foundation drain into the rain garden. French drains are swales along the side of the property that will take surface runoff and channel it to catch basins and rain garden and into new drain pipe being installed.

President Sullivan closed the hearing.

Councilor comments included project is tremendously improved than what came before the Council in December, good engineering, addressed the water runoff concerns, installation of a new drain line, new line will mitigate icing issues in the winter, worked with neighbors to address their concerns, sustainable design, prefer the single-family owner-occupied home,

Motion by Councilor McGonagle to approve with all conditions and requirements of all the departments, second Councilor Jordan

President Sullivan: Madam Clerk please call the roll.



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City Clerk Kaitlin M. Wright: Vice President Jordan-yes, Councilor Basiliere-yes, Councilor Hobbs Everett-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Lewandowski-yes, Councilor McGonagle-yes, Councilor LePage-yes, Councilor Rogers-yes, President Sullivan-yes
Yeas 10, Nays 0, Absent 1 (Toohey)

President Sullivan: PASSES

11. APPOINTMENTS:

11.1. Confirming Appointments:

11.1.1. *Board of Appeals; Theodore Vathally, 40 Chadwick rd effective July 11 2024 through July 10, 2027* To Be Confirmed

Motion by Councilor Michitson, second Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

38-M

11.2. Non-Confirming

11.2.1. *IT Director: Doug Russell , expires June 30, 2025*

Motion by Councilor Jordan, second Councilor Michitson
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

5-X

11.3. Constables to expire December 31, 2024

11.4. Resignations:

11.4.1. *Board of Appeals; Ronald LaPlume, effective July 11 2024*

Motion by Councilor Michitson, second Councilor Jordan
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

41-D

12. PETITIONS:

12.1. Applications Handicap Parking Sign: *with Police approval*

12.2. Amusement/Event Application – *with Police approval*

12.2.1. EVNT 24-16; Joe Leblanc for *Team Haverhill* requests to hold *River Ruckus Festival*, at River Front parking lot Washington st; on September 21st, from 9 am to 9 pm; also requests to have fireworks, and also requests from noon to 3 pm the closing of Washington st alcove for Community Corner, noon to 3 pm, the closing of Washington st for car show, noon to 3 pm the closing of Columbus Park for Kids Zone and also requests that police and fire details costs be waived as well as any additional fees be waived but not the application fee
needs License Commission approval for Beer Garden



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Kevin Burke on behalf of Joe LeBlanc addressed the Council for 14th year of River Ruckus looking for approval with fees waived

*Motion by Councilor Michitson to approve with fees waived, second Councilor Rogers
PASSED Yeas 8, Nays 0, Abstain 1 (LePage), Absent 2 (Toohey, McGonagle) 42-O*

12.3. Auctioneer License:

12.4. Tag Days: with Police approval

12.4.1. *HHS Boys Swim Team, December 14 & 15*

*Motion by Councilor Jordan, second Councilor Lewandowski
PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 20-I*

12.5. One Day Liquor License – with License Commission & Police approval

12.6. ANNUAL LICENSE RENEWALS:

12.6.1. **Hawker Peddlers License- Fixed location** – w/Police approval

12.6.2. **Coin-Op License Renewals** – with Police approval

12.6.3. **Christmas Tree Vendor** – with Police approval

12.6.4. **Taxi Driver Licenses for 2023:** with Police approval

12.6.4.1. TDL 24-11; Lynette Sylvester, 21 Observatory av

*Motion by Councilor Rogers, second Councilor Michitson
PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 63-K*

12.6.5. **Taxi/Limousine License** with Police approval

12.6.6. **Junk Dealer /Collector License** with Police approval

12.6.6.1. JUNK 23-3; Michael Malvers, 115 Hale st, Haverhill Steel

*Motion by Councilor Jordan, second Councilor Rogers
PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 45-D*

12.6.7. **Pool/Billiard**

12.6.8. **Bowling**

12.6.9. **Sunday Bowling**

12.6.10. **Buy & Sell Second Hand Articles** with Police approval

12.6.11. **Buy & Sell Second Hand Clothing**

12.6.12. **Pawnbroker license** - with police approval

12.6.13. **Fortune Teller** with - Police approval

12.6.14. **Buy & Sell Old Gold** – with Police approval

12.6.15. **Roller Skating Rink**



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12.6.16.Sunday Skating

12.6.17.Exterior Vending Machines/Redbox Automated Retail, LLC

12.6.18.Limousine/Livery License/Chair Cars with Police approval

13. MOTIONS AND ORDERS:

13.1.Order – Relating to Fees for Special Permit Legal Notices – That in addition to the Special Permit filing fees, an additional fee of \$200 for advertisement and legal notices shall be paid to the City Clerk's office

Motion by Councilor Michitson, second Councilor Jordan

PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 75

13.2.Order – Authorize Mayor on behalf of the City of Haverhill, to grant an easement to National Grid for the installation of an underground electric distribution system at 70 Grove st, in Haverhill, MA, in the form and location shown on the Grant of Easement attached hereto and incorporated herein *related communication*
from Stephen Dorrance, Director of Facilities for Haverhill Public Schools 76

13.2.1. Grant of Easement – Electric Distribution Construction Easement at 70 Grove st to be placed at the Tilton School

Motion by Councilor Jordan, second Councilor Michitson

PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 76-A

13.3.Order – authorize payment of bills of the previous years and to further authorize the payment from current year departmental appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Impact Fire	\$309.00	Parking
Constellation	\$29.25	DPW Highway
Constellation	\$ 26.36	DPW Highway

Motion by Councilor Michitson, second Councilor Jordan

PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 27-I

13.4 Ordered:

That \$3,352,000.00 will be transferred from various general fund appropriations to fund FY 2024 operating expenses.

Motion by Councilor LePage, second Councilor Michitson

PASSED Yeas 10, Nays 0, Absent 1 (Toohey) 27-J



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14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

16. UNFINISHED BUSINESS OF PRECEEDING MEETING:

16.1. Document 2-V; Mayor Barrett submits several Ordinances to amend various sections of the City Code related to public use of the City's conservation areas and open spaces
Related communications from City Solicitor, Lisa Mead, Robert E Moore, Environmental Health Technician and Police Chief Robert Pistone

All Ordinances filed 6/25/2024

16.1.1. Document 66; Ordinance re: General Provisions; amend Chapter 1, Section 16 Penalties

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.1.2. Document 67; Ordinance re: Boating Fishing and Hunting; amend Chapter 116, Section 1-7

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.1.3. Document 68; Ordinance re: Firearms; amend Chapter 145, Section 19

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.1.4. Document 69; Ordinance re: Conservation Areas; amend Chapter 193, Sections 14 through 25

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.1.5. Document 70; Ordinance re: Playgrounds, Parks and Recreation Areas; amend Chapter 193, Sections 21-23

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Rogers
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*



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16.1.6. Document 71; Ordinance re: Entrance on Ice of Certain Water Bodies Unlawful; amend Chapter 193, Section 12

Motion by Councilor Michitson to refer to NRPP Committee, Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.2.Document 2-U; Mayor submits Salary Ordinances for *Administrative & Professional Positions* and *Professional Positions*

16.2.1. Document 15-D; Ordinance re: Salaries – Administrative & Professional Positions *filed 6/19/2024*

Motion by Councilor LePage, second Councilor Michitson
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.2.2. Document 15-E; Ordinance re: Salaries – Non-Union Positions *filed 6/19/2024*

Motion by Councilor Michitson, second Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.3.Document 11-E; Ordinance re: Vehicles and Traffic; Add Handicap parking at 21 Seventeenth av; 75 South Kimball st & 23 Shepherd st *filed 6/19/2024*

Motion by Councilor McGonagle, second Councilor LePage
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

16.4.Document 65; Ordinance re: Disposal of Dog Waste & Penalty for Violations Thereof – Amend Section 137-11 of City Code *filed 6/19/2024*

Motion by Councilor Michitson, second Councilor Lewandowski
PASSED *Yeas 10, Nays 0, Absent 1 (Toohey)*

17. RESOLUTIONS AND PROCLAMATIONS:

18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

Councilor Jordan announced there is a city clean up Wednesday night from 5-7 PM.

Lisa Marzelli announced Clean and Green Team cleanup will be Saturday, July 20th 9:30-11:00 a.m. neighborhood cleanup at upper Washington St. meeting at the traffic island between Benedetti's and Fantini's bakery. All are welcome.

19. DOCUMENTS REFERRED TO COMMITTEE STUDY



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20. LONG TERM MATTERS STUDY LIST

21. ADJOURN :

Motion by Councilor Jordan, second Councilor Lewandowski

PASSED

Yeas 10, Nays 0, Absent 1 (Toohey)

Adjourned 20:15