



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, May 9, 2023 at 7:00 PM

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

### In-Person/Remote Meeting

Present – President Jordan, Councilors Barrett, Bevilacqua, Sullivan, Michitson, Lewandowski, McGonagle, Rogers, and Toohey  
Absent – Councilor Bevilacqua  
City Clerk – Kaitlin M. Wright

**1. OPENING PRAYER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES OF PRIOR MEETING**

*Motion by Councilor McGonagle, second Councilor Rogers*

*PASSED*

*All in Favor*

**4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**

Councilor Rogers assigned the minutes.

**5. COMMUNICATIONS FROM THE MAYOR:**

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

6.1. Councilor Sullivan wishes to introduce Christine Kwitchoff from the *Rocks Village Memorial Association* to announce its biennial Vintage Yard Sale Fundraiser on June 10 & 11, 2023, from 8 am to 3 pm

Councilor Sullivan introduced Christine who is an integral player and leader of the Rocks Village Memorial Association and solely responsible for restoring the hand tub.

Christine Kwitchoff accompanied with Cindy Dauksewicz thanked the Council and announced the two-day Vintage Yard Sale fundraiser being held at the Hand Tub House located at 1 River Road, June 10 and 11<sup>th</sup> from 8-3. Proceeds raised will go towards the on-going restoration and maintenance of the hand tub house. Donations can still be made. See [rockscvillage.org](http://rockscvillage.org) website or Facebook page for more information.

19-U

6.2. Council Vice President Michitson wishes to introduce State Representative Andy Vargas to announce an industry-wide event, "*Summit on Smart Manufacturing Resiliency*" to take place on June 16<sup>th</sup> at NECC for economic development and workforce training

19-V

Vice President Michitson introduced Representative Vargas, Alex Eberhardt and Allison Dolan-Wilson to discuss upcoming event.



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Representative Vargas thanked Vice President Michitson for being the “brain father” of this conference. Bringing star power to Haverhill to talk about Manufacturing to talk about three things (1) bringing manufacturers together, (2) brand the city, and (3) bring interest in the upcoming Dutton business park.

Allison Dolan-Wilson, Northern Essex Community College, stated they want to continue to be leader in preparing students in evolving field, promote value of graduates, college is a catalyst for economic growth in this region.

Alexandria Eberhardt echoed what was said by Rep. Vargas and Allison. The Greater Haverhill Chamber is working on economic development, business development, making the right partnerships and will be the forefront of bringing new industries and growing them here in Haverhill.

#### 7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

#### 8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. Abatement report for the month of April 2023, from Christine Webb, City Assessor

*Motion by Councilor Sullivan, second Councilor Barrett*

*PASSED*

*All in Favor*

11-E

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

#### 10. HEARINGS AND RELATED ORDERS:

10.1. Document 41: Responses submitted for Right of First Refusal for land on Broadway – Parcel 539-429-9A consisting of 31.84 Acres – Notice of Intent to Convert to Residential Usage

**President Jordan opened the hearing.**

Clerk Wright read letter from the Mayor submitted May 2, 2023 into the record. Letter states the Mayor and City of Haverhill does not exercise the right of first refusal to purchase property.

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

**President Jordan asked if anyone would like to speak in opposition?**

Christine Kwitchoff stated reason she would like to speak is that this would be the first project coming out of Chapter 61A that would be converting to residential property that should be



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following the municipal order that the city established in September 2022. That “ordinance is intended to provide all stakeholders with an opportunity to review relevant materials, provide for public participation in the process and for the Mayor and City Council to make a fully informed decision on behalf of the City”. The 31.84 acres on Broadway discussing right now is the first time it would be making a conversion since the ordinance was adopted. I have personally noticed that the first five steps were followed properly, but things started to fall apart at step six. If followed properly the public hearing would have taken place by February 8, 2023 latest which is 90 days after the City’s attorney determined the notice of intent was proper and complete. After the February 8 hearing the Mayor and City Council would have determined jointly whether to exercise the city’s right of first refusal or recommend assigning to a nonprofit organization. Just wanted to bring this up and blighted that we are talking about this now and going forward follow the ordinance established in September 2022.

**President Jordan asked if anyone else would like to speak in opposition? No one spoke. President Jordan closed the hearing.**

*Motion by Councilor Sullivan to move for approval the right of first refusal, second Councilor McGonagle*

**PASSED**

*Yeas 7, Nays 1 (Lewandowski), Absent 1 (Bevilacqua)*

Councilor Sullivan thanked Christine for standing up for the process that wasn’t followed to the end of the process. We all agree that the process was established so it could be followed and hope in the future that we can follow it and stay within the time frame. The good news is all department heads have approved this waiver. They have no problem with this particular parcel, it is not part of the water shed. It will not impact too much of wetlands, there is some. The developer will have to come before us with a full proposal down the road if so be it. Most likely homes will be over 1 million though doesn’t provide affordable housing, it does provide housing. Firm believer unless you have a various mix of all types of housing you don’t have a healthy community.

Councilor Barrett shares Councilor Sullivan’s concerns and inquiries where break down happened.

Clerk Wright stated she was made aware on March 27<sup>th</sup> when received Christine’s email. Once I discovered that this had been in the works, I immediately acted on it and sent it off to step six.

Councilor McGonagle thinks the issue would have been much more serious if the City had a real desire to exercise their right of first refusal. In this case, probably got lucky and hopefully in the future we will understand this a little better. There is no plan for the city to do anything with this land. I will support not exercising right of first refusal.



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Councilor Lewandowski stated voting no because despite the fact that we have department head approval, which I respect, the fact that we did not follow procedure is of importance to me and it should be followed. Not sure if more vetting would have changed our right to exercise. When you skip over a step and choice to delineate does not set a good precedent. I am sure it will pass and I will be keeping a close eye on the development.

Vice President Michitson wanted the citizens to know that Christine is basically a watch dog of all of these processes making sure they are being followed. We really appreciate that effort. I was going to vote yes for it but unsure, very passionate explanation from Councilor Lewandowski that made a lot of sense.

Councilor Sullivan agrees it was very passionate but the statutory period for the city to exercise its waiver of right of first refusal has passed. The developer is now looking for a legal document called a waived of right of first refusal filed with registry of deeds. It is a document that is required in the chain of title. Our job is to provide the document since we missed our opportunity during the statutory period, we were allowed to do something about this.

President Jordan also thanked Christine for being on top of this. We wouldn't have obtained Corliss Hill Road if it wasn't for you. Unfortunate this fell through the cracks and appreciate our Clerk stating once she was apprised of it, she jumped on it as quickly as she could and there was nothing intentional, but it is clearly unfortunate. Agree with Councilor McGonagle that thankfully on all department heads agree to waive. I respect Councilor Lewandowski's position and understand it well. Given that fact that we are past it and that we would have refused it, I am going to vote in favor of it.

**President Jordan: Motion from Councilor Sullivan, second Councilor McGonagle to waive our first right of refusal.**

**Madam Clerk please call the roll.**

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Sullivan-yes, Councilor Lewandowski-no, Councilor McGonagle-yes, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes      7 Yeas, 1 Nay (Lewandowski), 1 Absent (Bevilacqua)

**President Jordan: PASSES**

#### **11. APPOINTMENTS:**

##### **11.1.      Confirming Appointments:**



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11.2. Non-Confirming:

11.3. Resignations:

11.4. **PETITIONS:**

11.5. Request for *Withdrawal* of Re-zoning Request *Without Prejudice* for Old Ferry Road, Map 443, Block 3, Lot 2A – with Council Hearing previously scheduled for May 23 2023 – from Attorney James Cleary III; Trustee of the Virginia G. Miller Trust of 2021

James P. Cleary appeared before the Council. Previously appeared before the Council on March 28<sup>th</sup> with a request for rezoning of a vacant parcel located on Old Ferry Road. Since then, the property was sold on April 21<sup>st</sup>. The trust is no longer the owner of the real estate and for that reason I am requesting the withdrawal of the rezoning without prejudice as to the new owners of the property what ever their wishes might be to do with the real estate.

*Motion by Councilor Sullivan, second Councilor Barrett*

**PASSED**

*Yeas 8, Nays 0, Absent 1*

37-B

11.5.1. Attorney Michael J Migliori submits request for “Access and Utility Easement” and requests approval of Order submitted for *Cedar Crest Development, Mohawk Trail* to develop land on 188 Lake st 17-C

11.5.1.1. Order – authorize Mayor to execute easement submitted relative to real property located on a portion of Lake st also known as Mohawk Trail; Assessors Map 539, Block 439, Lot 78

Attorney Michael Migliori, representing the applicant, appeared before the Council. With respect to the request for the easement back in December the Council approved the subdivision Mohawk Trail creating eleven lots off Lake Street. The access to the subdivision is on Mohawk Trail. While at the Planning Board, it came to light that it was determined that we needed an easement to access Mohawk Trail owned by the City. It does have the approval of all department heads that were involved.

*Motion by Councilor Sullivan, second Councilor Toohey*

**PASSED**

*Yeas 8, Nays 0, Absent 1*

17-CC



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11.5.2. Attorney Paul Magliocchetti, representing Cioto and Johnson Development LLC, submits plans relative to Special Permit Conditions for a *Major Modification* for development located at 38 Railroad st; adopted by City Council on August 23, 2022

Attorney Paul Magliocchetti with offices at 70 Bailey Blvd. Before the Council for a site plan review, Major Modification. Began permitting process during which department heads requested changes to the building to meet code requirements. The Building Inspectors office determined some of the changes required a change under the new ordinance. Here this evening to discuss changes.

David Choi, Architect, explained to the Council that the overall philosophy of the project is in no way to see any kind of derogation from the original intent to enhance the public realm around the waterfront. Trying to construct a net zero building that is a much more energy efficient building in line with the new energy code Massachusetts is adopting. Changes to original concept are: (1) skylights above stairs not to code and removed, (2) elevator headhouse the original design did not consider mechanical requirements, (3) residential energy windows curtain wall was for commercial not residential the new design features appropriately sized fenestration and is more energy efficient, (4) building separation with no connecting deck original design shows three buildings as one, decks shown do not provide exit/egress connection between buildings. Removal of decks allows for fire fighters to access the side of building, and (4) energy efficient roof and decking, original design shows concrete roof and EPDM, new design applies PVC roof with green roofing, solar panels, and composite decking.

Councilor Barrett asked if these features were required by our code team to change things, if the reason for the connecting balconies being gone is for fire safety, does the residents still have river views, was window change only from industrial to residential; are only changes what are listed?

Mr. Choi answered after meeting with Mr. Pillsbury he accepted that these features have to be developed in order to make this a feasible building as part of a code compliant building that would meet the more recent energy code; the connected balconies made three separate buildings into one large building but no way of crossing the building; residents still have river views; residential windows allow for an egress for safety and also higher energy; the only changes are listed, no other changes.



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Councilor McGonagle commented that the change in ordinance is working which states if these types of changes are made, they need to come back before the Council. Will support.

Councilor Michitson asked if they are required to follow the net zero compliance and if the basic energy source will be electricity? Commends them for moving forward in this direction.

Mr. Choi answered they are not required to follow but doing so voluntarily put in energy efficient in looking forward that this building will need to stand decades and the fact the world is moving towards energy efficiency and reduction of fossil fuels. The intent is energy source to be electricity.

*Motion to approve Major Modification by Councilor McGonagle, second Councilor Barrett*

*PASSED Yeas 7, Nays 1 (Sullivan), Absent 1 49*

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

11.7. **Amusement/Event Application** - *with Police approval – and requests to have fees waived*

11.7.1. **EVNT 23-8;** Michael Rossi for *Greater Haverhill Arts Association*; requesting to hold Annual Art Festival at the Braford Common, 10 am to 4 pm, Saturday, September 9<sup>th</sup>

*Motion by Councilor Rogers, second Councilor Toohey*

*PASSED All in Favor 29-P*

11.7.2. **EVNT 23-12;** Fr. Christopher Wallace, requests to hold “*Taste of the Nations Festival*” to be held at All Saints Parish, 120 Bellevue av; on Saturday, June 24<sup>th</sup> from 12 pm to 6 pm

Father Wallace addressed the Council announcing the Taste of the Nations Festival event which is open to the public. They will have over 16 countries being represented. Event held on June 24<sup>th</sup> 12-6pm.

*Motion by Councilor Sullivan, second Councilor Barrett*

*PASSED fees waived Yeas 8, Nays 0, Absent 1 29-Q*



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11.7.3. **EVNT 23-18;** Hailey Moschella for *Creative Haverhill*, requests to hold *Art Walk* at businesses, alleyways and public spaces along Washington st and parts of Wingate st; on June 3<sup>rd</sup> and September 30<sup>th</sup>; from 1 pm to 7 pm

Hailey Moschella appeared before the Council to ask for approval for the Art Walk event and for fees waived for the Buskers permit for the musicians, event permit, and the city cover the cost for the fire and police details. Hope the Council can join the event.

*Motion by Councilor Rogers, second Councilor Barrett*

*PASSED fees waived*

*Yeas 8, Nays 0, Absent 1*

29-R

11.7.4. **EVNT 23-16;** Hailey Moschella for *Wisteria Montessori School*, requests to hold *Boardwalk Block Party* on the lawn area at Harbor Place, 44 Merrimack st; on Saturday, June 17<sup>th</sup> from 3 pm to 6 pm

Hailey Moschella announced the Boardwalk Block party with free activities for families and children from 3-6 PM.

*Motion by Councilor Rogers, second Councilor Toohey*

*PASSED*

*Yeas 8, Nays 0, Absent 1*

29-S

11.8. **Auctioneer License:**

11.9. **Tag Days:** *with Police approval*

11.10. **One Day Liquor License:**

11.11. **Annual License Renewals:**

11.11.1. **Hawker Peddlers License 2023 - Fixed location** – *with approvals*

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

11.11.2.1. *Market Basket, 285 Lincoln av, 3 Coin-ops*

*Motion by Councilor Sullivan, second Councilor Barrett*

*PASSED*

*All in Favor*

13-C

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





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

- |            |                                  |      |
|------------|----------------------------------|------|
| 11.11.4.1. | Windy Smith, 115 Lowell av       | 30-O |
| 11.11.4.2. | Nicole Siney, 11 Charles st      | 30-P |
| 11.11.4.3. | Steve Pefine, 52 Washington st   | 30-Q |
| 11.11.4.4. | Daniel Merchant, 103 Freemont st | 30-R |

*Motion by Councilor Sullivan, second Councilor Rogers*

**PASSED**

*All in Favor*

11.11.5. **Taxi/Limousine License** *with Police approval:*

- 11.11.5.1. **TLLB 23-3;** Wisvel Joseph for *Haverhill Taxi* – 145b  
Winter st – 10 Taxis

*Pending license is granted for a 6 month period (expiration mid - September 2023) – with renewal contingent on finding an appropriately zoned lot to store taxis. Current business property (145b) is zoned CC and is used for office use only, no space for cars.*

*Motion by Councilor Sullivan, second Councilor McGonagle*

**PASSED**

*All in Favor*

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11.11.6. **Junk Dealer License** *with Police approval*

- 11.11.7. **Pool Tables**
- 11.11.8. **Sunday Pool**
- 11.11.9. **Bowling**
- 11.11.10. **Sunday Bowling**
- 11.11.11. **Buy & Sell Second Hand Articles** *with Police approval*
- 11.11.12. **Buy & Sell Second Hand Clothing**
- 11.11.13. **Pawnbroker license**
- 11.11.14. **Fortune Teller** - *pending Police approval*
- 11.11.15. **Buy & Sell Old Gold**
- 11.11.16. **Roller Skating Rink**
- 11.11.17. **Sunday Skating**
- 11.11.18. **Exterior Vending Machines/Redbox Automated Retail, LLC**
- 11.11.19. **Limousine/Livery License/Chair Cars** *with Police approval*



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#### 12. MOTIONS AND ORDERS:

- 12.1. Order – Transfer \$35,000 from Vehicle Maintenance Salaries Account to the Vehicle Maintenance Electricity & Heat Accounts-Electricity \$15,000 and Heat \$20,000

*Motion by Councilor Barrett, second Councilor Rogers*

*PASSED*

*Yeas 8, Nays 0, Absent 1*

7-U

#### 13. ORDINANCES (FILE 10 DAYS)

#### 14. COMMUNICATIONS FROM COUNCILLORS:

- 14.1. Council President Jordan, Council Vice President Michitson, and Councilor Lewandowski request an update from the Mayor on meeting with Eliot last week regarding improving Community Behavioral Health Center services to Haverhill and update on increasing the City's investment in the NFI partnership.

Christine Lindberg, Chief of Staff, met with Eliot on May 1<sup>st</sup> in the Mayors office. Discussed possible property in Haverhill, serve over 24 communities in their Danvers location. They understand transportation is an issue, they dispatch to Haverhill when called but have to provide services in Danvers. MassHealth pays for services in Danvers, but private insurance does not cover and refer elsewhere.

Vice President Michitson asked what next steps would be for a facility in Haverhill. Ms. Lindberg stated they have a location in Ward Hill, but it is not adequate for staffing and they are not allowed to have staff at the emergency rooms. They could partner with other providers.

Councilors had questions and concerns about transportation, services, a possible facility in Haverhill, working with other providers, etc.

*Motion by Vice President Michitson to send a letter to the State Auditor and Delegation, second Councilor Barrett*

*PASSED*

*All in Favor*

8-U

Christine Lindberg gave an update from NFI. They requested additional funds for adequate staffing, which the Mayor agreed to.

#### 15. UNFINISHED BUSINESS OF PRECEDING MEETING:



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#### 16. RESOLUTIONS AND PROCLAMATIONS:

- 16.1. Proclamation – *Children’s Mental Health Week; Accept, Advocate, Act – Because Awareness is Not Enough* – May 7<sup>th</sup> to May 13<sup>th</sup>

Vice President Michitson read the Children’s Mental Health Week Proclamation into record.

*Motion by Vice President Michitson to adopt, second Councilor McGonagle*

PASSED

*All in Favor*

44-B

#### 17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

President Jordan reminder of Don Jarvis’ event, Disrupt the Stigma is Friday at 6 PM at Amvets.

#### 18. DOCUMENTS REFERRED TO COMMITTEE STUDY

#### 19. LONG TERM MATTERS STUDY LIST

#### 20. ADJOURN :

Motion by Councilor Sullivan, second Councilor Lewandowski

PASSED

*All in Favor*

Adjourned 21:47 PM