



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, July 11, 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, Rogers, and Toohey

Remote – Councilor McGonagle

City Clerk – Kaitlin M. Wright

#### 1. OPENING PRAYER

#### 2. PLEDGE OF ALLEGIANCE

President Jordan asked for a moment of silence in honor of long-time Haverhill resident and teacher, Peter Waldron.

#### 3. APPROVAL OF MINUTES OF PRIOR MEETING

*Motion by Council Vice President Michitson, second Councilor Barrett*

*PASSED Placed on File Yeas 9, Nays 0*

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

Councilor Lewandowski assigned the minutes.

#### 5. COMMUNICATIONS FROM THE MAYOR:

- 5.1. Mayor Fiorentini submits an Order to approve the City's Water & Conservation Department's MA EOEEA (Executive Office of Energy & Environmental Affairs) LAND grant application to purchase and protect watershed areas located near Crystal Lake on Crystal Street/Jericho Road

*Related communication from Robert Moore, Environmental Health Technician*

- 5.1.1. Order – Council supports and approves LAND (Local Acquisition for Natural Diversity) Grant Application

*Motion by Councilor Bevilacqua, second Councilor Barrett*

*PASSED Yeas 9, Nays 0*

70

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

- 6.1. President Jordan and Councillors Sullivan and Michitson request to introduce Melissa Rousselle to address a *Right to Charge* law in Haverhill

Vice President Michitson stated Ms. Rousselle emailed the Council about a month ago, believe it will take a home rule petition to do, thanked her for bringing this forward.

Melissa Rousselle, 2 Cross Road, thanked the Council for allowing her to speak about enacting a right to charge ordinance in Haverhill. Stated that similar ordinances have been passed in Boston, Cambridge, Florida and Oregon and read Boston's ordinance 1B. Hopeful Haverhill can join Boston and Cambridge and be a model for other cities and towns and begin preparing for our future.



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Councilor Sullivan commented that the new electric car law is coming, and condo and townhouses need to figure out fast. The procedure is to ask the city solicitor to draw up a home rule similar to Boston's, then it goes before the state legislator which can take anywhere from six months to a year.

Councilor Bevilacqua supports electric cars and asked if it is the responsibility of the tenant or condo owner asking for the charging station, to pay for the electricity? And ask that this be included in the proposal.

Ms. Rousselle stated that is the intent and her expectation.

Councilor Barrett also supports electric charging stations stating has also had on previous agendas, technology is there and can address a little over the next 10 years to make sure there are adequate charging stations throughout the city.

Councilor Rogers also supports home owners installing stations at their own expense.

Councilor Lewandowski stated is the way of the future. So many moving parts, not just the home rule petition but also as Councilor Bevilacqua suggested as part of the motion but just as a city will have to look at building codes, possibly changing so new construction will be EV ready, invest in service upgrades, etc. a lot of elements to address and not sure if motion should be made now to send to A&F or wait until we get the draft. Other departments in the city will have to fully vet this out as well.

Christine Lindberg addressed the Council stating the city applied for an EV grant, 1.2 million, for Plug's Pond, Locke Street & Winter Street parking lot, Mayor Fiorentini Rail Trail, and two sites at Riverside Park. Sent Councilor Sullivan map of where located at the library and relocating Goecke deck EV's to the city hall parking lot.

*Motion by Councilor Michitson to send to city solicitor to draw up home rule petition, then back to A&F for review, second Councilor Barrett*

**PASSED**

*Yeas 9, Nays 0*

**8-X**

6.2. Councillor Joseph Bevilacqua requests to introduce Bobby Brown of United Way of Mass Bay & Merrimack Valley to announce the Touch-A-Truck event on July 14 at the Haverhill DPW, located on 500 Primrose st

Councilor Bevilacqua introduced Bobby Brown to discuss the United Way upcoming event and donation of books.

Bobby Brown addressed the Council. Two weeks ago, had two consecutive food drives at Market Basket bringing in 12,000 pounds of food for five different food pantries. Seeking approval to hold a Touch-a-Truck and book drive event at the DPW on Primrose Street, Friday,



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July 13 3-7pm. The goal is to bring in book donations for the Haverhill YMCA summer program.

Councilor Barrett asked if the event could accommodate sensory sensitive kids?  
Bobby Brown stated the first hour will be light and siren free and appreciated the suggestion.

*Motion by Councilor Bevilacqua, second Councilor Barrett*

PASSED

*Yeas 9, Nays 0*

8-Y

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

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

8.1.1. Kaitlin Wright, *City Clerk* requests approval for early voting schedules for the tentative September 12<sup>th</sup> preliminary election and the November 7<sup>th</sup> general election

*Motion by Councilor Sullivan, second Councilor Toohey*

PASSED

*Yeas 9, Nays 0*

10-T

8.1.2. Christine Webb, *City Assessor* submits abatement report for June 2023

*Motion by Councilor Sullivan, second Councilor Barrett*

PASSED

*Yeas 9, Nays 0*

11-G

8.1.3. John Pettis, *City Engineer* requests approval for roadway utilities work to open 30 Marsh av and 150 Water st for a gas leak and a utility blockage

8.1.3.1. Order-to open 30 Marsh av & 150 Water st for work on underground utilities

*Motion by Councilor Barrett, second Councilor Rogers*

PASSED

*Yeas 9, Nays 0*

15-G

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

9.1. Document 58: Petition from Mass Electric Co d/b/a National Grid & Verizon New England requesting Joint Pole Location for Plan 30743544, Thorndike /Federal st

9.1.1. Document 58-B: Order grant Joint Pole location for Thorndike/Federal st

**President Jordan opened the hearing.**

David Boucher, 1101 Turnpike, North Andover, presenting on behalf of National Grid.

\*Mentioned to the Council he is a designer and engineer for EV stations and has installed several in Boxford area using Federal money and suggests the city may be able to use federal money.



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At Thorndike Street at Federal, we are asking for existing pole #5 to be relocated approximately 6 feet east of where it exists right now and putting bollards on the back side of it to protect the guidewire. The intersection of Federal has a guidewire that goes across the street into the backyard of 20 Thorndike property to a pole. It was put there years ago to support the line that goes down Federal, primary lines, so basically supporting it so it doesn't fall over on the ground. We have been asked to remove that pole and the guidewire that is going between two houses into the backyard. In order to do that, this is the plan we are asking the Council to approve. The pole itself is four feet off the pavement and the bollards and guidewire supporting it would be closer to the intersection a foot or so inside the curb. If the city sees fit, it will enable us to go forward.

Councilor Barrett states the plan providing it looks like that they are in the street. Are the anchors behind the bollards?

David Boucher stated it is the public way, there is no definition where the road is and the side of the road is. The grassy area is still considered the street public way and that is what you are looking at. It is not in the pavement where people would drive. The anchors would be behind the bollards and the bollards would be before the curbstone, everything in the grassy area.

**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? No one spoke.**

**President Jordan closed the hearing.**

*President Jordan: Motion by Councilor Sullivan, second Councilor Michitson*

Madam Clerk please call the roll.

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Bevilacqua-yes, Councilor Sullivan-yes, Councilor Lewandowski-yes, Councilor McGonagle-yes, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes, 9 Yeas, 0 Nays

**President Jordan: PASSED**

9.2. Document 59: Petition from Mass Electric Co d/b/a National Grid & Verizon New

England requesting Joint Pole Location for Plan 30631836, South Elm st & Railroad av

9.2.1. Document 59-B: Order grant Joint Pole location for South Elm st & Railroad av

**President Jordan opened the hearing.**

David Boucher presenting for National Grid. Description of work given has joint pole 5, it is actually joint pole 56-1 on document, if you want to make that correction. This pole to be removed by the telephone company. Asking for a new location of the existing pole 56-1 as shown on the drawing. Same drawing as last hearing but now asking for pole location not underground lines asked for two weeks ago. The new pole location is in accordance with the layout of the new property rebuild, #19 Railroad Avenue. This would serve as the underground riser pole that we would use at that new location we show in the drawing.



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**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? No one spoke.**

**President Jordan closed the hearing.**

*President Jordan: Motion by Councilor Sullivan, second Councilor Toohey*

*Madam Clerk please call the roll.*

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Bevilacqua-yes, Councilor Sullivan-yes, Councilor Lewandowski-yes, Councilor McGonagle-yes, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes, 9 Yeas, 0 Nays

**President Jordan: PASSED**

#### **10. HEARINGS AND RELATED ORDERS:**

10.1. Document 48:Hearing request – CCSP-23-3 Attorney Michael Migliori representing 7-13 Kenoza Ave., LLC; property currently zoned as Commercial Central (CC) requesting to build a 14-unit residential building at 3 Kenoza av combined with 7 Kenoza av; Map 204-48-1 and 204-48-2A *Comments from City Departments are included*

**President Jordan opened the special permit hearing.**

Michael Migliori representing the applicant 7-13 Kenoza Avenue, LLC. appeared before the Council. Also present are owners Christos Eliopoulos and John Tucci, Architect Matt Juros, and Project Engineer Tim Schaumburg. The project is a 14-unit residential building with studio and one-bedroom units, ample parking, and a small park. Also, will have one affordable unit. Project meets all requirements of a special permit.

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

Steven Costa and Devan Ferreira both spoke in favor of the project.

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

Krista Martineau spoke in opposition of the project.

**President Jordan closed the special permit hearing.**

Motion by Councilor Sullivan to approve with all department head conditions, second Councilor Rogers Councilors comments included contamination cleanup clarification, affordable unit, traffic impact, all agree 14-units is better suited for area, like aesthetics, etc. and made several conditions to approval.

President Jordan: Original motion by Councilor Sullivan, second Councilor Rogers with all department head conditions, the landscaping and upkeeping is responsibility of the developer, clean area now and maintain during process, dog waste station, and one affordable unit. Madam Clerk please call the roll.



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**President Jordan: PASSED with Conditions**

#### 11. APPOINTMENTS:

##### 11.1. Confirming Appointments:

##### 11.2. Non-Confirming:

##### 11.3. Resignations:

##### 11.4. PETITIONS:

- 11.4.1. Robert Christy submits landscape design for approval per conditions of the Special Permit granted November 9, 2021 for Gardens on Kenoza LLC, 125-129 Kenoza av/Seven Unit dwelling

Robert Christy appeared before the Council along with his attorney Gordan Glass to seek approval for the final landscape plan and since being close to occupancy wanted to clarify some of the special permit conditions in order to complete the project. Submitted the landscape design with 144 plantings, walkways to match existing decking, driveways will be paved and plantings for privacy.

Councilor Sullivan stated the plan is fine and the neighborhood association is fine with it. Need to clarify a situation for the future of the site. The special permit was for condominiums and to complete them as such and file the documents to make them seven condominium units. This is what needs to happen in order to get occupancy permits from Inspections.

Gordan Glass, Attorney, appeared before the Council stating the plan for the next few years was to rent the units to residential tenants and later sell as owner occupied condominiums. Respectively disagree that the declaration of condominium before occupancy permit issue but will work with Council and willing to declare as such.

Councilor Barrett, McGonagle and President Jordan all agree with Councilor Sullivan and this special permit was approved as seven condominiums' not rentals.

*Motion by Councilor Bevilacqua to ensure it is declared a condominium before any occupancy permits are issued and pending that approval of the landscaping design, second Councilor Rogers*

**PASSED**

*Yeas 9, Nays 0*

49-B



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11.4.2. Taylor Moylan, *Bergman & Associates Inc*, for *Fantini Bakery*, requests to withdraw their application to amend the zoning for Fantini Bakery's lot previously referred to Planning Board with Hearing scheduled for August 22<sup>nd</sup>

*Motion by Councilor Lewandowski, second Councilor Barrett*

*PASSED withdrawn*

*Yeas 9, Nays 0*

66

11.4.3. CCSP 23-4: Attorney Michael Migliori representing applicant TOPNOTCH HOMES LLC requests to build a 3-family residential building at 66 Riverdale av; Parcel ID 745-1-17 Lot 2 Hearing August 8 2023

*Motion by Councilor Sullivan, second Councilor Barrett*

*PASSED to be heard August 8<sup>th</sup>*

*Yeas 9, Nays 0*

73

11.4.4. CCSP 23-5: Attorney Michael Migliori representing applicant TOPNOTCH HOMES LLC requests to build a 3-family residential building at 66 Riverdale av; Parcel ID: 745-1-18 Lot 1 Hearing August 8 2023

*Motion by Councilor Barrett, second Councilor Sullivan*

*PASSED to be heard August 8<sup>th</sup>*

*Yeas 9, Nays 0*

74

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

11.6. **Amusement/Event Application** - *with Police approval*

11.6.1. Joseph LeBlanc for *Team Haverhill* requesting permission for *River Ruckus*, being held September 23<sup>rd</sup>, at 70 Washington st; 9 am to 9 pm and requests additional fees be waived

*Motion by Councilor Barrett and fees waived, second Councilor Toohey*

*PASSED*

*Yeas 9, Nays 0*

72

Joseph LeBlanc, 18 Hawthorne Street, thanked the Council for its support. Been running 10 years now with music, food, car show and fireworks, also asking for police/fire details as well.

11.7. **Auctioneer License:**

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

11.8.1. *Haverhill Youth Football*, August 19 & 20

*Motion by Councilor Bevilacqua, second Councilor Barrett*

*PASSED*

*Yeas 9, Nays 0*

3-L

11.9. **One Day Liquor License** – *with License Commission and Police approval*

11.9.1. Joseph LeBlanc for *Team Haverhill* requesting Beer & Wine license for *River Ruckus*; September 23<sup>rd</sup>, at Riverfront parking lot, Washington st; 9 am to 9 pm



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*Motion by Councilor Barrett, second Councilor Sullivan*

*PASSED*

*Yeas 9, Nays 0*

32-C

11.10. **Annual License Renewals:**

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

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

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

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

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

11.10.5.1. TLLB – 23-6 Michael Campbell, *Grace Limousine*, 7 Limos at  
25 Bond st

*Motion by Councilor Barrett, second Councilor Toohey*

*PASSED*

*Yeas 9, Nays 0*

71-A

11.10.5.2. TLLB-23-5 John Jalbert, *Jalbert Wilson Inc.*, 9 Limos, at 102  
Hale st

*Motion by Councilor Sullivan, second Councilor Barrett*

*PASSED*

*Yeas 9, Nays 0*

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

11.10.7. **Sunday Pool**

11.10.8. **Bowling**

11.10.9. **Sunday Bowling**

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

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

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

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

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

11.10.15. **Roller Skating Rink**

11.10.16. **Sunday Skating**

11.10.17. **Exterior Vending Machines/Redbox Automated Retail, LLC**

11.10.18. **Limousine/Livery License/Chair Cars** *with Police approval*

## 12. MOTIONS AND ORDERS:

- 12.1. Order – transfer \$1,631,650.00 be transferred from various general fund appropriations to fund FY 2023 operating expenses.





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Transfer to: (Budget Deficits)		Transfer from: (Budget Surplus)	
Workers Compensation	\$ 154,000.00	Salary Reserve	\$ 556,000.00
Liability Insurance	\$ 7,000.00	Debt Service	\$ 280,000.00
Building Maintenance Expenses	\$ 65,000.00	Building Maintenance Salaries	\$ 37,000.00
FICA	\$ 96,000.00	Highway Salaries	\$ 230,000.00
City Council Salaries	\$ 6,100.00	North Shore Essex Tech	\$ 247,000.00
Mayor Salaries	\$ 43,000.00	Retiree Medical Claims	\$ 100,000.00
Auditors Salaries	\$ 19,000.00	Health Insurance	\$ 181,650.00
Auditors Expenses	\$ 1,500.00		
311 Salaries	\$ 12,000.00		
Purchasing Salaries	\$ 1,000.00		
Vehicle Maintenance Salaries	\$ 10,500.00		
Park Department Salaries	\$ 30,000.00		
HR Salaries	\$ 24,000.00		
City Clerk Salaries	\$ 15,000.00		
Inspectional Services Salaries	\$ 71,000.00		
Economic Development Salaries	\$ 22,000.00		
Citizens Center Salaries	\$ 28,000.00		
Veterans Salaries	\$ 2,100.00		
Library Salaries	\$ 29,500.00		
Citizens Center Utilities	\$ 11,650.00		
Citizens Center Expenses	\$ 1,600.00		
Sick Leave Bank	\$ 50,000.00		
Snow & Ice Expenses	\$ 627,000.00		
Refuse	\$ 230,000.00		
MIS Expense	\$ 14,500.00		
Public Health Salaries	\$ 41,200.00		
Snow & Ice Salaries	\$ 4,000.00		
Legal Expenses	\$ 15,000.00		
	\$ 1,631,650.00		\$ 1,631,650.00

Motion by Councilor Sullivan, second Councilor Barrett

PASSED

Yeas 8, Nays 0, Abstain 1 (Bevilacqua)

95-K



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

13.1. Ordinance re: Vehicles & Traffic, New and Corrected stop signs for Middle rd at  
Millvale rd File 10 days

*Motion by Councilor Bevilacqua, second Councilor Rogers*

*PASSED Placed on File Yeas 9, Nays 0 15-G*

13.2. Ordinance re: Vehicles & Traffic, Add Handicap parking for Church st  
File 10 days

*Motion by Councilor Bevilacqua, second Councilor Rogers*

*PASSED Placed on File Yeas 9, Nays 0 15-F*

13.3. Ordinance re: Vehicles & Traffic, Add Handicap parking for 5 Fourth av & 36 Lawrence  
st File 10 days

*Motion by Councilor Barrett, second Councilor Toohey*

*PASSED Placed on File Yeas 9, Nays 0 15-E*

**14. COMMUNICATIONS FROM COUNCILLORS:**

**15. UNFINISHED BUSINESS OF PRECEEDING MEETING:**

15.1. Document 69: Ordinance re: Vehicles and Traffic, Add Stop sign for Boston rd at  
intersection of Oxford av *filed June 28<sup>th</sup>*

*Motion by Councilor Barrett, second Councilor Rogers*

*PASSED Yeas 9, Nays 0*

**16. RESOLUTIONS AND PROCLAMATIONS:**

**17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

Councilor Barrett announced A&F meeting on Inclusionary Zoning scheduled for July 12<sup>th</sup> at 6PM in the Council Chambers.

**18. DOCUMENTS REFERRED TO COMMITTEE STUDY**

**19. LONG TERM MATTERS STUDY LIST**

**20. ADJOURN :**

*Motion by Councilor Sullivan, second Councilor Lewandowski*

*PASSED Yeas 9, Nays 0*

Adjourned 21:19 PM

President Jordan announced Michael Davidowicz wanted to address the Council and not available in two weeks asking for someone to suspend the rules.

*Motion by Councilor Bevilacqua, second Councilor Rogers to suspend the rules*

*PASSED Yeas 9, Nays 0*

Cameron Davidowicz, 292 Willow Avenue, appeared before the Council. He plays with the New England Free Jacks Rugby Union Team, and they just won the National Championship in Chicago against San Diego. Proud to be here and proud to get recognition for Haverhill.