



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, February 14, 2023 at 7:00 PM

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

In-Person/Remote Meeting

Present – President Jordan, Councillors Barrett, Bevilacqua, Sullivan, Michitson, McGonagle, Rogers, and Toohey

Attending Remotely– Councillor Lewandowski

City Clerk – Kaitlin Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Council Vice President Michitson to approve January 31, 2023 minutes, second Councillor Barrett

PASSED Placed on File Yeas 9, Nays 0

Motion by Councillor Lewandowski to approve February 7, 2023 minutes, second Councillor Barrett

PASSED Placed on File Yeas 9, Nays 0

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councillor McGonagle assigned minutes.

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Fiorentini submits two Orders for funds to support a Cannabis Prevention & Intervention Program and an Opioid Abuse Prevention & Treatment Program to be operated by NFI Massachusetts, Inc. and NFI requests to attend this Council meeting to provide a presentation of the proposed programs 9-D

5.1.1. Order-Fund NFI, Massachusetts Inc. in the amount of \$224,750 from the Opioid Settlement Fund for an Opioid Abuse and Prevention and Treatment Program

Motion by Councillor Bevilacqua, second Councillor Sullivan

PASSED Yeas 9, Nays 0 7-I

5.1.2. Order-Fund the NFI, Massachusetts Inc. contract agreement in the amount of \$326,393 from the Cannabis Impact Escrow Fund

Motion by Councillor Barrett, second Councillor Michitson

PASSED Yeas 9, Nays 0 7-J

Christine Lindberg, Chief of Staff, introduced Kim Boisselle from NFI who will be giving a presentation on the two programs proposing from the OPI and Cannabis funds.

Kim Boisselle, NFI, gave a background on NFI and presentation on the two proposed programs for Opioid Abuse Prevention and Treatment and Cannabis Impact Prevention and Treatment (see complete presentation for overview).



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Councillor Barrett stated was part of the Hope Task Force and funding was never there. Asked if Coordinator would work also with Drug Free Grant which is a funding source for continuation. Asked if youth risk survey would be useful; is program exclusive to Haverhill residents specifically the adults needing assistance.

Ms. Boisselle stated Coordinator would work with grant writer that was hired by Mayor. Would like to work with schools and program mostly would be for Haverhill residents but wouldn't turn anyone away.

Councillor Sullivan asked if it is a one-year contract or multiyear, would like to know.

Ms. Boisselle stated she did not know but would like a multiyear contract the paperwork has not been signed yet.

Council Vice President Michitson asked about the Drug Free Community grant status for obtaining a full-time coordinator to oversee the entire area? Asked that Chief of Staff check on the reimbursement to school for YMCA and recovery high school.

Mary Connolly stated you need HOPE Task in order to go for Drug Free grant so part-time coordinator for HOPE Task would be tasked for both; need one year of notes from meetings before applying for Drug Free.

Councillor Bevilacqua stated how important it is to be critically involved with our school systems. Thinking of the fact that the City Council approved five marijuana shops in the city. Point of Order by Councillor McGonagle who stated the citizens voted to have them in the city limits and the City Council did what the citizens voted for them to do and what the state mandated them to do to create these zones.

Councillor Bevilacqua said one of the issues is how critically important the schools will be but wonders if should begin earlier than age of 12. Thanked for the presentation.

Councillor McGonagle feels there is not enough money and afraid a one-year program with nothing tied on the other end leads to uncertainty.

Councillor Lewandowski agrees wish there was more money. This is exact type of organization and model needed for the community. All home-based services which will impact families.

Vice President Michitson wanted an update on funding that is left from the Mayor's office and planning for the future since this is only a one-year contract. Would like the Council to receive an update on long term.

Councillor Rogers also agrees the money should be more, hard for someone to commit without certainty.

Motion by Councillor Bevilacqua, second Councillor Toohey



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Councillor Toohey stated data is critical and proposal says, “outcomes will be negotiated with the city of Haverhill”, has this been done or has it already been negotiated?

Ms. Boisselle stated some of the outcomes are in the proposal that will be using, can change if people want something different.

President Jordan very happy moving forward on this. Do share concerns of other Councillors including salary for coordinator of \$60K and is it the going rate?

Ms. Boisselle stated it will be difficult to find someone at that salary.

President Jordan asked the Chief of Staff to include with Vice President Michitson’s request to work with the Mayor to identify different revenue sources, the impact money, and local option tax.

Christine Lindberg stated the funding sources are extremely fluid and do not have a set revenue stream. Recently notified by the State that there are additional settlements, but do not know what. The initial prospect of this was seed money to get this off the ground, to see what we could do with the money that we have; understand what the implications are, what we can do, what the costs will be so we can then move forward with the program. If it is not sustainable by cannabis impact fee or opioid settlement fees, then if it’s a priority by the public see as to whether or not funding through operating budget. Looking at all options. Hard to commit funds when we don’t know what they are going to be.

President Jordan said the local option tax doesn’t show any indication of dropping off.

Christine Lindberg agreed, and money goes right to the general fund then would have to be appropriated out of general fund into the operating fund and reallocate.

President Jordan understands and that is why several Councillors wanted funds not to go into general operating fund but to a specific account. Also stated having a debt exclusion will have funds so as not to have an either-or situation.

Councillor Rogers asked if money not used what happens?

President Jordan stated it goes to free cash.

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

6.1.Councillor Barrett requests to introduce Director of Safe Harbor and Loft Program, Joanna Lucas to discuss youth homelessness and the issues facing young adults aging out of DCF

Councillor Barrett explained Ms. Lucas was unable to attend this evening’s meeting and would like to table to a date to be determined.

Motion by Council Barrett to table, second Councillor Bevilacqua

PASSED Tabled

Yeas 9, Nays 0

19-F

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28



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8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

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

10. HEARINGS AND RELATED ORDERS:

10.1. Document 110/2022; Attorney Paul Magliocchetti requests Eagle av (F.K.A.) Edward st and a portion of Willow st be DISCONTINUED as a Public Way *continued from February 7 2023*

10.1.1. Document 110-B/2022 #95788; Order – Eagle av (F.K.A) Edward Street & a portion of Willow st be Discontinued as a Public Way
Favorable recommendation from Planning Board & Director

President Jordan reopened the hearing from last week.

Attorney Paul Magliocchetti appeared before the Council. Thanked the Council for patience explaining wanted to go through the proper boards and to make sure all the neighbors had proper notice. Zoning and Planning Boards approved the plan last week. The final phase is to have the Council declare that the roads are formally discontinued. TJ Melvin of Millennium Engineering drafted the plan and is present to answer any questions.

TJ Melvin, Millennium Engineering, stated went through process of obtaining the variance and frontage waiver for property. Essentially it will allow to make the lot buildable by utilizing both of the two rights-of-way. Preliminary discussed the project with City Departments over nine months. Part of the project will include drainage at the corner of Hannah and Willow. The water flows through the property to the rear wetland and will work with engineering department to resolve any issues.

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.

Motion by Councillor Sullivan to move for passage with discussion and with all conditions of all city departments, second Councillor Toohey

Councillor Barrett asked Attorney Magliocchetti if they were amendable to the drainage easement needed by the city.

Attorney Magliocchetti stated they would comply with whatever the city is requiring them to do.

Councillor Barrett confirmed the plan saying “discontinuance” is the correct plan and if the spilt was even as previously discussed.



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Attorney Magliocchetti stated the “discontinuance” plan is correct one and the split is even right down the middle of the road which made the neighbors happy.

Councillor Sullivan thanked Attorney Magliocchetti for his presentation and patience working through this with the neighbors which was key for his support.

Councillor Bevilacqua stated key was to assure the neighbors were amendable to the proposal and that it didn’t impact them adversely. Since this is split evenly right down the middle with each abutter having an equal share of the discontinued right-of-way, I will be supporting.

President Jordan agreed and glad it worked out. Seems to be a fair split and the neighbors are amendable to it with no one here in opposition.

President Jordan: Motion to approve by Councillor Sullivan, second Councillor Toohey. Madam Clerk please call the roll.

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

President Jordan: PASSED with conditions of all city departments.

11. APPOINTMENTS:

11.1. **Confirming Appointments:**

11.2. **Non-Confirming:**

11.2.1. *Youth Activities & Mental Health Program Review Committee, Shelby Mundy, 150 Gale av*

Motion by Councillor Bevilacqua, second Councillor Barrett

PASSED Placed on File

Yeas 9, Nays 0

1-E

11.3. **Resignations**

12. PETITIONS:

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

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

12.3. **Auctioneer License:**

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

12.5. **One Day Liquor License:**

12.6. **Annual License Renewals:**

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

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

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



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- 12.6.4. **Taxi Driver Licenses for 2022:** *with Police approval*
- 12.6.5. **Taxi/Limousine License** *with Police approval:*
- 12.6.6. **Junk Dealer License** *with Police approval*
- 12.6.7. **Pool Tables**
- 12.6.8. **Sunday Pool**
- 12.6.9. **Bowling**
- 12.6.10. **Sunday Bowling**
- 12.6.11. **Buy & Sell Second Hand Articles** *with Police approval*
- 12.6.12. **Buy & Sell Second Hand Clothing**
- 12.6.13. **Pawnbroker license**
- 12.6.14. **Fortune Teller** - *with Police approval*
- 12.6.15. **Buy & Sell Old Gold**
- 12.6.16. **Roller Skating Rink**
- 12.6.17. **Sunday Skating**
- 12.6.18. **Exterior Vending Machines/Redbox Automated Retail, LLC**
- 12.6.19. **Limousine/Livery License/Chair Cars** *with Police approval*

**Councillor Bevilacqua and Councillor McGonagle abstaining from Item 13.1 and 13.2 and left the chambers.

13. MOTIONS AND ORDERS:

- 13.1. Order – Removal of certain Merrimack Street parcels– authorize Mayor execute an Amended Complaint for Voluntary Withdrawal under G.L. Chapter 185, Section 52 (Docket #22-SBQ-24116-11-001) as attached and incorporated herein, as well as all other documents necessary to withdraw the parcels of real property included therein from registration with the Commonwealth’s Land Court
Related communication from William Cox, Jr., City Solicitor

Motion by Councillor Sullivan, second Councillor Barrett

PASSED *Yeas 7, Nays 0, Abstain 2 (Bevilacqua, McGonagle)* 25

- 13.2. Order – Removal of certain Merrimack Street parcels– authorize Mayor execute an Amended Complaint for Voluntary Withdrawal under G.L. Chapter 185, Section 52 (Docket #22-SBQ-8617-001) as attached and incorporated herein, as well as all other documents necessary to withdraw the parcels of real property included therein from registration with the Commonwealth’s Land Court

Motion by Councillor Sullivan, second Councillor Rogers

PASSED *Yeas 7, Nays 0, Abstain 2 (Bevilacqua, McGonagle)* 26

Solicitor Cox requested both orders be read so he can discuss them at the same time. The vote, however, will be taken separately.



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Solicitor Cox stated he has two orders before Council seeking to take two parcels that are located within the downtown area, which the Council previously voted to sell to the Lupoli Company, take them out of land registration and they would become ordinary recorded lots. Reason being, it is a very large parcel and the owners would like one parcel of land recorded in the same place where they can one plan and one deed. It is more of a matter of convenience, there is no issue with these lots in terms of title. The Title examiner has reviewed and certified that the City holds good title with regards to those particular lots.

- 13.3. Order of Taking – Brandy Brow Road, D & D Realty Trust; 14 parcels of land for water supply protection purposes

Related communication from William Cox Jr., City Solicitor

Solicitor Cox stated with last week's Council approval of the bond to create the funding source for the purchase of these parcels, before you tonight is the order for the purchase of 36.8 acres on Brandy Brow Road, 14 parcels for water protection purchases. The appraisal and evaluation of the land development cost is included in your package. This is a friendly taking which means we have been in discussion with the property owner. Mass General Law and City Charter prohibits us from purchasing a property that exceeds 125% of assessed value in last three years. It is more important to protect water resource areas and that is why we pursued this way.

Motion by Councillor Michitson, second Councillor Barrett

PASSED

Yeas 9, Nays 0

27

14. ORDINANCES (FILE 10 DAYS)

15. COMMUNICATIONS FROM COUNCILLORS:

- 15.1. Council President Jordan and Councillor Lewandowski seek a Council vote on a proposed rule change; under "Regular Meetings Rule 2" Eliminate the following sentence from Rule 2: "Additionally, in any year that the Mayor should choose to deliver his/her State of the City address on a Tuesday night at 7:00 P.M., the City Council meeting scheduled for that week shall be appropriately cancelled in advance"

President Jordan stated he did some research when this rule change went into effect. Concern with this rule is that it is poorly worded and effectively, based on what a previous Council voted in, allows the mayor, whoever he or she may be, to effectively unilaterally cancel a City Council meeting so the State of the City address can be given. We received recent communication from the Mayor asking to give his State of the City on a Tuesday at 7 PM. I offered two alternative dates that we don't have Council



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meetings, he has elected not to go with those dates. Today's communication states he will be doing his speech on March 21, 2023 at 7 PM.

Spoke with Solicitor Cox today and the way the rule I worded, effectively Mayor can cancel a Council meeting. My request is to eliminate that one line.

Motion by Councillor McGonagle, second Councillor Lewandowski

Councillor Bevilacqua feels the way it should be done is to have the Mayor speak first then have the regular meeting. The appropriate action would be to send to A&F for recommendations that then would proceed from there.

Councillor Sullivan has similar thoughts on protocol and traditions and like the idea of the Mayor giving speech in front of the Council, it shows unity and respect. See no reason why the Mayor can come and have his speech at 6 pm and Council meeting at 7 which would be a reasonable compromise. Also do not have a problem with him having it at 7 and meeting after. It is a curiosity to let him give his address in front of us and the people while we are here.

Councillor Barrett remembers why the rule was added, remember that evening at Hunking School sitting in fifth grader chairs, bad lighting, and a long meeting. Similarly to Councillor Sullivan, I am fine with sitting in presence of the Council unless we have a production problem and need the day for a heavy duty special permit influx and not fair to those who come before us to wait. I am not eager to change the rule.

Councillor McGonagle looks at it that the Mayor had two other options and decided he didn't want those. There is no reason why the Mayor cannot choose another night that is not a Council night. Council will still attend it; it is a choice. Don't have problem giving power back to the President of the Council.

Councillor Lewandowski stated there are options and that will be vetted out at A&F. Removing the sentence really comes down to a matter of civility and cooperation and avoiding disruption to the regular course of business. Eliminating the sentence along with getting options from A&F will foster more cooperation between the Council and Mayor.

Councillor Barrett stated if doesn't pass she will make a motion to send to A&F, second Councillor Sullivan

President Jordan confirmed there is a motion on the table at this time.

Council Vice President states consequently should vote yes on motion and has not heard one city Councillor say they want to continue with this language going forward.

Councillor Sullivan reiterated that he came up with a compromise that the Mayor could speak on March 21 at 6:00 PM and we could have our meeting at 7:00 PM. That would be a way to compromise on this issue and show civility.



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Christine Lindberg listened to the arguments you've been making, and I understand your concerns. The concern I wanted to address is that this is the Mayor's final State of the City address. He has been the longest serving Mayor. He wants to be able to convey that in a final goodbye to the Council and the taxpayers in the Council chambers. I would request if you were going to change the rule, that you do so next year.

President Jordan stated based on his conversation with Solicitor Cox if the line was eliminated, it would be going forward, does not change anything now. Solicitor Cox stated he cannot be completely clear on it. As worded now, it is the rule. It is up to the President and Mayor to work out schedule conflict.

Motion by Councillor McGonagle, second Councillor Lewandowski to eliminate one line from Rule 2

PASSED

Yeas 5, Nays 4 (Barrett, Bevilacqua, Sullivan, Toohey)

8-H

15.2. Councillor Bevilacqua requests to discuss concern of a visually impaired citizen requesting more automated street crossing signals around the City

Councillor Bevilacqua received some communication from visually impaired citizen requesting the City develop a better system for crossing and that there be more automated and accessible street crossing around the city. In addition they ask that the crosswalks be better protected by red lights as the cars are not yielding to pedestrians. *Move that this be sent to DPW, City Engineer and appropriate departments to implement.*

Councillor Sullivan agrees this is a recurring theme, talking about it more often. There are a lot of dangerous sidewalks, pedestrian crossings on major roads in the city. We need to take a better look at this and come up with a better more comprehensive plan to take care of this problem all over the city.

Christine Lindberg stated the city applied for and received a planning grant through the MVPC and there is the Safe Streets For All Federal grant also working on. Now working on implementation of grant. We are cataloging all intersections, sidewalks, street lights, etc. to make sure when we apply for these grants, we are incorporating all of those needs into those grant applications.

Motion by Councillor Bevilacqua, second Councillor Michitson

PASSED

Yeas 9, Nays 0

8-I

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

17. RESOLUTIONS AND PROCLAMATIONS:



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18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

Councillor Sullivan announced the Natural Resources and Public Property Committee will convene Tuesday, February 21, 2023 at 6:00 PM to discuss the ongoing dog waste problems throughout downtown in the Chambers.

19. DOCUMENTS REFERRED TO COMMITTEE STUDY

20. LONG TERM MATTERS STUDY LIST

21. ADJOURN :

Motion by Councillor Sullivan, second Councillor Barrett

PASSED

Yeas 9, Nays 0

Adjourned 20:31