



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, September 26, 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, McGonagle, Rogers, and Toohey

Remote – Councilor Lewandowski

City Council Administrative Assistant – Laurie A. Brown

City Clerk – Kaitlin M. Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councilor Sullivan to approve, second Councilor Bevilacqua

PASSED *Yeas 9, Nays 0*

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councilor Michitson assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Fiorentini announces that the housing lottery for 44 affordable housing units for adults 62 and over at Merrimack Place, part of Merrivista Senior Living complex, is now open and will remain open through March 1 2024. Applications will be available at the Community Development office as well as on the City's website.

Andrew Herlihy, on behalf of the Mayor's office, announced the lottery is open for the affordable housing units until March 1, 2024. There are 48 units of subsidized housing available. All are welcome to apply. Information can be found on the city website. 9-T

5.2. Mayor Fiorentini submits Order regarding the Ernest DiBurro Pickleball/Tennis Facility Use Agreement *related communication from William Cox, City Solicitor* 9-U

5.2.1. Order authorize Mayor to enter into and execute the 'ERNEST DIBURRO PICKLEBALL/TENNIS FACILITY USE AGREEMENT' on behalf of the City with the Haverhill School Committee for construction of facility at 137 Monument School, also known as Haverhill High School – approved at School Committee meeting on August 24th

Kathleen Lambert, on behalf of the Mayor's office, was available for questions.

Motion by Councilor Bevilacqua, second Councilor Sullivan

PASSED *Yeas 9, Nays 0* 9-UU

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

6.1. Council President Jordan to introduce Herb Berg of the *Haverhill Education Foundation* seeking approval of a bingo night fundraiser to be held on Friday, October 20, 2023 from 6-10 PM at the Amvets, 576 Primrose st



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Herb Bergh, HEF, appeared before the Council announcing the Bingo night fundraiser and asking for event permit approval. To be held October 20th from 6-10 PM. Can go to website for further information at www.haverhillegducationfoundation.org.

Motion by Councilor Barrett, second Council Toohey

PASSED

Yeas 9, Nays 0

83-C

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

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 79; Attorney Robert Harb, for applicant Jared Fish, Trustee of Eight Vine st Realty Trust, requests Special Permit, CCSP 23-6, for property at 8 Vine st, Assessor's Map 108-15-12, to build a new three story, six- unit, multifamily dwelling *Comments from City Depts are included Continued from September 19th*

President Jordan opened the special permit hearing.

Attorney Robert Harb, offices located at 40 Kenoza Avenue, thanked the Council for a week's continuance so could speak to the entire Council. With him tonight is Jared Fish, the trustee of 8 Vine Street Realty Trust and Architect, Mark Carlson. The petition is for a special permit for a multifamily, six one-bedroom units. For the record, we meet the requirements for Chapter 255 Section 10.4.2. The structure does not cause any detriment to the neighborhood. Community need for additional housing is served. Traffic and pedestrian flow have been accounted for with the driveways. Adequate utilities with city water and sewer. The neighborhood character and social structures have been addressed and many multifamily dwellings are in the neighborhood. There will be no impact on the environment. It will increase the tax base and have no adverse impact on City, we are basically replacing a multifamily that was there since the 1800's with a brand-new structure and multifamily.

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 special permit hearing.

President Jordan: Motion by Councilor Barrett to add condition of snow removal plan that keeps all six parking spaces open throughout the entire winter, second Councilor Sullivan

President Jordan: Madam Clerk please call the roll on the condition.

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Bevilacqua-yes, Councilor Sullivan-yes, Councilor Lewandowski-absent, Councilor McGonagle-yes, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes, 8 Yeas, 0 Nays, 1 Absent

President Jordan: Condition PASSED



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President Jordan: Motion by Councilor McGonagle to approve, Second Councilor Rogers

President Jordan: Madam Clerk please call the roll.

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

President Jordan: PASSED with Conditions.

10.2. Document 81: Attorney Michael Migliori for applicant JGG Investments LLC request Special Permit CCSP 23-8 to build 6 condos for residential housing at 94 Gile st in the RM zone *Comments from City Depts are included*

President Jordan opened the special permit hearing.

Attorney Michael Migliori with offices at 280 Merrimack Street, Methuen representing JCG Investments, LLC. requesting a special permit for a flexible to construct two three-family homes. The homes will be owner occupied condominiums. The flexible development will allow preservation of 2.32 acres for open space. All requirements under Chapter 255 have been met.

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

David Arsenault spoke in favor stating he likes the design for open space.

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

Those speaking in opposition were Lynn Arsenault, Peter Kelly, Bob Fletcher, and Mark Fairbrother. Concerns were drainage, icing, water pressure, sidewalks, and the design does not fit in the single-family home neighborhood.

President Jordan closed the special permit hearing.

Councilor's concerns were drainage, water pressure, fitting into the character of the existing neighborhood.

President Jordan: We will start with the conditions. The first condition proposed by Councilor Barrett, second by Councilor Lewandowski to confirm that the water pressure will not be adversely affected if so, a pump station will be required.

President Jordan: 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



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President Jordan: That condition is added.

President Jordan: The second condition proposed by Councilor Barrett, second by Councilor Sullivan was to require the sidewalk connected to Solitaire Drive and continued on in front of these two additional properties.

President Jordan: 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: That condition is added.

President Jordan: The third condition proposed by Councilor Barrett, second by Councilor Sullivan was the removal of the two trees as stated.

President Jordan: 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: That condition is added.

President Jordan: The other issue that was discussed but not motioned was the existing icing issue on Gile Street be considered but assume that is going to happen during the next planning stage.

President Jordan: Motion to approve the project made by Councilor McGonagle, second Councilor Sullivan with the conditions.

President Jordan: Madam Clerk please call the roll.

City Clerk Wright: Vice President Michitson-no, Councilor Barrett-no, Councilor Bevilacqua-no, Councilor Sullivan-no, Councilor Lewandowski-no, Councilor McGonagle-no, Councilor Rogers-no, Councilor Toohey-no, President Jordan-no, 0 Yeas, 9 Nays

President Jordan: FAILED

11. APPOINTMENTS:

11.1. **Confirming Appointments:**

11.2. **Non-Confirming:**

11.3. **Resignations**

11.4. **PETITIONS**

11.4.1.1. CCSP 23-12; Hearing for Special Permit from Gordon Glass for Richard Early to allow the demolition of a single-story defunct commercial



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structure – formerly a hair salon – and replacement of the same with a two-story, three-family residential structure at 462 Washington st

Hearing Oct 24, 2023

Motion by Councilor Sullivan, second Councilor Michitson

PASSED to be heard October 24 Yeas 8, Nays 0, Absent 1 (Lewandowski) 90

11.5. Applications Handicap Parking Sign: with Police approval

11.6. Amusement/Event Application - with Police approval

11.6.1. **EVNT 23-29, James Carbone/Whittier Birthplace for Big Dog Show, Public Art Exhibit of Dale Roger's Sculptures at Bradford Common, Saturday, October 28th, 9 am to 4 pm and requests any additional fees be waived**

James Carbone appeared before the Council announcing the Big Dog Show and asking for approval of the event and waiver of all fees.

Motion by Councilor Bevilacqua, second Councilor Toohey

PASSED fees waived Yeas 9, Nays 0 29-Z

11.7. Auctioneer License:

11.8. Tag Days: with Police approval

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

11.10. Annual License Renewals:

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

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

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

11.10.4. Charles Hibbert for 297 Lincoln av, Nov 24th to Dec 24th; Monday-Sunday, 9 am to 9 pm

Clerk Wright stated this was voted on last week and asked just to be placed on file.

Motion by Councilor Bevilacqua, second Councilor Toohey

Placed on File All in Favor

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

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

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

11.10.8. **Sunday Pool**

11.10.9. **Bowling**

11.10.10. **Sunday Bowling**

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

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

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

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



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- 11.10.15. **Buy & Sell Old Gold – with Police approval**
- 11.10.16. **Roller Skating Rink**
- 11.10.17. **Sunday Skating**
- 11.10.18. **Exterior Vending Machines/Redbox Automated Retail, LLC**
- 11.10.19. **Limousine/Livery License/Chair Cars with Police approval**

12. MOTIONS AND ORDERS:

12.1. Order – pay bills and authorize payment from current year departmental appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Reimbursement-E Tarp	103.49	Fire Dept
Comm of MA Dept Fire Serv	100.00	Police Dept
Northeast Computer Serv	3, 310.00	Police Dept

Motion by Councilor Barrett, second Councilor Sullivan

PASSED Yeas 8, Nays 0, Absent 1(Lewandowski) 23-G

13. ORDINANCES (FILE 10 DAYS)

14. COMMUNICATIONS FROM COUNCILLORS:

14.1. Councilor Bevilacqua requests a discussion regarding a proposal to recognize deceased members of the *Haverhill City Council*

*Motion by Councilor Bevilacqua to postpone to October 3rd, second Councilor McGonagle
PASSED All in Favor 75-F*

14.2. Councilor Sullivan and Council Vice President Michitson request the Mayor and Water/Sewer Dept update the Council on the status of plans and the timeline to address existing drainage issues causing property damage to homeowners and businesses as well as plans to proactively prevent future drainage issues

Robert Ward, DPW Director, addressed the Council giving updates on management, maintenance and repairs of storm drain system, streets, culverts, Peabody Brook, combined sewer project, etc. Also looking into BRIC grant funding with Chief Piston. Chief Pistone addressed the Council announcing even though NEMA/FEMA denied Haverhill funding, the SBA has programs for those effected in Haverhill both businesses and home owners. All encouraged to apply. Currently working on a five-year plan. He also recommended come budget time to look into building city’s arsenal for emergency planning.

*Motion by Councilor Lewandowski to refer to Natural Resources committee for long-range planning, second Councilor Sullivan
PASSED Yeas 9, Nays 0 75-G*



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14.3. Council President Jordan, Council Vice President Michitson, and Councillor Lewandowski request an update from the Mayor on Eliot Services for Haverhill, and the hiring of the NFI Director, and restarting of the *Opioid Task Force*
Motion by Councilor Michitson to postpone to October 3rd, second Councilor McGonagle
PASSED **All in Favor** **75-H**

15. UNFINISHED BUISINESS OF PRECEEDING MEETING:

15.1.1. Document 78-E; Attorney Thomas Fallon, Assistant City Solicitor, submits a proposed amendment to Zoning; 8.3 entitled **INCLUSIONARY ZONING** *continued from 9/19/2023*

15.1.1.1. Document 78-F; Ordinance re: Inclusionary Zoning
continued from 9/19/2023

15.1.1.2. Document 78-FF; Ordinance re: Inclusionary Zoning Chapter 255,8.3
continued from 9/19/2023

Mayor James Fiorentini appeared before the Council stating have been studying this issue for many months and hung up only on one thing, what is the buyout number. He is suggesting it doesn't matter that much but what does matter is to pass the inclusionary zoning ordinance. Any number between \$35K and \$50K is acceptable.

Councilor Michitson stated item that needs to be addressed in the version of the ordinance provided, for payment-in-lieu of provision of affordable units, right now says rental for discussion at \$20-50K, and ownership at \$50K.

Motion by Councilor Michitson to amend the rental to \$50K, second Councilor McGonagle
FAILED *Yeas 5, Nays 3 (Bevilacqua, Rogers, Toohey), Absent 1 (Lewandowski)*

*Motion by Councilor Toohey to amend Section 8.3.4, item 2 (d.)(i.) Timing of Payment, from "prior to issuance of the **building permit**" to "prior of issuance of the **occupancy permit**", second Councilor McGonagle*

PASSED *Yeas 7, Nays 1 (Michitson), Absent 1 (Lewandowski)*

Motion by Councilor Toohey to reconsider, second Councilor Rogers
PASSED *Yeas 7, Nays 1 (Bevilacqua), Absent 1 (Lewandowski)*

Motion by Councilor Barrett for \$35K rental and \$50K ownership, second Councilor Toohey
PASSED *Yeas 6, Nays 2 (Bevilacqua, Jordan), Absent 1 (Lewandowski)*

Motion by Councilor Barrett to pass Inclusionary Zoning Ordinance as amended, second Councilor Toohey

PASSED *Yeas 6, Nays 2 (Bevilacqua, Jordan), Absent 1 (Lewandowski)*



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16. RESOLUTIONS AND PROCLAMATIONS:

16.1. Proclamation – September 15-October 15, 2023 as *National Hispanic Heritage Month*

Councilor Michitson read the Proclamation into the record.

Motion by Councilor Michitson for adoption, second Councilor Bevilacqua

PASSED

All in Favor

44-C

17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

Councilor Barrett announced on Wednesday, October 4th from 6-8PM there will be a Housing Production Plan regional feedback meeting will be remote. Information will be provided on the website.

18. DOCUMENTS REFERRED TO COMMITTEE STUDY

19. LONG TERM MATTERS STUDY LIST

20. ADJOURN :

Motion by Councilor Sullivan, second Councilor Rogers

PASSED

All in Favor

Adjourned 21:34 PM