



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

This meeting of Haverhill City Council will be held in person at the location provided on this notice as its official meeting location pursuant to the Open Meeting Law. As the meeting is held in person at a physical location that is open and accessible to the public, the City Council is not required to provide remote access to the meeting. Members of the public are welcome to attend this in-person meeting. Please note that a live stream of the meeting is being provided only as a courtesy to the public, and the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. Those attending tonight's meeting should be aware that the meeting is being audio and video recorded by HCTV, The Eagle Tribune, and WHAV. Any audience members who wish to record any part of the meeting must inform the Council President who will announce the recording. This is to comply with the MA wiretap statute. Thank you.

Present: President Sullivan, Councilors Basiliere, Hobbs Everett (online), Michitson, Ferreira, Jordan, Toohey, McGonagle, LePage, and Rogers
Absent: Councilor Lewandowski
City Clerk: Kaitlin M. Wright

- 1. Opening Prayer**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes of prior meeting:**
Motion by Councilor Ferreira to accept and place on file the minutes of September 10, 2024, seconded by Vice President Jordan.
PASSED All in Favor
- 4. Assignment of the Minutes Review for the Next Meeting:**
Vice President Jordan assigned the minutes.
- 5. Communications from the Mayor:**
 - 5.1 Mayor Barrett submits Order to accept Grant of Easement – 256 Concord Street – John Greenleaf Whittier Middle School *related communication from Stephen Dorrance, Director of Facilities, Haverhill Public Schools* 91
 - 5.1.1 Order- Grant of Easement on 256 Concord Street to access lines and equipment to be placed at John Greenleaf Whittier Middle School 76B



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

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

- 5.2 Mayor Barrett submits Order to accept Rules and Regulations for Special Permits when City Council sits as a special permit granting authority *related communication from Lisa Mead, City Solicitor* 91B
5.2.1. Order – Accept Rules and Regulations for Special Permit as presented 92

Motion by Councilor McGonagle and a Second by Councilor Rogers.

Mayor Barrett stated these rules and regulations for special permit came out of subcommittee training that City Solicitor Lisa Mead conducted a few weeks ago. She suggested that we use this template for special permit processing. The gist of this the Council may have a little more power than they might have always been led to believe as far as special permits and what they can and can't ask for. This clears it up for the applicants also they will know what the city is expecting.

Councilor Michitson asked page 4 paragraph F it says such conditions will be imposed in writing, in other words, the City Council can add other restrictions or conditions. Is this meant to be something the City Council does before the actual hearing or during the hearing like it normally is.

City Solicitor Lisa Mead stated its during the hearing.

Councilor Michitson asked paragraph G if such comments are not received by the hearing date the SPGA (City Council) shall act on the application in the normal manner.

City Solicitor Mead stated you are going to ask for comments from the various departments, you can't stop your hearing process just because you haven't received those comments.

Councilor Michitson asked we have tried to give developers an opportunity to come up with a development plan for a special permit with the Mayor. That's not in here, is it meant to be a separate activity.

City Solicitor Mead stated it is it wouldn't be appropriate for every application.

Councilor Michitson stated I do have a few editorial comments.

Councilor Ferreira asked on page 4 where are the conditions recorded for us in the future to go back and review.

City Solicitor Mead stated the conditions are part of the decision itself, which then gets recorded at the Registry of Deeds and would be part of how they receive their building permit.

Councilor Ferreira asked I could look at previous permits and see the conditions.

City Solicitor Mead stated it would be part of those permit documents.

Councilor Ferreira asked page 3 section E4 that the requested, etc. use will be in conformity with the goals and policies of the master plan. My understanding of the master plan was not a binding masterplan that held the city to anything.



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

City Solicitor Mead stated this is included because this is the specific language out of your special permit criteria in the ordinance. You would have to change your ordinance to remove that. The master plan is a planning document it is not a requirement.

Councilor Basiliere stated I have had a number of conversations with people calling me, some people see this as an anti-development document and some people see it as I do as a template by which the council can do what's best for the individual neighborhoods. Am I correct?

City Solicitor Mead stated its more neutral than that. It's a document that informs an applicant what they are required to do in order to submit an application that is already in your ordinance. They should have been doing this all along. If they were to go before the Planning Board or Board of Appeals, they would have rules and regulations on how to submit an application. Basically, all this is how to submit an application based on your rules and regulations, so everybody is treated the same.

Councilor Basiliere stated basically this is a legal version of housekeeping.

City Solicitor Mead stated that is exactly right.

Councilor Toohey asked Section E, I know you said it is not binding it says in the paragraph above, Councilor Ferreira referenced E4 (read the paragraph) in that section is masterplan. Does that mean if something is in the masterplan that we feel the applicant doesn't follow something in the masterplan shall find all of the general conditions to be filled, that's not an issue?

City Solicitor Mead stated that particular criteria which is already in your ordinance, it says the requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to health, morals or welfare and will be in conformity with the goals and policies of the masterplan. That is a determination that you make based on the application that is in front of you.

Councilor Toohey stated I watched the video and going on what Councilor Basiliere's comment and I have heard similar it sounds to me that the applicant just needs to do a little bit more up front upon submission. Is that fair to say?

City Solicitor Mead stated that is absolutely correct.

Councilor Toohey asked the old 120 days is not really accurate its really 65 days, correct?

City Solicitor Mead stated you have to open your public hearing within 65 days and once the public hearing is open it can take as long as it takes to get the application done. Once the hearing closes, then you have 90 days to issue a decision.

Councilor Toohey asked where did the 120 days come from?

City Solicitor Mead stated I don't know the answer to that.

Councilor Toohey asked under section 3 of the application process it reads applicants are encouraged to meet with the SPGA which is the City Council and the planning staff before submitting a formal application. Can you clarify what that means, the full body we can meet prior to?



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

City Solicitor Mead stated before somebody has an application before the Council you could have a pre-hearing meeting, someone might say here's a preliminary plan does the Council see any big issues with that? That is not an unusual scenario as long as they have not applied for anything yet. Mostly it is an administrative meeting, and you would be meeting with staff to review application and what is needed to move forward.

Councilor Toohey asked can an applicant reach out to individual councilor to get an opinion.

City Solicitor Mead stated prior to submitting an application there is no law that prohibits that. Obviously, it is not necessarily encouraged. There's nothing illegal about doing that before an application is submitted.

President Sullivan asked if the City Clerk could restate who gave the motion and second and then call the roll, please.

City Clerk Wright stated we have a motion by Councilor McGonagle and a Second by Councilor Rogers. Vice President Jordan-yes, Councilor Basiliere-yes, Councilor Hobbs-Everette-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Toohey-yes, Councilor McGonagle-yes, Councilor LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

10 yeas, 0 nays, 1 absent (Lewandowski).

PASSED

6. Communication from Councilors to introduce an individual(s) to address council

7. Public Participation – Requests under Council Rule 28

8. Communications and reports from City Officers and Employees

8.1 Communication from John Pettis, City Engineer requesting to open Lawrence Street for 23 Stanely Drive 32H

8.1.1. Order grant request to open Lawrence Street at intersection with Stanely Drive to install underground utilities 32HH

Motion by Vice President Jordan - second by Councilor Rogers

Yeas 10, Nays 0, Absent 1 (Lewandowski)

PASSED

9. Utility Hearing(s) and related order(s)

10. Hearings and Related Orders

10.1 Document 79; #117019 Request from Steve Defeo, President of Bradford Unlimited Corp. to accept a portion of South Central Street *Favorable conditional recommendation from Planning Board and Planning Director*

10.1.1 Document 79-B; Order- accept portion of South Central Street as a public way



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

President Sullivan President Sullivan: I will open the hearing. Stephen Defeo will you give us your name and address for the record.

Stephen Defeo, President of Bradford Unlimited Corporation, 71 High Street, Newburyport addressed the Council.

President Sullivan asked if he could explain a little bit about why the City is ready to accept this as a public way. Could you give us a little outline as to what has been going on.

Stephen Defeo stated I constructed the extension of South Central to build a duplex. I got a variance which was granted. The bond has been reduced to zero. All the work has been performed to specs of the plan. John Pettis is happy, so I am looking to get the street accepted by the City of Haverhill.

President Sullivan asked if anyone in the audience or online that would like to speak about this matter? Is there anyone who would like to speak about this matter in support or opposition? I am not seeing any. Could we have a motion on this? I will close the hearing.

A motion by Councilor McGonagle and a Second by Councilor LePage.

City Clerk Wright Vice President Jordan-yes, Councilor Basiliere-yes, Councilor Hobbs-Everette-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Toohey-abstain, Councilor McGonagle-yes, Councilor LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

9 yeas, 0 nays, 1 abstention (Toohey), 1 absent (Lewandowski).

PASSED

10.2 Document 80; #117020 Request from Steve Defeo, President of Bradford Unlimited Corporation to accept a portion of Greenough Street *Favorable conditional recommendation from Planning Board and Director*

10.2.1. Document 80-B; Order- accept a portion of Greenough Street as a public way

President Sullivan President Sullivan: I will open the hearing. Stephen Defeo will you give us your name and address for the record.

Stephen Defeo, President of Bradford Unlimited Corporation, 71 High Street, Newburyport addressed the Council. This was a different situation, I purchased a two family on Hilldale Avenue, 262. It came with some land and then I purchased some land in the back on Greenough Street. This wasn't a through street but with all the work that we did, it worked out for the Fire Department and public safety it became a through street. It's a lot safer, the Fire Department used to have to drive around. It actually worked out for everybody. I built two duplexes and two singles. The work was performed, the bond to zero. I am looking to get the street accepted.



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

President Sullivan asked if anyone in the audience or online that would like to speak about this matter? Is there anyone who would like to speak about this matter in support or opposition? I am not seeing any. I will close the hearing. Could we have a motion on this?

Motion by Councilor McGonagle and a second by Vice President Jordan.

President Sullivan stated we have a question by Councilor Ferreira.

Councilor Ferreira stated there looks like there are comments from Wastewater asking for things to be addressed. Was that all set?

Steve Defeo stated yes. I should have explained that.

President Sullivan asked if he could explain it now.

Steve Defeo stated Paul Jessel was looking at the final as-built. He couldn't find a manhole, the engineer Bob Masys explained where the manhole was located. He was all set.

President Sullivan stated we have a motion and a second, Madam Clerk you can call the roll.

City Clerk Wright: Vice President Jordan-yes, Councilor Basiliere-yes, Councilor Hobbs-Everette-yes, Councilor Michitson-yes, Councilor Ferreira-yes, Councilor Toohey-abstain, Councilor McGonagle-yes, Councilor LePage-yes, Councilor Rogers-yes, President Sullivan-yes.

9 yeas, 0 nays, 1 abstention (Toohey), 1 absent (Lewandowski).

PASSED

11. Appointments

11.1 **Confirming Appointments**

11.2 **Non-confirming**

11.3 **Constables to expire December 31, 2024**

11.4 **Resignations**

12. Petitions

12.1 **Applications Handicap Parking Sign**

12.2 **Amusement/Event Application-with Police Approval**

12.3 **Auctioneer License-** with License Commission and HPD approval

12.4 **Tag Days** with Police Approval

12.4.1 *HHS Boys & Girls Soccer, October 5 & 6*

20L

Motion by Vice President Jordan - second by Councilor Michitson

Yeas 10, Nays 0, Absent 1 (Lewandowski)

PASSED

12.5 **One day Liquor License** – with License Commission & HPD approval



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

12.6 Annual License Renewals

- 12.6.1 Hawker Peddlers License – Fixed Location with police approval
- 12.6.2 Coin-Op License Renewals – with Police approvals
- 12.6.3 Christmas Tree Vendor- with Police approvals
- 12.6.4 Taxi Driver Licenses for 2024- with Police approvals
- 12.6.5 Taxi/Limousine License with Police approvals
- 12.6.6 Junk Dealer/Collector License – with Police approvals
- 12.6.7 Pool/Billiard
- 12.6.8 Bowling
- 12.6.9 Sunday Bowling
- 12.6.10 Buy & Sell Second Hand Articles with Police approvals
- 12.6.11 Buy & Sell Second Hand Clothing
- 12.6.12 Pawnbroker license-with Police approvals
- 12.6.13 Fortune Teller-with Police approvals
- 12.6.14 Buy & Sell Old Gold – with Police approvals
- 12.6.15 Roller Skating Rink
- 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 pay bills of previous years and further authorize payment from current year departmental appropriations as listed: 23F

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>	
<i>Ecofin</i>	<i>\$1,915.58</i>	<i>Public Property</i>	
"	\$1,797.79	"	"
"	\$1,501.32	"	"
"	\$1,233.51	"	"
"	\$994.98	"	"
"	\$309.35	"	"
North of Boston Media Group	\$240.10	"	"



**CITY OF HAVERHILL
CITY COUNCIL AGENDA
September 17, 2024 at 7:00 PM**

**Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202
In-Person/Remote Meeting**

Woodward & Curran

\$568.25

WWTP

Total: \$8,560.88

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

Ordinances (File 10 Days)

13.2 Ordinance re: Vehicles and Traffic: amend Chapter 240 to include Civilian Traffic Control Flaggers File 10 days 88B

Motion by Councilor Michitson - second by Vice President Jordan
Yeas 10, Nays 0, Absent 1 (Lewandowski) PASSED

- 14. Communications from Councilors:
- 15. Unfinished Business of preceeding Meeting
- 16. Resolutions and Proclamations
- 17. Council Committee Reports and Announcements
- 18. Documents Referred to Committee Study
- 19. Long Term Matters Study List

Councilor Basiliere informed the Council of the passing of Linda (Gambino) Baxter. She was a fierce and effective advocate for Vietnam Veterans. *A moment of silence was held in memory of Linda (Gambino) Baxter*

Vice President Jordan stated this Saturday is Team Haverhill's River Ruckus

- 20. Adjourn:
Motion by Vice President Jordan - second by Councilor Michitson
PASSED Yeas 10, Nays 0, Absent 1 (Lewandowski) Adjourned: 19:24