



**CITY OF HAVERHILL
CITY COUNCIL MINUTES**

Tuesday, February 10, 2026, at 7:00 PM

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

In-Person/Remote Meeting

Present: President Jordan, Councilors Michitson, Diodati, Sullivan, Ferreira, Lewandowski, Toohey, McGonagle, and Rogers

Remote: Councilor Basiliere (present for a portion of the meeting and departed)

Absent: Councilor LePage

City Clerk: Kaitlin M. Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

COUNCILOR DIODATI STATED HE REVIEWED THE MINUTES AND FINDS THEM IN ORDER, SECOND BY VICE PRESIDENT MICHITSON

PASSED

YEAS 10, NAYS 0, ABSENT 1 (LEPAGE)

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

PRESIDENT JORDAN ASSIGNED THE MINUTES TO COUNCILOR SULLIVAN

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Barrett submits a Memorandum of Agreement for the Animal Control/Mechanic/Bldg. Craftsman Custodian/ Custodian Union Group (Teamsters Local #170)

5.1.1. Memorandum of Agreement between the City of Haverhill and the Animal Control/Mechanic/Bldg. Craftsman Custodian/ Custodian Union Group (Teamsters Local #170)

19-a

File for 10 days

MOTION BY COUNCILOR SULLIVAN TO RECEIVE AND PLACED ON FILE, SECOND BY COUNCILOR ROGERS

PASSED

YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

5.2. Mayor Barrett submits an Ordinance Relating to Fire Prevention.

5.2.1. Ordinance Re: Fire Prevention: Amend §150-2, §150-3(A), §150-7 (A), and §150-7(C)

1-I

File for 10 days

MOTION BY COUNCILOR SULLIVAN, SECOND BY COUNCILOR ROGERS

PASSED

YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

5.3. Mayor Barrett submits an order authorizing the City Council to accept a gift of \$75.00 for the St. Patrick's Day Luncheon at the Citizen's Center from Atwood Memorial Inc. to Council on Aging Department

5.3.1. Order- That the City Council on behalf of the City votes to accept a gift of \$75.00 for the St. Patrick's Day Luncheon at the Citizen Center. Consistent with the purpose of the donation, as stated in the letter from Atwood Memorial addressed to the City of Haverhill dated February 2026, the Gift shall be used by the Council on Aging Department

4b

Mayor Barrett thanked Atwood Memorial for their generous donation.



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MOTION BY COUNCILOR MCGONAGLE, SECOND BY COUNCILOR SULLIVAN

PASSED

YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

moved to beginning of meeting

5.4. Mayor Barrett submits an Order to Authorize the Taking of Portion of 309 East Broadway

5.4.1. Order- That the City Council on behalf of the City votes to authorize the Mayor to acquire, purchase, take by eminent domain or otherwise a certain parcel of land located at 309 East Broadway, Haverhill, MA 01830, and containing approximately 5.3 acres being shown as "lot 2", and permanent easement shown as "20' Wide Access & Utility Easement Area = 1,990 S.F." on that certain Plan of Land entitled "Plan of Land Located in Haverhill, Mass" dated January 8, 2025, and revised December 9, 2025, prepared by the Morin-Cameron Group, Inc. (the "Plan") appended hereto, under the care, custody and control of the Department of Public Works, Water Division, for water supply purposes, from Joyce E. Hill, for the amount of \$917,019.00; And further to authorize the Mayor to grant an access easement to the record owner of said property shown as "20' Wide Easement Area" on the Plan;" And further to authorize the Mayor to execute any and all documents and to take any other action necessary or convenient to carry out this." 20-a

THIS REQUIRES A TWO- THIRDS MAJORITY VOTE.

Mayor Barrett and Robert Ward, DPW Director, addressed the council. Robert Ward reviewed the long history of efforts to secure a sustainable long-term water supply, noting studies dating back to the 1970s that evaluated groundwater, surface water, and multiple alternative sources. Groundwater options were largely ruled out due to poor soil yields, and Johnson's Pond in Groveland was deemed insufficient under current regulations. Consistent recommendations over decades identified the Merrimack River as the only viable large capacity source. Following a 2012 Water Supply Committee review and City Council approval, the city advanced a groundwater withdrawal approach. A seismic survey along the Merrimack identified five potential sites, two of which were eliminated due to contamination, leaving one superior site capable of producing an estimated 6 million gallon per day, sufficient for long term buildout. The preferred 5.3 acres portion of the 7.5 acre privately owned parcel was subdivided and approved leaving the homeowner a house and two acres, plus river access via the easement. The city pursued acquisition respectfully and attempted a purchase and sale agreement, but negotiations stalled when the owner sought to sell the entire property, including the house which exceeds the project budget needs. The appraised value of the required land and easements is approximately \$917,000. Officials emphasized that the site is uniquely suited for long term water supply would remain protected open space, and the ownership is necessary to ensure compliance with strict zone a water protection requirement.

Councilor Basiliere voiced strong support for the proposed land taking to install a radial well, outlining five key reasons: the need for climate resilience amid ongoing drought conditions, economic responsibility to businesses reliant on dependable water infrastructure, improved water quality and safety through riverbank filtration technology, the constitutional fairness of eminent domain as a protected legal



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process, and prior discussions in which the property owner had expressed interest in selling for the city's benefit. He emphasized that the project represents a proactive step to secure Haverhill's long-term water supply. Councilor Lewandowski expressed discomfort with pursuing a non-friendly eminent domain taking, citing constituent concerns about potential health and environmental impacts despite acknowledging the public need during a water crisis. She referenced the Kelo decision and noted Massachusetts has not imposed stricter limits on eminent domain since that ruling. While recognizing the project may meet public good standards, she warned of potentially costly litigation over fair market value and requested comparative data on alternative sites that would not require a forced taking. Robert Ward and the Mayor clarified that the 5.3-acre taking would be solely for the well with no additional development and that required neighbor notifications would be completed.

Councilor Diodati also voiced concern about proceeding with an involuntary taking and urged renewed efforts to reach a voluntary agreement, suggesting potential redevelopment options. Robert Ward responded that a prior purchase and sale agreement had fallen through and stressed the urgency of securing additional water supply, noting negotiations could continue even if the taking were approved. Councilor Toohey stated that while he understands the long-term need for additional water supply, he was uncomfortable moving forward given that the parties appear to be approximately \$800,000 apart. He called for another good-faith negotiation attempt and requested more data on the yield and cost of alternative sites, emphasizing the need to fully understand the financial return on investment and respect the property owner's rights. Robert Ward reiterated that efforts to purchase the property had been made and that the owner's asking price remained significantly higher. Councilor Michitson inquired about the eminent domain process, including court proceedings, discovery, arbitration, and potential legal costs; Robert Ward cited a prior case where arbitration led to a favorable settlement and reaffirmed that the proposed site was geologically superior to alternatives. Councilor Michitson also asked about possible future uses of the remaining house parcel. Councilor Sullivan strongly supported moving forward, stating that securing a reliable water supply for future generations outweighs concerns about a single property and emphasizing the urgency posed by drought and climate change. Councilor McGonagle likewise supported the measure, calling it the best option based on prior research and investment and stating that advancing it would demonstrate seriousness and strengthen negotiations. Councilor Rogers opposed the taking, suggesting the city consider purchasing only the needed land or pursuing a developer partnership and expressing preference for a negotiated agreement. President Jordan thanked Robert Ward for his years of work and acknowledged differing perspectives, stating that although he is personally uncomfortable with eminent domain, due diligence indicates this site is the strongest remaining option. He encouraged revisiting negotiations and exploring creative solutions to bridge the gap and potentially avoid litigation.

MOTION BY VICE PRESIDENT MICHITSON TO CONTINUE, SECOND BY COUNCILOR SULLIVAN
PASSED TO CONTINUE TO 3/10/26 YEAS 10, NAYS 0, ABSENT 1 (LEPAGE)

5.5. Mayor Barrett submits an order to authorize leases for the Highway Department trucks

5.5.1. The City Council on behalf of the City authorize the Mayor, (Melinda E. Barrett) pursuant to G.L c. 44 sec 21c, to enter into a lease agreement with NCL Government Capital, for the lease purchase of a Ford F600 Truck with upfitting, a Ford F450 Truck with upfitting, and a Ford F450 Truck with upfitting for the Highway Department for a period of three years in the amount of \$ 311,672.52 from Minuteman Trucks LLC, but in any event not in excess of the useful life



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of the property to be purchased, to be procured on such terms and conditions as the Mayor deems in the best interest of the City; and to authorize the Mayor to take all actions necessary to administer and implement such agreement 1-J

THIS REQUIRES A TWO- THIRDS MAJORITY VOTE.

Mayor addressed the council. She stated the acquisition was delayed due the council not having 2/3rd votes. The dealership sold the trucks in the meantime, causing a price increase of about \$11,000.00-\$12,000.00.

MOTION BY COUNCILOR SULLIVAN FOR PASSAGE, SECOND BY COUNCILOR FERREIRA
PASSED TO CONTINUE TO 3/10/26 YEAS 10, NAYS 0, ABSENT 1 (LEPAGE)

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

- 6.1. Councilor Ferreira requests to introduce Frankie Piessens from *Washington Square Tattoo* and present him with a citation in recognition of celebrating 13 years in business in the City of Haverhill 18-c

Mayor Barrett and Councilor Ferreira congratulated and presented citations from the Mayor's Office, City Council Office, Senator Payano's Office and Rep. Vargas' Office to Washington Square Tattoo on their 13 years of business.

- 6.2. Councilors Diodati and Lewandowski requests to introduce Darby Hery, Brittany Safy, and Karina Larson to speak about the *Haverhill Community Playground* and the fundraising for this project 18-d

MOTION BY COUNCILOR DIODATI TO TABLE, SECOND BY COUNCILOR LEWANDOWSKI
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

- 8.1. *Christine Webb*, City Assessor, submits monthly abatement report for the month of January 2026 3-g

MOTION BY COUNCILOR SULLIVAN TO ACCEPT THE REPORT, SECOND BY VICE PRESIDENT MICHITSON
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)



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

- 9.1. Doc 7-A - Petition from National Grid and Verizon, requesting a joint pole location on Lowell Av WR# 31189041

President Jordan opened the hearing.

Brian Sathlier of National Grid, 1101 Turnpike Street, North Andover addressed the council. He stated he was there because National Grid would like to install a new pole between pole 38-39 located at Lowell Avenue in Haverhill. It will be located on town property and labeled 38-50. This pole will be installed for new equipment and improve efficiency in that 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.

MOTION BY COUNCILOR MCGONAGLE FOR PASSAGE, SECOND BY COUNCILOR SULLIVAN
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

10. HEARINGS AND RELATED ORDERS:

11.APPOINTMENTS:

- 11.1. Confirming Appointments:
- 11.2. Non-Confirming Appointments:
- 11.3. Constables
- 11.4. Resignations

- 11.4.1. *Commission on Disability Issues-* Alex Ponder, Anne Doughty, Frances Lamb, and Dana Lovell - *effective immediately* 6-b

Vice President Michitson, Mayor Barrett and President Jordan thanked them for their service.

MOTION BY COUNCILOR SULLIVAN TO ACCEPT THE RESIGNATIONS, SECOND BY COUNCILOR TOOHEY
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

12.PETITIONS:

- 12.1. CCSP-26-1; Jony Perez of *Davinci Mini Apartments, LLC and Davinci Child Center, LLC* requesting to convert a currently unoccupied building to a daycare program on first floor (allowed by right in Zoning Code) and 12 apartments units (six two-bedrooms and six one-bedrooms) on the top three floors at 121 Merrimack St in the Waterfront (WD-C) District 21-a

Hearing scheduled for March 24, 2026



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- 12.2. **Applications Handicap Parking Sign:** *with Police approval*
- 12.3. **Amusement/Event Application:** *with Police approval*
- 12.4. **Auctioneer License:**
- 12.5. **Tag Days:** *with Police approval*
- 12.6. **One Day Liquor License –with HPD approval**
- 12.7. **ANNUAL LICENSE RENEWALS:**
 - 12.7.1. **Hawker Peddlers License- Fixed location – w/Police approval**
 - 12.7.2. **Coin-Op License Renewals – with Police approval**
 - 12.7.2.1. *Market Basket, 400 Lowell Av Unit 6, 1 Coin-Op 8-f*

MOTION BY COUNCILOR SULLIVAN TO APPROVE, SECOND BY COUNCILOR TOOHEY

PASSED

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- 12.7.3. **Christmas Tree Vendor – with Police approval**
- 12.7.4. **Taxi Driver Licenses for 2024:** *with Police approval*
- 12.7.5. **Taxi/Limousine License** *with Police approval*
- 12.7.6. **Junk Dealer /Collector License - with Police approval**
- 12.7.7. **Pool/Billiard**
- 12.7.8. **Bowling**
- 12.7.9. **Sunday Bowling**
- 12.7.10. **Buy & Sell Second Hand Articles** *with Police approval*
- 12.7.11. **Buy & Sell Second Hand Clothing** *with Police approval*
- 12.7.12. **Pawnbroker license - with police approval**
- 12.7.13. **Fortune Teller** *with - Police approval*
- 12.7.14. **Buy & Sell Old Gold – with Police approval**
- 12.7.15. **Roller Skating Rink**
- 12.7.16. **Sunday Skating**
- 12.7.17. **Exterior Vending Machines/Redbox Automated Retail, LLC**
- 12.7.18. **Limousine/Livery License/Chair Cars** *with Police approval*



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13.MOTIONS AND ORDER:

13.1. Order – Pay bills of the previous years and authorize payment from the current year departmental appropriations as listed:

<u>Vendor</u>	<u>Amount</u>	<u>Account</u>
Comcast	\$1,130.00	IT
Comcast	\$1,302.49	IT
Comcast	\$1,319.44	IT
Comcast	\$1,338.97	IT
Comcast	\$1,358.76	IT

Total= \$6,449.66

9-D

MOTION BY COUNCILOR MCGONAGLE FOR PASSAGE, SECOND BY COUNCILOR DIODATI
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

14.ORDINANCES (FILE 10 DAYS):

15.COMMUNICATIONS FROM COUNCILORS:

16. UNFINISHED BUSINESS OF PRECEDING MEETING:

16.1. Ordinance re: Vehicles and Traffic; Add Handicap parking for 13
Seventeenth Ave, HPS-25-15 10-c

Filed January 28, 2026

MOTION BY COUNCILOR SULLIVAN FOR PASSAGE, SECOND BY COUNCILOR ROGERS
PASSED YEAS 9, NAYS 0, ABSENT 2 (LEPAGE AND BASILIERE)

17.RESOLUTIONS AND PROCLAMATIONS:

18.COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

19.DOCUMENTS REFERRED TO COMMITTEE STUDY:

20.LONG TERM MATTERS STUDY LIST:

21.ADJOURN:

MOTION BY COUNCILOR DIODATI TO ADJOURN, SECOND BY COUNCILOR LEWANDOWSKI
PASSED YEAS 9, NAYS 0, ABSENT 2 (BASILIERE AND LEPAGE)

ADJOURNED:20:45