

City of Haverhill City Council Minutes

Tuesday, September 18, 2018 at 7:00 PM Theodore A. Pelosi, Jr. Council Chambers, Room 202 4 Summer Street

Present – President Michitson, Councillors Sullivan, Bevilacqua, Barrett, Jordan, Macek, and Daly O'Brien Councillor LePage participated remotely due to geographic distance.

Absent – Councillor McGonagle

City Clerk - Linda L. Koutoulas

- 1. Opening Prayer
- 2. Pledge of Allegiance
- 3. Approval of Minutes of Prior Meeting

The minutes were approved

Yeas 8, Nays 0, Absent 1

4. Assignment of the minutes review for the next Meeting Councillor Sullivan was assigned the minutes.

5. Communications from the Mayor:

Mayor Fiorentini submits Memorandum of Agreement (MOA) between City of Haverhill and AFSCME Council 93, AFL-CIO, Local 939, Wastewater Treatment Plant Group (New England Water Resource Professionals) and related salary ordinance for approval (see document for complete text) PLACED ON FILE for at least 10 days 94B Yeas 8, Nays 0, Absent 1

MUNICIPAL ORDINANCE

CHAPTER

AFSCME GROUP

An Ordinance Relating to Salaries Be it Ordained by the City Council of the City of Haverhill that Document 28-G of 2016 is hereby amended. (see document for complete text

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

6. Communications and Reports from City Officers and Employees

Communication from City Engineer John Pettis offering no objection to Council allowing for Permit to be issued for gas service to 14-16 Nichols st

MR. JOSE MARINE INFORMED THAT HE HAD PURCHASED PROPERTY FROM SOMEONE WHO PURCHASED IT FROM THE CITY. HE PLANS ON RENTING IT OUT BY THE END OF THE YEAR. ON MOTION OF COUNCILLOR MACEK TO CONTINUE ITEMS 6 AND 9 TO DATE TO BE **DETERMINED** Yeas 7, Nays 0, Abstain 1(Bevilacqua) Absent 1 102

- 7. Utility Hearing(s) and Related Order(s)
- 8. Hearings and Related Orders
- 9. Public Participation- Requests under Council Rule 28

Request from Joe Urszinyi to address Council in regards to allowing his builder a gas permit needed to proceed with the gas connection work at his new home at 14 Robert rd currently under construction MR. URSZINYI DID NOT ATTEND.

ON MOTION OF COUNCILLOR MACEK TO CONTINUE ITEMS 6 AND 9 TO DATE TO BE **DETERMINED** Yeas 7, Nays 0, Abstain 1(Bevilacqua) Absent 1

16G

51C

10. Appointments:

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

Gabriela Peixoto Twaalfhoven, 438 Farrwood dr, to Community Affairs Advisory Board; appointment to expire Dec 31 2019

PLACED ON FILE Yeas 8, Nays 0, Absent 1 17R

11. Petitions:

Petition from City Solicitor, William Cox submitting Ordinance to allow for establishment of a Licensed Marijuana Establishments Overlay Zone as previously discussed with the Council's Administration and Finance Committee with Zoning Hearing set for November 13

REFERRED TO PLANNING BOARD

COUNCIL HEARING NOV 13 2018

Yeas 7, Nays 1(Bevilacqua) Absent 1 103

MUNICIPAL ORDINANCE

CHAPTER 255

An Ordinance Relating to Adult Use of Marijuana and Marijuana Establishments

Be it Ordained by the City Council of the City of Haverhill that Chapter 255, of the Code of the City of Haverhill, as amended, being and is hereby further amended by deleting Article XIX in its entirety and inserting in its place the following:

Article XIX - Licensed Marijuana Establishments Overlay Zone

A. Purposes.

- 1. To provide for the placement of adult use marijuana establishments in appropriate places and under specific conditions in accordance with the provisions of Massachusetts General Law Chapter 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed.
- 2. To minimize any adverse impacts of adult use marijuana establishments on adjacent properties, dense or concentrated residential areas, school and other places where children congregate, and other sensitive land uses.
- 3. To regulate the siting, design, placement, access, security, safety, monitoring, modification and discontinuance of adult use marijuana establishments.
- 4. To provide applicants, owners and operators with clear guidance regarding adult use marijuana establishments siting, design, placement, access, security, safety, monitoring, modification and discontinuance.

(see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 7, Nays 1(Bevilacqua) Absent 1 103B

Applications:

Permit Applications:

Application from Daniel Plourde Sr. requesting permit for annual Santa Parade to be held Sunday, November 18 at 1:00PM; location being Route 125 Bradford to Boys & Girls Club, Haverhill and also requests fees be waived

MR. PLOURDE SR. INFORMED THAT THE PARADE ROUTE WILL CHANGE AS THEY WILL GO OVER THE BASILIERE BRIDGE AND TAKE A LEFT ONTO MERRIMACK STREET, THEN GO UP EMERSON STREET AND WILL FINISH AT THE BOYS & GIRLS CLUB. WASHINGTON STREET WILL NOT BE DISRUPTED.

ON MOTION OF COUNCILLOR MACEK TO WAIVE FEES AND AUTHORIZE ROUTE CHANGE GRANTED Yeas 7, Nays 0, Abstain 1(Sullivan), Absent 1 104

Application from Tyler Kimball for 5K Foamfest to be held at 791 East Broadway, Saturday, September 22; 8:00AM to 8:00PM (Approval from Departments with Conditions)
ON MOTION OF COUNCILLOR BEVILACQUA TO APPROVE WITH CONDITIONS
GRANTED WITH CONDITIONS
Yeas 8, Nays 0, Absent 1

105

Application from Dougan Sherwood, President & CEO of Greater Haverhill Chamber of Commerce requesting permit for Downtown Haverhill Christmas Stroll, to take place Friday, December 7, 5:00PM to 8:00PM; and also requests to have the Event Permit fee waived along with several other related event requests. Melissa Seavey, Events Coordinator will be attending the meeting to answer any concerns or questions

MS SEAVEY INFORMED THAT THE STROLL WILL TAKE PLACE ON FRIDAY NIGHT AS IT USED TO BE HELD ON FRIDAY NIGHT YEARS AGO. THEY WILL HAVE A TROLLEY. MVRTA WILL BE NOTIFIED OF THE EVENT AS WELL AS ELDERLY. THEY HAVE BEEN WORKING WITH THE HAVERHILL POLICE DEPARTMENT

ON MOTION OF COUNCILLOR MACEK TO APPROVE WITH CONDITIONS

GRANTED WITH CONDITIONS

Yeas 8, Nays 0, Absent 1

106

12. Motions and Orders:

ORDERED: That \$150,000 be appropriated from School Stabilization and transfer to following Capital Account: School Building Repairs/Renovations

PASSED Yeas 8, Nays 0, Absent 1 34U

ORDERED: That the City transfer the sum of \$27,400 from Capital Budget to the Capital Account:

City Hall A/C – IT room

PASSED Yeas 8, Nays 0, Absent 1 34V

ORDERED: That in accordance with General Laws, Chapter 44, Section 64, authorize the payment of bills of the previous years and to further authorize the payment from current year departmental appropriations as listed below:

<u>Vendor</u>	<u>Amount</u>	Account
Univ of MA Medical School	\$36,040.01	School Medicaid
Harpers Payroll Services	\$935.45	Treasurer
Haffner's Energy Group	\$775.00	Police
Employee Reimbursement	\$110.00	Wastewater

PASSED Yeas 8, Nays 0, Absent 1 34W

12.4 Ordinances (File 10 days)

Bond

ORDERED: That the City appropriates Five Hundred Thousand Dollars (\$500,000) to pay costs of replacing the City Hall boiler, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. C. 44, §7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

24E

ORDERED: That the City appropriates Seven Hundred Sixty-Four Thousand Nine Hundred Twenty-Five Dollars (\$764,925) to pay costs of replacing streetlights, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. C. 44, §7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

24F

13. Monthly Reports:

Abatement report from Christine Webb, City Assessor for month of August 2018
PLACED ON FILE
Yeas 8, Nays 0, Absent 1

19I

14. Communications from Councillors:

Communication was received from Council President Michitson requesting to address the impact of the moratorium on National Grid gas installations

SOLICITOR COX WAS ASKED TO ADDRESS THE ISSUE OF THE MORATORIUM/RESOLUTION THAT THE COUNCIL VOTED ON AT THEIR JULY 10, 2018 MEETING. SOLICITOR COX INFORMED THAT PASSING A RESOLUTION WAS NOT SUFFICIENT AND THAT THEY SHOULD DEVELOP A "SCHEME/STRUCTURE" TO EVALUATE ON A CASE BY CASE BASIS. CRITERIA NEEDS TO BE DEVELOPED. THE RESOLUTION IS NOT ENFORCEABLE. KEITH RICE, UNION REPRESENTATIVE, LOCAL 12012, INFORMED THAT THEIR ISSUE IS PUBLIC SAFETY. MASS. GENERAL LAWS, CH. 164-SECTION 75, GIVES BOARD MEMBERS ALMOST UNIVERSAL RIGHTS WHEN THEY FEEL PUBLIC SAFETY IS AN ISSUE. FIRE CHIEF LALIBERTY INFORMED THAT HIS OFFICE HAS BEEN INUNDATED WITH REQUESTS FOR TEMPORARY PROPANE USE/STORAGE. RICHARD MACDONALD, DIRECTOR, INSPECTIONAL SERVICES EXPRESSED CONCERN ABOUT PROPANE TANKS. ALLISON HEARTQUIST, CHIEF OF STAFF, EMPHASIZED PUBLIC SAFETY IS THE MAYOR'S NUMBER ONE CONCERN.

ON MOTION OF COUNCILLOR BARRETT TO REFER RESOLUTION TO ADMINISTRATION & FINANCE COMMITTEE TO CREATE AN ORDINANCE TO REGULATE ANY FUTURE GAS OPENINGS.

Yeas 7, Nays 0, Abstain 1(Bevilacqua) Absent 1

ON MOTION OF COUNCILLOR DALY O'BRIEN TO MOVE FORWARD ON REQUEST, ITEMS 6 AND 9.

On the question of passage the year and nays were as follows:

Yeas,-Councillors Sullivan, Macek and Daly O'Brien – 3

Nays,-Councillors Barrett, LePage, Jordan and President Michitson – 4

Abstain,-Councillor Bevilacqua 1

Absent,-Councillor McGonagle 1

MOTION FAILED

ON MOTION OF COUNCILLOR BARRETT WITH SECOND BY COUNCILLOR JORDAN TO RECONSIDER

Yeas 7, Nays 0, Abstain 1(Bevilacqua) Absent 1

RECONSIDERATION PASSED

ON MOTION OF COUNCILLOR MACEK TO CONTINUE ITEMS 6 AND 9 TO DATE TO BE

DETERMINED Yeas 7, Nays 0, Abstain 1(Bevilacqua) Absent 1 93Z

Communication was received from Councillor Sullivan requesting to introduce Melissa Seavey to discuss the Christmas Stroll to be held December 7 2018

PLACED ON FILE Yeas 8, Nays 0, Absent 1 107

Communication was received from Councillor Melinda Barrett requesting a discussion regarding the need for pedestrian crossing light at 5th Avenue and Main st

COUNCILLOR BARRETT SPOKE ABOUT THE RECENT INCIDENTS WITH 2 PEOPLE BEING HIT IN THE AREA ACROSS FROM DUDLEY PLAZA WITHIN THE SAME DAY. SHE SUGGESTED THE CITY CONSIDER INSTALLING SIMILAR LIGHTS AS WAS DONE ON BETHANY AVE. WHEN THE CALL BUTTON IS USED IT LIGHTS UP THE SIGN. COUNCILLOR BARRETT REQUESTED THAT MATTER BE REFERRED TO TRAFFIC & SAFETY COMMITTEE. COUNCILLOR MACEK SUGGESTED THAT THE STREET LIGHTING BE REVIEWED IN THE AREA TO ENSURE LUMENS ARE ADEQUATE. COUNCILLOR BEVILACQUA ADDED CONSIDERATION OF SOLAR LIGHTS AND REFLECTORIZED CROSSWALK PAINT.

ON MOTION OF COUNCILLOR BARRETT TO REFER TO TRAFFIC & SAFETY COMMITTEE AND SEND LETTER TO MAYOR TO REQUEST FUNDING FOR CROSSWALK LIGHTS

Yeas 8, Nays 0, Absent 1 107B

Communication was received from Councillor Melinda Barrett requesting a discussion regarding parking on Inland st

COUNCILLOR BARRETT INFORMED THAT VEHICLES ARE PARKED ON BOTH SIDES OF THE STREET CONTRARY TO THE ORDINANCE AND SIGNAGE IS OBSCURED BY TREE GROWTH ON MOTION OF COUNCILLOR BARRETT TO REFER TO TRAFFIC & SAFETY COMMITTEE REFERRED TO TRAFFIC & SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 107C

Communication was received from Councillor Sullivan requesting to discuss emergency repairs needed to the Powder House Monument located on Powder Hill av in Riverside section COUNCILLOR SULLIVAN INFORMED THAT THIS HISTORIC MONUMENT IS IN DIRE NEED OF ROOF REPAIR. GRANTS MAY BE AVAILABLE TO ASSIST WITH REPAIRS.

ON MOTION OF COUNCILLOR SULLIVAN TO SEND LETTER TO MAYOR AND HIGHWAY DEPT. SEEKING ASSISTANCE WITH PLACING A PROTECTIVE COVERING OVER THE ROOF FOR WINTER SEASON. ALSO TO ASK MAYOR TO SEEK GRANT OPPORTUNIES AND CONSIDERATION FOR NEXT BUDGET

Yeas 8, Nays 0, Absent 1

107D

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding Bishop Hobbs Park

COUNCILLOR BEVILACQUA INFORMED THAT THE ORDER TO DEDICATE THE PARK TO BISHOP HOBBS WAS VOTED ON AT THE MAY 17, 2017 COUNCIL MEETING UNDER SUSPENSION OF RULES AND NOTHING HAS BEEN DONE TO DATE. HE SUGGESTED WHEN A PARK IS NAMED, THE CITY SHOULD PLACE A BENCH & PLAQUE AND PAY FOR IT

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MAYOR AND HIGHWAY

Yeas 8, Nays 0, Absent 1

107E

Councillor Daly O'Brien left the chambers

Communication was received from Councillor Joseph Bevilacqua requesting a discussion regarding vandalism at City park in Railroad Square

THE DISCUSSION WAS ABOUT VANDALISM AT RIVERFRONT PARK. COUNCILLOR BEVILACQUA SHOWED PHOTOS OF THE VANDALIZED GAZEBOS AND THE BROKEN COVER TO THE CITY ELECTRICAL UNIT. HE INFORMED THAT THERE HAVE BEEN 35 CALLS TO THE POLICE REGARDING NOISE AND DISORDERLY ISSUES.

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MAYOR/HIGHWAY DEPT/POLICE ABOUT THE NEED FOR REPAIRS TO GAZEBO, FIX THE COVER ON THE ELECTRICAL UNIT AND TO CONSIDER REGULATING THE TIME FOR ACTIVITY IN THE PARK Chief of Staff Allison Heartquist informed that the Mayor already has a quote for the repairs. Temporary repairs to the gazebos will be done by Brian Zaniboni, Highway Superintendent, prior to the River Ruckus event this weekend. She will look into curfew signage at the park.#

Yeas 7, Nays 0, Absent 2

108F

Communication was received from Councillor Michael McGonagle requesting removal of handicap parking spaces at 25 Currier av, 187 Grove st- Apt 2 and 69 Harrison st that are no longer needed REFERRED TO PLANNING

Yeas 7, Nays 0, Absent 2

107G

Communication was received from Councillor LePage requesting a discussion concerning the audio and video broadcast quality from the Theodore A Pelosi Jr. City Council Chambers COUNCILLOR LEPAGE SPOKE ABOUT VIDEO QUALITY OF TONIGHT'S MEETING AS HE WAS LIVE STREAMING COUNCIL MEETING AND COLORS CHANGED. ALSO, PROBLEM WITH BROADCAST OF LAST WEEK'S SCHOOL COMMITTEE MEETING WITH LACK OF SOUND FOR HALF HOUR AND THE MEETING WAS DROPPED. MATT BELFIORE, DIRECTOR OF OPERATIONS-HC MEDIA, INFORMED THAT THEY HAD A PROBLEM WITH THE AMPLIFIER AND WENT INTO TECHNICAL DETAIL ABOUT THE SYSTEM IN THE COUNCIL CHAMBERS. THE CHANNEL 9 OUTPUT ORIGINATES FROM CITY HALL USING COMCAST. THERE ARE NUMEROUS ISSUES WITH COMCAST THAT THEY ARE WORKING ON. ALSO, THE ENTIRE SYSTEM IN THE CHAMBER NEEDS A TOTAL UPGRADE.

ON MOTION OF COUNCILLOR BEVILACQUA TO CONTINUE ITEM TO NEXT WEEK'S COUNCIL METING AND REQUEST HC MEDIA BOARD MEMBER TO ATTEND.

HE SUGGESTED THE UPGRADE SHOULD BE PAID FOR BY HC MEDIA. MR. DANA LOVELL URGED THE COUNCIL TO CONSIDER CAPTIONING USE IN THE FUTURE. MR. TIM COCO, PRESIDENT/GENERAL MANAGER WHAV, OFFERED HIS OPINION THAT ANY UPGRADE SHOULD BE PAID BY THE CITY. HE WOULD LIKE TO BE CONSULTED WHEN THE TIME COMES FOR UPGRADE.

CONTINUED TO SEPT 25

Yeas 7, Nays 1(Macek) Absent 1

107H

15. Unfinished Business of preceding Meetings :

16. Resolutions And Proclamations

17. Council Committee Reports and Announcement

City Councillor Joseph Bevilacqua presented the Minutes and Recommendations of the Planning and Development Committee meeting that was held on September 5 2018 for acceptance and discussion of items Doc. 63W – creation of comprehensive City-wide plan for establishment of 55+ housing overlay zoning districts and Doc. 93-I – discussion regarding possible relocation of Water Street Fire Station to create a waterfront development site opportunity

COUNCILLOR BARRETT NOTED THAT THE DESCRIPTION OF ITEMS ARE REVERSED AND SHOULD BE CORRECTED. ALSO, THAT SHE WOULD LIKE TO INVITED TO FUTURE MEETINGS ON MOTION OF COUNCILLOR BEVILACQUA TO ACCEPT MINUTES AS PRESENTED, WITH CORRECTION AS NOTED, &

PLACE ON FILE (see document for complete text)

Yeas 7, Nays 0, Absent 2

8M

Councillor Macek announced that there will be an Administration & Finance Committee meeting on Wednesday, Sept.19 at 7:00PM in the City Council office.

Councillor Jordan announced the River Ruckus event scheduled for Saturday, Sept. 22, being sponsored by Team Haverhill. Washington Street will be closed 10AM to 3:00PM. \$1 parking will be available at the MVRTA parking lot with ticket validation.

18. Documents Referred To Committee Study

Meeting adjourned at 9:10 o'clock P.M.

Yeas 7, Nays 0, Absent 2

Attest: <u>Linda Koutoulas</u> City Clerk