



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, February 13, 2024 at 7:00 PM

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

---

Present – President Sullivan, Councilors Basiliere, Hobbs Everett, Michitson, Ferreira, Jordan, Lewandowski, and Toohey

Attending Remotely – Councilors McGonagle and LePage

Absent – Councilor Rogers

City Clerk – Kaitlin M. Wright

### 1. OPENING PRAYER

### 2. PLEDGE OF ALLEGIANCE

### 3. APPROVAL OF MINUTES OF PRIOR MEETING

*Motion by Councilor Hobb Everett to approve January 30<sup>th</sup> minutes, second Councilor Jordan*  
*PASSED placed on file Yeas 10, Nays 0, Absent 1*

*Motion by Councilor Michitson to approve February 6<sup>th</sup> minutes, second Councilor Jordan*  
*PASSED placed on file Yeas 10, Nays 0, Absent 1*

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

Councilor Ferreria assigned minutes.

### 5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Barrett submits request from Rob Moore, Environmental Health Technician, for an Amended City Ordinance to amend Chapter 11, Sections 22 through 29, Conservation Commission  
*Related communications from Rob Moore, dated January 26 & February 9, 2024* 2-F

5.1.1. Amended Ordinance – Amend Chapter 11. Boards and Commissions Article VI.  
Conservation Commission File 10 days 2-FF

*Motion by Councilor Jordan, second Councilor Toohey*  
*PASSED placed on file Yeas 10, Nays 0, Absent 1*

5.2. Mayor Barrett requests to have Chief Robert Pistone discuss guidance issued by the Peace Officers Standards and Training (POST) Commission and how it affects the appointment of Constables

Mayor Barrett explained there have been many calls to her office about constables. Invited Chief Pistone this evening to explain.

Chief Pistone addressed the Council stating that no one is trying to get rid of constables in the city. Constables serve a very important purpose of serving civil process which is distinctly separate from police and criminal matters. Every year people apply to be reappointed or newly appointed as constables. Police reform has created the POST Commission. They created legislation with the POST Commission that states that any person that can effect an arrest is



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, February 13, 2024 at 7:00 PM

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

---

considered a law enforcement officer, and any law enforcement officer must be certified by POST. To be certified by post you must have the proper training, you must attend a full-time academy. Constables go back to the colonial days and a lot of the laws with constables are antiquated. Constables are allowed to make arrests in certain situations if they are serving capias. In other words, a judge can tell a constable to bring someone who is contempt of court to bring them to court or in certain breaches of peace they can make an arrest. As the Department Head, I have to recommend to the Mayor people to be appointed as constables. Ultimately it is up to the Mayor and the Council. We have conflict where the way our current state laws are, the way our current ordinances are written that perhaps we work with our new law firm and the suggestion from Councilor Lewandowski if it is legal to change the city ordinance that any constable if they are going to effect an arrest must be POST certified. The only problem with that is constables in their jurisdiction but you may have a judge outside that jurisdiction, so perhaps also put any constable in our jurisdiction effecting an arrest must be POST certified and then that are just serving civil process that are not POST certified, they can continue. The two laws there is extreme conflict and see it as a liability to the city.

Councilor Lewandowski motions to send a letter to the Mayor's office to send this to our City Solicitor to "beef up" our ordinance, our existing ordinance is thin where basically if you have \$200 you can be appointed to be a constable. There is nothing on training, restrictions, driving around in unmarked cruisers, lights, displaying badges, etc. Pulled Salem and Boston's ordinances and feel Salem is a good model to go by.

Ron Bertheim addressed the Council stating he has been a constable in the city for 25 years. Have done his share of arrests and don't feel he wants to do them. The Chief has an issue with constables. He wants the Council to take the time to research the POST Commission.

*Motion by Councilor Lewandowski, second Councilor Basiliere*

*PASSED*

*Yeas 10, Nays 0, Absent 1*

2-G

5.3. Mayor Barrett submits a Salary Ordinance and a Memorandum of Agreement (MOA) between the City of Haverhill and the Haverhill Firefighters Local 1011 2-H

5.3.1. Memorandum of Agreement between the City of Haverhill and the Haverhill Firefighters Local 1011 14-B

5.3.2. Ordinance re: Salaries – Fire Safety Services, Fire Group Local 1011  
File 10 days 15-B

*Motion by Councilor Jordan, second Councilor Toohey*

*PASSED Placed on file*

*Yeas 10, Nays 0, Absent 1*

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



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, February 13, 2024 at 7:00 PM  
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202  
In-Person/Remote Meeting**

---

**7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28**

**8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:**

8.1. City Clerk, Kaitlin M Wright submits the Warrant for Presidential Primaries on Tuesday, March 5, 2024

*Motion by Councilor Jordan, second Councilor Toohey*

*PASSED*

*Yeas 10, Nays 0, Absent 1*

3-D

8.2. City Assessor, Christine Webb, submits the abatement report for the month of January 2024

*Motion by Councilor Jordan, second Councilor Lewandowski*

*PASSED*

*Yeas 10, Nays 0, Absent 1*

4-B

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

**10. HEARINGS AND RELATED ORDERS:**

**11. APPOINTMENTS:**

11.1. Confirming Appointments:

11.2. Non-Confirming to expire December 31, 2024

11.2.1. *Special City Solicitor – Lisa Mead, Esq of the Law Firm of Mead, Talerman & Costa, LLC of Green st, Newburyport MA*

*Motion by Councilor Jordan, second Councilor Lewandowski*

*PASSED*

*Yeas 10, Nays 0, Absent 1*

5-C

11.3. Constables to expire December 31, 2024

11.4. 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 – *with License Commission & Police approval*

12.6. ANNUAL LICENSE RENEWALS:

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

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

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

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

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



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, February 13, 2024 at 7:00 PM  
Theodore A. Pelosi, Jr. Council Chambers, 4 Summer St., Room 202  
In-Person/Remote Meeting**

---

- 12.6.6. **Junk Dealer /Collector License** *with Police approval*
- 12.6.7. **Sunday Pool**
- 12.6.8. **Bowling**
- 12.6.9. **Sunday Bowling**
- 12.6.10. **Buy & Sell Second Hand Articles** *with Police approval*
- 12.6.11. **Buy & Sell Second Hand Clothing**
- 12.6.12. **Pawnbroker license** - *with police approval*
- 12.6.13. **Fortune Teller** *with - Police approval*
- 12.6.14. **Buy & Sell Old Gold** – *with Police approval*
- 12.6.15. **Roller Skating Rink**
- 12.6.16. **Sunday Skating**

**12.6.17. Exterior Vending Machines/Redbox Automated Retail, LLC – all pending electrical approval**

- 12.6.17.1. MRVM 24-1: Market Basket, 2 Water st, 2 Machines 29
- 12.6.17.2. MRVM 24-2: Market Basket, 400 Lowell av, 1 Machine 29-B
- 12.6.17.3. MRVM 24-3: Walgreens, 800 River st, 2 Machines 29-C
- 12.6.17.4. MRVM 24-4: Market Basket, 285 Lincoln av, 1 Machine 29-D
- 12.6.17.5. MRVM 24-5: CVS Pharmacy, 150 Lafayette sq, 1 Machine 29-E

*Motion by Councilor Michitson, second Councilor Jordan  
PASSED Yeas 10, Nays 0, Absent 1*

**12.6.18. Limousine/Livery License/Chair Cars** *with Police approval*

**13. MOTIONS AND ORDERS:**

- 13.1. Order –authorizing the Expense of Funds in Excess of the Fiscal 2024 Snow and Ice Appropriation of \$710,000.00 *Related communication from Robert Ward, DPW Director*

*Motion by Councilor Jordan, second Councilor Lewandowski  
PASSED Yeas 9, Nays 0, Abstain 1 (Basiliere), Absent 1 30*

**14. ORDINANCES (FILE 10 DAYS)**

**15. COMMUNICATIONS FROM COUNCILLORS:**

- 15.1. Councillors Jordan, Michitson, and Lewandowski request an update and discussion on the Youth Services/Mental Health account

Councilor Lewandowski would like to send a letter to the delegation and the joint committee on cannabis policy to support Senate Bill 60 and revenue for prevention programs.



# CITY OF HAVERHILL

## CITY COUNCIL MINUTES

Tuesday, February 13, 2024 at 7:00 PM

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

---

*Motion by Councilor Lewandowski, second Councilor Jordan*

**PASSED**

*Yeas 9, Nays 0, Abstain 1 (McGonagle), Absent 1*

12-F

15.2. Councilor Ferreira requests to discuss re-convening the Joint City Council/School Committee Public Schools Building Facilities Committee

12-G

Councilor Ferreria stated we had this committee in the past and would love to see it come back especially with budget talks. School committee already has a couple of people lined up and would like two Councilor's appointed to be part of the committee as well.

Mayor Barrett is all for it. Paul Magliocchetti and Thomas Grannemann are members of the subcommittee. Councilors interested can let President Sullivan know. Suggests that come budget time another person to work with Mr. Dorrance.

Jordan and LePage are in agreement that this task force is important, and both served the task force last time. Both are interested in the task force.

15.3. Councilors Toohey and Basiliere request a traffic safety update in the area of 8<sup>th</sup> Avenue and Hale Street from the Haverhill Police Department

12-H

Sgt. Lynch appeared before the Council. The Traffic and Safety unit placed a counter on 8<sup>th</sup> Avenue between Hale Street and Primrose street from May 16, 2023 to July 5, 2023. During those 51 days there were 32,319 total vehicles both ways: 19,402 cars; 7,833 light trucks and vans; 3,657 trucks. Average of approximately 71 trucks a day. Speeding was not an issue, the average speed being 21 mph. More of a volume issue.

8<sup>th</sup> Ave is a residential neighborhood that abuts an industrial area. There is a loading dock for Joesph's on 8<sup>th</sup> Ave which has been there on google earth since 2002. Most likely it has been there longer, at least 22 years so it is going to be difficult to prevent trucks from utilizing a loading dock that they have been utilizing for the past 22 years. Burke Street has a truck exclusion. In order to make a truck exclusion, the city has to conduct a study. City Engineer stated it costs between \$2-5K for the study then it has to be submitted to the State. The State has to approve a truck exclusion. There has to be a parallel road that trucks can use if we make a truck exclusion that prevents municipalities from dictating which roads trucks are allowed on. Have not heard all of the complaints from the neighbors and their concerns. I would recommend not making a total truck exclusion but possibly an hour restriction. Making a compromise example saying trucks cannot utilize the roads between the hours of 9PM – 6AM.

Councilor McGonagle would like this to be sent to the Public Safety Committee. Then all neighbors, businesses, Traffic and Safety, etc. to discuss a sensible solution for the area.



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, February 13, 2024 at 7:00 PM**

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

---

Councilor Toohey stated he has heard many complaints and will support it going to Public Safety, but his concern is for it not to sit there too long. This is not a new issue. We are in support of businesses but want it to be safe and fair to the residents. Like the idea of limiting the hours.

Sgt. Lynch stated he was down there Monday from 3:30 a.m. to 7a.m. and the trucks didn't start rolling until 5:30 a.m. The only truck on the road was a fire truck. He counted 15 trucks total from 5:30-7:00 a.m.

Councilor Basiliere agrees with sending to Public Safety and is open to a compromise.

*Motion by Councilor McGonagle to send to Public Safety, second Councilor Jordan*  
**PASSED** *Yeas 10, Nays 0, Absent 1*

**16. UNFINISHED BUISINESS OF PRECEEDING MEETING:**

16.1.Document 11-B: Ordinance re: Vehicles and Traffic, Delete Handicap parking at 23  
Shepherd st *Filed 1/31/2024*

*Motion by Councilor Michitson, second Councilor Toohey*  
**PASSED** *Yeas 10, Nays 0, Absent 1*

16.2.Document 12-E:Councillors Toohey and Basiliere request a discussion about the 8<sup>th</sup>  
Avenue traffic and concerns *Continued from 2/6/2024*

*Motion by Councilor McGonagle, second Councilor Jordan*  
**PASSED Placed on file** *Yeas 10, Nays 0, Absent 1*

16.3.Document 14: Memorandum of Agreement between City of Haverhill and the Water  
Purification Group

16.3.1. Document 15: Ordinance re; Salaries – Water Purification *Filed 1/31/2024*

*Motion by Councilor Jordan, second Councilor Lewandowski*  
**PASSED** *Yeas 10, Nays 0, Absent 1*

16.4.Document 24: Ordinance re: Vehicles and Traffic, Parking restrictions Bartlett av, West  
Side Entire Length *Filed 1/31/2024*

*Motion by Councilor Jordan, second Councilor Michitson*  
**PASSED** *Yeas 10, Nays 0, Absent 1*

**17. RESOLUTIONS AND PROCLAMATIONS:**



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, February 13, 2024 at 7:00 PM**

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

---

**18. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

**19. DOCUMENTS REFERRED TO COMMITTEE STUDY**

**20. LONG TERM MATTERS STUDY LIST**

**21. ADJOURN :**

*Motion by Councilor Jordan, second Councilor Lewandowski*

**PASSED**

*Yeas 10, Nays 0, Absent 1*

Adjourned 20:20

City Clerk Wright stated received a request for the Police Department to address the Council of Ice Safety, need a motion to suspend the rules.

*Motion by Councilor Michitson, second Councilor Jordan*

**PASSED**

*Yeas 10, Nays 0, Absent 1*

President Sullivan invited the Chief of Police and Chief of Fire before the Council to discuss the issue of Ice Safety.

Chief Pistone with Chief O'Brien addressed the Council. Tim Slavitt approached Councilors Michitson and Lewandowski with a concern of people in the community using the water ways during the winter for skating, hockey, etc. and the fact that most of the waterways are not safe. Councilors Michitson and Lewandowski approached us, and we talked about what could be done quickly and effectively. Fire and Police Department came up with a collaboration with the training departments and put a video together. Special thank you to HC Media for putting the video together. Also thanked the Mayor for her support of this effort. The video was played for all to see.