



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, August 8, 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, Lewandowski, Rogers, and Toohey

Absent – Councilor McGonagle

Assistant City Clerk – Rose Leonard-Flynn

City Clerk – Kaitlin M. Wright

1. OPENING PRAYER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES OF PRIOR MEETING

Motion by Councilor Lewandowski to approve July 25th, second Councilor Bevilacqua

PASSED Placed on File All in Favor

Motion by Councilor Rogers to approve August 2nd, second Councilor Barrett

PASSED Placed on File All in Favor

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councilor Toohey assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

- 5.1. Mayor Fiorentini requests to have the staff of the *Merrimack Valley Planning Commission (MVPC)* to make a brief presentation to the City Council regarding housing and the process of updating the Haverhill Housing Production Plan as part of the August 8th meeting 9-P

Andrew Herlihy, on behalf of the Mayor, appeared before the Council. He announced the State updated the Chapter 40B numbers based on the 2020 census. Haverhill dropped below 10% threshold just slightly which would put the city at risk of losing some control over housing. Ways of controlling this would be passing inclusionary zoning and updating the housing production 5-year plan due to expire this year. Working with Merrimack Valley Planning Commission (MVPC) to update the housing production plan.

Ian Burns, MVPC, gave a presentation to the Council on the Housing Production Plan and key housing data statistics.

- 5.2. Mayor Fiorentini requests hearing for proposed zoning amendments relating to Inclusionary Zoning Ordinance Refer to Planning Board & Council Hearing Nov 14 2023

Motion by Councilor Bevilacqua to change to November 28, second Councilor Toohey
PASSED to be heard November 28th Yeas 8, Nays 0, Absent 1(McGonagle) 78

- 5.2.1. Ordinance re: Zoning – amend Chapter 255, Zoning – **Section 8.4 Flexible Development** File 10 days



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In-Person/Remote Meeting

Motion by Councilor Sullivan, second Councilor Barrett

PASSED Placed on File Yeas 8, Nays 0, Absent 1 (McGonagle) 78-B

5.2.2. Ordinance re: Zoning – amend Chapter 255, Zoning, Appendix B Table 2 Table of Dimensional and Density Regulations – **Zoning District RM minimum lot area (sq. ft.) eliminate 20,000 and replace with 15,000** File 10 days

Motion by Councilor Barrett, second Councilor Rogers

PASSED Placed on File Yeas 8, Nays 0, Absent 1 (McGonagle) 78-C

5.2.3. Ordinance re: Zoning – amend Chapter 255, Zoning, Appendix B Table 2 Table of Dimensional and Density Regulations – **Zoning district RR Minimum Lot Area (Sq. Ft.) eliminate 80,000 and replace with 40,000** File 10 days

Motion by Councilor Sullivan, second Councilor Toohey

PASSED Placed on File Yeas 8, Nays 0, Absent 1 (McGonagle) 78-D

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

6.1. Councillors Sullivan and Barrett and President Jordan request to introduce Jennifer Houle announcing the Butterfly Mural Migration Project in Haverhill from September 1 to October 31 2023

Jenn Houle appearing remotely gave a presentation explaining the project and asked the Council for permission to install the butterfly stands on city property. She has approval from Conservation already.

Motion by Councilor Sullivan, second Councilor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (McGonagle) 19-BB

6.2. Council President Jordan requests to introduce Steve Costa who will introduce Haverhill native, Jordan Harris, who plays for the Montreal Canadiens in the NHL

Steve Costa stated Jordan Harris is first Haverhill resident who plays for the NHL.

Jordan Harris appeared before the Council stating would love to get more involved with Haverhill's youth and appreciates and thanked everyone for all the support. 19-CC

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. Kaitlin Wright, City Clerk requests approval of an Order regarding a change from Veterans Northeast Outreach Center, 10 Reed st to Consentino Middle School as a designated polling place in Haverhill 10-V



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In-Person/Remote Meeting

8.1.1. Order – that the following location is hereby established as a Polling Place for all elections this year, in accordance with Chapter 54, Section 24 of the Massachusetts General Laws

Ward 1 Precinct 1 Consentino School – 685 Washington st

14-C

Motion by Councilor Michitson, second Councilor Barrett

PASSED

All in Favor

8.2. Attorney Thomas C Fallon, Assistant City Solicitor submits a proposed amendment to Zoning, Chapter 255, 8.3 entitled: INCLUSIONARY ZONING, by striking it in its entirety and inserting the following in place thereof 78-E

8.2.1. AN ORDINANCE RELATING TO INCLUSIONARY ZONING 78-F

Motion by Councilor Sullivan for buyout of \$50K per unit for both rental and ownership, second Councilor Michitson

FAILED Yeas 5 (Barrett, Sullivan, Michitson, Lewandowski, Jordan), Nays 3 (Bevilacqua, Rogers, Toohey), Absent 1 (McGonagle)

Motion by Councilor Toohey to delete language in 8.3.4, 2b “upon recommendation from the Planning Board”, second Councilor Sullivan

PASSED Yeas 8, Nays 0, Absent 1 (McGonagle)

Motion by Councilor Barrett for buyout of \$30K rent and \$50k ownership, second Councilor Michitson

FAILED Yeas 3 (Barrett, Michitson, Jordan), Nays 5 (Bevilacqua, Sullivan, Lewandowski, Rogers, Toohey), Absent 1 (McGonagle)

Motion by Councilor Rogers for buyout of \$20K rent and \$50K ownership, second Councilor Barrett

FAILED Yeas 5 (Barrett, Michitson, Rogers, Toohey, Jordan), Nays 3 (Bevilacqua, Sullivan, Lewandowski), Absent 1 (McGonagle)

Motion by Councilor Michitson to postpone to September 19th, second Councilor Bevilacqua

PASSED Yeas 7, Nays 1 (Sullivan), Absent 1 (McGonagle)

8.3. John Pettis, City Engineer requests approval to open 11 High st and 108 South Prospect st for utilities work 45-G

8.3.1. Order – permission to open 11 High st & 108 South Prospect st 45-GG

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (McGonagle)



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

10. HEARINGS AND RELATED ORDERS:

10.1. Document 73: CCSP 23-4: Attorney Michael Migliori representing applicant TOPNOTCH HOMES LLC requests to build a 3-family residential building at 66 Riverdale av; Parcel ID 745-1-17 Lot 2 *Comments from City Depts are included*

President Jordan opened the hearing.

Michael Migliori with office at 280 Merrimack Street, Methuen, appeared before the Council representing the owner, TopNotch Homes, LLC. Requesting a special permit for a three-family at 66 Riverdale Avenue, Lot 2 on the plan submitted. Will be owner occupied three units. On the plan the site shows it can accommodate four duplex lots for a total of eight units without a special permit by right. After looking at the site, it was determined what made sense was two tri-plex's for a total of six units with more open space and less pavement. A three-family is allowed in RH zone but requires a special permit. It meets all the requirements contained in the zoning ordinance. Waivers and variances are not needed. The city departments support the special permit and favor this approach over the eight. Meet all requirements in Chapter 255. We are to incorporate all department requirements into the decision. Spoke with many neighbors and abutters, most support the project.

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

John DiBitetto, 14 Ruby Circle, speaking in favor stating Mr. Wakeen contacted him directly and incorporated some of his suggestions, feels he has done a good job, has least impact on neighborhood and it is timely replacing the uninhabitable home that was there.

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

Those speaking in opposition were Sonya Plocharczyk, Kim Bachman, and Chuck Vasquez. Concerns included drainage issues, infrastructure, removal of all the trees, and traffic.

Motion by Councilor Lewandowski to move for passage with condition that developer will work with residents to put in a buffer zone, second Councilor Barrett

President Jordan closed the hearing.

President Jordan: Council will vote on conditions.

Motion by Councilor Barrett that city water, wastewater, and conservation all weigh in on how to help mitigate flooding issues, second Councilor Rogers

President Jordan: Madam Clerk call the roll.



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, August 8, 2023 at 7:00 PM

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In-Person/Remote Meeting

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

President Jordan: Condition Passed.

Motion by Councilor Rogers to widen driveway to accommodate two cars, second Councilor Barrett

President Jordan: Madam Clerk call the roll.

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

President Jordan: Condition Passed

Motion by Councilor Lewandowski to add a buffer zone (living wall) for Mrs. Bachman's property line, second Councilor Barrett

President Jordan: Madam Clerk call the roll.

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

President Jordan: Condition Passed

President Jordan: Will now vote on entire project.

Motion by Councilor Lewandowski, second Councilor Barrett with all city department head requirements and all conditions added.

President Jordan: Madam Clerk call the roll.

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Bevilacqua-no, Councilor Sullivan-no, Councilor Lewandowski-yes, Councilor McGonagle-absent, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes, 6 Yeas, 2 Nays, 1 Absent

President Jordan: Passed with all conditions.

10.2.Document 74: CCSP 23-5: Attorney Michael Migliori representing applicant TOPNOTCH HOMES LLC requests to build a 3-family residential building at 66 Riverdale av; Parcel ID 745-1-18 Lot 1 *Comments from City Depts are included*

President Jordan opened the special permit hearing.

Michael Migliori, representing the owner, TopNotch Homes, LLC., with offices at 280 Merrimack Street, Methuen, appeared before the Council. Also, here this evening are Shane Wakeen, Manager of TopNotch



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CITY COUNCIL MINUTES

Tuesday, August 8, 2023 at 7:00 PM

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

Homes, and Tom Schomburg, Civil Design Consultants. Here in connection with a request for a special permit to construct a three-family home at 66 Riverdale Avenue, Lot 1 on the plan provided. The three-unit residence will be owner occupied which will help in a small way address the need for housing in the city. If Mr. Wakeen wanted to put in a roadway, he could develop this property and have four duplex lots for a total of eight units. After studying and consulting with city departments, the preferred route was to reduce to six units. Each unit has a garage and driveways and will ensure driveways will accommodate side-by-side parking for two going forward. Three-family is allowed in the RH zone but does require a special permit from the Council even though it meets all the requirements. Not asking for any waivers.

Comments from various city departments all of which support the special permit. Meets all the requirements in Chapter 255 in that community needs for housing are being served, traffic and pedestrian flow can be done safely, meets parking requirements, adequate utilities in the area, and does not negatively impact the character of the neighborhood. The project will provide some tax revenue to the city. Will incorporate all department review requirements.

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

John DiBitetto, 14 Ruby Circle, speaking in favor stating he feels it is a good use of the land. The parcel of land has been decrepit for the longest time, and it is a relief to finally see something nice happen.

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

Sonya Plocharczyk, 89 Riverdale Avenue, just wanted to say it is all the same as the first special permit and all issues noted for this one.

President Jordan closed the hearing.

Motion by Councilor Lewandowski to approve with the same conditions as hearing for CCSP-23-4 with the exception of the buffer (not applicable), condition that city water, wastewater, and conservation all weigh in on how to help mitigate flooding issues, and condition to widen driveway to accommodate two cars side-by-side, second Councilor Barrett

President Jordan: Madam Clerk please call the roll.

City Clerk Wright: Vice President Michitson-yes, Councilor Barrett-yes, Councilor Bevilacqua-no, Councilor Sullivan-no, Councilor Lewandowski-yes, Councilor McGonagle-absent, Councilor Rogers-yes, Councilor Toohey-yes, President Jordan-yes, 6 Yeas, 2 Nays, 1 Absent

President Jordan: PASSED with Conditions



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In-Person/Remote Meeting

11. APPOINTMENTS:

11.1. Confirming Appointments:

11.1.1. *Central District Parking Commission*, Matthew Gaiero, 108 Washington st
expires August 8, 2026 20-G

Motion by Councilor Bevilacqua, second Councilor Barrett
PASSED All in Favor

11.1.2. *Rocks Village Historic District Commission*, Christopher Wasmer, 18 East Main
st expires August 8, 2026 20-H

Motion by Councilor Bevilacqua, second Councilor Rogers
PASSED All in Favor

11.2. Non-Confirming:

11.3. Resignations

11.4. PETITIONS:

11.4.1. Attorney Robert Harb, for applicant Kenoza Avenue Properties, LLC. requests
approval of Minor Changes to Special Permit, CCSP 21-17, plans for property at 62
Kenoza av, Assessor's Map 619-525-15 – minor changes to the exterior of the
building are being proposed by the architect 49-C

Attorney Harb, 40 Kenoza Avenue, appeared before the Council outlining the exterior
changes to the original approved special permit. Two items have changed for safety
reasons. The balcony in the front and the alcove recessed doorways. Plans have been
submitted. The building inspector deems a minor change.

Motion by Councilor Sullivan, second Councilor Rogers
PASSED Yeas 8, Nays 0, Absent 1 (McGonagle)

11.4.2. 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
Hearing Sept 19, 2023

Motion by Councilor Michitson, second Councilor Sullivan
PASSED to be heard September 19th Yeas 8, Nays 0, Absent 1 (McGonagle) 79

11.4.3. Attorney Robert Harb, for applicant *Matias Capital LLC*, requests Special
Permit, CCSP 23-7, Assessor's Map 609-488-12, to expand an existing 12 unit



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, August 8, 2023 at 7:00 PM

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In-Person/Remote Meeting

multifamily building at 71 Portland st, to a 16 unit multifamily building, in a CC zone
Hearing Oct 3, 2023

Motion by Councilor Bevilacqua, second Councilor Sullivan

PASSED to be heard October 3rd Yeas 8, Nays 0, Absent 1 (McGonagle) 82

11.4.4. Attorney Robert Harb, for applicant *Shoe City Development Corporation* owned by *Haverhill Housing Authority*, requests Special Permit, CCSP 23-9, Assessor's Map 423-151-18A & 423-151-1B, to expand an existing 4 unit multifamily dwelling at 335 Groveland st and 0 Katsaros dr, to an 8 unit multifamily dwelling, in an RH zone
Hearing Sept 19, 2023

Motion by Councilor Bevilacqua, second Councilor Rogers

PASSED to be heard September 19th Yeas 8, Nays 0, Absent 1 (McGonagle)

11.4.5. Attorney Michael Migliori, for applicant *JCG Investments LLC*, requests Special Permit, CCSP 23-8, Assessor's Map 674-601-16 & 17, to build 6 condominiums for residential housing at 94 Gile st, in the RM zone
Hearing Sept 26, 2023

Motion by Councilor Sullivan, second Councilor Toohey

PASSED to be heard September 26th Yeas 8, Nays 0, Absent 1 (McGonagle)

11.5. Applications Handicap Parking Sign: *with Police approval*

11.6. Amusement/Event Application - *with Police approval*

11.6.1. Hailey Moschella for *Wisteria Montessori School*, requests to reschedule the Boardwalk Block Party on the lawn area at *Harbor Place*, to September 9th due to rain, that was previously granted by Council on May 9th

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED All in Favor

29-S

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

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

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

11.10.6.1. Cabot Smith for *T & R Salvage*, 99 Newark st



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In-Person/Remote Meeting

Motion by Councilor Barrett, second Councilor Sullivan

PASSED

All in Favor

67-D

11.10.7.Sunday Pool

11.10.8.Bowling

11.10.9.Sunday Bowling

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

11.10.11. Buy & Sell Second Hand Clothing

11.10.12. Pawnbroker license - *with police approval*

11.10.13. Fortune Teller *with - Police approval*

11.10.14. Buy & Sell Old Gold – *with Police approval*

11.10.15. Roller Skating Rink

11.10.16. Sunday Skating

11.10.17. Exterior Vending Machines/Redbox Automated Retail, LLC

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

12. MOTIONS AND ORDERS:

13. ORDINANCES (FILE 10 DAYS)

13.1.Ordinance re: Vehicles and Traffic – Delete handicap parking at 459 Washington st

File 10 days

Motion by Councilor Rogers, second Councilor Barrett

PASSED Placed on File

All in Favor

15-H

13.2.Loan Order - \$1,350,000 to complete South Elm st – Railroad av Improvement Project

File 10 days

Motion by Councilor Barrett, second Councilor Rogers

PASSED Placed on File

Yeas 8, Nays 0, Absent 1 (McGonagle)

15-I

13.3.Loan Order - \$3,200,000 Tennis Facility Bonds, 137 Monument st

File 10 days

Motion by Councilor Barrett, second Councilor Rogers

PASSED Placed on File

Yeas 8, Nays 0, Absent 1 (McGonagle)

15-J

COMMUNICATIONS FROM COUNCILLORS:

13.4.Council Vice President Michitson requests to update City Council on Haverhill's Smart Biomanufacturing plan to attract Life Science businesses, jobs, and workforce training for all with equity and inclusion

Motion by Vice President Michitson to place on file, second Councilor Bevilacqua

PASSED Placed on File

All in Favor

75-B

13.5.Council President Jordan requests to have the City Council meeting scheduled for

Tuesday, September 12, 2023 in the Theodore Pelosi Jr. City Council Chambers cancelled due to the City preliminary election



CITY OF HAVERHILL

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In-Person/Remote Meeting

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED

All in Favor

75-C

14. UNFINISHED BUISINESS OF PRECEEDING MEETING:

14.1.1. Document 76; Jason Babin, 620 Primrose st, requests Valet Parking Business License, *Shoe City Valet* *Comments from City Departments are included. Pending receipt by City Clerk's Office of agreement with approved off-street parking facility & pending approval of Downtown Parking Commission *Related communication from MEVA Transit, Noah Berger, Administrator (continued from July 25)*

Motion by Councilor Sullivan to continue two weeks, second Councilor Lewandowski

PASSED continued to August 22nd Yeas 8, Nays 0, Absent 1 (McGonagle)

14.1.2. Document 12-F; Loan Order - \$516,540 appropriated for 2 salting/snowplowing trucks *filed 7/26*

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED

Yeas 8, Nays 0, Absent 1 (McGonagle)

14.1.3. Document 69-B; Ordinance re: Vehicles and Traffic – proposed on Cedar st and existing on Twelfth av, Stop Ordinance *filed 7/26*

Motion by Councilor Barrett, second Councilor Bevilacqua

PASSED

Yeas 8, Nays 0, Absent 1 (McGonagle)

14.2. Document 77; Ordinance re: Vehicles and Traffic – Parking Restriction on Kingsbury av adjacent to the College and Carrington Estates properties *filed 7/26*

Motion by Councilor Sullivan, second Councilor Barrett

PASSED

All in Favor

14.3. Document 9-M; Mayor Fiorentini submits Salary Ordinance & Memorandum of Agreement (MOA) between City of Haverhill and *City Hall Clerk's Group* and *Animal Control-Mechanic-Custodian Group*

14.3.1. Document 34-E; Memorandum of Agreement between City of Haverhill and City Hall Clerk's Group -Teamsters Local #170

14.3.2. Document 35-D; Ordinance re: Salaries – City Hall Clerk's Group *filed 7/26*

Motion by Councilor Michitson, second Councilor Barrett

PASSED

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

14.3.3. Document 34-F; Memorandum of Agreement between the City of Haverhill and Animal control Officers, Police Mechanics (ME Repairmen) Police Building



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, August 8, 2023 at 7:00 PM

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In-Person/Remote Meeting

Maintenance Craftsmen/Custodian and Public Property Building Custodian Group-
Teamsters Local #170

14.3.4. Document 35-E; Ordinance re: Salaries - Animal control Officers, Police
Mechanics (ME Repairmen) Police Building Maintenance Craftsmen/Custodian and
Public Property Building Custodian Group-Teamsters Local #170 *filed 7/26*

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (McGonagle)

14.4.Document 9-N; Mayor Fiorentini submits Salary Ordinance & Memorandum of
Agreement (MOA) between City of Haverhill and Police Patrolman Association

14.4.1. Document 34-G; Memorandum of Agreement between the City of Haverhill and
Haverhill Police Patrolmen's Association

14.4.2. Document 35-F; Ordinance re: Salaries -Law Enforcement Police Officers
Filed 7/26

Motion by Councilor Barrett, second Councilor Bevilacqua

PASSED Yeas 8, Nays 0, Absent 1 (McGonagle)

15. RESOLUTIONS AND PROCLAMATIONS:

16. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

17. DOCUMENTS REFERRED TO COMMITTEE STUDY

18. LONG TERM MATTERS STUDY LIST

19. ADJOURN :

Motion by Councilor Sullivan, second Councilor Lewandowski

PASSED All in Favor

Adjourned 22:31