City of Haverhill



City Council Minutes

Tuesday, January 12, 2021

Virtual

Present – President Barrett, Councillors LePage, Bevilacqua, Michitson, Sullivan, Jordan, McGonagle, Daly O’Brien and Macek.

Assistant City Clerk – James Blatchford

President Barrett read the following statement: This meeting of the Haverhill City Council is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the “COVID-19 Virus”.

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely and live so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This meeting will have public comment for the special permit.

**Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order temporarily suspending certain provisions of the Open Meeting Law,  G.L. c. 30A sec. 20. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means."**

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of minutes of prior meeting

The minutes were approved Yeas 9, Nays 0

1. Assignment of the minutes review for the next Meeting

Councillor Sullivan was assigned the minutes

Councillor Sullivan asked for a moment of silence for the passing of John Katsaros, 97. He was a WWII Army Air Corps veteran, Purple Heart recipient and author of “*Code Burgundy - the Long Escape”* and brother of former Mayor George Katsaros.

1. Communications from the Mayor

Mayor Fiorentini requests to give (COVID-19) crisis update.

Mayor Fiorentini informed that we averaged 68 cases per day over the last 2 weeks. The last positivity rate was 11% and we lost 2 elderly today. There is $180,000 balance from the CARES ACT funding that has to last for a year. There are many needs. His top priority is food banks followed by rental assistance and testing. The schools will be doing testing. The state is setting up mass vaccination clinics. We don’t have capacity to run our own clinic and he is in talks with Whittier Vo Tech as a possibility. The CDC is recommending anyone over 65 be vaccinated now. This is a state decision. He is looking for volunteers to help administer the vaccine and wants to hire 2 additional nurses and administrator to take charge of the program.

PLACED ON FILE 5

Resolution – Unified Statement from Mayor Fiorentini and the Haverhill City Council condemning the actions of Wednesday, January 6, 2021 (see document for complete text)

MAYOR FIORENTINI READ THE RESOLUTION INTO THE RECORD.

THERE WAS DISCUSSION ABOUT THE JANUARY 6TH EVENTS AT THE CAPITOL.

ADOPTED Yeas 8, Nays 1(McGonagle) 6

1. Communications from Councillors to introduce an individual(s) to address the council:

Council President Barrett requests to introduce Kerry Sheeran Perry, new CEO, Community Action, Inc.

MS. PERRY INTRODUCED HERSELF AND SPOKE ABOUT THE INITIATIVES SHE HAS BEEN INVOLVED WITH AT COMMUNITY ACTION AND HIGHLIGHTED PROGRAMS OFFERED TO COMMUNITY SERVICES MEMBERS. COMMUNITY ACTION HAS A STRONG PARTNERSHIP WITH THE CITY. IN THE LAST QUARTER OF 2020 THEY SAW A 72% INCREASE IN NEW CLIENTS.

PLACED ON FILE 7

1. Public Participation- Requests under Council Rule 28
2. Communications and Reports from City Officers and Employees:
3. Utility Hearing(s) and Related Order(s):
4. Hearings and Related Orders:

Document 113; Petition for Special Permit from Attorney Michael Migliori for applicant Snow Cassell, LLC to build a 3-family home in the RH Zone at 33 Eighth av; Map 612, Block 497, Lots 19A & 20; *Favorable recommendation with conditions from Planning Board & Planning Director*

HEARING OPENED

PRESIDENT BARRETT INFORMED THAT THE PUBLIC WOULD BE ABLE TO CALL IN BY USING THE PHONE NUMBER THAT WILL SCROLL ON THE TV.

ATTORNEY MIGLIORI REPRESENTED THE APPLICANT SNOW CASSELL LLC AND INFORMED THAT HIS CLIENTS WERE ONLINE AND THAT A CLOSING ON THE PROPERTY IS SCHEDULED FOR LATER THIS WEEK. THE PROPERTY HAS BEEN ABANDONED FOR SOME TIME AND THAT IT IS SECURED FROM VANDALISM AND HOMELESS. THIS WILL BE A 3 FAMILY RESIDENTIAL HOUSINIG UNIT THAT REQUIRES A SPECIAL PERMIT FROM THE CITY COUNCIL. IT REQUIRED A VARIANCE FROM THE ZONING BOARD OF APPEALS WHICH WAS GRANTED. THE STRUCTURE ON THE PROPERTY WILL BE REMOVED. A THREE-STORY TOWNHOUSE WILL BE BUILT WITH EACH UNIT HAVING A 2 STALL GARAGE. FIVE SPACES ARE REQUIRED BUT THEY WILL HAVE 9 SPACES PLUS THE ABILITY TO PARK IN DRIVEWAYS LEADING INTO THE GARAGE. THE ADDITIONAL PARKING ALLOWS FOR SNOW STORAGE UNTIL SNOW CAN BE MOVED OFF SITE. HIS CLIENT HAS AGREED TO INCORPORATE DEPARTMENT COMMENTS INTO THE DECISION. ATTORNEY MIGLIORI READ A LETTER OF SUPPORT FROM MR. & MRS. WEEDEN INTO THE RECORD.

HEARING CLOSED.

NO ONE CALLED IN FAVOR OR AGAINST THE PETITION.

ON MOTION OF COUNCILLOR DALY O’BRIEN TO MOVE FOR PASSAGE WITH SECOND FROM COUNCILLOR LEPAGE TO INCLUDE LETTER FROM PLANNING DIRECTOR AND DEPARTMENT HEAD RECOMMENDATIONS.

PASSED WITH CONDITIONS Yeas 9, Nays 0 113/2020

1. Appointments:

Confirming Appointments:

Non-Confirming Appointments:

1. Petitions:

Applications Handicap Parking Sign - *new*

Susan Landry for 58 Webster st 2nd Floor

REFERRED TO ENGINEER Yeas 9, Nays 0 2C

Roseanne Porcelli for 103 Summer st, Apt 7

REFERRED TO ENGINEER Yeas 9, Nays 0 2D

Annual License Renewals:

Hawker Peddlers License 2021 - Fixed location

Coin-Op License Renewals 2021

GLS Associates – Rink, 7 Parkridge rd, 12 Coin-ops

GRANTED Yeas 9, Nays 0 8

Market Basket #9, 400 Lowell av, 1 Coin-op

GRANTED Yeas 9, Nays 0 8B

Market Basket, 285 Lincoln av, 3 Coin-ops

GRANTED Yeas 9, Nays 0 8C

1. Motions and Orders

ORDERED: COMMONWEALTH OF MASSACHUSETTS

ESSEX.SS. CITY OF HAVERHILL

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF HAVERHILL held this 12th day of January, 2021, it was voted and ordered as follows:

The City Council of the City of Haverhill, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 41, Massachusetts General Laws Chapter 9, the City’s Charter, as amended, and any and every other power and authority which is hereunto in any way enabling, hereby takes, for protection of the watershed and water supply purposes, the fee simple interest in and to the parcel of land shown as Map 464, Block 3, Lot 1 Area = 25 Acres+- on a plan entitled “Plan of Land in Haverhill, Mass. Prepared for City of Haverhill”, dated December 3, 2020, prepared by the Morin-Cameron Group, Inc., recorded herewith in Plan Book \_\_\_\_, Page \_\_\_\_\_\_ (the “Plan”). A reduced copy of the Plan is attached hereto as Exhibit A and incorporated herein.

The land taken in fee is owned or supposed to be owned and/or formerly owned by the following parties, which parties are hereinafter collectively referred to as Owners: (see document for complete text)

*Related communication from City Solicitor William Cox*

SOLICITOR COX INFORMED THAT THIS IS THE SAME PROPERTY PREVIOUSLY PRESENTED TO THE COUNCIL FOR PURCHASE AND THAT THE COUNCIL APPROVED A DRAFT PURCHASE AND SALE AGREEMENT.  SINCE THAT TIME DISCREPANCIES AROSE IN THE TITLE REVIEW AND AS A RESULT THE PROPERTY TO THE LEFT OF EAST MEADOW RIVER WAS NOT INCLUDED. TO CLARIFY THE TITLE ISSUES A PLAN WAS PREPARED AND IS ATTACHED TO THE ORDER OF TAKING. STATE LAW G.L. c.43, s.30 AND THE CHARTER PROHIBITS THE CITY FROM DIRECTLY PURCHASING REAL PROPERTY AT A PRICE IN EXCESS OF 125% OF THE ASSESSORS' 3 YEAR AVERAGE VALUATION, WHICH IN THIS CASE WOULD BE $41,000.  THEREFORE, THE  CITY NEEDED TO TAKE THE PROPERTY BY EMINENT DOMAIN. THE CURRENT OWNER DOES NOT OPPOSE THE TAKING AND HAS AGREED TO ACCEPT DAMAGES IN THE AMOUNT OF $272,000, WHICH IS SUPPORTED BY THE APPRAISAL PERFORMED FOR CITY.

SOLICITOR COX ADVISED THE COUNCIL TO AMEND THE ORDER BEFORE THE FINAL VOTE. THE ORDER REQUIRES COUNCIL SIGNATURES.

ON MOTION OF COUNCILLOR LEPAGE WITH SECOND FROM COUNCILLOR JORDAN TO AMEND THE ORDER – THAT EXHIBIT A SHALL BE AMENDED TO INCLUDE THE FOLLOWING:

“The following shall be included as notes on the attached Plan prior to recording same:

1. This property is acquired for water supply protection pursuant to Massachusetts General Laws Chapter 40, Sections 38, 39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution and is under the control of the Haverhill City Council acting as the Board od Water Commissioners of the City of Haverhill.
2. MassDEP approval is required, pursuant to M.G.L Chapter 40, Section 15B, before any portion of this property can be transferred to a different ownership or control, or before the property can be changed to a different use.”

PASSED Yeas 9, Nays 0

ON MOTION OF COUNCILLOR JORDAN WITH SECOND FROM COUNCILLOR DALY O’BRIEN TO PASS AS AMENDED.

PASS AS AMENDED Yeas 9, Nays 0 9

ORDERED: That the sum of $25,000.00 be transferred from the Wastewater Salaries & Wages to Wastewater Expense – Sewer & Drain Program

PASSED Yeas 9, Nays 0 10

1. Ordinances (File 10 days)

MUNICIPAL ORDINANCE CHAPTER 240

An Ordinance Relating to Parking

Be it Ordained by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by ADDING the following in §240-85 Schedule B: Parking Restrictions and Prohibitions:

LOCATION REGULATION HOURS/DAYS

Nichols St. No Parking 24 hours

In front of No. 23-25 except for

1-24 hour handicap parking space

at No. 23-25 Nichols St.

PLACED ON FILE for at least 10 days Yeas 9, Nays 0 3B

1. Communications from Councillors:

Communication was received from Councillor Joseph Bevilacqua requesting to discuss a proposal for a celebration of unity of City, State and Country

COUNCILLOR BEVILACQUA SUGGESTED THE CITY HAVE A UNITY CELEBRATION GIVEN THE CURRENT CLIMATE IN WASHINGTON AND THE NEED TO RESPECT ONE ANOTHER.

ON MOTION OF COUNCILLOR BEVILACQUA TO DEVELOP A CONCEPT OF UNITY CELEBRA- TION. Yeas 9, Nays 0 4F

Communication was received from Councillor Colin LePage requesting a discussion regarding

the Rules and Regulations of the City Council

RFERRED TO ADMINISTRATION & FINANCE COMMITTEW Yeas 9, Nays 0 4G

Communication was received from Councillor Macek requesting a discussion on current

regulations related to the use of Face Coverings, possible improvements, and potential ways to increase public education, understanding and compliance

COUNCILLOR MACEK INFORMED THAT HE RECEIVED A PHOTO SHOWING TWO POLICE OFFICERS AT A DETAIL WEARING MASKS AND CONTRACT WORKERS WITHOUT MASKS. HE QUESTIONED THE MAYOR ABOUT THE CITY’S POLICY SINCE GOVERNOR BAKER ISSUED A BROADER ORDER THAT WAS STRICTER. THE MAYOR’S RESPONSE WAS THAT OUR EXECUTIVE ORDER IS MOOT. HE ENCOURAGED THE PUBLIC TO WEAR MASKS IF SOCIAL DISTANCING IS NOT POSSIBLE. COUNCILLOR MACEK ADDED THAT THE BOARD OF HEALTH CONTACTED THE CONTRACTOR ABOUT FACE MASK REQUIREMENT.

PLACED ON FILE 4H

Communication was received from Councillor Michitson requesting to address the rising

inequities between high and low paid occupations in the United States

COUNCILLOR MICHITSON GAVE A POWERPOINT PRESENTATION. HIS RESEARCH INDICATES POLARIZATION – REAL WAGES HAVE RISEN FOR COLLEGE GRADUATES AND FALLEN FOR WORKERS WITH HIGH SCHOOL DEGREE. HE INFORMED THAT 20% OF PARENTS HAD TO LEAVE THEIR JOB TO STAY HOME TO CARE FOR CHILDREN DURING THE PANDEMIC. NUMEROUS GROUPS WERE RECOMMENDED TO BE INCLUDED WHEN THIS ISSUE IS REFERRED TO COMMITTEE.

ON MOTION OF COUNCILLOR MICHITSON WITH SECOND FROM COUNCILLOR LEPAGE TO REFER TO CITIZEN OUTREACH COMMITTEE. Yeas 9, Nays 0 4I

Communication was received from Councillors Jordan and Michitson requesting to address any

additional strategies/tools to reduce COVID percent positivity below 10% in Haverhill

MAYOR FIORENTINI INFORMED THAT THE SCHOOL DEPARTMENT WILL BE RECEIVING STIMULUS MONEY. HE SUGGESTED POOL TESTING AS MEANS OF GETTING MORE PEOPLE TESTED.

PLACED ON FILE 4J

Communication was received from Councillor Michael McGonagle requesting to submit

recommendations of the Traffic & Safety Committee held on December 15, 2020

COUNCILLOR MCGONAGLE READ THE MINUTES INTO THE RECORD.

MINUTES ACCEPTED AND PLACED ON FILE Yeas 9, Nays 0 4K

1. Unfinished Business of Preceding Meeting:
2. RESOLUTIONS and PROCLAMATIONS:
3. Council Committee Reports and Announcements:
4. Documents referred to committee study
5. Long term matters study list

Meeting adjourned 10:05 o’clock P.M. Yeas 9, Nays 0

Attest: *James Blatchford*

Assistant City Clerk