



CITY OF HAVERHILL

CITY COUNCIL MINUTES

Tuesday, July 25, 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, McGonagle, Rogers, and Toohey
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, second Councilor McGonagle
PASSED Placed on file All in Favor

4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

Councilor McGonagle assigned the minutes.

5. COMMUNICATIONS FROM THE MAYOR:

5.1. Mayor Fiorentini submits Order to approve and accept the Conservation Restriction for the protection of 18.61 acres of land off Crystal st known as “Crystal Lake Conservation Initiative” 9-L

5.1.1. Order – Haverhill City Council approve and accept the Conservation Restriction on the land described as Lot 2A and 2B off of Crystal Street

Motion by Councilor Bevilacqua, second Councilor Toohey
PASSED Yeas 9, Nays 0 46-C

5.2. 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* 9-M

5.2.1. Memorandum of Agreement between City of Haverhill and City Hall Clerk’s Group -Teamsters Local #170 34-E

5.2.2. Ordinance re: Salaries – City Hall Clerk’s Group File 10 days

Motion by Councilor Barrett, second Councilor Rogers
PASSED Placed on File All in Favor 35-D

5.2.3. Memorandum of Agreement between the City of Haverhill and Animal control Officers, Police Mechanics (ME Repairmen) Police Building Maintenance Craftsmen/Custodian and Public Property Building Custodian Group-Teamsters Local #170 34-F



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- 5.2.4. Ordinance re: Salaries - Animal control Officers, Police Mechanics (ME Repairmen) Police Building Maintenance Craftsmen/Custodian and Public Property Building Custodian Group-Teamsters Local #170 File 10 days

Motion by Councilor Barrett, second Councilor McGonagle

PASSED Placed on File

All in Favor

35-E

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

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

- 5.3.2. Ordinance re: Salaries -Law Enforcement Police Officers File 10 days

Motion by Councilor Bevilacqua, second Councilor Barrett

PASSED Placed on File

All in Favor

35-F

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

- 6.1. Councilor Barrett requests to introduce Kerri Perry to discuss the Community Action upcoming golf tournament to help support the vital work done through Community Action

Councilor Barrett introduced Kerri Perry to talk about their upcoming event. Kerri Perry, Community Action, appeared before the Council. The golf tournament will be held on August 25th at 8 a.m. at the Bradford Country Club to support CAI workforce development, housing, nutrition, and educational programming.

Placed on File

19-X

- 6.2. Councilor McGonagle requests to introduce Jeffrey Hollett, Veterans Services Director, to discuss an upcoming event for veterans at the *Amvets Post 147*

Councilor McGonagle introduced Jeff Hollett to share information on an upcoming Veterans event.

Jeff Hollett, Director of Veteran Services, appeared before the Council. The Electronics Gift Giveaway is Saturday, August 5th, 12-3 PM at the Amvets known as "IPods for Wounded Veterans" event that gives City of Haverhill Veterans electronic devices for free.

Placed on File

19-Y



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6.3. Council President Jordan requests to introduce Maggie Brown from *Greenbelt* to discuss Sullivan Conservation Restriction (CR) at 908 West Lowell ave 19-Z

Maggie Brown, Greenbelt, appeared before the Council. The CR at 908 West Lowell Avenue will protect 4 acres of the 5-acre property. The land is a cultivated orchard. The CR will ensure that the orchard and other agricultural uses can continue on the property and this open space will never be developed. The land contains soil classified as prime and state wide important farm soils. The CR will have little to no impact on housing or tax revenue. The owner is donating the land before selling it to preserve the land. It has been a long process and was hoping it would be on the agenda in June. Here tonight to answer any questions so this can be on the next agenda for a vote.

Motion by Councilor Bevilacqua to table for two weeks, second Councilor Sullivan
FAILED Yeas 1, Nays 8

Motion by Council Vice President Michitson to approve and accept conservation restriction at 908 West Lowell Ave., second Councilor McGonagle
PASSED Yeas 8, Nays 1 (Bevilacqua)

Maggie Brown stated order for CR was not included in the agenda packet for this evening and read the order aloud for the record.

Councilor McGonagle asked the President if the language could be included as part of the motion.

Motion by Council Vice President Michitson to include language and letter to Mayor to support, second Councilor Barrett

Councilor Sullivan stated he was being advised by Solicitor Cox that since the document was not included in the agenda packet, the council cannot vote on it this evening.

Solicitor Cox stated all that is on the agenda is an item to discuss this, there is no order and no document. You could have a meeting between now and two weeks with 48 hours' notice. Generally speaking, the only one that can sign is the Mayor, without his signature it is not going to move forward.

Motion by Councilor Bevilacqua to continue to two weeks with option for meeting beforehand if mayor signs, second Councilor Sullivan
PASSED Yeas 9, Nays 0 19-Z



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7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. John Pettis, City Engineer requests 119 Hyatt av be opened for utilities work and submits related Order 45-F

8.1.1. Order - Open 119 Hyatt av for underground utility work

Motion by Councilor Rogers, second Councilor Lewandowski

PASSED

Yeas 9, Nays 0

45-FF

8.2. Council President Jordan and the Haverhill City Council request to address the Open Meeting Law Violation Complaint by Thomas Duggan dated July 8 2022

8-Z

8.3. Council President Jordan requests to submit the attached Community Letter for discussion 75

President Jordan stated in the wake of the WHAV article in early July regarding Mr. Wood's lawsuit against the city and the reported allegations against Mr. Wood, in which Council received phone calls, emails, texts about the allegations asking what the city and council were going to do. Spoke with Councilor Lewandowski to write a statement. Not intent to fail to be in compliance with the open meeting rule. The action is to have the items on the agenda this evening and have a discussion regarding it.

Solicitor Cox confirmed he sent the Council a memo reviewing the procedure and protocols on how to handle open meeting law complaints. It was necessary to disseminate and put it on the agenda for discussion to formulate a response. The council is required to file a written response. In the discussion it is important to point out, you were not aware at the time, but upon reviewing it, clearly it was not in compliance with provisions of the open meeting law. Rectified it by putting the item on the agenda tonight so it is available to anyone who wanted to see it or if the Council wanted to take action. The response will need a motion and include who is delegated to formulate the response, myself or some other party, on behalf of the Council.

Motion by Vice President Michitson to authorize City Solicitor Cox to draft a response letter to the Attorney General's complaint based on tonight's discussion and organize a review of the open meeting law, second Councilor Lewandowski

PASSED

Yeas 9, Nays 0



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Councilor Lewandoski commented that in the open meeting law the electronic means constitutes a quorum which the Council was not aware of. It is also important to note there was no deliberate intent to violate the open meeting law. That was not our intent.

Solicitor Cox also stated he would be happy to put together training on open meeting law for the Council and anyone else who would like to attend and would include that in the letter to the Attorney General's office.

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

10. HEARINGS AND RELATED ORDERS:

11. APPOINTMENTS:

11.1. Confirming Appointments:

11.2. Non-Confirming:

11.3. Resignations:

11.4. PETITIONS:

11.4.1. 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 and pending approval of Downtown Parking Commission

Jason Babin appeared before the Council explaining this business of open valet parking for downtown businesses at the parking garage and where the buses park.

Motion by Vice President Michitson to send to A&F to have a thorough discussion of proposal.

City Clerk Wright stated that the applicant has not provided the required contracts to the Clerk's office also Solicitor Cox suggests \$1M for insurance.

Councilor Barrett stated it feels rushed and motions to postpone for two weeks.

Motion by Vice President Michitson to postpone two weeks, second Councilor Barrett

PASSED postponed to August 8th

Yeas 9, Nays 0

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- 11.5. **Applications Handicap Parking Sign:** *with Police approval*
- 11.6. **Amusement/Event Application** - *with Police approval*
- 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 2023 - Fixed location** – *with approvals*
- 11.10.1.1. Kenneth Zibolis, to sell hotdogs, sausages, hamburgers, fries and bottled water at 10 Church st, *Bradford Common*; Monday – Saturday, 11 am to 7 pm
Councilor Michitson had a discussion with the owner who will accommodate farmers market and change hours on Saturdays to 2-7PM
Motion by Councilor Michitson, second Councilor Bevilacqua
PASSED Yeas 9, Nays 0 4-B
- 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*
- 11.10.4.1. Vicky Gonzalez, 147 Winter st
Motion by Councilor Rogers, second Councilor Toohey
PASSED Yeas 8, Nays 0, Absent 1 (Bevilacqua) 30-S
- 11.10.5. **Taxi/Limousine License** *with Police approval:*
- 11.10.6. **Junk Dealer License** *with Police approval*
- 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*
- 11.10.10.1. Elaine Drinkwater, for *Vintage View*, 371 River st
Motion by Councilor Rogers, second Councilor Barrett
PASSED Yeas 8, Nays 0, Absent 1 (Bevilacqua) 36-F
- 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**



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| 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:

- 12.1. Order – Authorize Mayor to execute a certain Construction Easement Agreement for Beck Residential LLC 19 and 31-35 Railroad av

Motion by Councilor Sullivan, second Councilor Barrett

PASSED Yeas 8, Nays 0, Absent 1 (Bevilacqua) 18-B

- 12.2. Order – Authorize Mayor to execute a certain Right of Way Line Adjustment Agreement with Beck Residential LLC 19 and 31-35 Railroad av
Related communication from William Cox, City Solicitor and John Pettis, City Engineer

Motion by Councilor Sullivan, second Councilor Rogers

PASSED Yeas 9, Nays 0 18-C

13. ORDINANCES (FILE 10 DAYS)

- 13.1. Ordinance re: Vehicles and Traffic – proposed on Cedar st and existing on Twelfth av, Stop Ordinance file 10 days

Motion by Councilor Sullivan, second Councilor McGonagle

PASSED Placed on File All in Favor 69-B

- 13.2. Ordinance re: Vehicles and Traffic – Parking Restriction on Kingsbury av adjacent to the College and Carrington Estates properties file 10 days

Motion by Councilor Sullivan, second Councilor McGonagle

PASSED Placed on File All in Favor 77

- 13.3. Loan Order - \$516,540 appropriated for 2 salting/snowplowing trucks
Related communication from Robert Ward, DPW Director file10 days

Motion by Councilor Bevilacqua, second Councilor Michitson

PASSED Placed on File Yeas 9, Nays 0 12-F

14. COMMUNICATIONS FROM COUNCILLORS:

15. UNFINISHED BUISINESS OF PRECEEDING MEETING:



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15.1. Document 15-E: Ordinance re: Add Handicap Parking , 5 Fourth av and 36 Lawrence st *filed July 12th*

Motion by Councilor McGonagle, second Councilor Rogers

PASSED All in Favor

15.2. Document 15-F: Ordinance re: Add Handicap Parking, Church st, North side and Salem st to support the Farmer's Market *filed July 12th*

Motion by Councilor Barrett, second Councilor Bevilacqua

PASSED Yeas 9, Nays 0

15.3. Document 15-G: Ordinance re: New and Corrected stop signs for Middle rd at Millvale rd *filed July 12th*

Motion by Councilor McGonagle, second Councilor Toohey

PASSED All in Favor

16. RESOLUTIONS AND PROCLAMATIONS:

17. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

17.1. Councilor Barrett submits *Administration & Finance Committee* minutes for the meeting held July 12 2023 for acceptance

Councilor Barrett summarized the July 12th meeting minutes pertaining to Inclusionary Zoning with a recommendation from the subcommittee to the Council which will be before the Council August 8th and will also have for review one week before meeting.

Motion by Councilor Barrett to accept minutes, second Councilor McGonagle

PASSED Placed on File Yeas 9, Nays 0

10-U

18. DOCUMENTS REFERRED TO COMMITTEE STUDY

19. LONG TERM MATTERS STUDY LIST

20. ADJOURN

Motion by Councilor Sullivan, second Councilor Lewandowski

PASSED All in Favor

Adjourned 20:22