



City of Haverhill

City Council Minutes

Tuesday, October 30, 2018 at 7:00 PM
Theodore A. Pelosi, Jr. Council Chambers, Room 202
4 Summer Street

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

Absent – Councillor Macek

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 Daly O’Brien was assigned the minutes

5. Communications from the Mayor:

Mayor Fiorentini submitted information and order regarding the city owned Ornsteen Property. He proposed that the City partner with NOAH (Neighborhood of Affordable Housing ) to develop the property and felt that it was the best opportunity in the last 14 years since it was put out to bid numerous times. The Mayor asked for 90 days to work on developing the proposal. This proposal would extend the rail trail and put in a park. It would be a public/private partnership with 80 to 120 units. He introduced Mr. Phil Giffie, NOAH Director, who gave a Power Point presentation. The development would have market rate/workforce housing. It may take up to 4 years to develop the site. Mr. Steve Cecil, hired by city to do peer review, emphasized key points of the presentation and NOAH’s qualifications. Mr. Mike Katsulis, neighbor, voiced his concern about the amount of cars and impact on traffic. Councillors questioned Mr. Giffie on the particulars of the proposal.

PLACED ON FILE

1R

ORDERED: That the Mayor being and is hereby authorized to designate Neighborhood of Affordable Housing, Inc. (NOAH) as “Preferred Developer” granting to them a Preliminary Designation to enter into negotiations with the City , pursuant to Request for Proposals (RFP005.18), for the sale and redevelopment of the Ornsteen Property located at 31-35 Railroad Avenue, Haverhill, located on Assessor’s Map 711, Bl. 4, Lots 3,4 and 4A: and Map 712, Block 684, Lots 1, which also includes Lot 2. (see document for complete text)

ON MOTION OF COUNCILLOR BEVILACQUA TO PASS THE ORDER AND EXTEND FOR 90 DAYS.

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

Yeas,- Councillors Bevilacqua and Daly O’Brien 2

Nays,- Councillors Sullivan, Barrett, LePage, Jordan, McGonagle, Michitson 6

Absent , - Councillor Macek 1

NOT PASSED

20F

6. Communications and Reports from City Officers and Employees:

Haverhill Retirement System, William Klueber, Chairman submits information and Orders regarding Chapter 32 section (j) added by Chapter 188 of the Acts of 2010, an Act Relative to Municipal Relief section 18 (d) and section 19 (j) Increase to the maximum base amount of which the cost-of-living adjustment is calculated. MR. DAVID VAN DAM, RETIREMENT ADMINISTRATOR, INFORMED THAT THE LAST CHANGE MADE TO THE MAXIMUM BASE OF COST OF LIVING ADJUSTMENT (COLA) WAS JULY 1, 1998. MR. CHUCK KLUEBER, CITY AUDITOR AND RETIREMENT BOARD MEMBER ANSWERED QUESTIONS. MR. LARRY STONE, ACTUARY CONSULTANT, ALSO ANSWERED QUESTIONS. MAYOR FIORENTINI VOICED HIS STRONG OPPOSITION TO INCREASING BASE TO \$14,000 AND OFFERED A COMPROMISE TO \$13,000.

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

119

ORDERED: That the City Council of the City of Haverhill accept provisions of Chapter 188, Section 19, Acts of 2010 which would increase the Cost of Living adjustment base from \$12,000 to \$14,000 by July 1, 2018 such that any cost of living adjustment granted by the Haverhill Retirement Board will be based upon \$14,000 for FY2019.

ON MOTION OF COUNCILLOR BEVILACQUA TO AMEND ORDER TO INCREASE BASE TO \$13,000.

MOTION TO AMEND PASSED

Yeas 7, Nays 1(McGonagle) Absent 1

PASSED AS AMENDED

Yeas 7, Nays 1(McGonagle) Absent 1 119B

ORDERED: That the City Council of the City of Haverhill accept the provisions of Chapter 188, Section 19, Acts of 2010 which would increase the Cost of Living adjustment base from \$14,000 to \$15,000 by July 1, 2020 such that any cost of living adjustment granted by the Haverhill Retirement Board will be based upon \$15,000 for FY2021

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

119C

ORDERED: That the City Council of the City of Haverhill accept provisions of Chapter 188, Section 19, Acts of 2010 which would increase the Cost of Living adjustment base from \$15,000 to \$16,000 by July 1, 2021 such that any cost of living adjustment granted by the Haverhill Retirement Board will be based upon \$16,000 for FY2022

PLACED ON FILE

Yeas 8, Nays 0, Absent 1

119D

Haverhill Economic Development & Planning Director, William Pillsbury submits information and 3 Orders to facilitate the construction of downtown projects. MR. PILLSBURY INFORMED THAT THESE EASEMENTS WERE PREVIOUSLY GRANTED ON A TEMPORARY BASIS.

PLACED ON FILE Yeas 6, Absent 1, Abstain 2(Barrett, McGonagle) 120  
ORDERED: Relocate easement previously granted to Walcott Corp. from Cram Place parking lot to the How Street Parking Lot (see document for complete text)  
PASSED Yeas 6, Absent 1, Abstain 2(Barrett, McGonagle) 120B

ORDERED: Relocate easement previously granted to Brigham Circle Trust from Haverhill Bank Parking Lot to the Goecke Parking Deck (see document for complete text)  
PASSED Yeas 6, Absent 1, Abstain 2(Barrett, McGonagle) 120C

#### **Councillor Bevilacqua left the Chambers**

ORDERED: Execute an easement granted to the Lupoli Companies (see document for complete text)  
PASSED Yeas 5, Absent 2, Abstain 2(Barrett, McGonagle) 120D

#### **7. Utility Hearing(s) and Related Order(s)**

#### **8. Hearings and Related Orders**

#### **Councillor Bevilacqua returned to Chambers**

On motion of Councillor Sullivan to suspend the rules to Act on Auxiliary Police appointments.  
RULES SUSPENDED Yeas 8, Nays 0, Absent 1 122

Appointment of the following as Auxiliary Police: Miguel A. Pena, Yohanna Almengo, George Lenotte and Jamal Babiker, effective immediately.  
PASSED Yeas 8, Nays 0, Absent 1 122

Hearings were held on Document 101, petition for hearing from City Engineer John Pettis for the City of Haverhill requesting to Accept the following streets as Public Ways with a favorable recommendation from Planning Board & William Pillsbury Planning Director:

Brandon Rd	Kali Way
Colonial Farm Rd	Kristine Lane
Crafts St	Stelyani Dr
Creek Brook Dr	Strawberry Lane

Hearing opened.

MR. PETTIS INFORMED THAT ALL THE ROADS WERE BUILT TO SUBDIVISION REGULATIONS. MR. ROBERT JARVIS WAS IN FAVOR OF ACCEPTANCE OF STRAWBERRY LANE. NO ONE WAS OPPOSED.

Hearing closed. Yeas 8, Nays 0, Absent 1 101

ON MOTION OF COUNCILLOR BEVILACQUA TO ACCEPT THE FOLLOWING STREETS AS PRESENTED BY CITY ENGINEER PETTIS:

ORDERED: Accept Brandon Road as a Public Way (see document for complete text) 101B  
ORDERED: Accept Colonial Farm Road as a Public Way (see document for complete text) 101C  
ORDERED: Accept Crafts st as a Public Way (see document for complete text) 101D  
ORDERED: Accept Creek Brook Drive as a Public Way (see document for complete text) 101E  
ORDERED: Accept Kali Way as a Public Way (see document for complete text) 101F  
ORDERED: Accept Kristine Lane as a Public Way (see document for complete text) 101G  
ORDERED: Accept Stelyani Drive as a Public Way (see document for complete text) 101H  
ORDERED: Accept Strawberry Lane as a Public Way (see document for complete text) 101I  
ALL PASSED Yeas 8, Nays 0, Absent 1

#### **9. Public Participation- Requests under Council Rule 28**

Nicholas J Golden requests to address Council regarding a proposed resolution in favor of Yes On 3 which, if they so choose, the Council can adopt to affirm their commitment to the civil rights of the trans residents of Haverhill

MR. GOLDEN URGED VOTERS TO GET OUT AND VOTE ON NOV. 6<sup>TH</sup>. HE INFORMED THAT THE LEGISLATURE AND GOVERNOR PASSED LEGISLATION, AN ACT RELATIVE TO TRANSGENDER ANTI-DISCRIMINATION, INTO LAW ON JULY 8, 2016. THE LAW IS SUPORTED BY NUMEROUS GROUPS AND MUNICIPAL GOVERNMENT BODIES. THEY ALL SUPPORT YES ON 3 (QUESTION ON BALLOT).

PLACED ON FILE Yeas 8, Nays 0, Absent 1

*Resolution* – Haverhill City Council pledges to sign on to the “Yeas on 3 Coalition” organized by Freedom for All Massachusetts (see document for complete text)

THE RESOLUTION WAS READ INTO THE RECORD BY COUNCILLOR SULLIVAN.

ADOPTED Yeas 8, Nays 0, Absent 1 390

#### **10. Appointments:**

Confirming Appointments:

No Schedule

Non-Confirming Appointments:

11. Petitions:

Applications:

No Schedule

12. Motions and Orders:

ORDERED: That the sum of \$170,000 be transferred from the Capital Projects account to DPW Equipment Capital Account

PASSED Yeas 8, Nays 0, Absent 1 34Y

ORDERED: That the Mayor be and is hereby authorized to enter into and execute a contract with Whitsons New England, Inc for operation of a food service program for the students, employees, visitors and guests of Haverhill Public Schools on behalf of the School Committee. The term of contract exceeding three (3) years, City Council authorization is required by MGL c. 30B, section 12(b). Authorization hereunder is retroactive to July 1, 2014.

*Related communication from Brian A. O'Connell, Business Manager, Haverhill Public Schools*

SOLICITOR COX INFORMED THAT THE CONTRACT SHOULD HAVE BEEN APPROVED BY THE CITY COUNCIL AFTER APPROVAL BY SCHOOL COMMITTEE.

MR. O'CONNELL INFORMED THAT THE CONTRACT WILL END JUNE 2019.

PASSED Yeas 8, Nays 0, Absent 1 20G

12.4 ORDINANCES (File 10 days)

MUNICIPAL ORDINANCE

CHAPTER 240

An Ordinance Relating to Parking

40 Sheridan St. – Establish Handicap Parking (see document for complete text)

PLACED ON FILE for at least 10 days

Yeas 8, Nays 0, Absent 1

22W

13. Communications from Councillors:

Communication was received from Council President Michitson requests that City Finance Director present status of pension and OPEB liabilities and the City's plans to address both

MR. CHUCK BENEVENTO, CITY AUDITOR, INFORMED THAT THERE IS NO CURRENT PLAN TO ADDRESS OPEB LIABILITY. MR. LARRY STONE, ACTUARY CONSULTANT, INFORMED THAT THERE IS PLAN FOR PENSIONS AND IT WILL BE PAID OFF BY 2032. 12I

Communication was received from Councillor Sullivan requesting to introduce Christine Rau, Director of Haverhill's Brightside Program, to give a summary report for 2018 projects and other accomplishments ON MOTION OF COUNCILLOR SULLIVAN TO POSTPONE TO FUTURE DATE

POSTPONED Yeas 8, Nays 0, Absent 1 121B

Communication was received from Councillor Michael McGonagle requesting to introduce Jim Smith, President of Haverhill Rotary, to speak about the Veterans Day breakfast

MR. SMITH INFORMED THAT THE THIRD ANNUAL BREAKFAST WILL BE HELD ON NOV 8<sup>TH</sup>, 7:30-9:30AM AT THE HAVERHILL COUNTRY CLUB, HE INVITED THE COUNCIL AND THE PUBLIC TO ATTEND.

PLACED ON FILE Yeas 8, Nays 0, Absent 1 121C

Communication was received from Councillor Jordan requesting to introduce School Superintendent Marotta to brief the Council on the MASBO report and the need for facilities maintenance, curriculum materials and chrome books

MS. MAROTTA NOTED POINTS OF CONSIDERATION FROM RECENT AUDIT WHICH INCLUDED DATA GATHERING, NEED FOR LONG TERM MASTER PLAN AND CAPITAL PLAN

PLACED ONFILE Yeas 8, Nays 0, Absent 1 121D

Communication was received Councillor Sullivan requesting to discuss Question 3 on the November 6th ballot seeking to repeal the provision in the Mass Public Accommodations Law prohibiting discrimination on the basis of gender identity in places of public accommodation

COUNCILLOR SULLIVAN INTRODUCED NICHOLAS GOLDEN TO SPEAK ABOUT THE MASS PUBLIC ACCOMMODATIONS LAW AND A RESOLUTION. MS. ALEXANDRA CHANDLER EXPRESSED HER SUPPORT OF VOTING YES ON QUESTION 3.

PLACED ON FILE Yeas 8, Nays 0, Absent 1 121E

THE RESOLUTION WAS READ INTO THE RECORD BY COUNCILLOR SULLIVAN

Communication was received from Councillors Barrett and Bevilacqua requesting to introduce Maria Zangari to discuss illegal hunting concerns in Atlanta st area

MS. ZANGARI INFORMED THAT HUNTERS ARE WITHIN 500' OF HER HOME. SHE HAS CONTACTED THE HAVERILL POLIC DEPT., MASS. ENVIRONMENTAL PROTECTION AGENCY (EPA) AND MBTA. LAND IS OWNED BY MBTA.\* SHE AND NEIGHBORS WANT NO HUNTING/ PRIVATE PROPERTY SIGNS POSTED. HUNTERS START BEFORE 7AM. CAPT. PISTONE (HPD) SUGGESTED CITY REVIEW CITY ORDINANCE AND CONSIDER INCREASING HUNTING DISTANCE.\*

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MBTA, EPA & REFER TO PUBLIC SAFETY COMMITTEE Yeas 8, Nays 0, Absent 1 121F

Communication was received from Councillor Joseph Bevilacqua requesting to introduce Tracy Fuller, Haverhill YMCA, to discuss the Y's Educator of the Year Program

COUNCILLOR BEVILACQUA GAVE DETAILS OF EVENT SCHEDULED FOR NOV 13 AT NECC, 5PM, IN MS. FULLER'S ABSENCE\*

PLACED ON FILE Yeas 8, Nays 0, Absent 1 121G

Communication was received from Councillor Joseph Bevilacqua requesting to introduce a discussion regarding Haverhill Youth Soccer with David Lefcourt, President and Edward Felker, Chairman Field Committee

POSTPONED TO NOV 27 2018 Yeas 8, Nays 0, Absent 1 121H

14. Unfinished Business of preceding Meetings :

Document 22-Q

MUNICIPAL ORDINANCE CHAPTER 240

An Ordinance Relating to Parking  
(120 Street – DELETE Handicapped Park (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22Q

Document 22-R

MUNICIPAL ORDINANCE CHAPTER 240

An Ordinance Relating to Parking  
(491 Washington Street #1 – DELETE Handicapped Park  
(see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22R

Document 22-S

MUNICIPAL ORDINANCE CHAPTER 240

An Ordinance Relating to Parking  
(21 Cedar Street – DELETE Handicapped Park (see document for complete text)

PASSED Yeas 8, Nays 0, Absent 1 22S

Document 107-H

Communication from Councillor LePage requesting a discussion concerning the audio and video broadcast quality from the Theodore A Pelosi Jr. City Council Chambers

POSTPONED TO NOV. 27 2018 Yeas 8, Nays 0, Absent 1 107H

Document 107-Y; Communication from Councillor Joseph Bevilacqua requesting to

introduce Dana DeFranco to discuss crosswalk safety in the downtown district

MS. DEFRANCO SHARED HER OBSERVATIONS WITH RESPECT TO CROSSWALK SAFETY  
ON WASHINGTON AND MERRIMACK STREETS

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND LETTER TO MAYOR AND DEPT. OF PUBLIC  
WORKS WITH FOLLOWING RECOMMENDATIONS: use of glass beads in crosswalks to make them  
reflective; use of reflective signs in crosswalks; use of solar blinking sings at crosswalks, and prioritize key  
critical areas in the downtown, school zones and other places in city that need immediate crosswalk attention

Yea 8, Nays 0, Absent 1 107Y

IT WAS ALSO NOTED TO HAVE COUNCILLOR BEVILACQUA TO GIVE AN UPDATE IN MONTH

15. Resolutions And Proclamations

PROCLAMATION – “BELLS OF PEACE”, A WORLD WAR 1 CENTENNIAL  
ARMISTICE REMEMBRANCE; Bells to ring at 11:00AM on November 11th

ADOPTED and

ON MOTION OF COUNCILLOR BEVILACQUA TO SEND TO SCHOOL DEPT. Yeas 8, Absent 1 39P

16. Council Committee Reports and Announcement

City Clerk Koutoulas announced that there is no City Council meeting next Tuesday due to the elections;

Councillor McGonagle announced the Veterans Alliance Breakfast on Sunday-Nov 4<sup>th</sup> from 9-11 am  
at 147 Primrose St.

17. Documents Referred To Committee Study

Meeting adjourned a 10:49 o'clock P.M. Yeas 8, Nays 0, Absent 1

Attest: Linda Koutoulas  
City Clerk

- \*Doc. 1-R – Handout from NOAH regarding Ornsteen Site
- \*Doc. 121-F – Handout from Maria Zangari – MBTA property, all abutters within 500’
- \*Doc. 121-F– Handout from Capt. Pistone – Google map of 108 Atlanta St.
- \*Doc. 121-G – Handout from Tracey Fuller – Educator of Year Flyer