

**City of Beverly  
Special City Council Meeting  
Public Meeting Minutes  
Monday, May 23, 2022, 6:00pm  
City Council Chambers, 191 Cabot St.**

Julie Flowers, City Council President, called the meeting to order at 6:00pm, City Clerk, Lisa Kent, took attendance by roll call.

Members Present: Hannah Bowen, Steven Crowley, Kathleen Feldman, Scott Houseman (arrived 6:04pm), Estelle Rand, Todd Rotondo, Matthew St. Hilaire, Brendan Sweeney, Julie Flowers

Members Absent: None

Rotondo led the pledge of allegiance.

**Public Hearing**

Order #065-National Grid/New England Power Company Petition for Transmission Line Franchise

Flowers opened the public hearing.

A motion to recess the hearing to 6:05pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to take #155 out of order was made and seconded. A vote was taken, and the motion carried (8-0).

**Communications, Applications and Petitions**

**Order #155-Addy Shreffler-Beverly Farmers' Market**

Rand stated she would recuse herself from a vote because of her involvement in the market.

A motion to approve was made and seconded. A vote was taken, and the motion carried (7-0, Rand recused herself).

Houseman arrived at 6:04pm.

**Public Hearing (continued)**

Order #065-National Grid/New England Power Company Petition for Transmission Line Franchise

Flowers reopened the public hearing.

Attorney Ray Miyares from Miyares and Harrington LLP, outside counsel for the City of Beverly, stated that at the last session of the public hearing it was announced that the City Council is not going to take further testimony and would move to consider the matter while not closing the hearing. The reason for not closing the hearing is that while deliberating it may become apparent that there is information the Council wishes to have in the record. By leaving the hearing open, it is possible to make that request. Miyares stated his firm drafted a list of some areas for potential conditions that was emailed out earlier today, and the hope is that the Council will adopt a motion to instruct him and his team to prepare a decision. Miyares suggested proceeding with each of the Councilors saying what conditions are essential or if they think the matter should be disapproved regardless of conditions.

Rotondo asked if there were any updates on the MOU or if conditions would result in a change to the MOU.

City Solicitor Stephanie Williams stated the MOU has not been amended. Williams stated her understanding is that the Mayor's Office reached out to a National Grid representative but Williams was unsure if there had been a response yet.

Miyares advised, if the Council wanted more money for paving since costs have increased, that may be better to incorporate into the MOU rather than adding on as a separate condition that more money than what is listed in the MOU be provided. If that was something the Council wanted to pursue, they could instruct such a revision be made to the MOU.

Sweeney stated that this is a priority of his as well.

Rand stated her focus is on a high level of communication. Rand stated she would like to see direct outreach for interior pre-construction videos rather than the more passive approach of opting in to a notice received by mail. Rand asked for a more direct phone call or conversation where someone could say whether they want it or not. All the conditions that can be applied are great; really they are only as good as they will be if those things are properly communicated along the route. Rand stated her understanding is that the project aims to work in 200-foot increments. Rand stated that if this passes she would like to incorporate a requirement for communication with those constituents or businesses in the 200-foot increments and for those in the 200-foot area and the full Council to be updated on things like if they hit ledge, or if it is going to take a day longer, or where staging and storing will be set up. Rand also requested another level of communication like a video component on the project website. Rand stated she would also like to see notices available in other languages.

Miyares asked National Grid, in thinking about how to craft such a condition, if the work flow contemplates readily identifiable increments that they will work in so that they could give that notice to people.

Mark Rielly, representative from National Grid, stated that is in the memorandum. There is a two-week look ahead, and every week National Grid does additional outreach.

Tim O'Leary, representative from National Grid, stated that 200 feet is the maximum, but National Grid may work in smaller increments in areas like downtown. There is constant outreach with the abutters.

Rielly stated that National Grid has committed in the MOA that representatives will be stopping in at businesses along the way.

Rand stated she is looking for communication that is above and beyond what has been done in the past. Even today, although it was the gas side of National Grid, there was a constituent that had surprise staging in front of their house. Rand stated she is looking at improving the timing, quality and variety of ways to access information.

Danielle Aretz, representative from National Grid, stated that on the project's website materials are available in three languages (English, Spanish and Portuguese) based on census data. Aretz asked Rand to let the team know if there are other languages that are needed.

Rand asked to add Albanian to the list. Having the ability to translate on the website is fantastic. Rand stated she would like to see people receive the information in their selected language.

Aretz stated National Grid can do that as long as they can provide what language is needed.

Houseman stated if he were going support it with conditions, then all 23 of these should be a minimum baseline. Houseman noted some specific amendments he would like to see on the list including an update to the MOA related to inflation and delta configuration, more specifics on rodent control, the streets missing from the MOA relative to paving, inspections to foundation cracks should also include radon inspections, no staging within the perimeter of Central Cemetery, and preservation or replacement of public shade trees. Houseman also requested adding some sort of letter of credit, bond or something that would allow if there are damages and residents want to make a claim, that the claim process is not rendered ineffective due to the difficulty of a resident having to contend with a large organization. Houseman stated he would like to see some sort of claim or damage procedure that evens the playing field.

Miyares asked Rielly if some sort of fund would be set aside for damages that might occur.

Rielly stated this is addressed in paragraph 4 of the MOA. There needs to be a process to determine fault. National Grid would not agree to set aside money that would just be paid out without that type of evaluation first.

There was discussion of the function of a fund, a claim process, and how that would be communicated. Houseman asked if that process could be disclosed upfront.

Aretz stated the process for claims will be posted on the project's website and will be on signage with contact information.

Miyares suggested pausing this discussion so he could consult with some colleagues.

Bowen stated that city ordinances typically require a small construction bond, which the MOA may exempt this project from; that would be something to look into. Bowen encouraged looking at what has worked in the past few months and learning from what has not worked recently. Bowen said she would like to see continued citizen engagement in a working-group style. Bowen stated she still had a question about the cost of the City consulting engineer and would feel more comfortable with something in place saying that work could not begin until that person was in place. Bowen asked if there can be claims for lost property value or business losses or just for damages. Bowen also noted the discussion of working around sensitive areas like the fire station or school bus routes and asked about documentation or some of the outcomes of those conversations.

Miyares asked Mr. Rielly's position with respect to businesses who have documented loss of revenue during the term of the project.

Rielly stated there is no limit on what kind of claims could be filed. There would need to be documentation which National Grid would evaluate. Rielly suggested that it would benefit everyone to amend the MOA with these things so that items are not in different places and everyone can look at one document and see what all the requirements are.

Miyares stated he is fundamentally fine with the idea but concerned about the timing here. The Council is sensitive to the idea that it wants to reach a decision and vote so this can move on.

There was some discussion between Miyares, Williams, and Rielly about how to document the conditions, whether in the MOA or separately.

Houseman stated that a statement about the burden of proof for damages should be made clear. There was some discussion of storm water management plan.

A motion for a five minutes recess was made and seconded. A vote was taken, and the motion carried (9-0).

Flowers called the meeting back to order at 7:30pm.

Flowers acknowledged receipt of Mr. Miyares response to National Grid and a letter from Ms. Alyssa Rayman-Read, both of which were received by the full Council via email.

Miyares asked about the potential condition that has to do with the staging/lay down area. There has been a site identified as parcel 6-37 which appears to be adjacent to a residential apartment complex.

There was some discussion of the location off of Brimbal Ave. and the access road.

Rielly stated that National Grid is not actually using that site for laydown staging area. There are sites in Peabody and Salem.

Miyares requested that information on the location of the site be provided and how vehicles will travel from that site to the project route.

Rielly stated that can be provided. National Grid would like to be able to see the conditions to provide comment before they are adopted.

Miyares stated there is no written list yet, only some proposed areas, which is public record, but when a draft is produced, the intention is for it to be in public session and as a public record, so it would be wise for the Council to hear National Grid's comments before taking a final vote.

Houseman asked if National Grid could confirm no site in Beverly will be used as a laydown.

O'Leary stated that at this time, it is subject to change. National Grid cannot say that at some point they would not be using any property in Beverly, including National Grid's own property on River Street.

Flowers asked if the Council could ask to be notified if an area in Beverly would be used.

Miyares stated they could or any laydown area could be subject to Council approval.

Miyares asked if Council members wanted to specify how frequently they want updates to staff and Council and what level of detail they would like.

Bowen stated weekly updates are already in the MOA. Bowen said she would support that frequency and scale, as well as establishing a working group of city staff, Councilors, and abutters on that route to address any issues that come up.

Flowers asked Rotondo to take chair so she could speak her opinion. Flowers circled back to letter from residents and expressed support for incorporating residents' voices going forward. Flowers noted sensitive areas including residences with young children or with medical concerns and residents working from home as well as considerations for residents who may need to be temporarily relocated.

The motion to direct Mr. Miyares and his team to draft an approval with conditions as discussed to submit to the City Clerk's Office by noon on Thursday, June 2 for consideration at the June 6 meeting was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (9-0).

The meeting adjourned at 7:51pm.