

City of Beverly
Regular City Council Meeting
Public Meeting Minutes
Monday, June 5, 2023, 7:00pm
City Council Chambers, 191 Cabot St.

CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERKS OFFICE

2023 JUN 14 P 3: 58

Julie Flowers, City Council President, called the meeting to order at 7:00pm. City Clerk, Lisa Kent, took attendance by roll call.

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

Members Absent: None

Houseman led the pledge of allegiance.

Resolutions

Order #145-Carolyn Pilanen-Kudlik, Retired Beverly High Teacher

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

Order # 146-Eagle Scout- Ryan Trabulsi

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

Order #147-Eagle Scout- Brendan Brophy

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

Order #148-Eagle Scout- Samuel Tabako

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

Public Hearings

Order #135-7:20 PM-National Grid Plan #30758714 to install electric conduits-Lovett Street

The public hearing was opened. A motion to recess the public hearing to 7:50pm was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to recess the City Council meeting was made and seconded. A vote was taken, and the motion carried (9-0). The meeting recessed at 7:24pm. The meeting was called back to order at 7:30pm.

Order #142-7:30pm-Community Preservation Committee Tenth Round CPA Funding Recommendations

The public hearing was opened.

A motion to recess the public hearing to 8:00pm was made and seconded. A vote was taken, and the motion carried (9-0).

Presentations, Awards and Memorials

Aka Denjongpa, Director of Community Engagement & Partnerships for Big Brothers/Big Sisters of Eastern Massachusetts

Denjongpa highlighted three programs including a campus base at Endicott College, community mentoring, and the BIG Future mentoring program at Revere High School. Data suggests that if there is one caring adult in a youth's life, it can drastically change that youth's life. Denjongpa

stated volunteers are seven to one female-identifying, and Big Brothers/Big Sisters is looking for mentors, especially male-identifying mentors because there is a waitlist of youth looking for mentors. Denjongpa asked the councilors to refer any adults ages 18+ who would be great mentors and also to let community organizations know about Big Brothers/Big Sisters programs for youth that are interested.

Paul Earl, Beverly Harbor Management Authority

Earl highlighted ongoing and upcoming initiatives of the Beverly Harbor Management Authority, which can also be found in Order #163.

Public Hearings (Continued)

Order #135-7:20pm/7:50pm-National Grid Plan #30758714 to install electric conduits-Lovett Street

The public hearing was reopened.

Michael Kazadi from National Grid stated this is an upgrade for a current customer.

No members of the public wished to speak.

The public hearing was closed and the item was referred back to Committee on Public Services.

Acceptance of Minutes of Previous Meeting

Joint Meeting of the Beverly School Committee and City Council-March 22, 2023

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

Regular City Council Meeting-May 15, 2023

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

Committee on Finance & Property and Committee of the Whole-May 23, 2023

A motion to approve with the amendment per Councilor Houseman's request to add "other" before "city employees" was made and seconded. A vote was taken, and the motion carried (9-0).

Special City Council Meeting-May 25, 2023

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

Communications from His Honor the Mayor

Order #149-A transfer request of \$240,000 from the City's certified free cash balance to fund three capital needs within the Library and Fire Departments

Referred to Committee on Finance and Property to set a public hearing.

Public Hearings (Continued)

Order #142-7:30pm/8:00pm-Community Preservation Committee Tenth Round CPA Funding Recommendations

The public hearing was reopened.

Vice Chair of the Community Preservation Committee Derek Beckwith reviewed the recommendations. The number of projects is down this year, and the request is lower this year. Beckwith stated the committee also anticipates some out of cycle projects that will come back before the Council.

Rotondo asked if the CPC intends to continue putting money towards the carriage house project because it seems like this is just putting band-aids on it.

Beckwith stated those concerns of consistently funding the project were concerns of the CPC as well. It was made clear to the representatives who were presenting that it's not an endless well of support and funding. It is also clear that the carriage house is in desperate shape right now with damage to the exterior and damage from an animal infestation. This is an emergency type of project to shore it up and alleviate the concern right now that a storm will take it down. The CPC requested a proposal of the vision for the site. If this money isn't put in, there could be consequences that cost even more.

St. Hilaire asked if the CPC looks at if projects are getting done. The cost of doing a project is escalating.

Beckwith stated the CPC talked about that at the last meeting. Each project has milestones and an end date. If the project needs to be extended, the representatives need to come before the CPC and request an extension. CPC funding is only released when those milestones are reached. Some projects did run into issues with being able to move forward because of the pandemic. It's an ongoing issue.

St. Hilaire asked if that money gets refunded if a project is never done.

Beckwith stated the money never left if the project did not meet milestones. There were a few projects that timed out. The money stays in the budget and can be put to other projects.

No members of the public wished to speak.

The public hearing was closed and the item was referred back to Committee on Finance and Property.

Communications from His Honor the Mayor (Continued)

Order #150-A transfer request of \$75,000 from the airport enterprise fund balance to fund the continuation of work associated with the testing and monitoring of property at the airport

Referred to Committee on Finance and Property to set a public hearing.

Order #151-A transfer request of up to \$230,000 in the FY2023 budget to fund retroactive costs back to July 1, 2022

Referred to Committee on Finance and Property to set a public hearing.

Order #152-A budget transfer request of \$15,000 into the Fire Department budget to fund FY2023 costs associated with the City of Beverly and the Firefighters Union as well as some anticipated costs overages within the department's operating budget for FY2023

Referred to Committee on Finance and Property to set a public hearing.

Order #153-An Inter-departmental transfer totaling \$170,012 consisting of \$157,512 to fund the increased assessment and \$12,500 to be placed into the Harbormaster budget. \$18,214 of the total will be transferred from the reserve for unforeseen and the remaining \$151,798 will be transferred from the Short-Term Principal line

Referred to Committee on Finance and Property to set a public hearing.

Order #154-A transfer request of \$600,000 from the city's certified free cash balance to be placed into the City's road and sidewalk capital to support paving work for fiscal year 2024

Referred to Committee on Finance and Property to set a public hearing.

Order #155-A transfer request from the Sewer Enterprise Retained Earnings in the amount of \$382,913

Referred to Committee on Finance and Property to set a public hearing.

Order #156-A reappointment for Richard S. Kelly, 2 Goodwin Avenue to serve on the Beverly License Board

Referred to Committee on Legal Affairs.

Order #157-A reappointment for Stephanie Tallo, 3 Herrick Street to serve on the Beverly Council on Aging

Referred to Committee on Public Services.

Order #158-An appointment for Tara A. Duffy, 28 Whitney Avenue to serve on the Conservation Commission

Referred to Committee on Legal Affairs.

Order #159-An appointment for Grace K. Charles, 12 Hale Park Avenue to serve on the Conservation Commission

Referred to Committee on Legal Affairs.

Order #160-An appointment for Janice L. Wanchik, 22 Federal Street, Unit #404 to serve as the Tenant representative on the Beverly Housing Authority

Referred to Committee on Public Services.

Order #161-An appointment for Mr. Nathaniel J. Lewis, 27 Whitney Avenue to serve on the Beverly Planning Board

Referred to Committee on Legal Affairs.

A motion to accept a late file was made and seconded. A vote was taken, and the motion carried.

Order #162-LATE FILE-A proposed amendment to Chapter 270 of the Ordinances relative to parking and regulations at various locations in the City

Referred to Committee on Legal Affairs.

Communications from other City Officers and Boards

Order #163-Paul Earl, Beverly Harbor Management Authority Report Update

A motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (9-0).

Order #164-Councilor Rotondo-Proposed Ordinance Amendment for Article VI, Section 192 regarding Lodging House Licenses

Referred to Committee on Legal Affairs.

Order #165-Councilor Houseman-Update and petitions regarding the Central Cemetery

Referred to Committee on Finance and Property.

Order #166-City Clerk-A renewal application for a Hawkers and Peddlers License for Nicole Birarelli, Joe's on a Roll located at 61 Federal Street

Referred to Committee on Legal Affairs.

Order #167-City Clerk-A renewal application for a Second Hand Junk Dealer for Handwired Rescue located at 6 Broadway

Referred to Committee on Legal Affairs.

Order #168-City Clerk-A renewal for a 2023 Petroleum Storage Registration for North East Health Systems, 85 Herrick Street

Referred to Committee on Legal Affairs.

Order #169-Sergeant Henebury-A request to amend a current city ordinance 270-49 by adding a "Handicapped Parking Sign and Space" across from 25 Broadway

Referred to Committee on Legal Affairs.

Communications, Application and Petitions

Order #170-Notice of Public Involvement Plan Meeting Phase IV Remedy Implementation Plan Part 1 (Former Varian Facility Site, 150 Sohier Road)

A motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (9-0).

Order #171- National Grid-Plan #30548817-to install underground electric conduits approximately 65 feet southeast of the centerline of the intersection of Cabot Street and Central Street and continuing approximately 25 feet in a north direction

Referred to Committee on Public Services to set a public hearing.

Order #172-Glovsky, Counselors-at-Law-A request for release of Easement 4-6 and 8 Rantoul Street

Referred to Committee on Legal Affairs.

A motion to break for committee work was made and seconded. A vote was taken, and the motion carried (9-0). The meeting recessed at 8:37pm.

The meeting was called back to order at 9:24pm.

Reports of Committees

Public Services

Order #135-National Grid Plan #30758714 to install electric conduits-Lovett Street

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

Order #136-Reappointment-Bruce Doig to serve as Beverly's Director of Parks, Recreation and Community Services for a period of three years

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

Order #137-Reappointment-Michael Collins to serve as Beverly's Director of Engineering, Commissioner of Public Services, Public Works for a period of three years

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

Order #138-Appointment-John Curry, 9 Holding Street to serve on the Veterans' Advisory Council

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

Order #171- National Grid-Plan #30548817-to install underground electric conduits approximately 65 feet southeast of the centerline of the intersection of Cabot Street and Central Street and continuing approximately 25 feet in a north direction

A motion to set the public hearing for June 20 at 8:00pm was made and seconded. A vote was taken, and the motion carried (9-0).

Finance and Property

Order #142-Community Preservation Committee Tenth Round CPA Funding Recommendations
A motion to approve \$44,200.00 for sound mitigation system for new pickleball courts was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to approve \$25,000.00 for playground equipment improvements at Gillis Park was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to approve \$100,000.00 for repairs to the Lynch Park Carriage House was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to approve \$80,000.00 for restoration of the Beverly Farms Cemetery fence was made and seconded. A vote was taken, and the motion carried (9-0).

A motion to approve \$175,000.00 for restoration of the Larcom Theater facade was made and seconded. A vote was taken, and the motion carried (9-0).

Order #149-A transfer request of \$240,000 from the City's certified free cash balance to fund three capital needs within the Library and Fire Departments

A motion to set the public hearing for June 26 at 6:30pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #150-A transfer request of \$75,000 from the airport enterprise fund balance to fund the continuation of work associated with the testing and monitoring of property at the airport

A motion to set the public hearing for June 20 at 8:10pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #151-A transfer request of up to \$230,000 in the FY2023 budget to fund retroactive costs back to July 1, 2022

A motion to set the public hearing for June 20 at 8:35pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #152-A budget transfer request of \$15,000 into the Fire Department budget to fund FY2023 costs associated with the City of Beverly and the Firefighters Union as well as some anticipated costs overages within the department's operating budget for FY2023

A motion to set the public hearing for June 20 at 8:25pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #153-An Inter-departmental transfer totaling \$170,012 consisting of \$157,512 to fund the increased assessment and \$12,500 to be placed into the Harbormaster budget. \$18,214 of the total will be transferred from the reserve for unforeseen and the remaining \$151,798 will be transferred from the Short-Term Principal line

A motion to set the public hearing for June 26 at 7:05pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #154-A transfer request of \$600,000 from the city's certified free cash balance to be placed into the City's road and sidewalk capital to support paving work for fiscal year 2024

A motion to set the public hearing for June 20 at 8:50pm was made and seconded. A vote was taken, and the motion carried (9-0).

Order #155-A transfer request from the sewer Enterprise Retained Earnings in the amount of \$382,913

A motion to set the public hearing for June 26 at 6:55pm was made and seconded. A vote was taken, and the motion carried (9-0).

Legal Affairs

Order #117-City Clerk-New Class I Motor Vehicle Dealers License for Beverly Port Marina, Inc. located at 43 Water Street

A motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (9-0).

Order #140-City Clerk-An application for a renewal for a Class II Motor Vehicle License for Michael's Auto Body of Beverly, 2 School Street

A motion to approve as Committee on Legal Affairs recommended by striking from the application any language pertaining to on-street parking was made and seconded. A vote was taken, and the motion carried (9-0).

Order #166-City Clerk-A renewal application for a Hawkers and Peddlers License for Nicole Birarelli, Joe's on a Roll located at 61 Federal Street

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

Order #167-City Clerk-A renewal application for a Second Hand Junk Dealer for Handwired Rescue located at 6 Broadway

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

Order #168-City Clerk-A renewal for a 2023 Petroleum Storage Registration for North East Health Systems, 85 Herrick Street

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

Order #172-Glovsky, Counselors-at-Law-A request for release of Easement 4-6 and 8 Rantoul Street

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

Order #162-A proposed amendment to Chapter 270 of the Ordinances relative to parking and regulations at various locations in the City

A motion to set the public hearing for June 26 at 7:30pm was made and seconded. A vote was taken, and the motion carried (9-0).

Flowers stated Orders #169 and #164 will be under Motions and Orders at the next meeting.

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

The meeting adjourned at 9:49pm.

Scott D. Houseman-Chair

Julie R. Flowers

Matthew J. St. Hilaire

FINANCE AND PROPERTY / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, June 5, 2023 7:00PM, Within the Confines of the City Council Meeting

City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

Houseman called the meeting to order.

Members present: Julie Flowers, Matthew St. Hilaire, Scott Houseman

Order Number	Date to Committee	Description	Action Taken
#326	4/18/2023	Councilor Bowen-Regarding Beverly Regional Airport	Held
#104	4/18/2023	2023 Capital Expenditure Plan pursuant to the City Charter	Held
#137	5/15/2023	Reappointment-Michael Collins to serve as Beverly's Director of Engineering, Commissioner of Public Services, Public Works for a period of three years	Approved (3-0)
#142	6/5/2023	Community Preservation Committee Tenth Round CPA Funding Recommendations	Approved (3-0)
#144	5/25/2023	Mayor's FY2024 Budget	Held
#149	6/5/2023	A transfer request of \$240,000 from the City's certified free cash balance to fund three capital needs within the Library and Fire Departments	Public hearing set for 6/26 at 6:30pm
#150	6/5/2023	A transfer request of \$75,000 from the airport enterprise fund balance to fund the continuation of work associated with the testing and monitoring of property at the airport	Public hearing set for 6/20 at 8:10pm
#151	6/5/2023	A transfer request of up to \$230,000 in the FY2023 budget to fund retroactive costs back to July 1, 2022	Public hearing set for 6/20 at 8:35pm
#152	6/5/2023	A budget transfer request of \$15,000 into the Fire Department budget to fund FY2023 costs associated with the City of Beverly and the Firefighters Union as well as some anticipated costs overages within the department's operating budget for FY2023	Public hearing set for 6/20 at 8:25pm
#153	6/5/2023	An Inter-departmental transfer totaling \$170,012 consisting of \$157,512 to fund the increased assessment and \$12,500 to be placed into the Harbormaster budget. \$18,214 of the total will be transferred from the reserve for unforeseen and the remaining \$151,798 will be transferred from the Short-Term Principal line	Public hearing set for 6/26 at 7:05pm
#154	6/5/2023	A transfer request of \$600,000 from the city's certified free cash balance to be placed into the City's road and sidewalk capital to support paving work for fiscal year 2024	Public hearing set for 6/20 at 8:50pm
#155	6/5/2023	A transfer request from the sewer Enterprise Retained Earnings in the amount of \$382,913	Public hearing set for 6/26 at 6:55pm
#165	6/5/2023	Councilor Houseman-Update and petitions regarding the Central Cemetery	Held

The motion to adjourn Committee on Finance and Property was made and seconded. A vote was taken, and the motion passed (3-0). The meeting adjourned.

Estelle M. Rand-Chair
Todd C. Rotondo
Brendan S. Sweeney

LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Monday, June 5, 2023, 7:00PM

Within the Confines of the City Council Meeting
City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

Rand called the meeting to order at 8:39pm.

Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

Members absent: None

Order Number	Date to Committee	Description	Action Taken
#282	11/14/2022	Councilor Bowen-A letter regarding Accessory Dwelling Units	Held
#117	4/18/2023	City Clerk-New Class I Motor Vehicle Dealers License for Beverly Port Marina, Inc. located at 43 Water Street	Received and placed on file (3-0)
#140	5/15/2023	City Clerk-An application for a renewal for a Class II Motor Vehicle License for Michael's Auto Body of Beverly, 2 School Street	Approved w/amendment (3-0)
#158	6/5/2023	An appointment for Tara A. Duffy, 28 Whitney Avenue to serve on the Conservation Commission	Held
#159	6/5/2023	An appointment for Grace K. Charles, 12 Hale Park Avenue to serve on the Conservation Commission	Held
#161	6/5/2023	An appointment for Mr. Nathaniel J. Lewis, 27 Whitney Avenue to serve on the Beverly Planning Board	Held
#162	6/5/2023	A proposed amendment to Chapter 270 of the Ordinances relative to parking and regulations at various locations in the City	Set public hearing for 6/26 at 7:30pm
#164	6/5/2023	Councilor Rotondo-Proposed Ordinance Amendment for Article VI, Section 192 regarding Lodging House Licenses	Approved (3-0)
#166	6/5/2023	City Clerk-A renewal application for a Hawkers and Peddlers License for Nicole Birarelli, Joe's on a Roll located at 61 Federal Street	Approved (3-0)
#167	6/5/2023	City Clerk-A renewal application for a Second Hand Junk Dealer for Handwired Rescue located at 6 Broadway	Approved (3-0)
#168	6/5/2023	City Clerk-A renewal for a 2023 Petroleum Storage Registration for North East Health Systems, 85 Herrick Street	Approved (3-0)
#172	6/5/2023	Glovsky, Counselors-at-Law-A request for release of Easement 4-6 and 8 Rantoul Street	Approved (3-0)

Discussion

Order #117

Assistant City Solicitor Jesse Dole stated the marina does not need a license from the city by ordinance. There is no requirement for a boat/boat trailer dealer to be licensed under chapter 140 [MGL]. Motor vehicle does not mean a boat. Chapter 90 [MGL] which deals with the RMV, does not require license under chapter 140 for a boat/boat trailer dealer.

Order #140

Dole stated parking on School Street is regulated by the Downtown Beverly Parking District ordinance, which prohibits parking at all times on the north side of School and limits parking to 2 hours from 8am-8pm on the south side of School between Rantoul and Cabot. The dealer license cannot contradict those ordinances. They cannot use on-street parking spaces to perform commercial activities, and they are prohibited by ordinance from obstructing sidewalks.

Pat Todisco, owner of Michael's Auto Body, stated he has always washed the cars while parked on the street for the past 18 years and asked how it is different someone washing their car in their driveway and having water run into the street.

Dole noted the issue of scale and the difference between a commercial use and private use. An individual would not be washing their car as frequently as the auto body shop. Dole reiterated that commercial activities cannot be performed in on-street parking spaces. Dole stated the car washing can be done in the auto body's garage if it has the proper plumbing. It would need to be approved by the plumbing inspector.

Rotondo stated he was comfortable approving the license and letting the building department handle the part about washing cars.

Sweeney clarified that if the license were approved without conditions, the on-street car washing would not be allowed anyways under ordinance.

Dole confirmed the business cannot use street parking for commercial activities. Dole stated that under ordinance the business would only be allowed six cars since the sale of cars is a secondary business to the auto body shop.

The motion to approve the license while striking the "on street parking" parts of the application was made and seconded. A vote was taken and the motion passed (3-0).

The motion to adjourn was made and seconded. A vote was taken, and the motion passed unanimously. The meeting adjourned at 9:24pm.

Kathleen M. Feldman-Chair
Hannah L. Bowen
Steven M. Crowley

PUBLIC SERVICES / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, June 5, 2023 7:00PM

Within the Confines of the City Council Meeting

City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

The meeting was called to order at 8:40pm.

Members present: Hannah Bowen, Steven Crowley, Kathleen Feldman

Order Number	Date to Committee	Description	Action Taken
#135	6/5/2023	National Grid Plan #30758714 to install electric conduits-Lovett Street	Approved (3-0)
#136	5/15/2023	Reappointment-Bruce Doig to serve as Beverly's Director of Parks, Recreation and Community Services for a period of three years	Approved (3-0)
#137	5/15/2023	Reappointment-Michael Collins to serve as Beverly's Director of Engineering, Commissioner of Public Services, Public Works for a period of three years	Approved (3-0)
#138	5/15/2023	Appointment-John Curry, 9 Holding Street to serve on the Veterans' Advisory Council	Approved (3-0)
#171	6/5/2023	National Grid-Plan #30548817-to install underground electric conduits approximately 65 feet southeast of the centerline of the intersection of Cabot Street and Central Street and continuing approximately 25 feet in a north direction	Set public hearing for June 20 at 8:00pm

A motion to adjourn was made and seconded. A vote was taken, and the motion passed (3-0).
The meeting adjourned at 8:56pm.