

**City of Beverly  
Regular City Council Meeting  
Public Meeting Minutes  
Monday, October 3, 2022, 7:00pm  
City Council Chambers, 191 Cabot St.**

CITY OF BEVERLY  
RECEIVED AND RECORDED  
CITY CLERK'S OFFICE

2022 OCT 12 P 3:44

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, Estelle Rand, Todd Rotondo, Matthew St. Hilaire, Brendan Sweeney, Julie Flowers

Members Absent: None

Bowen led the pledge of allegiance.

### **Presentations, Awards and Memorials**

#### **Finance Director, Bryant Ayles and ARPA Manager, Cindy Dalton-ARPA Update**

Dalton stated that 18% of the ARPA funds have been expended to date and 9% are planned before the end of the year. The City of Beverly received \$12.6 million. Renovating the McPherson Youth Center is the largest project planned for ARPA funds. Small business and nonprofit grant programs have been implemented to support these organizations. 112 small businesses applied to the grant program, and over \$1.8 million dollars total were granted to 59 businesses. Beverly-based nonprofit organizations will receive approximately \$1.3 million in grant funds. Public health initiatives include vaccination, testing sites, and distribution of at-home test kits. Projects that have already been completed include the 2021 Artist in Residence program and the welcome desk at City Hall. Dalton spoke on some of the upcoming projects. The McPherson project has an anticipated timeline of design selection in fall 2022, design in fall/winter 2022, bidding in spring 2023, start of construction in summer 2023 and a tentative completion of the project in summer/fall 2024. Youth support programs include the summer learning loss prevention program for summers of 2023 and 2024. The City is hoping to partner with other youth-services organizations. For technology support, the City plans to purchase tech equipment to make hybrid meetings more seamless and effective.

Bowen asked about supporting affordable housing work and where that might fit.

Ayles stated the City is working with some area nonprofits around some of the senior needs for affordable housing. There are some discussions starting to see if there are partnerships that can be formed for this work; the need is greater than these resources can provide on their own.

### **Comments by Citizens**

Lorinda Visnick, 39 Middlebury Lane, read a land acknowledgement statement. Visnick asked that as many committee meetings as possible be in the City Council Chambers and broadcast by BevCam.

### **Public Hearings**

**7:20 PM-Order #220-A** transfer of \$100,000 to perform the final cleanout of the former Briscoe Middle School and to perform preliminary engineering work related to the construction of the pickle ball court at the Birch playing fields

Ayles stated this request seeks to shift \$100,000 from the reserve for unforeseen. The plan is to come back and replenish the reserve for unforeseen upon certification of free cash.

City Council Budget Analyst Gerry Perry stated he would recommend adoption.

Houseman asked for the balance of the reserve for unforeseen after this.

Perry stated it would be left with \$150,000 if this \$100,000 transfer were approved. The intention is to put that \$100,000 back sometime in December or January.

Houseman asked what the anticipated breakdown is between the two projects.

Ayles stated the City would still need to bid for rubbish disposal, but it would be an estimated \$75,000 for that and \$65,000 for the engineering consulting work for pickle ball. There is the \$200,000 earmark from the state which will help for the construction phase.

Bowen stated she was curious about these not being budgeted in the public property budget given that these were foreseeable, although maybe not foreseeable on the timeline, certainly something we knew was coming.

Ayles stated that it is really about a timing issue. Building the budget starts in March, and although there are many initiatives in the works, we do not always know the timing. With the pickle ball courts, the earmarks were not finalized until the state budget was approved. At that point it became an issue of timing. The reserve for unseen is a safety net until free cash is certified. This is really just a borrowing from unforeseen until that free cash is certified. It is the same with the Briscoe project; there was a lot of uncertainty around that project and to set aside \$75,000 or \$100,000 without knowing if it will be used, this seems like a better option. We do not want to eliminate the flexibility that the public property budget has because that in some ways is also for unforeseen repairs for all the buildings.

Bowen stated she would like to see the City use the budget process for some of these projects.

Rand asked what the final cleanout of the middle school looks like and if there is furniture that will be sold or donated.

Ayles stated there is really not much of anything left except for broken items and rubbish. It could potentially be written into the RFP for disposal that any salvage value helps offset some of the costs.

No members of the public wished to speak on the item.

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

### **Acceptance of Minutes of Previous Meeting**

Regular City Council Meeting-September 19, 2022

Legal Affairs/Committee of the Whole Meeting-September 27, 2022

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 #244-Grant-A** \$62,575 Municipal Road Safety Program grant from the Executive Office of Public Safety and Security Office of Grants and Research to be used for traffic enforcement campaigns

Referred to Committee on Finance and Property.

**Order #245-Donation-A** \$300 donation from the Ward 2 Civic Association to support the Gillis Park Staircase project

Referred to Committee on Finance and Property.

**Order #246-Order to Amend Reciprocal Easement Agreement with Briscoe Village, LLC** as previously approved by Order #141 of 2021 pertaining to 7 Sohler Road and 20 Colon Street

Referred to Committee on Legal Affairs.

### **Communications from other City Officers and Boards**

**Order #247-City Clerk-The 2022 Early Voting State Election Schedule**

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

**Order #248-City Clerk-The 2022 Election Warrant for the State Election to be held on November 8, 2022**

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

**Order #249-City Clerk-Request to raise the price of the Application fee for a Fortune Teller's License**

Referred to Committee on Legal Affairs.

**Order #250-Beverly Community Preservation Committee-CPC 10th Funding Round Kick Off**

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

### **Public Hearings (Continued)**

**7:45 PM-Order #208-An appropriation of \$470,775 to be placed in a fund to pay for engineering and police detail costs associated with the National Grid 115kv electric transmission cable project**

Ayles stated this is primarily a procedural request. This is the mechanism to access the funds from National Grid that were agreed upon in the memorandum of agreement for the project.

Perry recommended adoption.

Ayles stated this would have a net zero impact on the tax rate because of reimbursements from National Grid.

No members of the public wished to speak on the item.

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

### **Communications, from other City Officers and Boards**

**Order #251-Beverly Community Preservation Committee-Community Preservation Committee Fiscal Year 2023 Proposed CPA Budget**

Referred to Committee on Legal Affairs.

**Order #252**-Councilor Rotondo-Biannual Beverly Harbor Management Authority report.

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

**Order #253**-City Clerk-Application for a License to sell Christmas Trees for John DiVincenzo at 294 Elliott Street

Referred to Committee on Legal Affairs.

**LATE FILE-Order #259**-Councilor Houseman-Special Municipal Employees-Shall be designated "Special Municipal Employees"

Crowley held the order.

Houseman requested to speak on the item.

Flowers asked for a five minute recess to confirm the process. The motion for a five minute recess was made and seconded. A vote was taken, and the motion carried (9-0). The meeting recessed at 7:55pm.

The meeting was called back to order at 8:00pm. Flowers stated that under the charter, if a councilor holds an item, it will be held until the next meeting, so this will go to the October 17 meeting.

**LATE FILE-Order #259A**-Councilor Houseman-Special Municipal Employees-Conflict of Interest disclosures filed with the office of the Mayor.

Crowley held the item. Flowers stated this will go to the October 17 meeting as well.

### **Communications, Application and Petitions**

**Order #255**-Glovsky-Requesting a Minor Modification Request Briscoe Village Center for Living and the Arts Special Permit #110-2020.

Referred to Committee on Legal Affairs.

**Order #256**-Department of Public Utilities-Notice of filing and request for comments. Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid for Approval of an Alternative Basic Service Procurement Plan.

A motion to receive and place on file was made and seconded.

Bowen gave a summary of what the City had already submitted for comments. National Grid has announced significant rate hikes they are expecting for industrial customers. The City's response was commenting on that increase in cost and requesting that the Department of Public Utilities look at Beverly's submission for municipal aggregation.

Mayor Michael Cahill also spoke on the letter that was submitted expressing concerns to the DPU [Department of Public Utilities]. The application for aggregation was filed in February 2021, and the City requested it be reviewed since it could lead to better rates.

A vote was taken, and the motion carried (9-0).

**Order 257**-Department of Utilities-Notice of filing and public hearing for a petition of Boston Gas Company d/b/a National Grid (gas) for approval of its 2019-2021 Three Year Energy Efficiency Plan Term Report.

A motion to receive and place on file was made and seconded. A vote was taken, and the motion

carried (9-0).

**Order #254**-Department of Public Utilities- Notice of filing and Public Hearing. A Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid for Approval of its 2019-2021 Three Year Energy Efficiency Plan Term Report.

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

A motion to go out of order and take Motions and Orders next was made and seconded. A vote was taken, and the motion carried (9-0).

### **Motions and Orders**

**Order #238**-Sergeant Henebury-"Request to add a Handicapped Parking Sign" at 24 Myrtle Street and an additional location of 31 Grant Street

Kent read the order.

A motion to go out of order and take Unfinished Business next was made and seconded. A vote was taken, and the motion carried (9-0).

### **Unfinished Business from a Previous Meeting**

**Order #237**-A Proposed zoning ordinance amendment to limit new building projects in the City of Beverly to three stories

St. Hilaire requested moving forward with some kind of public forum.

Flowers stated a special meeting with a public conversation could be scheduled.

The special meeting was set for Monday, October 24 at 7pm.

A motion for a recess was made and seconded. A vote was taken, and the motion carried (9-0). The meeting recessed at 8:10pm.

The meeting was called back to order at 8:15pm.

### **Public Hearings (Continued)**

**8:15 PM-Order #243**-A Grant of location to install plastic gas main on Cabot Street between Bridge and Federal Street for approximately 500 feet to Chapman Street.

Diana Cuddy from National Grid was present to answer questions on the project.

Rotondo asked if work will be done to make the road smoother since it is only patched now.

Cuddy stated once the project is done the supervisor will walk the job with the city engineer and discuss final restoration.

Rand asked how much of the project is already completed.

Cuddy stated it has been done from the bridge up to School Street and another northern portion.

This is to get the connecting piece approved. The project was started before the grant of location. Every municipality does it differently, and it has come to National Grid's attention that we should have come before the Council.

Rand asked about the need for this new main.

Cuddy stated this is a reliability main to connect two existing systems and provide better reliability to serve the east side of the town.

Houseman asked if National Grid would have to come to the City any time before opening a public way from now on, including for repairs.

Cuddy stated she would have to confirm but under state statute it would be for any new asset. A leak would be covered under the original grant of location.

Houseman asked the solicitor's office about past practice and the practice going forward.

City Solicitor Stephanie Williams stated that the solicitor's office would not historically be notified if the engineering department received an application for a permit. It came to our attention over the last couple of months. We looked into it, and it is our opinion that the installation of new gas lines does require a grant of location under state law.

Assistant City Solicitor Jesse Dole stated that gas main work occupies a different portion of Chapter 164 than electrical transmission lines, specifically when it comes to new gas infrastructure. The statute itself does not require a "grant of location"; that term has been adopted for when a gas company wants to open a street. The language in Chapter 164 is that the gas company, when it wishes to open a street, needs written consent of, in this case, the city council. The only obligation is that they put the streets in as good repair as when they were opened. A lot of people have come to call it a grant of location rather than "written consent" to open a street.

Dole stated there is a significant amount of regulation by DPU. When there is repair or maintenance work being done, that is all reviewed, permitted, regulated and enforced at the level of DPU. The legislature has decided that to ensure uniform regulation that DPU will regulate these things. The SJC has issued opinions on what local municipalities can and cannot do when gas companies seek written consent to open the street.

Williams stated that Attorney Ray Miyares was consulted on this, and his view is that this is for the installation of new lines and new assets.

No members of the public wished to speak on the item.

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

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

The meeting was called back to order at 9:12pm.

## **Reports from Committees**

### ***Finance & Property***

**Order #024**-Councilor Houseman-Letter regarding the Financial Forecast Committee

A motion to receive and place on file was made and seconded. A vote was taken, and the motion

carried (9-0).

**Order #208**-An appropriation of \$470,775 to be placed in a fund to pay for engineering and police detail costs associated with the National Grid 115kv electric transmission cable project  
A motion to approve was made and seconded. A vote was taken, and the motion carried (9-0).

**Order #219**-Grant-\$170,000 from the Mass Electric Vehicle Incentive Program to be used to acquire four electric vehicle DCFC station(s) at 11 Pond Street

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

**Order #220**-A transfer of \$100,000 to perform the final cleanout of the former Briscoe Middle School and to perform preliminary engineering work related to the construction of the pickle ball court at the Birch playing fields

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-1, Bowen opposed).

**Order #223**-Donation-A three year private donation of \$300,000 in annual increments of \$100,000 to fund a new position of Sustainability Project Manager to support Beverly's main sustainability programs

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-1, Rand opposed).

**Order #244**-Grant-A \$62,575 Municipal Road Safety Program grant from the Executive Office of Public Safety and Security Office of Grants and Research to be used for traffic enforcement campaigns

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

**Order #245**-Donation-A \$300 donation from the Ward 2 Civic Association to support the Gillis Park Staircase project

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

### ***Legal Affairs***

**Order #249**-City Clerk-Request to raise the price of the Application fee for a Fortune Teller's License

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

**Order #251**-Beverly Community Preservation Committee-Community Preservation Committee Fiscal Year 2023 Proposed CPA Budget

A motion to set the public hearing for October 17 at 7:45pm was made and seconded. A vote was taken, and the motion carried (9-0).

**Order #253**-City Clerk-Application for a License to sell Christmas Trees for John DiVincenzo at 294 Elliott Street

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

### ***Public Services***

**Order #235**-Reappointment-Mr. Mark Flagg, 36 Hale Street to serve as a Trustee of the David Lynch Public Parks Fund

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

**Order #236**-Reappointment-Mr. Robert Hobbs, 245 Essex Street, Apt 12, to serve on the Council on Aging

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

**Order# 243**-National Grid-grant of location to install plastic gas main on Cabot Street between Bridge Street and Federal Street

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

Flowers stated the next regular meeting will be October 17 and there will be a special meeting on October 24 to hear from the public on Councilor St. Hilaire's proposed zoning amendment.

Rotondo stated that there will be a MassDOT meeting about the Hall-Whitaker Bridge on October 11 at 6:30pm at Beverly High School.

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (9-0). The meeting adjourned at 9:21pm.



**Scott D. Houseman-Chair**  
**Julie R. Flowers**  
**Matthew J. St. Hilaire**

**FINANCE AND PROPERTY / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES**

Monday, October 3, 2022, 7:00PM  
 Within the Confines of the City Council Meeting  
 City Council Chambers, 3<sup>rd</sup> Floor, Beverly City Hall, 191 Cabot St.

Houseman called to order the Finance and Property meeting at 8:38pm.  
 Members present: Julie Flowers, Matthew St. Hilaire, Scott Houseman  
 Members Absent: None

Order Number	Date to Committee	Description	Action Taken
#024	1/18/2022	Councilor Houseman-Letter regarding the Financial Forecast Committee	Receive and place on file 3-0
#219	9/12/2022	Grant-\$170,000 from the Mass Electric Vehicle Incentive Program to be used to acquire four electric vehicle DCFC station(s) at 11 Pond Street	Approve 3-0
#223	9/12/2022	Donation-A three year private donation of \$300,000 in annual increments of \$100,000 to fund a new position of Sustainability Project Manager to support Beverly's main sustainability programs	Approve 3-0
#208	10/3/2022	An appropriation of \$470,775 to be placed in a fund to pay for engineering and police detail costs associated with the National Grid 115kv electric transmission cable project	Approve 3-0
#220	10/3/2022	A transfer of \$100,000 to perform the final cleanout of the former Briscoe Middle School and to perform preliminary engineering work related to the construction of the pickle ball court at the Birch playing Fields	Approve 3-0
#244	10/3/2022	A \$62,575 Municipal Road Safety Program grant from the Executive Office of Public Safety and Security Office of Grants and Research to be used for traffic enforcement campaigns	Approve 3-0
#245	10/3/2022	Donation-A \$300 donation from the Ward 2 Civic Association to support the Gillis Park Staircase project	Approve 3-0

The motion to adjourn the Finance and Property meeting was made and seconded. A vote was taken, and the motion carried (3-0). The meeting adjourned at 9:02pm.

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

**LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES**

Monday, October 3, 2022

7:00PM

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

Rand called the meeting to order at 8:38 PM.

Members present: Rand, Rotondo, Sweeney

Also present: Solicitor Stephanie Williams, Attorney Miranda Siemasko from Glovsky, and Andrew DeFranza.

Councilor Bowen arrived at 8:45 PM.

<b>Order Number</b>	<b>Date to Committee</b>	<b>Description</b>	<b>Action Taken</b>
#246	10/3/2022	An Order to Amend Reciprocal Easement Agreement with Briscoe Village, LLC as Previously Approved by Order #141 of 2021, pertaining to 7 Sohler Road and 20 Colon Street	Hold
#249	10/3/2022	A request from the City Clerk for the City Council to approve to raise the price of the Application for a Fortune Teller's License from \$2.00 to \$50.00	Approve 3-0
#251	10/3/2022	Community Preservation Committee Fiscal Year 2023 proposed CPA Budget	Public hearing set for 10/17/22 at 7:45 PM
#253	10/3/2022	Application for a license to sell Christmas Trees for John DiVincenzo at 294 Elliott Street	Approve 3-0
#255	10/3/2022	Special Permit #110-2020-Minor modifications. Request Briscoe Village Center for Living and Arts	Hold

Order #246-There was a discussion with the committee and Attorney Siemasko regarding the costs as materials are more expensive. Sweeney also voiced that concern. Siemasko replied that the project should close on November 17<sup>th</sup> of this year, so the costs of construction and materials should remain the same. Rotondo would like to talk to Commissioner Collins before voting. Order held for further discussion after talking with the commissioner. All committee members agreed they will continue the conversation at the October 17<sup>th</sup> meeting.

Meeting adjourned at 9:07 PM

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

**PUBLIC SERVICES / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES**

Monday, October 3, 2022

7:00PM

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

Feldman called the meeting to order at 8:38 PM.  
Members present: Bowen, Crowley, Feldman  
National Grid representative Diana Cuddy was also present.

<b>Order Number</b>	<b>Date to Committee</b>	<b>Description</b>	<b>Action Taken</b>
#104	4/4/2022	Councilor Rotondo-Consideration of naming the Harbor Master Building in honor of Harbormaster Daniel McPherson	Hold
#235	9/19/2022	Reappointment-Mr. Mark Flagg, 36 Hale Street to serve as a Trustee of the David Lynch Public Parks Fund	Approve 3-0
#236	9/19/2022	Reappointment-Mr. Robert Hobbs, 245 Essex Street, Apt 12, to serve on the Council on Aging	Approve 3-0
#243	10/3/2022	National Grid-grant of location to install plastic gas main on Cabot Street between Bridge Street and Federal Street	Approve 3-0

Meeting adjourned at 8:45 PM.