

City of Beverly
Regular City Council Meeting
Public Meeting Minutes
Monday, October 17, 2022, 7:00pm
City Council Chambers, 191 Cabot St.

A9-0

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

Members Absent: Scott Houseman

Sweeney led the pledge of allegiance.

Presentations, Awards and Memorials

David Alden-St. Pierre, Chair of Open Space and Recreation Committee - Annual Report

Alden-St. Pierre presented on some of the projects for 2022 including the finalized Open Space and Recreation Plan, a new trail at Sally Milligan Nature Reserve, Green's Hill Trail improvements, new Simon Street parcels for green space, and preservation work at Moraine Farm with the Trustees of Reservations. The Open Space and Recreation Committee has also been working to address vandalism, stolen signs and trail markers, and encroachment areas.

Comments by Citizens

Lorinda Visnick, 39 Middlebury Lane, read a land acknowledgement. Visnick thanked Mr. Alden-St. Pierre for his presentation. Visnick asked for improvements to the City website, including a page dedicated to how the CPC funds are spent and links to the proposal.

Director of Planning and Development Darlene Wynne stated that all past CPC projects are on the Community Preservation Committee webpage.

A motion for a five minute recess was made and seconded. A vote was taken, and the motion carried (8-0). The meeting recessed at 7:18pm. The meeting was called back to order at 7:23pm.

Acceptance of Minutes of Previous Meeting

Special City Council Meeting June 28, 2022

Special City Council Meeting September 27, 2022

Regular City Council Meeting October 3, 2022

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Communications from His Honor the Mayor

Order #260-Wrap Funding-The City of Beverly has been awarded \$433,203 from the Massachusetts Department of Transportation Winter Recovery Assistance Program to improve their transportation networks in response to harsh winter weather

Referred to Committee on Finance and Property.

Order #261-An Order to declare 1 Water Street available for disposition in order to grant a

utility easement to Massachusetts Electric Company

Referred to Committee on Legal Affairs.

Order #261A-An order to authorize a grant of utility easement at 1 Water Street to Massachusetts Electric Company

Referred to Committee on Legal Affairs.

Order #262-Grant-A \$6,765 grant from the Department of Conservation and Recreation (DCR) to support improvements at Sally Milligan Nature Preserve

Referred to Committee on Finance and Property.

Order #263-Reappointments-Mr. Paul Lantz, 6 Emerson Circle, Cory Paulette, 27 Whirling Drive, Chuck Clark, 55 Juniper Street and Robert Laws, 245 Elliott Street, E107 to serve on the Veteran Advisory Committee

Referred to Committee on Public Services.

Communications from other City Officers and Boards

Order #264-President Flowers-Regarding M.G.L Ch. 54, Section 72, preservation of order by police during elections. A request to discuss delegating the authority of the Police Details to the Police Chief for the City of Beverly Elections

A motion to delegate the police detail scheduling for the November 8 election to the City Clerk and Police Chief was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to receive the letter and place it on file was made and seconded. A vote was taken, and the motion carried (8-0).

Order #265-Councilor Feldman and Councilor Rotondo-A request to create a naming policy for municipal property for the City of Beverly

Referred to Committee on Legal Affairs.

Order #266-City Clerk-A request for approval to have City Employees work as Tally Clerks at the Beverly Elections

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #267-President Flowers-A recommendation for a salary increase for the City Clerk and Assistant City Clerk

Rotondo read the order.

City Council Budget Analyst Gerry Perry highlighted the previous ordinance change that put the City Clerk's review and salary increases in the hands of the Council. Perry recommended adopting the proposal as well as delegating the annual performance evaluation to the Council President now and into the future.

Referred to Committee on Finance and Property.

Order #268-Councilor Houseman and Councilor Rand-Citizen Advisory Committee for National Grid Cable Transmission Project

Referred to Committee on Legal Affairs.

Communications, Application and Petitions

Order #269-Department of Environmental Protection Waterways Regulations Program

A motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (8-0).

Unfinished Business from a Previous Meeting

Order #259-Councilor Houseman-Special Municipal Employees-All board and commission members shall be designated as "Special Municipal Employees" (late file held from the 10/3/2022 meeting)

Order #259A-Councilor Houseman-Special Municipal Employees-Conflict of Interest disclosures filed with the Office of the Mayor (late file held from the 10/3/2022 meeting)
Flowers noted as Councilor Houseman is not here, both items will carry to the next meeting.

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

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Public Hearing

7:45pm-Order #251-Beverly Community Preservation Committee-Community Preservation Committee Fiscal Year 2023 Proposal CPA Budget

Wynne read the total amounts from the proposal and stated the total is about \$70,000 more than last year.

Rand asked about the current balance of each of the buckets.

Community Preservation Committee Chair Heather Richter stated she does not have the exact number but most of everything was spent last year. Richter noted that whatever is left in the administrative budget, which is most if not all of it, is brought forward into the next year's general fund.

There was some discussion on how the 1% CPC surcharge affects property taxes and the exemptions. Richter gave the example that the CPC surcharge is about \$45 annually for her.

Bowen asked if there is an easy way to see when projects were completed and how many projects were not complete.

Richter stated that there is a document in the CPC plan that shows that as well as a live document in Mr. Ayles office. Richter stated maybe ten projects have not been completed but those funds are still available for those projects since they have already been designated.

The hearing was closed, and the item was referred back to Committee on Legal Affairs.

At 7:55pm, the motion to break for committee was made and seconded. A vote was taken, and the motion carried (8-0).

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

Reports from Committees

Finance & Property

Order #260-Wrap Funding-The City of Beverly has been awarded \$433,203 from the Massachusetts Department of Transportation Winter Recovery Assistance Program to improve their transportation networks in response to harsh winter weather

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #262-Grant-A \$6,765 grant from the Department of Conservation and Recreation (DCR) to support improvements at Sally Milligan Nature Preserve

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #267-President Flowers-A recommendation for a salary increase for the City Clerk and Assistant City Clerk

A motion to divide the order and renumber it into Order #267 (delegating the City Council President to do the performance evaluation) and Order #267A (the salary increases) was made and seconded. A vote was taken, and the motion carried (8-0).

Flowers asked Council Vice President Rotondo to chair the vote of #267A since she submitted the request. Rotondo moved to the Council President's seat.

A motion to approve Order #267A was made and seconded. A vote was taken, and the motion carried (8-0).

Flowers returned to the chair of the meeting.

Public Services

Order #140-Councilor Rotondo-Consideration of naming the Harbor Master Building in honor of Harbormaster Daniel McPherson

A motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (8-0).

Legal Affairs

Order #246-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

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #255-Special Permit #110-2020-Minor modifications request-Briscoe Village Center for Living and Arts

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

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

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #261-An Order to declare 1 Water Street available for disposition in order to grant a utility easement to Massachusetts Electric Company

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #261A-An order to authorize a grant of utility easement at 1 Water Street to Massachusetts Electric Company

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #268-Councilor Houseman and Councilor Rand-Citizen Advisory Committee for National Grid Cable Transmission Project

Rand stated that the intention was to send this back out to the full Council so the Legal Affairs Committee could hear the opinions of other City Councilors on the question of changing the functionality of the committee because of the restrictions of the open meeting law. The citizens on the advisory committee would like to be able to discuss the National Grid project in their neighborhoods and feel that the open meeting law is not necessarily in the best interest of advocating throughout the project. Rand asked what the process would be to change it.

City Solicitor Stephanie Williams stated that Order #213 would have to be modified since that established the committee and its members. Williams spoke about the three part test as to whether open meeting law applies [an email from outside counsel describing the three part test is on file with Order #268]. Williams stated that if the Council is inclined to reconstitute the committee, it should be an open committee without a set number of people, basically the group would be fluid. It would need to be clear that the committee is not empowered to act or to make any decisions and that the purpose of the committee is for the exchange of information between residents and NEP. Williams also recommended not having Councilors expressly appointed to have an official role with respect to the committee if it were to be reconstituted.

There was some discussion of the powers of the body and its authority to act or make decisions. Rand stated that so far the meetings have just been giving feedback to National Grid on how the project is going.

Rand and Flowers confirmed that the power would be with the City Council if the advisory committee felt that National Grid was not meeting a condition.

Rotondo made a comparison to the Police Community Advisory Committee and asked if that could be looked at as a model.

Bowen stated that she would want to ensure that the committee, if reconstituted, could still report back or flag issues for the Council and to ensure there was still a flow of information.

St. Hilaire asked about the concerns of the committee regarding open meeting law.

Rand stated that the residents on the committee live on this route and are neighbors. They expressed concerns that when they are in their neighborhood and talking about what is happening in front of their house that they would be breaking open meeting law and sort of that gray area. Rand stated that she was not clear on if they have a jurisdiction other than to be there to give feedback to National Grid.

Feldman commented that if open meeting law is about bodies that have actual power, it sounds like it would not apply as they are in an advisory role and are the ears to the ground in the neighborhood.

Sweeney agreed that they are primarily advisory and do not have authority to take votes aside from deciding that they would like to bring a matter to the City Council.

St. Hilaire asked if the committee could give a report and stated he would be reluctant to take away that potential authority.

Williams stated that if there is an expectation that this is some sort of watchdog group, then it

would be difficult to try to reconstitute the body so that it is not subject to open meeting law. What the Council expects from the committee would be something for the Council to discuss. Williams read from the conditions [of the grant of location] that NEP should hear and respond to and consider input provided by the committee concerning the project and shall provide the committee all information reasonably requested by the committee concerning the project. That does not say that the committee has the power to require National Grid to do anything or change any of the conditions of the grant of location. Williams stated that as written, condition ten does not require the committee to report to the City Council but it does not seem there is anything preventing them from doing so. If that is the expectation of the Council, then the Council is giving them some kind of authority.

Crowley gave a summary of the model of what is done with the CAC [Police Community Advisory Council]. Anybody can show up, there is someone who takes notes, and the committee kind of reports back to the City Council.

Rand suggested referring the order back to Legal Affairs.

Rotondo took the chair so Council President Flowers could speak on the item.

Flowers made the comparison to civic associations since this is also a kind of advocacy group. Flowers stated she did not have a strong opinion either way and said she is thinking about hearing from them about what would best meet their needs. Potentially reconstituting it to match their needs makes sense.

Williams stated a civic association would not be under open meeting law because it is not within government and exists outside of government. Because of condition ten, this committee would fall within government.

A motion to refer back to Committee on Legal Affairs was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (8-0). The meeting adjourned at 9:29pm.

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

FINANCE AND PROPERTY / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, October 17, 2022, 7:00PM

Within the Confines of the City Council Meeting

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

St. Hilaire called to order the Finance and Property meeting at 7:57pm.

Members present: Julie Flowers, Matthew St. Hilaire

Members Absent: Scott Houseman

| Order Number | Date to Committee | Description | Action Taken |
|--------------|-------------------|---|---------------------------------------|
| #260 | 10/17/2022 | Wrap Funding-The City of Beverly has been awarded \$433,203 from the Massachusetts Department of Transportation Winter Recovery Assistance Program to improve their transportation networks in response to harsh winter weather | Approve 2-0 |
| #262 | 10/17/2022 | Grant-A \$6,765 grant from the Department of Conservation and Recreation (DCR) to support improvements at Sally Milligan Nature Preserve | Approve 2-0 |
| #267 | 10/17/2022 | President Flowers-A recommendation for a salary increase for the City Clerk and Assistant City Clerk and to delegate performance evaluation of City Clerk to the Council President | Vote to divide the order into two 2-0 |
| #267A | - | President Flowers-A recommendation for a salary increase for the City Clerk and Assistant City Clerk | Approve 2-0 |
| #267B | - | President Flowers-Delegating to the Council President the annual review and performance evaluation of the City Clerk | Hold |

Order #267 - St. Hilaire asked about the process.

City Council Budget Analyst Gerry Perry stated that historically what has occurred is the salary increase for the City Clerk came from the non-union bucket when the mayor distributed salary increases. Perry stated that for this year, because of the timing of the ordinance change, the money will come from within the City Clerk's budget for his position since there will be a surplus there. Going forward it would be built into the budgeted salaries. Under the ordinance change, the evaluation process will take place in March and the Council will vote to set the salary so it can then be built into the next fiscal year's budget.

City Solicitor Stephanie Williams spoke regarding delegating the evaluation to the Council President and stated it does not mean everybody would get to weigh in. It would be delegating the Council President to handle the evaluation and not funneling information from other members of the public body. Alternatively, there is a way to have someone aggregate the information from everyone else and discuss it at a public meeting. It should be one or the other.

The motion to bifurcate Order #267 into #267A (the vote on the salary increases) and #267B (discussion on performance review) was made and seconded. A vote was taken and the motion carried (2-0).

The motion to approve #267A (salary increases) was made and seconded. A vote was taken and the motion carried (2-0).

#267B will be held for further discussion.

The motion to adjourn the Finance and Property meeting was made and seconded. A vote was taken, and the motion carried (2-0). The meeting adjourned at 8:17pm.

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

LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Monday, October 17, 2022, 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 7:58 PM.

Members present: Rand, Rotondo, Sweeney

| Order Number | Date to Committee | Description | Action Taken |
|---------------------|--------------------------|---|--|
| #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 | Approve 3-0 |
| #251 | 10/3/2022 | Community Preservation Committee Fiscal Year 2023 proposed CPA Budget | Approve 3-0 |
| #255 | 10/3/2022 | Special Permit #110-2020-Minor modifications. Request Briscoe Village Center for Living and Arts | Approve 3-0 |
| #261 | 10/17/2022 | An Order to declare 1 Water Street available for disposition in order to grant a utility easement to Massachusetts Electric Company | Approve 3-0 |
| #261A | 10/17/2022 | An order to authorize a grant of utility easement at 1 Water Street to Massachusetts Electric Company | Approve 3-0 |
| #265 | 10/17/2022 | Councilor Feldman and Councilor Rotondo-A request to create a naming policy for municipal property for the City of Beverly | Hold 3-0 |
| #268 | 10/17/2022 | Councilor Houseman and Councilor Rand-Citizen Advisory Committee for National Grid Cable Transmission Project | Referred out to Council for discussion 3-0 |

The meeting adjourned at 8:31 PM.

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

PUBLIC SERVICES / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, October 17, 2022

7:00PM

Within the Confines of the City Council Meeting

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

Feldman called the meeting to order at 7:58 PM.

Members present: Bowen, Crowley, Feldman

| Order Number | Date to Committee | Description | Action Taken |
|---------------------|--------------------------|--|-------------------------------|
| #104 | 4/4/2022 | Councilor Rotondo-Consideration of naming the Harbor Master Building in honor of Harbormaster Daniel McPherson | Receive and place on file 3-0 |
| #263 | 10/17/2022 | Reappointments-Mr. Paul Lantz, 6 Emerson Circle, Cory Paulette, 27 Whirling Drive, Chuck Clark, 55 Juniper Street and Robert Laws, 245 Elliott Street, E107 to serve on the Veteran Advisory Committee | Hold |

Meeting adjourned at 8:06 PM.