



COUNCILOR-AT-LARGE
PAUL M. GUANGI,
COUNCIL PRESIDENT
TIMOTHY FLAHERTY
JULIE R. FLOWERS

City of Beverly

CITY COUNCIL

WARD COUNCILORS
WARD 1 TODD C. ROTONDO
WARD 2 ESTELLE M. RAND
COUNCIL VICE PRESIDENT
WARD 3 STACY M. AMES
WARD 4 SCOTT D. HOUSEMAN
WARD 5 KATHLEEN M. FELDMAN
WARD 6 DOMINIC COPELAND

**Revised Agenda
Regular City Council Meeting
October 4, 2021
7:00 PM
Remote Meeting on Google Meet
Live on Bev Cam**

Pursuant to Chapter 20 of the Acts of 2021, this meeting and public hearings will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: it is recorded by the City of Beverly and live streamed by BevCam on both Channel 99 and via BevCam's YouTube channel <https://www.youtube.com/user/BevCamTV>. No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.

Meeting ID

meet.google.com/xjj-subj-ayg

Phone Numbers

(US)+1 571-406-7328 PIN: 316 320 458#

Roll Call of Members:

Pledge of Allegiance to the Flag: Councilor Houseman

Moment of Silence:

Resolutions:

Presentations, Awards and Memorials:

1. Dean Berg-Green Beverly

Comments by Citizens (subject to the conditions contained in Appendix A to the "Rules and Orders"): Anyone who would like to speak at the Meeting has until 9:30AM on the day of the Meeting to register with the City Clerk. (Limit of 3 @ 5 minutes each):

Public Hearings:

Acceptance of Minutes of Previous Meeting:

Communications from His Honor the Mayor:

2021 OCT -4 A 11:43
CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERK'S OFFICE

1. Order #174-Reappointment-Mr. Kevin Andrews to serve as an alternate member of the Board of Appeals.
2. Order #175-Grant-\$49,680 Municipal Road Safety Program grant from the Executive Office of Public Safety and Security Office of Grants and Research.
3. Order #176-Donation-\$1000 from Mr. James H. Modugno of Beverly to purchase Beverly Police Department uniforms.
4. Order #179-Earmark-\$150,000 from the Mass Department of Fire Services to upgrade and modernize the fire alarm dispatch systems in the Beverly Fire Department.
5. Order #180-LATE FILE: Appointment-Mr. Gregory Howard, 14 Central Street #2 to serve on the Beverly Historic Commission.

Communications, from other City Officers and Boards:

1. Order #177-Councilors Rotondo and Flowers-Quarter 1 Recap from the School Committee's Subcommittee on Finance and Facilities for FY22.
2. Order #178-Sergeant Henebury-A request to amend the current city ordinance 270-49 by adding "Handicapped Parking Sign" at 37 Pond Street and 3 Fossa Terrace.

Communications, Application and Petitions:

Unfinished Business from a previous meeting:

1. Order #171-2021-Request for approval to delegate responsibilities for answering the Open Meeting Law Complaint that was filed by Joseph Kane dated September 19, 2021.

Motions and Orders:

Reports of Committees

Reports of Committees: See attached Committee Reports with Actions taken noted. Note that the Council is likely to act on matters listed on the Committee Reports, unless they are held in Committee. Committees also may meet during a Recess of the full Council, and consider any Agenda Item identified herein, or on the attached Committee Reports, and report back to the full Council on such matters when it reconvenes. The foregoing matters are those reasonably anticipated by the President up to 48 business hours prior to the scheduled Meeting time. It is possible that not all matters will be addressed. To the extent permitted by law, matters may be discussed that are submitted or arise within 48 business hours of the scheduled Meeting, if they were not reasonably anticipated by the President.

Proposed Executive Session pursuant to M.G.L. c. 30A, s. 21(a)(1) (purpose #1) to discuss a complaint against public officials, specifically an Open Meeting Law Complaint by Joseph Kane dated September 19, 2021, pertaining to the City Council's September 13, 2021 meeting.

Pursuant to Massachusetts General Laws ch. 30A, section 21(a)(7)- to comply with, or act under the authority of any general or special law, specifically, approval of minutes of the executive session held on June 1, 2021 under ch.30A, section 21(a)(3) regarding the matters of Burnham Associates v. City of Beverly, USDC MA 1:20-cv-11114-GAO and City of Beverly Federal Tort Claims Act, 28 U.S.C. § 2674, against the United States Army Corps of Engineers ("USACE").

Meeting Adjourned:



COUNCILOR-AT-LARGE
 PAUL M. GUANCI,
 COUNCIL PRESIDENT
 TIMOTHY FLAHERTY
 JULIE R. FLOWERS

City of Beverly

CITY COUNCIL

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 2021 SEP 30 P 4:43

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Meeting Adjourned:



**CITY of BEVERLY
OFFICE of THE MAYOR**

*191 Cabot Street
Beverly, Massachusetts 01915
Phone (978) 921-6000
Fax (978) 922-0285*

NO. 17

2021 SEP 30 P 1:11
CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERK'S OFFICE

Mayor

Michael P. Cahill

Chief of Staff

Joscelyn Ruelle-Kersker

Executive Secretary

Martha A. Lewis

September 28, 2021

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I hereby reappoint, subject to your review and recommendation, Mr. Kevin Andrews, 8 Home Street, Beverly to serve as an alternate member of the Board of Appeals.

Mr. Andrews' term will be effective until October 1, 2024.

Sincerely yours,

Michael P. Cahill
Mayor



CITY of BEVERLY
OFFICE of THE MAYOR

191 Cabot Street
Beverly, Massachusetts 01915
Phone (978) 921-6000
Fax (978) 922-0285

NO. 175

CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERKS OFFICE
2021 SEP 30 P 1:11

Mayor

Michael P. Cahill

Chief of Staff

Joscelyn Ruelle-Kersker

Executive Secretary

Martha A. Lewis

September 30, 2021

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I am pleased to inform you that the City of Beverly has been awarded a \$49,680 Municipal Road Safety Program grant from the Executive Office of Public Safety and Security (EOPSS) Office of Grants and Research (OGR). This funding is made possible by the National Highway Traffic Safety Administration (NHTSA) and will be used for traffic enforcement campaigns with a goal of reducing vehicle crashes and the resulting injuries and loss of life.

Massachusetts General Law Chapter 44 Section 53A requires both City Council and Mayoral approval before any grant, earmark, donation or gift to the City can be expended for their prescribed purpose. I therefore request the City Council approve this grant at your meeting on Monday, October 4, 2021. Thank you.

Sincerely yours,

Michael P. Cahill
Mayor

cc: Catherine Barrett, Director of Grants
Michael Henebury, Police Sergeant
John G. LeLacheur, Chief of Police



**CITY of BEVERLY
OFFICE of THE MAYOR**

191 Cabot Street
Beverly, Massachusetts 01915
Phone (978) 921-6000
Fax (978) 922-0285

NO. 176

2021 SEP 30 P 1:11
CITY OF BEVERLY
RECEIVED AND FORWARDED
CITY CLERK'S OFFICE

Mayor

Michael P. Cahill

Chief of Staff

Joscelyn Ruelle-Kersker

Executive Secretary

Martha A. Lewis

September 30, 2021

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I am pleased to inform you that the City of Beverly has received a \$1,000 donation from Mr. James H. Modugno of Beverly. The donation funds will be used to purchase uniforms for the Beverly Police Department officers.

Massachusetts General Law Chapter 44 Section 53A requires both City Council and Mayoral approval before any grants, earmarks, donations or gifts to the City can be expended for their prescribed purpose. I therefore request the City Council approve this donation by taking action on this matter at your upcoming meeting on October 4, 2021. Thank you.

Sincerely yours,

Michael P. Cahill
Mayor

cc: John G. LeLacheur, Chief of Police
Catherine Barrett, Director of Grants



**CITY of BEVERLY
OFFICE of THE MAYOR**

*191 Cabot Street
Beverly, Massachusetts 01915
Phone (978) 921-6000
Fax (978) 922-0285*

NO. 179

CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERK'S OFFICE

2021 SEP 30 P 3:30

Mayor

Michael P. Cahill

Chief of Staff

Joscelyn Ruelle-Kersker

Executive Secretary

Martha A. Lewis

September 30, 2021

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I am pleased to inform you that the City of Beverly has been awarded a \$150,000 earmark from the Massachusetts Department of Fire Services to upgrade and modernize the fire alarm dispatch systems in the Beverly Fire Department.

The fire alarm dispatch funding will be used to purchase equipment and software desperately needed to combine antiquated Master Box Digitizers and radio box receivers. These receivers take in and translate signals from Fire Alarm Control Panels in commercial and residential buildings across the City of Beverly. The Fire Alarm Operator then takes the decoded signal and sends the appropriate fire department personnel and equipment to the location of the alarm. The project will not only combine the equipment, but it will put the information in front of the dispatcher. The equipment is currently in four locations in the dispatch area. This project will streamline the dispatch process decreasing dispatch times and increasing system reliability.

Massachusetts General Law Chapter 44 Section 53A requires both City Council and Mayoral approval before any grant, earmark, donation or gift to the City can be expended for their prescribed purpose. I therefore request the City Council approve this grant by taking action on this matter at your upcoming meeting on Tuesday, October 4, 2021. Thank you.

Sincerely yours,

Michael P. Cahill
Mayor

cc: Catherine Barrett, Director of Grants
Michael P. Collins, Commissioner of Public Services and Engineering
Peter O'Connor, Fire Chief

Late File
NO. 180



CITY of BEVERLY
OFFICE of THE MAYOR
191 Cabot Street
Beverly, Massachusetts 01915
Phone (978) 921-6000
Fax (978) 922-0285

Mayor

Michael P. Cahill

Chief of Staff

Joscelyn Ruelle-Kersker

Executive Secretary

Martha A. Lewis

September 23, 2021

2021 OCT -4 A 11: 31
CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERKS OFFICE

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I hereby appoint, subject to your review and recommendation, Mr. Gregory Howard, 14 Central Street, No. 2 to serve on the Beverly Historic District Commission.

Mr. Howard's term will be effective until April 1, 2024.

Sincerely yours,

Michael P. Cahill
Mayor

NO. 177



City of Beverly

CITY COUNCIL

COUNCILOR-AT-LARGE
PAUL M. GUANCI,
COUNCIL PRESIDENT
TIMOTHY FLAHERTY
JULIE R. FLOWERS

WARD COUNCILORS
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COUNCIL VICE PRESIDENT
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WARD 6 DOMINIC COPELAND

September 27, 2021

Honorable City Council
Beverly City Hall
191 Cabot Street
Beverly, MA 01915

2021 SEP 28 A 9:56
CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERKS OFFICE

Dear Honorable Council:

Attached please find the Quarter 1 Recap from the School Committee's Subcommittee on Finance and Facilities (F&F) for FY '22. As has been our practice, as the City Council Liaisons to this Subcommittee of the School Committee, we are submitting this document, compiled by Beverly Public School Director of Finance and Operations Jean Sherburne, as a way to keep the Council informed and updated about the business of our Public Schools here in Beverly.

We are grateful, as always, to Ms. Sherburne for her assistance in creating this quarterly report.

Sincerely,

Todd Rotondo, Councilor, Ward 1
Julie Flowers, Councilor At-Large

**School Committee Subcommittee Finance and Facilities (F&F) Meetings Recap
July - September 2022 (1st Quarter Report)**

Each month there is a thorough review of the current fiscal year budget including revenues and expenses. The subcommittee votes on transfers that cross cost centers, new positions and acceptance of grants and donations.

The following topics were discussed in the month of September (no meetings held in July or August.

Buildings and Grounds: Mr. Mike Collins introduced the new Director of Public Schools Division (Buildings and Grounds Director), Mr. Robert "Bob" Schiaroli. Bob joined us in Beverly last month on a full time basis. He comes to Beverly with a vast knowledge of facilities management. The Facilities department reported that they were busy this summer cleaning the buildings while the schools were extremely busy with Summer School and Accelerated Learning programs. Our HVAC contractor has gone through all building mechanical systems with assistance from our in-house staff to ensure all systems are functioning properly. All filters throughout the district have been replaced prior to the start of school. Safety mulch was added to all School playgrounds to ensure the safety of all students that utilize these spaces. Emphasis is placed on cleaning high touch surfaces similar to last school year.

Foodservice New Position: The committee approved the request from Christina Leal the Director of Food Services for a new position of a Registered Dietitian for the district. This position will work closely with the nurses to assist with student food allergies and provide recommendations to the Director regarding nutritional value and product quality.

Gifts to School Donation of a Wall Ball Structure: The Beverly Lacrosse Boosters proposed a Wall Ball Structure for the Beverly High School site. The High School Administration and the District Administration met with the Beverly Lacrosse Boosters to determine the best place for the Wall Ball Structure on the High School site. The City's Grounds Department will prepare the site chosen for the delivery of the Wall Ball Structure. The committee approved the donation.

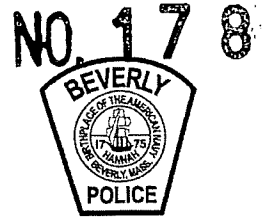
Grants: The committee accepted the DESE Grant Allocations to the Beverly Public Schools for FY22 totaling \$7,404,894. Ms. Sherburne reported that a few of the grants are multi-year grants.

For more in depth information, please visit [Beverly Schools Website](#).



JOHN G. LELACHEUR
CHIEF

City of Beverly
MASSACHUSETTS
POLICE DEPARTMENT



191 Cabot St
Beverly, Massachusetts

September 22, 2021

Honorable City Council
City Clerk's Office
City Hall
Beverly, Ma 01915

2021 SEP 30 P 12:55
CITY OF BEVERLY
RECEIVED AND FORWARDED
CITY CLERK'S OFFICE

Handicapped Parking Sign: 37 Pond Street & 3 Fossa Terrace

Dear Council Members,

This request is to amend the current city ordinance 270-49 by adding a "Handicapped Parking Sign" at 37 Pond Street and 3 Fossa Terrace. These locations will be added to the current city ordinance 270-49 Off street; handicapped parking. I have conducted site visits and have not observed any issues that would result in a conflict to public safety or traffic. I would support the placement of Handicap Parking Signs in these locations.

Very respectfully,

Sergeant Michael R. Henchbury
Beverly Police Department
Traffic Division Supervisor

NO. 171



City of Beverly

CITY COUNCIL

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COUNCIL PRESIDENT
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September 23, 2021

The Honorable City Council
City Hall
Beverly, MA 01915

Dear Honorable City Council:

I am asking for your approval to delegate responsibilities for answering the Open Meeting Law Complaint that was filed by Joseph Kane dated September 19, 2021, pertaining to the City Council's September 13, 2021 meeting to the City Solicitors office.

Sincerely yours

Paul M. Guanci
Paul M. Guanci
Council President

CITY OF BEVERLY
RECEIVED AND RECORD
CITY CLERKS OFFICE
2021 SEP 24 A 8:0



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

NO. 171

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

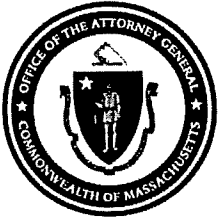
Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

NQ 171

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Joseph Last Name: Kane

Address: 85 Hale St Apt 1

City: Beverly State: MA Zip Code: 01915

Phone Number: 2022880013 Ext. _____

Email: jokane.umass@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Beverly

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 09/13/21

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

City council meetings not directly linked on website

Was highly difficult to get on the agenda and was not given a window in which I would speak so I had to attend for nearly two hours

Was shamed by the council president for speaking

Culture seemingly hostile to public speakers

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Post meeting links on website well before the meeting occurs on: <https://www.beverlyma.gov/429/City-Council> (NOT only on a scanned agenda document that is posted in calendar close to meeting time). Post in multiple places. Make it a calendar link that people can download from the site. In addition to the link I request that instructions to request to speak be posted as well, and that citizens be able to sign up to speak using an automated Google form rather than relying on going back and forth with the clerk. Democracy = making this easy for people. Not difficult!

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Joseph Kane

Date: 09/19/21

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: