

City of Beverly
Regular City Council Meeting
Public Meeting Minutes
Monday, April 3, 2023, 7:00pm
City Council Chambers, 191 Cabot St.

CITY OF BEVERLY
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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 (left at 8:01pm), Scott Houseman, Matthew St. Hilaire, Brendan Sweeney, Estelle Rand, Julie Flowers

Members Absent: Todd Rotondo

Rand led the pledge of allegiance.

Flowers noted that National Grid requested an extension on getting information the Council had asked for regarding the petition, so members of the public could speak during the 8:00pm public hearing if they were here to speak on that, but the hearing would be recessed so National Grid could have more time as requested.

Presentations, Awards and Memorials

Erin Altman from Green Beverly spoke about the climate crisis and shared information from the most Intergovernmental Panel on Climate Change (IPCC) report.

Acceptance of Minutes of Previous Meeting

Regular City Council Meeting-March 3, 2023

Legal Affairs Committee Meeting-March 20, 2023

Public Services Committee Meeting-March 20, 2023

Legal Affairs Committee Meeting-March 27, 2023

Finance and Property Committee Meeting-March 27, 2023

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 #079-Transfer-\$216,786 from FY2023 Reserve for Unforeseen and \$191,964 from Reserve for Collective Bargaining for a total transfer of \$408,750 into the Police Department budget as a result of the recently agreed upon Beverly Police Patrolman contract

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

Order #080-Donation-\$2,500 from Rotary Club to Police Department for officers' equipment

Referred to Committee on Finance and Property.

Order #081-Donation-\$2,500 from Rotary Club to Fire Department for dive equipment

Referred to Committee on Finance and Property.

Order #082-Appointment of Nathaniel Cramer, 33 Pine St., Stoneham, MA to serve on Board of Assessors

Referred to Committee on Finance and Property.

Order #083-Appointment of Francis Golden, 5 Wells Rd., Reading, MA to serve as Chief

Assessor and Chairman of Board of Assessors

Referred to Committee on Finance and Property.

Order #084-Appointment of Brenda Wong Murphy, 15 Bertram St., to Beverly Cultural Council

Referred to Committee on Public Services.

Order #085-Reappointment of Bryant Ayles, Director of Municipal Finance, to serve on the Beverly Retirement Board

Referred to Committee on Finance and Property.

Order #086-Reappointment of Darlene Wynne as Director of Planning and Development

Referred to Committee on Legal Affairs.

Order #087-Reappointment of Mindy D'Ippolito, 20 Odell Ave. and Hannah Elementary School Principal Gabrielle Montevecchi to serve on the Human Rights Committee

Referred to Committee on Legal Affairs.

Communications from other City Officers and Boards

Order #088-President Flowers-A letter of recommendation for the salary increase of the Assistant City Clerk

Referred to Committee on Finance and Property.

Order #089-City Clerk-Taxi/Livery License renewal application for BAT Enterprises LLC, 498 Elliott Street

Referred to Committee on Legal Affairs.

Order #090-City Clerk-Taxi/Livery License for a new vehicle for Bass River Inc., 437 Essex Street

Referred to Committee on Legal Affairs.

Communications, Applications and Petitions

Order #091-Beverly Main Streets, Lindsay Barth, Executive Director-An application for the 10th annual Block Party to be held on July 29, 2023

Referred to Committee on Legal Affairs.

Order #092-Varian/APTIM-Response to City Council February 6, 2023 Public Comment, Phase III Remedial Action Plan, Mass DEP Site #3-0485

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

Order #093-Notice of Availability-Final Phase II Comprehensive Site Assessment Addendum. 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 (8-0).

Order #094-Notice of Availability-Response to Comments Phase III Summary. 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 (8-0).

Order #095-Notice of Availability-Public Comment Draft Revised Phase III Remedial Action Plan. Former Varian Facility Site, 150 Sohler Road

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

Order #096-Notice of Availability-Public Comment Draft Partial Phase IV Remedy Implementation Plan. Former Varian Facility Site, 150 Sohler Road

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 #075-Alexander & Femino-Rezoning of Property at 8 Summit Avenue from RMD to CC

A motion to set the public hearing for May 1 at 8:00pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to break for committee work 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 7:30pm.

Public Hearings

Order #068-7:30pm-National Grid Plan #30648523 to install conduits encased in concrete and all appurtenances from Pole #3124 to the property of 105 Sam Fonzo Drive

The public hearing was opened.

Michael Kazadi from National Grid was available for questions.

Feldman asked if the portion of the sidewalk that was going to be dug up was paved and if it would be restored to its original condition.

Kazadi stated he didn't think it was paved, but if it was it would be restored.

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.

A motion to break for additional committee work was made and seconded. A vote was taken, and the motion carried (8-0). The meeting recessed at 7:34pm.

The meeting was called back to order at 7:45pm.

Public Hearings (Continued)

Order #071-7:45pm-Transfer-\$188,036 from the Reserve for Union Negotiations 11324/57810 into the Police Department as a result of the recently agreed upon superior officer's contract

The public hearing was opened.

Finance Director Bryant Ayles noted that the contract was for FY22 through FY24, so this would be for retroactive pay, an educational incentive, and other adjustments.

Budget Analyst Gerry Perry recommended approval of the transfer.

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.

Order #287-8:00pm-National Grid-Petition to install approximately 8,050 feet of 12inch, 60 psig plastic gas main on Hale Street, extending from the existing stub near Cabot Street to the regulator station at Boyle Street (Public hearing continued from December 5, 2022, December 20, 2022, January 3, 2023, January 17, 2023, March 20, 2023 meetings)

Flowers stated that National Grid was still gathering information the Council had requested and that National Grid had asked the Council for more time.

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

The motion to recess the hearing to April 18 at 8:30pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to break for committee work was made and seconded. A vote was taken, and the motion carried (8-0). The meeting was recessed at 8:01pm.

Feldman left during the break for committee.

The meeting was called back to order at 8:04pm.

Reports of Committees

Public Services

Order #068-National Grid Plan #30648523 to install conduits encased in concrete and all appurtenances from Pole #3124 to the property of 105 Sam Fonzo Drive

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

Legal Affairs

Order #070- Reappointment-Mr. William Finch, 50 Front Street to serve on the Beverly Historic District Commission

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

Order #089-City Clerk-Taxi/Livery License renewal application for BAT Enterprises LLC, 498 Elliott Street

A motion to approve on the condition that the applicant signs the tax statement was made and seconded. A vote was taken, and the motion carried (7-0).

Order #090-City Clerk-Taxi/Livery License for a new vehicle for Bass River Inc., 437 Essex Street

A motion to approve on the condition that the applicant submit a certificate of liability insurance

was made and seconded. A vote was taken, and the motion carried (7-0).

Order #091-Beverly Main Streets, Lindsay Barth, Executive Director-An application for the 10th annual Block Party to be held on July 29, 2023

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

Order #072 Amendment to Beverly Ordinance Section 15-18 “Building and Other Facilities Planning and Construction Committee”

Kent read the proposed ordinance amendment.

A motion to approve the first reading was made and seconded. A vote was taken, and the motion carried (5-2, Bowen and Flowers opposed).

Finance and Property

Order #071-Transfer-\$188,036 from the Reserve for Union Negotiations 11324/57810 into the Police Department as a result of the recently agreed upon superior officer’s contract

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

Order #079-Transfer-\$216,786 from FY2023 Reserve for Unforeseen and \$191,964 from Reserve for Collective Bargaining for a total transfer of \$408,750 into the Police Department budget as a result of the recently agreed upon Beverly Police Patrolman contract

A motion to set a public hearing for April 18 at 8:15pm was made and seconded. A vote was taken, and the motion carried (7-0).

Order #088-President Flowers-A letter of recommendation for the salary increase of the Assistant City Clerk

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

Rand chaired the meeting since Flowers was going to recuse herself on the next two votes as a member of the Rotary Club.

Order #080-Donation-\$2,500 from Rotary Club to Police Department for officers’ equipment

A motion to approve was made and seconded. A vote was taken, and the motion carried (6-0, Flowers recused herself).

Order #081-Donation-\$2,500 from Rotary Club to Fire Department for dive equipment

A motion to approve was made and seconded. A vote was taken, and the motion carried (6-0, Flowers recused herself).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (7-0).

The meeting adjourned at 8:18pm.

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

FINANCE AND PROPERTY / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, April 3, 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 at 7:19pm.

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

Also present: Budget Analyst Gerard Perry and Paralegal Dylan Benson

| Order Number | Date to Committee | Description | Action Taken |
|--------------|-------------------|--|--|
| #315 | 12/20/2022 | Earmark from the Economic Development Legislation signed by Governor Baker \$200,000 for the installation of solar panels at Beverly High School | Held |
| #071 | 3/20/2023 | Transfer-\$188,036 from the Reserve for Union Negotiations 11324/57810 into the Police Department as a result of the recently agreed upon superior officer's contract | Approved (3-0) |
| #073 | 3/20/2023 | Councilor Houseman-City Streets, National Grid Gas Installations, and Order 287 | Held |
| #079 | 4/3/2023 | Transfer-\$216,786 from FY2023 Reserve for Unforeseen and \$191,964 from Reserve for Collective Bargaining for a total transfer of \$408,750 into the Police Department budget as a result of the recently agreed upon Beverly Police Patrolman contract | Set public hearing for 4/18/23 at 8:15pm (3-0) |
| #080 | 4/3/2023 | Donation-\$2,500 from Rotary Club to Police Department for officers' equipment | Approved (2-0, Flowers recused) |
| #081 | 4/3/2023 | Donation-\$2,500 from Rotary Club to Fire Department for dive equipment | Approved (2-0, Flowers recused) |
| #082 | 4/3/2023 | Appointment of Nathaniel Cramer, 33 Pine St., Stoneham, MA to serve on Board of Assessors | Held |
| #083 | 4/3/2023 | Appointment of Francis Golden, 5 Wells Rd., Reading, MA to serve as Chief Assessor and Chairman of Board of Assessors | Held |
| #085 | 4/3/2023 | Reappointment of Bryant Ayles, Director of Municipal Finance, to serve on the Beverly Retirement Board | Held |
| #088 | 4/3/2023 | President Flowers-A letter of recommendation for the salary increase of the Assistant City Clerk | Approved (3-0) |

Flowers recused herself from the vote on Orders #080 and #081 because she is a member of the Rotary Club. Perry stated that Order #315 is being held because funding for solar panels were not needed for the high school but the administration is seeing if the earmark could be changed to be used for solar panels for the new police station.

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 at 7:29pm.

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

LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Monday, April 3, 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 7:19pm.
Members present: Brendan Sweeney, Estelle Rand
Members absent: Todd Rotondo
Also present: City Solicitor Stephanie Williams

| Order Number | Date to Committee | Description | Action Taken |
|--------------|-------------------|--|-----------------------------|
| #282 | 11/14/2022 | Councilor Bowen-A letter regarding Accessory Dwelling Units | Held |
| #089 | 4/3/2023 | City Clerk-Taxi/Livery License renewal application for BAT Enterprises LLC, 498 Elliott Street | Approved 2-0 with condition |
| #090 | 4/3/2023 | City Clerk-Taxi/Livery License for a new vehicle for Bass River Inc., 437 Essex Street | Approved 2-0 with condition |
| #091 | 4/3/2023 | Beverly Main Streets, Lindsay Barth, Executive Director-An application for the 10th annual Block Party to be held on July 29, 2023 | Approved 2-0 |

Order #089

Williams stated the application is not complete because the tax section of the form is not signed. A motion to conditionally approve upon receipt of signature pertaining to the payment of taxes by the applicant was made and seconded. A vote was taken, and the motion passed (2-0).

Order #090

Williams noted there are taxi licenses and livery licenses, not one taxi/livery license. This one does not have any proof of insurance. A motion to conditionally approve upon submission of certificate of insurance in compliance with Section 274-15C was made and seconded. A vote was taken, and the motion passed (2-0).

The motion to adjourn the Committee on Legal Affairs for the 7:30pm City Council public hearing was made and seconded. A vote was taken, and the motion passed (2-0).

Rand called the meeting back to order at 7:35pm.

Order #091

Williams clarified this is a request for a waiver from Section 113-2 of the city ordinance. The vote should specifically reference that is being waived. They will still need to get the one-day liquor license through the licensing board who would have their own conditions. A motion to grant a waiver was made and seconded. A vote was taken, and the motion passed (2-0).

The motion to adjourn Committee on Legal Affairs was made and seconded. A vote was taken, and the motion passed (2-0). The meeting adjourned at 7:41pm.

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

PUBLIC SERVICES / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, April 3, 2023 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 7:36pm.

Members present: Hannah Bowen, Steven Crowley, Kathleen Feldman

| Order Number | Date to Committee | Description | Action Taken |
|---------------------|--------------------------|---|---------------------|
| #326 | 12/20/2022 | Councilor Bowen-Regarding Beverly Regional Airport | Held |
| #068 | 3/6/2023 | National Grid Plan #30648523 to install conduits encased in concrete and all appurtenances from Pole #3124 to the property of 105 Sam Fonzo Drive | Approved (3-0) |

A motion to adjourn was made and seconded. A vote was taken, and the motion passed (3-0).

The meeting adjourned at 7:37pm.