

**City of Beverly**  
**Regular City Council Meeting**  
**Public Meeting Minutes**  
**Tuesday, April 19, 2022, 7:00pm**  
**Beverly Middle School Library, 502 Cabot St.**

CITY OF BEVERLY  
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2022 JUN 28 A 9:10

Julie Flowers, City Council President, called the meeting to order at 7:10pm. Assistant City Clerk, Christine Dixon, took the attendance by roll call.

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

Members Absent: Brendan Sweeney

Bowen led the pledge of allegiance.

Flowers read Rule 22 of the Beverly City Council and introduced a vote to allow items to be taken out of committee and voted on the floor. A roll call vote and the motion carried (8-0).

**Comments by Citizens**

**Fred Hopps, 15 Walcott Road**, spoke about the recent contract with Kearsarge and gave a bit of history on the project and clean energy in Beverly. Hopps announced some upcoming Earth Day celebrations.

**Carole Rein, 27 Pratt Avenue**, read a land acknowledgement statement.

**Acceptance of Minutes**

Special City Council Meeting-April 4, 2022

Finance & Property/Committee of the Whole Meeting-April 11, 2022

Public Services/Committee of the Whole Meeting-April 11, 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 #108**-Grant-\$75,000 to the Emergency Management Massachusetts Task Force 1 from the National Association of County and City Health Officials to provide resources for Covid-19 response efforts

Bowen asked if there was any additional information on how the grant would be spent.

Bryant Ayles, Finance Director, said he could find out by making a phone call or send out more information after the meeting.

The motion to table until more information is received was made and seconded. A vote was taken, and the motion failed 4-4 (in favor- Bowen, Flowers, Houseman, Rand; opposed- Crowley, Feldman, Rotondo, St. Hilaire).

The motion to approve was made and seconded. A vote was taken, and the motion carried (6-2, Bowen and Houseman abstained).

**Order #109**-Appointment –Beverly Golf & Tennis Commission-Ms. Judith Cronin, 33 Middlebury Lane

Referred to Committee on Public Services.

**Order #110**-Appointment-Parks and Recreation Commission-Ms. Robin DiDonato, 51  
Parramatta Road

Referred to Committee on Public Services.

**Order #111**-Transfer of \$90,000 into the Department of Public Services General Fund budget to fund costs associated with the recently settled contracts between City of Beverly and DPS Workers and Foreman Unions

A motion to set the public hearing for May 2 at 8:00pm was made and seconded. A vote was taken, and the motion carried (8-0).

**Order #112**-Assistant Finance Director Position

Referred to Committee on Finance and Property.

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

**Order #119**-Superintendent Dr. Charochak-Permission to enter into a lease/purchase transaction with Apple for Student Laptops for the 1 to 1 Laptop Initiative at Beverly High School

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

### **Public Hearings**

**Order #065**-8:00 PM- National Grid/New England Power Company Petition for Transmission Line Franchise (continued from March 1, 2022 and April 4, 2022 meetings)

The motion for a brief recess of the public hearing was made and seconded. A vote was taken, and the motion carried (8-0).

The motion for a brief recess of the meeting was made and seconded. A vote was taken, and the motion carried (8-0).

Flowers called the meeting and public hearing back to order.

Mayor Michael Cahill introduced Bob Parsons from Tetra Tech. Tetra Tech was paid by the City to do an independent review of constructability along the MBTA line.

Parsons reviewed the memorandum that was provided to the City. Parsons noted the congestion along the rails with other in-use/active lines, utilities, and bedrock. It would have to be planned out and engineered in such a fashion that is extremely diligent and thoughtful before even putting forward a project like this. As an engineer, there are some serious constructability issues here. If it were to be considered moving forward, there would have to be a lot more data collected and more understanding about the existing utility infrastructure. It would be very difficult based on what has been seen so far.

St. Hilaire asked to clarify if in Mr. Parsons' opinion this would not be a viable option.

Parsons stated that without significant interruptions, yes. This is a very, very challenging corridor to work in.

Flowers noted that this memo is available online on the city website.

Houseman asked about the scope of the review to confirm it had to do with the feasibility of using the railroad track and did not include studying other ways of getting service.

Parsons confirmed that the review did not look at alternatives, only the viability of using the railroad track.

Bowen asked about a comparison to constructability in the streets. Bowen stated it sounds like a lot of neighbors are feeling like the degree of disruption would be the same for either location.

Parsons stated that the focus of the study was to evaluate impacts within the right-of-way. Generally working within this specific railroad right-of-way poses challenges that the public right-of-way and construction does not. Public right-of-way construction also poses challenges that would need to be managed.

Flowers asked if any representatives from National Grid had more information to share.

Mark Rielly, National Grid, stated the question asked at a previous meeting about load forecasting was addressed with a written response that was provided. Rielly distributed an article from the Salem News about the Salem cable project and stated that he was surprised at recent negative comments because at the time the feedback that was received was actually quite positive from both municipal officials and the community. Rielly stated the goal is to have a similar article written about working with Beverly. Rielly explained the councilors' duties and responsibilities. Rielly stated that the councilors sit as a quasi-judicial body, not as policymakers or legislators or an appellate body that second guesses the siting board with regard to route selection or other issues that the siting board has already made determinations on. In the realm of facts, we have heard from experts. Magnetic fields are everywhere. The EMFs that will be created from the cable are no different than those around right now from the computers and lights. There are guidelines established by national and international health organizations, and this cable would produce a tiny fraction of that. The MBTA right-of-way is extremely congested. Even if the right-of-way was feasible, this project would be delayed for several years. There is a compromised transmission cable that serves over 40,000 residents in Beverly and the Cape Ann region, and among that number are hospitals and critical care customers for whom reliable service is literally a matter of life and death. The siting board has determined that the need for the project is acute and cannot be delayed. Those are the facts. The siting board has made determinations on the two issues that the Council has been grappling with, EMF and the MBTA right-of-way, so even if those were fair game to second guess, the facts that have been presented point in only one direction and that is to approve this petition. Rielly stated that, respectfully, the opinions of a portion of the citizens are not facts. They do not weigh against the expert opinions that have been heard on both of those issues, and it is not something that a quasi-judicial body can consider when approving, delaying or denying the project. Rielly asked respectfully that the Council move as quickly as possible toward a decision on the petition.

Ray Miyares, outside legal counsel for the City of Beverly, stated that the Council is here to consider the evidence that is presented to make findings of fact and to make a decision about whether the public's use of the public way is being incommoded (inconvenienced). The Council needs to make a finding ultimately and is entitled to attach conditions so that the public will not be incommoded. In that way, they are sort of like a court; they take in evidence and they make a decision based on the evidence. Miyares stated that where he and Mr. Rielly might disagree is that councilors also know the city and have policy positions about almost everything. It is not realistic to expect them to ignore the practical implications and the policy implications of the decision that they make. Those things will color the way they look at the evidence and fashion their conditions, all of that is perfectly appropriate.

Flowers opened the hearing to the public.

A motion for a brief recess to resolve technical difficulties was made and seconded. A vote was taken, and the motion carried (8-0).

Flowers called the meeting back to order.

Jennifer Hall, 19 Abbott Street, read a portion of a letter she and her wife submitted to the council members, Mayor Cahill, and Commissioner Collins on April 15. Hall stated that their home is along the proposed route of the transmission line and that they are in favor of upgrading energy in the community. Hall stated that they appreciate the concern of the immediacy of this project based on the aging line however are not in favor of this new project running through any residential neighborhood as it is proposed. This is not a NIMBY issue; Ward 2 is truly mixed use. Hall stated that their objection is not to the short-term disruption but rather a sincere fear for the health and well-being of the neighborhood and historical old buildings that make up this unique part of the City. The EMF experts cannot seem to say for certain what a safe distance is. Hall cited Canadian guidelines of 25 meters. People move in and out of magnetic fields every day, but the work at home and homebound will not move in and out; they will be in it for extended periods of time with no chance of a reset. Hall expressed concern that the historic homes along the route will not fare well with this kind of intense construction and about the public process.

David Mahood, 191 Lothrop Street, thanked the Council for their time and consideration as well as Commissioner Collins for his time. Mahood asked why the King Street alternative is not under consideration and expressed concern about energy and the environment.

Andrea Schein, 147 Lothrop Street, also expressed concern about the environment impact of the transmission line.

Idan Davidyan stated he is a dentist who works at 9 Broadway. If there is any disruption for a patient to get to the office, it creates a barrier to access to care. These access to care barriers prevent patients from getting care that they need and can lead to more serious health issues.

Tim Averill, 165 Lothrop Street, complimented Mr. Parsons for the review. Averill highlighted the danger of working alongside other utilities, bedrock, environmental crowding and the need for a thorough study. Averill stated he represents a group called "Pause the Project" and that the recommendation of the group has essentially been to stop whatever decision and make sure to know what is going on before deciding. Averill stated it has been a flawed process and there is still information needed. Averill also expressed concern about potential damage to foundations.

Tiffany Collins, 35 Broadway, President of the Ward 2 Civic Association, stated that the people along the railroad and in Ward 2 are tired of the constant construction. Collins compared this to the big dig of Beverly stating that this will tear stuff up for years and spoke about her experience when Broadway was recently redone.

Michael Pirrotta, 2 Webber Avenue, stated that National Grid is a British-owned company and the shareholders will want it done as cheaply as possible. Pirrotta stated that Goat Hill has been fighting a water problem for years. Pirrotta expressed concern about foundation and radon leaks.

Andrea Freedman, 32 Butman Street, stated the project is going to be challenging no matter where it is. Freedman stated she and others want this line and reliable energy but that this has been a flawed process. Freedman stated she does not live on the proposed line but still does not think it is the best place.

Carole Rein, 27 Pratt Avenue, stated she has deep respect for the Council members and knows this puts them in a spot. Rein stated that the process has left her with distrust of National Grid and its motives. Rein said she wants electricity to be available but does not trust National Grid to consider the residents' health and convenience as much as they consider their own convenience and profits. Rein asked the City Council to pause the project until everyone can be assured that the process receives improvements that it needs and also asked for a long-term health study.

Flowers had Councilor Rotondo take the chair so she could speak on the item. Flowers stated that personally it is not only possible but incredibly important to her to make every decision weighing not only what facts are presented but the facts of how it impacts people who live in this community who the Council is supposed to be representing. Flowers stated she is bothered by the dismissal of what has been shared by members of the public and told the public their voices do matter.

A motion to recess the hearing to May 16 at 8pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion for a two-minute recess was made and seconded. A vote was taken, and the motion carried (8-0).

Flowers called the meeting back to order at 9:42pm.

#### **Communications from other City Officers and Boards (Continued)**

**Order #113**-Councilor St. Hilaire-Request for a Public Service Committee public forum regarding the usage of Pete's Park in Centerville and to also conduct a review of the city's park rules and permitting processes

Referred to Committee on Public Services.

**Order #114**-President Flowers and Councilor Rotondo-School Committee Finance and Facilities third quarter report

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

**Order #115**-Councilor Houseman-Appointment for Ward 4 Representative of the Open Space and Recreation Committee-Mr. James Passanisi, 18 Lowell Street

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

**Order #116**-City Clerk- An application for a Second Hand Motor Vehicle Class II Dealers License for North Shore Imports LLC formerly Beverly Farms Motor LLC., 715 Hale Street

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

**Order #117**-City Clerk-Renewal of 2022 Petroleum Storage Registrations

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

**Order #118**-City Clerk-Renewal of 2022 Second Hand Junk Dealers Licenses

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

**Order #120**-Councilor Houseman-Invitation to Mayor and Finance Director Ayles to attend the April 28th Finance & Property Meeting

Referred to Finance and Property.

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

**Order #121**-National Grid-Plan # 30441241- A Petition to construct a line of underground electric conduits at Railroad Ave.

A motion to set the public hearing for May 2 at 7:45pm was made and seconded. A vote was taken, and the motion carried (8-0).

### **Motions and Orders**

**Order #091**- Parking & Traffic- Re: Recommendation: Change Loading Zone Time Parameters at 110-114 Rantoul Street

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

### **Reports from Committees**

#### **Public Services**

**Order #093**-Appointment-Beverly Waste Reduction-Ms. Amy Henderson

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

**Order #099**-Appointment-Mr. Jon C. Ouellette, 27 Pierce Avenue, to serve on the Design Review Board

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

**Order #100**-Reappointment-Ms. Lisa Willwerth, 15 Fern Street, to serve on the Beverly Waste Reduction Committee

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

**Order #101**- Appointment-Mr. David Lane, 10 Fosters Point, to serve on the Beverly Harbor Management Authority

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

**Order #102**-Appointment-Mr. Raymond Bouchard, 11 Elizabeth Avenue, to serve on the Permanent Building Commission

A motion to approve 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 9:58pm.