

**City of Beverly
City Council Regular Meeting
Public Meeting Minutes
Tuesday, April 20, 2021, 7pm**

This meeting was conducted under the ‘Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20’, signed on March 12, 2020. This remote meeting was held over Google Meet and live streamed by BevCam. Public access information for the hearings was provided on the meeting agenda.

Paul Guanci, City Council President, called the meeting to order at 7:00pm over Google Meet. City Clerk, Lisa Kent, took the attendance by roll call.

Members Present: Stacy Ames, Dominic Copeland, Timothy Flaherty (arrived at 7:17pm), Julie Flowers, Scott Houseman, Todd Rotondo, Estelle Rand, Paul Guanci

Members Absent: Kathleen Feldman

Houseman led the councilors in the pledge of allegiance.

Guanci made a statement about the meeting being recorded by the City of Beverly and streamed by BevCam on channel 99 and BevCam’s YouTube channel. He confirmed that all members present could hear and noted the remote meeting format and process due to Covid-19. Guanci read Rule 22 of the Beverly City Council. He introduced a vote to allow items to be taken out of committee and voted on the floor. Kent took a roll call vote and the motion carried (7-0).

Resolutions

Order #084-Late File- Renew a State Authorized Cultural District.

The motion was made and seconded to accept the late file. A roll call vote was taken and the motion carried (7-0).

Darlene Wynne, Planning Director, clarified that since the letter was submitted she had further conversations with the Mass Cultural Council, and the April 30th deadline is not a hard and fast deadline; they are moving to align everything to August now. There are a couple other things that need to be worked out like a recently dated management agreement and updating the more recent partners as contributors.

Ames asked if Ms. Wynne could identify things that would be done to make Articles 1-5 of the resolution happen.

Wynne said in 2019 there was a document made setting forth some action items for Beverly Arts District and the master plan. A consultant was hired to help establish how to look at the organizational structure and staffing of the arts district. This resolution is largely the same in what was set forth in 2015. The artist in residency program is one that would meet Article 2. Wynne mentioned supporting Main Streets as the managing entity of the arts district and the programming that they currently do and working on a public arts policy. Article four would be reaching out to new businesses that come into the district and integrating the local cultural council into the arts district more.

Ames offered to help out in any way and asked if a city official has been appointed who would be specifically tied to this project.

Wynne stated that would fall to the mayor to appoint; the last documents had Aaron's name, whether it was a formal appointment or not.

Rand asked about a map of the district.

Wynne noted the map hasn't changed. There has been discussion about expanding the district, but that has not happened yet.

Rand asked for a brief overview of the artist in residence requirements as far as the grant goes.

Wynne stated that Mass Cultural Council grants are very fluid. There are some examples that we will look at, but basically there would be an artist in residence over the summer in a vacant storefront downtown. It is an opportunity to enliven downtown, provide education, and reflect back on the community.

Rand offered to help be a part of any conversations around that since a lot of the district is in Ward 2.

Flaherty joined the meeting at 7:17pm.

Copeland asked if it is funded solely by grants at this point.

Wynne said when Beverly Arts District was originally established there was a grant for new districts for staffing, but that has not continued and the management has been absorbed by Main Streets without getting additional funding. Funding comes through events or other sources.

Copeland stated he would love to learn more as a member of the Task Force for Racial Equity in Beverly and the chair of the Economics Subcommittee. Especially in Articles 2 and 5, there is a lot of overlap on the things being worked on, so there might be synergy between those two groups.

Houseman stated that in 2018 the Council passed a public art policy. He stated the consultant Ms. Wynne mentioned turned in a draft report which addresses some of the organizational challenges of how to structure public art programming in Beverly and asked if the draft report could be released.

Wynne stated the report that was received was not what had been asked for; the expectation was a job description and a framework for an organizational structure. Wynne stated she was hoping to discuss with the mayor to try to make it more useful.

Houseman motioned to approve. Flowers seconded. A roll call vote was taken, and the motion carried (8-0).

Presentations, Awards and Memorials

John LeLacheur, Police Chief, presented the Police Department's Use of Force Policy. LeLacheur stated there have been some recent changes because of the governor signing the new law into effect with police reform. The Massachusetts Police Accreditation Commission has changed the policies to meet Mass. general law. It doesn't change anything we do; it just puts everything in more defined language within the policy so that all the stipulations that were a part of the police reform are now in the policy, like duty to intervene and de-escalation, which we train anyway. The use of chokeholds has never been used in the Commonwealth; it's never been

trained in the Commonwealth, but it's in the policy. The document covers quite a bit of policy that's written mostly by court decisions and Mass. general law, so there's not a lot of movement with the policy because it's set by statute and best practices throughout the country. The policy is also based on the Mass. accreditation policy and the national CALEA policy which is a national accreditation within the United States with police agencies. A lot of what was signed into law in January goes in effect this year; some changes go into effect July 1st of this year, then September and December of this year, and so on for the next three years. A lot of changes have come down with the use of reserve officers. There are no more reserve academies, so after we go through all our current reserves, we are not going to be able to hire part-time officers anymore. We'll only be allowed to hire full-time officers, which will certainly affect the budget. Questions come up about animal control officers and harbor masters; they possibly will have to become full-time certified to be special officers with the Commonwealth, which means more extensive training, higher salaries, and more full-time officers, so the bill is going to affect budgets in the future. The plan is to have a training in the very near future prior to the end of this fiscal year with some money we still have in our budget to have every police officer trained in numerous policies that changed because of implementation of police reform. One thing we've been also working at is certification and accreditation through the Massachusetts Police Accreditation Commission. We're in self-assessment right now and working towards accreditation. We could never get certification because of the deplorable conditions of the police station; the building fails all the state's requirements, so now that we're moving into a new building, the architects have already submitted the plans to the commission. They've already approved our cell block and other hold stations, so we're way ahead of the game on that. By implementing and training new policies, we should be able to get certification hopefully by the end of this year, if not early into 2022, and then probably later in 2022 become an accredited agency within the Commonwealth.

Rotondo asked if this would come before the diversity inclusion committee.

LeLacheur said the hope is to load the policies to the website; some policies have parts that are not put out because of safety issues, but a lot of them are open to the public and will be put on the website. The other thing a lot of police agencies do now is allow the reporting of certain crimes, like vandalism, directly through their website. In the future with an updated website we are hoping to do some of those things as well.

Ames thanked Chief LeLacheur for coming before the Council and asked what he thought the impact will be for his team and for the City.

LeLacheur said it would be minimal because these are things that have always been done, but it's being memorialized in policy now. The whole idea behind accreditation is so that every officer knows exactly what they are doing and what every officer in every other community is doing. Beverly officers have jurisdiction in every city and town in Middlesex and Essex County because of mutual aid agreements, so if we respond to any of those jurisdictions our officers have police powers in any of those jurisdictions. That's why it's extremely important that we're on the same page with policies.

Ames asked if someone were to not follow a policy or if there was an incident, what the ramification would be.

LeLacheur says it depends on what the issue was. Any violation of policy could become an investigation. It could be a simple training issue. For example, part of the use of a taser is to take

off the cartridge and spark test it every day to keep the battery fresh; if an officer didn't spark test it and it malfunctioned that could be a training issue. If something came up that was a serious violation, that could lead towards a letter of warning, suspension, or termination; that would go into the internal affairs policy where an internal affairs investigation is done, then based on what the issue is, discipline or no discipline is based on the outcome of the investigation and based on the specifics of the incident.

Flowers asked for clarification on the community comment process of reviewing the policy and if any changes due to community input would be shared.

LeLacheur stated the policy was put out there so people could see it but is based on court decisions and laws, and the policies are written by police experts, so taking comments from the public about changing it would change the best practices. We have to keep the standard policy set by the Mass. Accreditation Commission, but the idea of putting the policy out to the general public so they can see and understand it is extremely important.

Flowers stated that was a helpful clarification and noted that some of the public feedback was around not necessarily the policies but the language used in section five about vulnerable populations. Some of the language is outdated around areas of mental illness and different disabilities. Flowers asked if that was something Chief LeLacheur would consider undertaking a change on to catch the language up.

LeLacheur stated there is a possibility that could happen and that he could take suggestions and send them to the Massachusetts Accreditation Board to make sure we're not stepping outside of what they would accept. What will happen eventually when we're going to be certified is a group of individuals come in and go through all the policies and ask officers questions to make sure the policies are up to Mass. standards, so if we change something significantly it could jeopardize becoming certified or accredited.

Flowers asked about the internal affairs process for working through if there was a violation of the policy and if the chief foresees a time when it might be beneficial to have a citizen oversight committee to work in conjunction with the internal process, just to open up some of that transparency for the community. She asked if that is something that might be on the horizon or might be a possibility for our community.

LeLacheur stated that it's not really being seen in any cities and towns in the Commonwealth. Especially with the change in police reform, there basically is a civilian oversight committee. The POST Commission has about 19 members and only 2 or 3 police officers; most of them are appointed by the governor and by different agencies, and that's the second appeal process available. LeLacheur stated that anytime discipline is issued, he has to notify the Civil Service Bureau and at some point all of our files go to the POST Commission, so there are multiple oversights in place right now.

Houseman asked about the prospects of getting grant funding for website development.

LeLacheur stated his department is always looking for grant opportunities, especially technology grants, and will continue to do so. The federal government may be releasing some money so there will be more money for policing and training and specialized things like that. LeLacheur described the training simulator at the new station, which will be used for de-escalation training, use of force training and other aspects, which will give the ability to train 24 hours a day, seven

days a week, as long as there is an instructor that can run the computer. It's important once that's operational for the councilors to see how it works. It's going to be a tremendous tool.

Catherine Barrett, Director of Grants, stated that there are some technology grants that the state offers and have taken advantage of for several years. We typically get the grants for citywide projects but could certainly look for some to upgrade the police, fire, and recreation websites.

Houseman asked about the distinction between a policy adoption and language which expresses that policy and the concern about inconsistencies between municipalities.

LeLacheur stated some of the language in the policy is written by lawyers or is legal terminology but there may be some words that in 2021 aren't used anymore. There is a meeting coming up in a month with other major city chiefs where the chiefs may be able to sit down and look at possible changes to the wording, not the outcome of the policy.

Houseman asked if it would be possible for an officer who was terminated for disciplinary reasons to go somewhere else and be hired without that department knowing the history of disciplinary action, or if there is a system in place where that history would be available to another jurisdiction.

LeLacheur said theoretically before police reform it would have been possible, but now there is a certification process so that every police officer has to be certified, basically licensed. If somebody was placed on administrative leave, that would also be reported to the POST Commission and they would suspend the police powers of that individual until either it was cleared or finalized in one way or another. The chiefs of police have wanted a certification process for years, and it is unfortunate it took until police reform to put in place. Another thing that may be coming up on the federal level is a national registry of police officers. Thorough background checks are done on anybody that would be hired in Beverly, and nobody would ever be hired that was terminated by another agency.

Copeland asked if there was a way to have a communitywide conversation about these changes.

LeLacheur stated that the plan is to do some citywide conversations.

Copeland asked for instance if someone has already been hired and gets complaints or marks against them, if there is a process to deal with that or to be able to say this person needs to not be a part of this anymore.

LeLacheur stated that everything is based on progressive discipline. If it is multiple minor issues, someone would work up to a letter of warning or suspension. Anytime someone is suspended over five days, a hearing has to be conducted. After that, if it turns into multiple months of suspension, which can still be appealed to civil service, then at some point they would get what's called a last chance letter, and if at the end of that they continue some type of inappropriate actions or can't follow a policy or whatever the case may be, they could work themselves up to being dismissed. There also could be one single incident that's severe enough to lead to termination.

Copeland thanked Chief LeLacheur and said one of the major issues seen in other parts of the country was where it didn't seem like they had that process, so someone could have multiple severe complaints but still stay in that role, whether it was due to the union or otherwise. In the community conversations that will be a big point of conversation.

Acceptance of Minutes of Previous Meetings: April 5, 2021

Houseman motioned to approve. Flowers seconded. A roll call vote was taken, and the motion carried (8-0).

Communications from His Honor the Mayor

Houseman moved to accept the late file **Orders #085, #086, #087, and #088**. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Order #085-Late File-Reappointment-Human Resource Director, Pauline Teixeira

Referred to Committee on Public Services.

Order #086-Late File-Reappointment-Director of Municipal Inspection/Building Commissioner- Steven Fredrickson

Referred to Committee on Public Services.

Order #087-Late File-Reappointment-Director of Engineering, Commissioner of Public Service, Public Works-Michael Collins

Referred to Committee on Public Services.

Order #088-Late File-Reappointment-Director of Parks, Recreation and Community Services- Bruce Doig

Referred to Committee on Public Services.

Houseman moved to accept the late file **Order #089**. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Order #089-Late File-Grant-\$19,986.00 FY21 Firefighter Safety Equipment Grant from EOPSS.

Barrett stated Chief O'Connor wrote this grant, and she stated that since he became chief he has submitted at least a grant a month.

Peter O'Connor, Fire Chief, said the lion's share of this grant will go towards personal protective equipment, including new hoods and three new sets of turnout gear.

Flowers moved to approve. Ames seconded. A roll call vote was taken, and the motion carried (8-0).

Houseman moved to accept the late file **Order #090**. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Order #090-Late File-Grant-\$72,000 from MassDOT for Beverly Airport

Barrett stated this project will provide a location for maintenance equipment to be out of the elements and the cold.

Houseman moved to approve the grant and set the public hearing for Monday, May 3, at 7:15pm. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Communications, from other City Officers and Boards

Houseman moved to accept the late file **Order #091**. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Order #091-Late File- Parking & Traffic Commission-Proposed Ordinance Amendment

Referred to Committee on Legal Affairs.

Communications, Applications and Petitions

Order # 079-City Clerk- Fortune Teller's License Application-Laura Nestor of Salem Witch Supply, 61 Winthrop Ave.

Referred to Committee on Legal Affairs.

Order #080-City Clerk-Ice Cream Truck Permit-Anwar Katatbeh, 4 Woodland Ct. Lawrence, MA

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

Order #081-City Clerk-Application-Hawkers & Peddlers License-Ellen Wilson, 6 Sohier Road
Houseman moved to approve. Rotondo second. A roll call vote was taken, and the motion carried (8-0).

Order #082-City Clerk-Second Hand Junk Dealers License renewals for 2021.

Rotondo moved to approve. Houseman second. A roll call vote was taken, and the motion carried (8-0).

Order #083-City Clerk-Petroleum Storage Registration renewals for 2021.

Houseman moved to approve. Rotondo second. A roll call vote was taken, and the motion carried (8-0).

Motions and Orders

Order #078-Proposed Ordinance change for a handicapped parking sign at 39 Front Street.

Lisa Kent, City Clerk, stated this has been in the newspaper, and the third reading and final passage will be Monday, May 3.

Reports of Committees

Committee on Finance & Property

Order #074-Beverly Preservation Committee-8th Round CPC Project Funding Recommendations.

Flowers moved to set the public hearing for Monday, May 3, at 7:30pm. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

Committee on Public Services

Order #070-Reappointments-Human Rights Committee-Paul Lanzikos, Leah Jones, Alysha Monfette and Chief John LeLacheur.

Rotondo moved to approve.

Ames stated her concern for the chief being reappointed based on a Salem News article.

Guanci asked if she wanted to take the appointments separately.

Ames said she would appreciate that.

Ames moved to approve the reappointment of Paul Lanzikos. Rotondo seconded. A roll call vote was taken, and the motion carried (8-0).

A roll call vote was taken to approve the reappointment of Leah Jones, and the motion carried (8-0).

A roll call vote was taken to approve the reappointment of Alysha Monfette, and the motion carried (8-0).

Flowers asked if from a process standpoint this could be held and stated that it may make sense to have some of these appointments to be rotating in any case. There may be other officers who have been invested in this work who may be interested in taking a turn on the Human Rights Committee. Flowers asked if process-wise it would be allowable to invite the mayor and the chief potentially to talk more about that idea rather than voting yes or no tonight.

Rand stated she was going to make a similar suggestion and added that through her work with the Human Rights Committee and the chief, there has been discussion of the potential of another representative from the Police Department serving on the committee, even for the benefit of sharing the experience Rand agreed with the idea to hold it and maybe have a conversation with the mayor and the chief rather than voting tonight.

Flaherty stated he didn't think it was right that we sit there and say "no" without informing the chief of why he's not on the committee; we don't do that to anyone else, so we should at least give him the opportunity to be heard, see what the mayor has to say, and get some facts out there than worrying about newspaper articles. We have a pretty good chief, and he's done a lot for the human rights committee and for the community, so we owe it to him to have him speak on his own behalf.

Copeland stated he did not know enough about the issue to have an informed vote and requested doing as Councilor Flowers said and have a deeper conversation.

Guanci stated the Council would hold that appointment.

Order #068-Reappointments-Beverly Cultural Council. Brenda -Wong Murphy, Rion Manita and Alison McCarthy.

The motion was made and seconded to approve the reappointments. A roll call vote was taken and the motion carried (8-0).

Order #069-Appointments-Cultural Council -Jennifer Dawson, Michael Dello Iacono, Diana Keller Fernandez and Lindsay Smythe.

The motion was made and seconded to approve the appointments. A roll call vote was taken and the motion carried (8-0).

Committee on Legal Affairs

Order #078-LATE FILE-Sergeant Henebury-Handicapped Parking Sign, 39 Front Street.

Houseman moved to accept the late file. Rotondo seconded. A roll call vote was taken, and the motion carried (9-0).

Guanci stated there will be a special meeting next week on April 26 jointly with the CPC and then the next regular City Council meeting will be on May 3.

Copeland stated with the verdict of the Derek Chauvin case he hopes that we, as the City of Beverly, its government, city officials, police force, and as citizens, can see this as a step forward and an indictment, not on the police force as a whole, but for an individual in the role that did something wrong and was held accountable because that's all we want at the end of the day; if you do something wrong you're held accountable for the wrong that you do. An act that shouldn't have been committed was committed, and it was held accountable, due process was followed, and hopefully that's a great step forward when we're looking for social justice and the growth and development of our community here in Beverly but also as a nation.

Rotondo motioned to adjourn. Houseman seconded. A roll call vote was taken, and the motion carried (8-0). The meeting adjourned at 8:30pm.