

**City of Beverly
City Council Regular Meeting
Public Meeting Minutes
Monday, May 17, 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, Kathleen Feldman, Julie Flowers, Scott Houseman, Todd Rotondo, Estelle Rand, Paul Guanci

Members Absent: None

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 (9-0). Guanci read the guidelines on virtual public hearings.

Houseman led the councilors in the pledge of allegiance.

Moment of Silence

The Council held a moment of silence for William Walo.

Presentations, Awards and Memorials

Gin Wallace, Executive Director-Beverly Main Streets

Mary Grant gave an overview of the organization and highlighted the need for support for small businesses during this time.

Gin Wallace stated Beverly Main Streets is at a financial crossroads due to Covid-19 and has had a significant decrease in income. Main Streets has helped businesses get grants but is not eligible for grants to keep their own work running, except for the PPP.

Wallace stated tonight they are asking for an increase in the annual contract with the City (from \$25,000 to \$50,000), as well as a share of the City's ARPA funding.

Rotondo stated the information Beverly Main Streets provided to businesses has been a great resource and recognized them for the work they have done.

Public Hearings

Order #099-7:15 PM-National Grid-Sohier Road-Plan # 29350047

Matt Farren from National Grid spoke on the item.

Ames asked about expected traffic impacts for the area and the timeline of the work.

Farren stated it would probably be daytime work and maybe a day's worth of work with a police detail to direct traffic.

A roll call vote was taken, and the item was approved (9-0).

Order #097-7:30 PM-Councilor Feldman and Councilor Rotondo-Amendment to an Ordinance Chapter 215-12 "Placing or Depositing Snow and Ice"

Feldman stated this had become a problem in high traffic areas that impeded access to crosswalks and other areas near the commuter rail and on the sidewalks. A lot of people thought the community already had this.

Rotondo stated this is a tool in the toolbox in case there are habitual problems.

Houseman suggested it would be helpful to have a Legal Affairs Committee meeting to address the language.

Feldman stated they worked with Stephanie Williams, the legal counsel for the City, to make sure the language was in line to protect all parties.

Flowers stated she appreciated the work and noted there had been issues in other parts of town. Hannah Elementary worked to find the safest routes to school for students, and in the winter some of those areas were habitually covered in uncleared snow. It really is about our community and not trying to create a punitive measure but raising awareness. Flowers also expressed her appreciation that there is an exemption for those who may not be physically able to remove the snow.

Copeland thanked the councilors and stated he thought it would be good for it to go to Legal Affairs as well.

Rand noted something to consider going forward is how this will be communicated to new homeowners or landlords.

Ames stated some of her neighbors do not have property space to put the extra snow.

Richard Tabbut from Ward 3 suggested higher flags on the hydrants and asked how high the fines go for repeat offenders.

Rotondo said the fine starts at \$25 and increases by \$25 each time without a cap on it.

Carol Rein of 27 Pratt Ave. asked about advanced notice for houses that don't do this now.

Rotondo said the idea is for there to be some educational literature to distribute.

Guanci closed the hearing and referred it back to Legal Affairs, stating final passage will be at the meeting on June 7.

Comments by Citizens

Caja Johnson, Human Rights Committee Chair, spoke on some of the barriers facing the committee at this time. The Diversity, Equity & Inclusion (DEI) Director should have a seat on the committee, and the chair of the committee and director, really the whole committee, should

be a part of the appointment and reappointment process. Another barrier is open seats, which shouldn't be left open longer than a quarter; some have been open for a year now. The committee should reflect the community. Johnson gave updates on some of what the committee has been doing, including the "Unity is our Community" campaign, coordinating training sessions, working with the Police Chief, Sgt. Costa, and the Community Impact Unit to improve data around bias and hate incidents, partnering with Beverly High School students who created their own human rights club, advocacy work and more. Johnson stated she loves what she does and wants to continue to do the best she can, but she needs help with these barriers in order to be able to do her best job.

Cahill thanked Caja for what she said and the partnership they have. Cahill stated one of the shared values they have is that the community can see a part of themselves in the Human Rights Committee, and that's a balance to try to find with also being respectful that no one person should just be seen for one part of who they are. There has been conversation about amending the ordinance to add the DEI Director as an ex-officio member.

Rand stated she is in full support of looking at the ordinance that created the Human Rights Committee and figuring out how to amend it to make it grow with the way the City has grown. There wasn't even have a diversity, equity, and inclusion position when this was created, so it is a growing pain that we have because our city has caught up to the vision; there is definitely room for improvement on the ordinance that created the committee. Rand stated it was by far one of the things she is most proud of in her work as a city councilor and she is committed to work on that ordinance so it reflects the needs of the committee and the City better.

Cahill credited Councilor Rand for the fact that the Human Rights Committee exists. The challenge is there are so many different facets to people in Beverly that really need to be represented on the Human Rights Committee. There's a lot of nuance to it. Nobody should just be a check in a box; it's about getting good people, thoughtful people, people who are passionate, and it's about also trying to make sure that all the perspectives that we can think of are present. Committee members have brought some really fantastic people forward who are now also committee members. Cahill spoke about some of the potential candidates for filling the open seats.

Rand thanked the mayor stating these positions and this conversation would not have happened without the mayor's support and energy behind it.

Copeland thanked Caja, the Zen Center and Mayor Cahill. It sounds like what everyone is getting at here is as the committee grows, it is are looking for a strategy for membership growth and outreach and how to accomplish that. With the open seats on the committee, you can start to build a pipeline of leadership, so that as you go along you already have a stockpile of leaders. That's the work of starting to lay that foundation, and looking at our community and how it's changing. If we see an influx coming into our community, we want to make sure that they are included in this process so that we can help them as they become part of the community and we can start to understand them, and they can understand what it means to be a citizen of Beverly and what the City is about, so that way we can bring the best of both worlds together and grow together.

Flowers thanked Caja for saying, "I'm here because I want your help removing these barriers." Flowers expressed her support for having the Diversity, Equity & Inclusion Director on the

committee. Flowers mentioned something Caja had said in a conversation with her recently, which was there are all kinds of roles in the City where many of us have a voice and a platform already of all different types, elected offices, people who sit on committees, department heads or city leaders of all kinds, and the Human Rights Committee seats can be a place for people in our community who don't yet have a platform and a voice to then grow into one as well.

Flaherty stated he certainly is not opposed to expanding the membership of the Human Rights Committee. A truer reflection of the whole community would be to have more diversity on all committees, rather than only on the Human Rights Committee.

Houseman agreed that diversity should be expanded throughout the City's government.

Guanci opened the discussion to members of the public.

Nikki Moore thanked Councilor Flaherty for what he said. She asked if the HRC has recommended anyone for the open seats or if Dr. Morgan has been asked to join the HRC. In terms of looking for folks to join local government, we need to start looking outside the usual places and make the information available.

Diana Niethamer stated she is glad to see City leadership does not just want to check boxes; it is a balancing act to try to build community membership. The committee should be a part of the process of finding new members, while also being cautious about accidentally reinforcing imbalances if our way of getting new members is by asking friends. Councilor Copeland said it perfectly, that we need a strategy for membership growth and outreach.

Ester Ngotho asked if there is a way to make the committee more autonomous as it grows so it has more power to advocate. If it is a little more autonomous, then it would be in a better position to advocate for minority groups.

Richard Tabbut added to what Nikki said about how it is difficult to find information on meetings. He stated that his wife teaches at a diverse school and he finds that when people are put together, especially in the school setting where they work and live together, they realize people are all the same and have the same concerns and interests. People have to learn to live with each other. Tabbut stated that Nikki made an excellent point about getting more people involved.

Abu Toppin stated he appreciated the thoughts and sentiments tonight, and it is obvious that what happens in our community is important to us and we are all invested in this community. We need to be intentional in what we do going forward. We are dealing with an institution that has been with us for generations, and that will take time to unfold and unpack. We need to continue this collective effort. A primary concern is getting at everyone here in the community and being intentional on digging into our underrepresented community so they have the opportunity to voice their concerns, their direction, and what is important to them and their families.

Presentations, Awards and Memorials (Continued)

Erina Keefe and Emily Hutchings presented Resilient Together, the climate action and resilience plan and stated it will be shared with the public. They highlighted that this work was supported by a grant from the Department of Energy and Environmental Affairs and this is a partnership with Salem.

Keefe stated that people often hear that climate change is something that will affect future generations, but even in our lifetime so far, there has been an increase in extreme storm events, 70% more rain than took place 60 years ago, a foot of sea level rise, and an increase in extreme heat. Without really bold action, we're looking at another 5 inches each year in 2050, up to three feet of sea level rise, and another full month of days over 90 degrees.

Hutchings stated this was a very collaborative process with Salem and a Climate Action Advisory Committee of 36 members.

Keefe said the City is committed to becoming carbon neutral by mid-century and reviewed the plan elements.

Hutchings went over deliverables, stating that through the plan 71 individual actions and 21 implementation blueprints have been developed.

Wayne Miller, 5 Pasture Rd. Chapter 252, Section 2A –Pesticide Application

Miller gave an update on a change to the law in 2020 (An Act to mitigate arbovirus in the Commonwealth) and how it would affect Beverly. He recommended the City should opt out of the new program and continue following its own mitigation as it has been doing through the Northeast Massachusetts Mosquito and Wetlands Management District.

Acceptance of Minutes of Previous Meetings: April 26, 2021 and May 3, 2021

Rotondo motioned to approve. Rand seconded. A roll call vote was taken, and the motion carried (9-0).

Communications from His Honor the Mayor

Order #115-Transfer-\$500,000 to the City's Paving Budget.

The motion was made and seconded to set the public hearing for Monday, June 7, at 7:15pm. A roll call vote was taken, and the motion carried (9-0).

Order #106-Grant-\$64,695-Beverly Regional Airport's Storm Water Pollution and Prevention Plan (SWPPP) and Spill Prevention Control and Countermeasure (SPCC) Plans for Environmental Compliance.

Gloria Bouillon, Airport Manager, said the state is updating the plans and this is part of that effort. The completion date is June 30 for these.

The motion to approve was made and seconded. A roll call vote was taken, and the motion carried (9-0).

Order #107-Grant-\$57,162 from USDOT and the FAA to the Beverly Airport.

Bouillon stated that this is similar to the CARES Act funding. Fortunately, Beverly Regional Airport was one of the only airports in the area to do well during Covid and actually had some growth. Revenues were not impacted, and businesses took this time to improve their spaces and make investments. Receiving this grant has been exceptional. This is a relief package and fortunately it is just an extra cushion since the airport did so well.

The motion was made and seconded to accept the grant. A roll call vote was taken, and the motion carried (9-0).

Order #108-Grant-\$50,000 from MAPC for Climate Resiliency.

Barrett stated this was a team effort with Emily Hutchings and Erina Keefe, and the City has had great success with grants from MAPC. This is for a community outreach program for building retrofits. The City is partnering with Salem on this grant.

Keefe stated that Beverly was the lead applicant on this grant and this will help with community engagement and outreach with residents to make it simple to participate in home energy assessments and learn about opportunities.

Houseman motioned to approve. Flowers seconded. A roll call vote was taken, and the motion carried (9-0).

Order #109-Appointment-Mr. Richard Scanlon to the Board of Assessors.

Referred to Committee on Finance and Property.

Order #110-Proposed Amendment to the City Zoning Ordinance-IR Overlay Zoning District.

The motion was made and seconded to set a joint public hearing with the Planning Board for Monday, June 7, at 8pm. A roll call vote was taken, and the motion carried (9-0).

Order #116-LATE FILE-Executive Office of Energy and Environmental Affairs to opt out of spray activities conducted by SRMCB under M.G.L. c. 252, Section 2A.

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

Mike Collins, Commissioner of Public Services & Engineering, stated this is pretty straightforward and really shouldn't even apply to Beverly since the City is already under a local mosquito control board. This is really targeting those communities that have no plan and no backup in place. The type of spraying that's envisioned under this state law is a kind of spraying that hasn't happened in Beverly since 1971. It's really a different scale of spraying altogether. It's not the truck with the fogger on the back that you might see doing very targeted applications, which is done by the regional mosquito control. They work very closely with the local beekeepers to make sure that they are staying away from any streets where there are private hives. Hopefully they will change the law so that we don't have to request to opt out every year, but keeping it local gives us more control over how it's done.

Rotondo motioned to approve. Rand seconded. A roll call vote was taken, and the motion carried (9-0).

Communications from other City Officers and Boards

Order #111-Council President Guanci-Discussion on going back to meeting in person in Council Chambers

Houseman stated his comments were filed a couple of weeks ago and have since been eclipsed by recent developments in CDC guidelines. He would ask that members of the council affirm that they are vaccinated, and based upon information from the CDC it would seem that, although

there is a degree of de-masking hesitancy, it is safe now. There are certain exemptions such as congregate care and public transportation and so forth. Houseman stated he is open to suggestions and would be interested in hearing from his colleagues. Houseman said understanding it is a personal decision, he would not insist upon councilors talking about their own personal vaccination status but would hope they are willing to as a matter of modeling and leadership.

Rotondo stated what we had said was to follow the science and the guidelines are changing.

Flowers talked about improving ventilation in Council Chambers, seating, and the potential of hybrid meetings for public hearings. She brought up ways to protect more vulnerable people in the room. For example, being in person together, but wearing a mask if and when it's appropriate, thinking of when children who can't yet be vaccinated may be in the room. It feels like a fairly simple thing to put a mask on even while vaccinated if it means helping to protect and model for somebody else who is not yet vaccinated and being asked to still wear a mask.

Copeland agreed that the change in guidelines helps matters and stated that personally he would rather not have to wear a mask at Council meetings if possible, but it would be up to the Council what we want to do in that direction. In the beginning, we may want to consider some kind of hybrid model to ease into it, depending on people's level of comfort as far as if they've been vaccinated or not and how we want to handle that.

Rotondo stated he respected if councilors would be more comfortable with masks, but the emergency order is being lifted, and we are moving back to normal. Massachusetts is one of the top states in the country leading vaccination; there shouldn't be a reason we can't get back into Chambers.

Rand stated she would be comfortable with moving back into Council Chambers and asked for input from the Clerk's Office.

Lisa Kent, City Clerk, and Christine Dixon, Assistant City Clerk, said they are both ready to be back in Council Chambers but expressed concern about hybrid meetings because the state will be rescinding the order that allows for the hybrid model. Another concern is that City Hall is older, and the meetings pop out here and there, so if something like that happened the meeting would have to be cancelled or postponed.

Jesse Dole, Assistant Solicitor, stated the governor suspended certain provisions of the open meeting law by Covid order last year, and now has announced as of June 15 the state of emergency will be rescinded; that would trigger a rescission of the order about the open meeting law, so there would be no authority to conduct remote meetings at that point. There is a bill in the House and a bill in the Senate about amending the open meeting law to allow for remote participation. In the absence of something like that happening, upon the end of the state of emergency we would be back to where we were prior to Covid. This is all up in the air at this point.

Houseman asked if there was any time for transition built into the orders.

Dole stated there was not any time built in for this so far and there is no information right now if City Council meetings will be treated the same as other activities and spaces.

Houseman and Copeland stated it would make sense to start planning to meet in person in June.

Guanci suggested tentatively scheduling the June 7 regular Council meeting in-person in City Council Chambers.

Wynne reminded the Council it would be a joint meeting with Planning Board.

Flowers said it might make sense to wear masks because it will be a bigger group in the room.

Dole stated accepting that the gatherings limit will be rescinded on May 29, the Council cannot turn away people at the door if capacity becomes an issue.

Houseman stated the Council likely wouldn't be able to require people coming into Council Chambers to wear a mask if the state order is rescinded.

Flowers moved to receive and place on file. Rotondo seconded. A roll call vote was taken, and the motion carried (9-0).

Communications, Applications and Petitions

Order #112-City Clerk-Renewal Application for a Fortune Teller's License-Sophia Andrianopoulos, 11 Sunset Drive.

Houseman motioned to approve. Rand seconded. A roll call vote was taken, and the motion carried (9-0).

Order #113-City Clerk-Renewal Application for 2021 Second Hand Junk Dealers License for Hardwired Rescue, 6 Broadway.

Houseman motioned to approve. Feldman seconded. A roll call vote was taken, and the motion carried (9-0).

Order #114-City Clerk-Renewal Application for 2021 Petroleum Storage Registration for Volta Oil, located at 128 North.

Houseman motioned to approve. Rotondo seconded. A roll call vote was taken, and the motion carried (9-0).

Unfinished Business from a Previous Meeting

Order #092-PACE Program-Resolution

Copeland asked Ms. Keefe to go over the funding.

Keefe stated it would be a betterment assessment which would be repaid through energy savings in the bill. It is a mechanism to finance energy improvements on commercial/industrial buildings.

Houseman motioned to approve. Rand seconded. A roll call vote was taken, and the motion carried (9-0).

Motions and Orders

Order #091-Parking & Traffic-Proposed Ordinance Change-Parking prohibited during certain hours.

Houseman motioned to approve. Feldman seconded. A roll call vote was taken, and the motion carried (9-0).

Reports of Committees

Committee on Legal Affairs

Order #094-Appointment-Human Rights Committee-Ms. Mindy D'Ippolito, 20 Odell Ave.

Rotondo motioned to approve. Flaherty seconded. A roll call vote was taken, and the motion carried (9-0).

Guanci stated next week there will be a special City Council meeting for the budget on Wednesday, May 26. The next regular meeting is June 7 and will be in Council Chambers.

Copeland proposed having a discussion about trash cans put on the next agenda, and Guanci stated Councilor Copeland could send correspondence to the City Clerk ahead of the next meeting.

Houseman, Copeland, and Feldman agreed to have the Legal Affairs meeting on Thursday, May 20, at 7pm.

Flaherty announced he would not be running again for City Council, stating it was not an easy decision but it is necessary at this time for him and his family. Flaherty said he always enjoyed making a difference in this city and helping the people.

Houseman motioned to adjourn. Rand seconded. A roll call vote was taken, and the motion carried (9-0). The meeting adjourned at 10:19pm.