

**City of Beverly
Regular City Council Meeting
Public Meeting Minutes
Tuesday, September 28, 2021, 7:00pm**

This meeting was conducted pursuant to Chapter 20 of the Acts of 2021. 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 7:04pm. Assistant City Clerk, Christine Dixon, took the attendance by roll call.

Members Present: Stacy Ames, Dominic Copeland, Kathleen Feldman, Timothy Flaherty, Scott Houseman, Todd Rotondo, Estelle Rand, Paul Guanci

Members Absent: Julie Flowers

Houseman led the pledge of allegiance.

The Council had a moment of silence for Ben Goodhue.

Guanci made a statement about the virtual 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. 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. Dixon took a roll call vote and the motion carried (8-0). Guanci read the procedure for remote public hearings.

Resolution

Order #173-Beverly/Salem American Legion Post 331 Baseball Team

Jerry Parisella, state representative, read an excerpt from the resolution passed by the Massachusetts House of Representatives recognizing the accomplishments and historic season.

Joan Lovely, state senator, read excerpts of the resolution passed by the Massachusetts Senate recognizing the team and coaches.

Guanci read the City Council resolution.

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

Acceptance of Minutes of Previous Meetings

September 13, 2021 Regular City Council Meeting

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

Communications from His Honor the Mayor

Order #165-Grants and Transfer request-\$656,000 to support the reconstruction of Commercial hoist and fishing pier at Glover Wharf and \$62,400 to conduct a feasibility study for recreational

and transient floats in Beverly Harbor. Also requesting approval to transfer \$71,840 from the Harbor Management Fund along with transfer \$71,840 from the reserve for unforeseen. The combined \$143,680 will represent the required 20% match.

Catherine Barrett, Grant Director, thanked the team that worked on these grants including Sean Ciancarelli, Paul Earl and Don Neuman. Beverly is one of only two communities in Massachusetts that were awarded two grants from the Seaport Economic Council. The City had an extra \$600 added to the hoist and commercial fishing pier grant, so that total for that grant is \$656,600, so the match will be adjusted slightly. The transfers would be \$71,900 and the combined transfer is \$143,800 due to the extra money that we learned about today.

Copeland asked how much would be left in those two funds after the transfers, stating it could be answered tonight or the night of the vote.

Houseman congratulated the team that worked on these grants as these were long-term goals.

Paul Earl of the Harbor Management Authority thanked the Seaport Economic Council for awarding both grants. He credited the fact that it was so seamless to Catherine Barrett for managing the process. Both projects were included in the City's 2019 Harbor Plan and the 2012 Master Plan. They will help sustain the commercial fishing industry in Beverly. To answer Councilor Copeland's question, if this is about seventy thousand to contribute, that will reduce the current capital fund to \$370,000. The Harbor Management Authority makes money by running the marinas for the City. It pays for the operating expenses but takes in close to \$200,000 a year and only really spends about \$100,000, so the rest can be put into the fund to then reinvest as matching or for things like the kayak racks around the City now. This is all non-taxpayer dollars, so it helps the City in terms of doing some things that perhaps could not be done otherwise.

Bryant Ayles, Finance Director, just stated that if the Council were to take action this evening it should reflect the amended amounts that Ms. Barrett noted.

The motion to set the public hearing for October 18 at 7:30pm was made and seconded. A roll call vote was taken, and the motion carried (8-0).

The motion was made and seconded to accept the amended grant amount of \$656,600. A roll call vote was taken, and the motion carried (8-0).

Public Hearing

Order #161-7:45pm-MassDOT-Petition of the MBTA for Communications Conduit Location for Plan #321823F Cabot Street.

Jaime Garmendia and Ibrahim Alshawabkeh, representatives of the project, presented the petition and a map of the area.

Rand asked for clarification on if this is related to the regional transportation National Grid project.

Garmendia stated it is a different project. This is underground communications fiber for MBTA uses, which will be more resilient in winter with tree fall than the current aerial pole lines.

Rand asked what type of communication this would be used for.

Garmendia stated the intended purpose is MBTA vital communications, so safety systems, signal systems, and things that need to be protected and are really bad if they get interrupted. There will be excess capacity that MBTA hopes to use for other passenger-related purposes in the future.

On a side course, MBTA is looking for funding to install commercial fiber that is dark fiber to be released to third parties. That is not a funded project at this time but if funding comes through for that, then it will be installed at the same time.

Rand asked about regulations on installing cables and selling that service beyond what MBTA is using it for and if that is something the City regulates.

Garmendia said that would be a state asset and regulated at a state level.

Rand asked about disruption to the neighborhood for the project.

Garmendia stated a contractor is still in the process of being hired to perform the work, so there are a couple of options. The preferred approach is directional drilling which would dig a trench pit on each end and use a drill to connect the dots without disrupting the surface of the street; the alternative would be opening a trench, so it depends on the contractor. We will work closely with the mayor for minimum disruptions.

Cahill confirmed the City would work with MBTA to make sure this is timed right with other projects.

Houseman asked about excess capacity for commercial purposes and how that might relate directly to the City and if that would directly benefit the City and asked about use of MBTA parking.

Garmendia stated this project is about the utility work; the parking is separate and something Mayor Cahill has been working on since before this. It is a matter of coordination of projects, but they are not related.

Ed Horack, 5 Congress St., asked about the hours of operation and what might be done to make noise less of a burden on residents.

Garmendia stated it depends on the construction approach but a traffic management plan will be created with the City. Ideally, it would not be a very long or disruptive or noisy operation.

Guanci asked if this would be done during the day or night.

Garmendia stated that has not been decided yet; that would be looked at as the work plan and traffic management plan are built out.

Guanci closed the public hearing.

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

Communications from His Honor the Mayor (continued)

Order #166-Reappointment-Mr. Mark Casey-Trustee of the David S. Lynch Public Parks Fund.

Referred to Committee on Public Services.

Order #167-Appointment-Mr. Richard Vincent-Greater Beverly Chamber of Commerce Representative on the Parking and Traffic Commission.

Referred to Committee on Legal Affairs.

Order #168-Grant-\$1,236,878 from DHS and FEMA to the Emergency Management Task Force to be used to support continued development, operations and maintenance of the national urban search and rescue capabilities at Mass Task Force 1 site in Beverly.

Mark Foster, Director of Emergency Management, stated this grant is funded through a cooperative agreement and pays for training and preparedness.

Cahill stated the task force was mobilized twice during Hurricane Ida and does really incredible, important work.

Feldman asked if this is in line with the amount the City usually gets.

Foster said it has been consistent since 9/11 with little bumps up and down. It winds up being about \$100,000 per month.

Rand asked about examples of trainings and if this goes to equipment.

Foster said about \$90,000 of this will go towards replacing equipment like air cylinders or vehicles. Training costs include food, props or equipment that is expended during the training.

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

Communications from other City Officers and Boards

Order #169-City Clerk-Request approval for one day of Early In-Person Voting for the General Municipal Election.

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

Order #170-City Clerk-Request for approval of the Warrant for the November 2, 2021 Election.

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

Order #171-President Guanci-Delegate responsibility to the City Solicitor's Office for the OML complaint filed by Joseph Kane dated September 19, 2021, pertaining to the City Council's September 13, 2021 meeting.

Held to executive session and next meeting.

Order #172-Communication-MaryAnn Holak, Director-Regarding ARPA funds.

MaryAnn Holak stated that most of the staff time right now is really being focused on the basic needs of housing and food for many of the older people living in the community. We need to be intentional about how we are serving the older folks who live in Beverly. Sadly the homelessness situations are being seen in a younger population of older people, so the 60s and early 70s, and they do not have a foundation to support themselves. Beverly Bootstraps and Sue Gabriel are

wonderful community partners. A housing specialist, even for the time the funding is available, could really help get through this tough time where people are struggling to find new living arrangements.

Ames asked Holak to speak to a couple of the top priorities from the list and asked Mayor Cahill about practical options for the Board of Health space.

Holak stated the computer lab was lost to the Board of Health over the pandemic, and technology was one of the biggest concerns with reaching older adults throughout the pandemic. Holak said she has enjoyed working together with the Board of Health, but their working conditions really are not adequate for their needs and is pinching Senior Center services. An extra housing staff person is really important, even if it is just for a time period. Some senior cognitive abilities have also declined during the pandemic; some have thrived, but others have had problems with coming back to driving and exercising.

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

Unfinished Business

Order #143-Grant-\$12,606,097 in American Rescue Plan Act grant funds from Mass Executive Office and Administration and Finance to help cover increased expenditures, replenish lost revenue and mitigate economic harm from the COVID-19 pandemic.

Cahill gave a review of the public meeting. Follow up was received from several different representatives of some local nonprofit stakeholder groups, so there are some proposals and thoughts to work with. Speaking to the item that was just looked at, the next capital project after the police station has been meant to be the renovation of the old police station, which when complete would allow for Inspectional Services and the Health Department to be brought back into the City Hall campus. Staffing needs in the Board of Health and Senior Center will also need to be looked at. The meeting itself was a great start. The way this grant was created legislatively, it's the executive branch that makes those final decisions on expenditure, but this is unique and so there really are a number of running conversations on how best to utilize this money, so this is really an ongoing effort and shared conversation. It is our intent to be as collaborative, inclusive and transparent as we can be as these decisions get made.

Ames asked if the idea was still to use around eight million dollars of this on things more like infrastructure.

Cahill stated we need to spend what we need to spend on programs and services, and that will only become clearer over time. We will make sure to put money into that effort and then put what we can to infrastructure. As much as we can put to infrastructure we should, and as much as needs to go to programmatic needs and services, needs to go. We do not want to spend it all in one fell swoop; we want to take a look at what is needed in the near term and what may be projected out over three and a half years.

Ames stated she had asked at the last meeting to have put on the City website how the City had spent last year's dollars and it was not there today. We want to make sure people feel good about the way we spend things. Ames shared charts and data from other local communities'

expenditures per capita and expenditures on public works and school. Ames stated more should be spent on services and included some examples like roads and sidewalks, increased teachers' salaries, and more police officers. Ames emphasized the importance of accountability.

Cahill asked Council Ames to share with him the graphs that were being shown.

Ames stated she has shared this with Mr. Ayles from the beginning of when she was elected.

Cahill stated he would check with Mr. Ayles and get a look at the graphs that were held up to the camera. Cahill stated there have been some recent, unavoidable severe staffing shortages in Mr. Ayles' departments, but Mr. Ayles has stated his commitment to sharing information. We are looking into bringing in some temporary additional help in the office. We just need to get caught up and ahead of some things in the combined finance departments to get there.

Copeland thanked the mayor and Mr. Ayles for the meetings with councilors and the public and showing that people can get involved and have their voices heard. It also allows us to identify some blind spots or gives a better perspective. As this moves forward, as far as the transparency aspect of it, the more that we can do, the better. Copeland thanked Mayor Cahill for completing the public meeting portion of the process.

Houseman stated that as government officials, we really want to be able to communicate decision making through the community. Houseman stated he is hopeful as part of the expenditure of the ARPA funds, the City does in fact hire whatever assistance Mr. Ayles and his department needs, perhaps including in the IT department, to allow the City to get some of the information up on the website.

Flaherty stated he does not think it is a lack of transparency or someone trying to hide something. It would be good to think about how to collectively get city employees paid equally to or better than other communities, but there are reasons for that. The City Council has a balance with the budget analyst, Mr. Perry, and Mr. Ayles does an outstanding job. It is not always apples to apples when comparing to other communities.

Feldman agreed that it is kind of apples to oranges comparing Beverly budgetarily to other communities without context. Feldman stated that she does like the idea of taking good ideas of what other communities do in getting the information to their constituents. Feldman stated she does not feel like it is a lack of transparency, but a lack of staffing, stating that answers to questions have been clearly communicated, but the City just does not have the staffing and capacity to put this information in a user friendly format. Feldman stated she hopes that if staffing is incorporated to disclose the ARPA funds information to the public in a more user-friendly format, then hopefully that position or the capacity for that office could be in the budget going forward to always be able to do this and put something up annually that can be a little more user-friendly. It would be really helpful if we had a cohesive image or document and place to point to so that everyone is on the same page.

Houseman clarified that when he talks about transparency he is talking about communication. Houseman stated he doesn't think anyone is hiding anything, but it is a matter of good communication. Houseman recognized the challenges that Mr. Ayles has in his office from a staffing view and stated that he looks forward to applying funding to help address it.

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

Motions and Orders

Order #160-Proposed Ordinance change for “No Parking” on South side of Pleasant Street from the area in front of 26 Pleasant Street extending to Hardy Street.

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

Reports of Committees

Legal Affairs

Order #151-Reappointment-Constable-Mr. Christopher P. Chigas.

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

Public Services

Order #154-Council President-Appointment-Ms. Amy Benjamin to the Community Preservation Committee.

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

The motion was made to move into an 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. The motion was seconded. A roll call vote was taken, and the motion carried (8-0).

The motion to adjourn was made and seconded. A roll call vote was taken, and the motion carried (8-0). The meeting adjourned at 9:56pm.