

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 24, 2022

PRESENT COUNCILLORS: GOULD, MANNING-MARTIN, PEACH, WELTON, O'NEILL, MCGINN, GAMACHE, TURCO, DAIGLE, AND MELVILLE

ABSENT COUNCILLORS: ROSSIGNOLL

An in-person and remotely held meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Ryan Melville.

Salute to the American Flag.

COUNCILLOR MELVILLE – OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

P97-22 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of February 10, 2022.

(Unanimous)

HEARINGS

P98-22 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Atty. Joseph MacDonald on behalf of Extreme Packing Solutions, Inc., c/o Keith Tobin, President, 7 Webster Street, Unit F, Peabody, MA, regarding Request to continue until Thursday, March 10, 2022.

(Unanimous)

A public hearing was duly held on the petition submitted by Peabody Municipal Light Plant, 201 Warren Street, Extension, Peabody, MA. Mr. William Cardello appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P99-22 COUNCILLOR O'NEILL – MOVE TO approve Petition 21-244 submitted by Peabody Municipal Light Plant, 201 Warren Street, Extension, Peabody, MA, to install one utility pole, No. 5-1, at a point approximately 60 feet to the southeast of the existing location of pole No. 5 along the southern side of Butternut Avenue in the vicinity of 6 Butternut Avenue, subject to all papers being in order.

(Carried 10-0; Councillor Rossignoll absent)

A public hearing was duly held on the application submitted by The NexMex Thing, LLC, 5 Central Street, Peabody, MA. Mr. Emil Sepulveda appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P100-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 3 from Health Department, regarding Various departmental responses.

(Unanimous)

P101-22 COUNCILLOR PEACH – MOVE TO approve the application submitted by The NexMex Thing, LLC, 5 Central Street, Peabody, MA, for an Entertainment License for non-live entertainment, specifically televisions and digital internet music and live entertainment, specifically live music, karaoke, D.J., comedy acts, and social entertainment, subject to all papers being in order.

(Carried 10-0; Councillor Rossignoll absent)

A public hearing was duly held on the application submitted by Electrify America, c/o Aldric Gomez, 2003 Edmund Halley Drive, Reston, Virginia. Appearing to speak on behalf of the application was Mr. Frank Grant. No one appeared to speak in favor. No one appeared to speak in opposition.

P102-22 COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Electrify America, c/o Aldric Gomez, 2003 Edmund Halley Drive, Reston, Virginia, for a Special Permit to install electric vehicle charging stations and accessory utility equipment adjacent to the Life Time Fitness site at 210 Andover Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITION:

1. Per the Public Services Department, the charging stations should be protected from vehicle strike by properly placed bollards.

(Carried 10-0; Councillor Rossignoll absent)

A public hearing was duly held on the application submitted by CV 13 Corwin, LLC, c/o Cargo Ventures, 440 McClellan Highway, 105P, East Boston, MA. Appearing to speak on behalf of the application was Atty. John Keilty, Mr. Jacob Citrin, Ms. Karen Staffier, and Mr. Vinod Kalikiri. No one appeared to speak in favor. Mr. Richard Medina, 1-B Laurel Street, Peabody, MA; Ms. Maryann Gaudette, 90 Lynnfield Street, Peabody, MA; and Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P103-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, the following late communications:

Late 2 Ann Trainor, 140 Lynnfield Street, regarding Cargo Ventures, 13 Corwin Street

Late 5 Blair Howcroft, 1 Cherwick Road, regarding Cargo Ventures – oppose

Late 6 David Close, 175 Lynnfield Street, regarding Proposed Project at the Stahl property Lynnfield St.
(Unanimous)

P104-22 COUNCILLOR WELTON – MOVE THAT the Special Permit application from CV 13 Corwin, LLC, c/o Cargo Ventures, 440 McClellan Highway, 105P, East Boston, MA, for property at 13 Corwin Street, Peabody, MA, be allowed to be withdrawn, without prejudice.

(Carried 10-0; Councillor Rossignoll absent)

P105-22 COUNCILLOR WELTON – MOVE TO request that the Community Development and Planning Department contact Pan Am Railways, the owner of the formerly active railway adjacent to the Stahl USA building at 13 Corwin Street and parallel to Lynnfield Street, regarding the possibility of acquiring this land and determining the associated costs of purchasing for the sake of exploring an alternative roadway to service the property at 13 Corwin Street.

(Carried 10-0; Councillor Rossignoll absent)

REPORTS OF COMMITTEE**FINANCE COMMITTEE****FEBRUARY 24, 2022**

P106-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the City Council met earlier this evening. Present for the Committee were Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. Also present were Councillors: Welton, Peach, Daigle, O'Neill, and Melville. There were five items on the agenda. The first three items on the agenda all generally dealt with the establishment of a proposed children's museum; so these items were taken by the Committee somewhat as a group. Item A was an ordinance amendment to Peabody Museum Department, Item B was supplemental information regarding proposed Peabody Children's Museum, and the third item was Peabody/CuriousCity Children's Museum Lease Agreement, 10 Main Street. The Mayor presented this package of information, and supporting the Mayor were Director of Finance, Mr. Gingras; Director of Community Development, Mr. Bellavance; City Solicitor Donald Conn. Also other individuals that have been active on this: Tim Brown, Martha Holden, Camille Bartlett, and Mark Whiting. Also present from ViceRoy Properties were Carl Valeri and Sandra Capo. Ms. Holden spoke to the existence of the pop-up museum that had taken place as a sort of proof of concept. The CuriousCity operation that ran at the George Peabody House for 42 weeks of programming indicated that it had a significant regional draw. There was some input from Mr. Brown about anecdotal reports from increased business at two area eating establishments and that he would expect the same type of incremental or beneficial effect to the businesses on Main Street should this proposal move forward. There was a video that provided some of the history on the CuriousCity pop-up operation as well as a view of the proposed new space at 10 Main Street. The Mayor had touched on some of the points of the lease that he has negotiated with the property owners and has indicated that he believes the five-year lease would be a risk-limiting factor. He also indicated there's been a \$400,000 grant received from the Community Development Authority for this initiative and the potential exists for money to be released from a \$1.2 million line item in an economic bond bill that would not come in a lump sum and is likely to come over time and that our legislative delegation is working on that. The Mayor indicated that he anticipates putting in place a structure similar to the senior center that would have a combination of full-time staff, part-time staff, a board of directors, and a friends group that would assist with fundraising. Director of Finance, Mr. Gingras, reviewed the proforma that was presented to the committee in the package and generally had indicated that it would be in the ballpark of \$550,000 per year operating and that the goal of the operation would be to be revenue neutral. He also indicated that, in terms of structuring this going forward -- should this be successful -- that he would come back to establish a revolving fund and that's how it would be dealt with administratively within the budget similar to other revolving funds that currently exist today such as at Tillie's Farm. There were a number of questions and comments from councillors around the area of the risk and the various cost elements associated with this. There were also some questions and concerns about this being a city department versus the possibility of it being a nonprofit or a 501(c)(3) and how other childrens' museums are run around the region. There was also a strong sentiment from the Committee and other councillors that had spoke that are not on the Committee, about a desire to have an evaluation period such that there would be sufficient time to accumulate data to do a meaningful review and the consensus seemed to be that that would be at about year 3. The Mayor agreed with that and also agreed that there might be the possibility of transitioning this away from a city department to a nonprofit 501(c)(3) as has been done in at least one other example in one other community, but that doing it this way initially was the fastest way to get it off the ground. It was believed by the team presenting that there's a window of opportunity to get this done before another community might come in and create a similar destination-type operation in a neighboring community. So with that, after considerable debate on that, there were a number of motions made. (Report received)

P107-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO authorize His Honor the Mayor to enter into a lease agreement with ViceRoy Capital Management, LLC, on a proposed lease agreement for the property located at 10 Main Street to operate the City of Peabody/CuriousCity Children’s Museum for a five-year term.

(Carried 8-2; Councillor Manning-Martin and Councillor Turco opposed; Councillor Rossignoll absent)

P108-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next motion was made by Councillor Gould to advertise an ordinance amending Article III, Departments, by adding Division 8: Children’s Museum Department and that the text of that be in accordance with the language attached to the communication from His Honor the Mayor dated December 2, 2021. That motion passed in committee by a vote of three to two. (Report received)

P109-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO amend Article III Departments by adding “Division 8: “Children’s Museum Department,” of the Code of the City of Peabody and to advertise as read.

(Carried 8-2; Councillor Manning-Martin and Councillor Turco opposed; Councillor Rossignoll absent)

P110-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO amend Section 18-21 entitled “Schedule of Compensation for full time positions not subject to collective bargaining,” of the Code of the City of Peabody and to advertise as read.

(Carried 8-2; Councillor Manning-Martin and Councillor Turco opposed; Councillor Rossignoll absent)

P111-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO request that the Finance Director provide the City Council with a review of operations for the Children’s Museum Department at Year 3 to evaluate future viability of the Children’s Museum operation.

(Unanimous)

P112-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was Item D, which is an ARPA update. That was presented by Mr. Gingras and he largely reviewed the document that was submitted to the council, whereby he had indicated that ARPA grants received thus far have been in the amount of \$10,539,975, and that there has been spending on the Fiscal 2020 General Fund Deficit in an amount of \$2,175,019, the Fiscal Year ’20 Rink Deficit of \$111,890, Fiscal Year 2021 Revenue Replacement of \$562,703, Fiscal Year 2022 Revenue Replacement of \$4,580,000, and Fiscal Year 2022 Mountain Terrace/Granite Street Drainage in an amount of \$404,752 leaving a current balance from the first allocation of ARPA funds of \$2,705,611. There will be a second round of funding received in an amount of \$10,539,974 so that the total anticipated available for future use funding would be \$13,245,585. It was briefly discussed that there is a cap that exists for the use of funds on revenue replacement. Peabody’s cap is estimated to be in the \$12.4 million range. There has been in excess of \$7 million allocated to revenue replacement and/or funding of deficits generally related to COVID, leaving about \$4.9 million that could be allocated to revenue replacement in the out years. Although there’s great interest within the Committee on this topic, in the interest of time we’ve left it in Committee and we think that it’s going to warrant further periodic review. So that is a report of progress and we should anticipate that there will be additional reports on this going forward. (Report received)

P113-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was transfer of funds CPC document preservation vital records in an amount of \$33,668 that was presented by Mr. Gingras. Councillor Gould made the following motion. (Report received)

P114-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 20, 2022:

<u>FROM:</u>		<u>TO:</u>	
270-0000-33022	\$33,668.00	270-1811-58563-2022-00-0346	\$33,668.00
CPC – Historic Preservation		CPC – Document Preservation Vital Records	
(Carried 10-0; Councillor Rossignoll absent)			

P115-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The last item on the agenda was Item F transfer of funds Fiscal 2022 legal budget in an amount of \$75,000 that was presented to the Committee by Mr. Gingras, Director of Finance, which was to support the city’s legal budget, in order to fund a post-arbitration employment settlement agreement. Councillor Gould made the following motion. (Report received)

P116-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 3, 2022:

<u>FROM:</u>		<u>TO:</u>	
100-1320-57410	\$75,000.00	100-1510-53114	\$75,000.00
Budgeted Reserve		FY 2022 Legal Budget	
(Carried 10-0; Councillor Rossignoll absent)			

MOTIONS, ORDERS AND RESOLUTIONS

P117-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Councillor Anne M. Manning-Martin regarding Becoming a Designated Green Community and refer to the Ad Hoc Committee on Energy Efficiency and Renewable Energy. (Unanimous)

P118-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Councillor Anne M. Manning-Martin regarding Net Zero Climate Action Planning Process and refer to the Ad Hoc Committee on Energy Efficiency and Renewable Energy. (Unanimous)

P119-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Councillor Anne M. Manning-Martin regarding Charter update work performed by Sudi Smoller and refer to the Committee of the Whole. (Unanimous)

P120-22 COUNCILLOR PEACH – MOVE TO request that Captain Richards investigate the intersection of Driscoll Street and Margin Street where there have recently been many accidents and countless near accidents that have occurred due to an uptick in activity because of the relocation of St. John’s pre-k program at the St. Thomas School and report back to the City Council with next steps for a traffic study. (Unanimous)

P121-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-A communication from Christine Lander, 99 Lynn Street (a/k/a 101 Lynn Street), regarding Special Permit application and set up a public hearing. (Unanimous)

P122-22 COUNCILLOR WELTON (Co-motion with Councillor Turco) – MOVE TO request that the Public Services Department repaint the crosswalk in front of the Brown School as weather permits.
(Unanimous)

P123-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Levin, Senior Planner, Community Development and Planning regarding Special Permit application – 13 Corwin Street.
(Unanimous)

P124-22 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of Six Hundred Eighty Eight Thousand Three Hundred and Ninety Eight (\$688,398) Dollars for the purpose of paying costs of Replacement of the Gymnasium Roof at the West Memorial Elementary School, 15 Bow Street, Peabody, MA 01960, including payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Peabody may be eligible for a grant from the Massachusetts Building Authority ("MSBA"), said amount to be expended under the direction of the City of Peabody. To meet this appropriation the City Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; that any premium received upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, section 20 thereby reducing the amount authorized to be borrowed to pay such costs in a like amount. The City of Peabody acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Peabody incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Peabody; provided further that any grant that the City of Peabody may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty Four and Seventy Nine Hundredths percent (54.79%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Peabody and the MSBA; and that this order be adopted as advertised and read.

(Carried 9-0; Councillor Rossignoll and Councillor Turco absent)

P125-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications from His Honor the Mayor and refer to the Finance Committee:

7-A Transfer of Funds – Community Preservation Act Administration \$3,500.00

7-B Transfer of Funds – Cable Fund Expense \$197,785.87

7-C Transfers of Funds – Cable Fund Expense \$20,608.15
Cable Fund Expense \$5,245.59

(Unanimous)

P126-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Patricia Knight, 149 Washington Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P127-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Junk Dealers License – Violet's Consignment Store, 149 Washington Street, and set up a public hearing.
(Unanimous)

P128-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of One Million Dollars (\$1,000,000) for the purpose of paying costs of upgrades to the Wilson Square Intersection, including the payment of all costs incidental or related thereto. To meet this appropriation the City Treasurer is authorized to borrow said amount under M.G.L. c. 44, §7(7) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that any premium received upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, section 20 thereby reducing the amount authorized to be borrowed to pay such costs in a like amount, and that this order be adopted as advertised and read.

(Carried 9-0; Councillor Rossignoll and Councillor Turco absent)

P129-22 COUNCILLOR MCGINN – MOVE TO request a handicapped sign in front of and along the property line of 5 Holton Street, and that an ordinance be drafted and advertised on the same.

(Unanimous)

P130-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Shayna Costa, 474 Lowell Street, Unit 6, regarding Special Permit application and set up a public hearing.

(Unanimous)

P131-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Utility Contractor's License – JET Excavation, 8 Richardson Road, Burlington, MA, subject to all papers being in order.

(Unanimous)

P132-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Hoyle Construction, Inc., 68 Prospect Street, regarding Special Permit application and set up a public hearing.

(Unanimous)

P133-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Curt Bellavance, Director of Community Development and Planning, regarding MBTA Community – Multi-family Housing and refer to the Industrial & Community Development Committee.

(Unanimous)

{11R North Central Street}

P134-22 COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 entitled "Parking Prohibited, Handicapped Zone" of the Code of the City of Peabody be adopted as advertised and read.

(Unanimous)

P135-22 COUNCILLOR GAMACHE – MOVE TO request that Sharon Cameron, Director of Health, provide the City Council with proposed ordinance language for the storage of trash.

(Unanimous)

P136-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, late communication Item 4 from His Honor the Mayor regarding International Holocaust Remembrance Alliance non-legally binding, working definition of antisemitism and refer to the Legal Affairs Committee.

(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

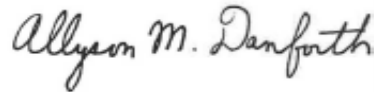
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 1, 2022

RETURNED BY HIS HONOR THE MAYOR, MARCH 1, 2022



(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – Community Preservation Act Administration \$3,500.00

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense \$197,785.87

His Honor the Mayor re: Transfers of Funds – Cable Fund Expense \$20,608.15

Cable Fund Expense \$5,245.59

Christine Lander, 99 Lynn Street (a/k/a 101 Lynn Street), re: Special Permit application

Patricia Knight, 149 Washington Street, re: Special Permit application

Hoyle Construction, Inc., 68 Prospect Street, re: Special Permit application

Councillor Anne M. Manning-Martin re: Becoming a Designated Green Community

Councillor Anne M. Manning-Martin re: Charter update work performed by Sudi Smoller

Councillor Anne M. Manning-Martin re: Net Zero Climate Action Planning Process

Curt Bellavance, Director of Community Development and Planning, re: MBTA Community – Multi-family Housing

Shayna Costa, 474 Lowell Street, Unit 6, re: Special Permit application

Andrew Levin, Senior Planner, Community Development and Planning re: Special Permit application – 13 Corwin Street

JUNK DEALERS: (New)

Violet’s Consignment Store, 149 Washington Street

UTILITY CONTRACTORS LICENSE:

JET Excavation, 8 Richardson Road, Burlington, MA