

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 22, 2021

PRESENT COUNCILLORS: GOULD, MANNING-MARTIN, SASLAW, WELTON, CHAREST, MCGINN, MOUTSOULAS, TURCO, ROSSIGNOLL, MELVILLE, AND O'NEILL

ABSENT COUNCILLORS:

An in-person (City Council only) 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 Mark J. O'Neill.

Salute to the American Flag.

COUNCILLOR O'NEILL – 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.

P198-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of April 8, 2021. (Unanimous)

HEARINGS

The City Council further recessed the public hearing on the Special Permit application filed by **Elina, LLC, 19-23 Central Street**, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P199-21 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive a late communication #2 from Attorney John R. Keilty, 40 Lowell Street, Peabody, MA requesting to further recess the special permit public hearing for Elina, LLC, 19-23 Central Street until the meeting of May 13, 2021, and request to approve the same. (Unanimous)

P200-21 COUNCILLOR MCGINN – Request to suspend the rules to receive late communication #3 from the City Solicitor, Donald L. Conn, submitting a legal opinion with regards to Section 5.4.6 "Outdoor Dining". (Objection by Councillor Manning-Martin – the communication is referred to the next meeting agenda)

The City Council further recessed the public hearing on the Special Permit application filed by **Spero J. Demakes, 29-31 Lynnfield Street**, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P201-21 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive late communication #1 from Attorney John R. Keilty, 40 Lowell Street, request to further continue the Special Permit public hearing for Spero Demakes, 29-31 Lynnfield Street. (Unanimous)

P202-21 COUNCILLOR MCGINN – MOVE TO approve the request to continue the Special Permit public hearing for Spero J. Demakes, 29-31 Lynnfield Street to May 13, 2021. (Unanimous)

P203-21 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-C from Attorney John R. Keilty, 40 Lowell Street relative to Bosun's Marine Showroom, 205-207 Newbury Street and refer the same to the public hearing. (Unanimous)

The City Council further recessed the public hearing on the Special Permit application filed by **Bosun's Assets and Operations, LLC d/b/a Bosun's Marine, 203 Newbury Street**, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P204-21 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-J, communication from Attorney John R. Keilty, 40 Lowell Street requesting to further recess the Special Permit public hearing for Bosun's Assets and Operations, LLC d/b/a Bosun's Marine, 203 Newbury Street To May 13, 2021, and request to approve the same. (Unanimous)

The City Council reconvened the recessed public hearing on the application filed by **Florian Qoqi**, 1 Newbury Street, Peabody, MA. Mr. Dan Hutchins appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P205-21 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Florian Qoqi, 29 Walsh Avenue, Peabody, MA for a Special Permit to install an electronic message sign to an existing free standing sign at 1 Newbury Street, Peabody, MA as filed in accordance with Sections 11.5.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

CONDITIONS:

1. There will be no outside advertising allowed on the sign; and
2. In case of emergency, the application will allow the City of Peabody to utilize the sign.

(Carried 11-0)

REPORTS OF COMMITTEE

Legal Affairs Committee

April 20, 2021

P206-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – We had two items on the agenda. The first was request for proposals, RFP, 2, 12, and 16 Washington Street; and the second was polling location changes. And we were joined by all the members of the committee along with Councillor Manning-Martin, Councillor Welton, Councillor Charest, Councillor Moutsoulas, and Councillor O'Neill, along with the Mayor - His Honor the Mayor, the City Solicitor, Don Conn, Dan Doucette, the Purchasing Agent, and along with the RFP respondent, Mr. Edward Greeley and his attorney, Jason Panos. We were also joined by two members of the Board of Registrars, Judy Blodgett, Chairperson and Joel Brenner. We want to thank everybody for attending on an off night.

The first item before the subcommittee was a motion that was included in the packet that was submitted by Councillor McGinn to allow the Mayor and I'll read the language in a moment. We had some discussion on that with the Mayor and Mr. Greeley both agreeing that the language is consistent with the RFP and with what they were reading with regards to the project. Outside of that it was a unanimous vote on this particular language as follows: (Report received)

P207-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor, Edward A. Bettencourt, Jr., to enter into a purchase and sale agreement with Edward Greeley, the buyer, for the properties located at 2, 12 & 16 Washington Street for the sum of \$751,000, with a requirement that a number of items from the Request For Proposal document titled Request For Proposal Sales of Washington and Main Street Gateway Properties February 2021, the RFP, are memorialized in a manner which is binding on the buyer or the buyer's successors. These RFP items are the language in:

- A. RFP Section I, paragraph 3;
- B. RFP Section II, Subsection C, paragraphs 4, 6, 7, and 8;
- C. RFP Section II, Subsection F, paragraph 3;
- D. RFP Section II, Subsection G, paragraph 1;
- E. RFP Section IV, Subsection B, Item 1.

And nothing in this motion shall be construed to limit the Mayor from including other RFP items.

(Carried 11-0)

P208-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The second item was a discussion regarding updating and changing the polling locations for the City of Peabody. Our City Clerk gave us a brief on where we currently stand with regards to action by both the Legislature and pending information from the Secretary of State's office. I also just want to reiterate what we said at the meeting is next year we are also redistricting. So this we could be theoretically dealing with this again next year. based on what the redistricting looks like, and there's going to be some information being passed out through the City Clerk from the Secretary of State's office regarding that. The City Clerk made it clear she had not received any negative feedback but positive feedback regarding the 2020 election in the polling locations in which that election was held. The Mayor reiterated that he wanted to work with the School Committee regarding certain logistics part of that process, and I believe it was Councillor Turco requesting to Councillor Charest a meeting from the ad hoc subcommittee regarding the School Committee and the City Council. It was a unanimous vote in favor. Once again the Councillors had reiterated their positive feedback to the City Clerk on her work in the last election. I will now make the motion that was approved unanimously by the subcommittee. (Report received)

P209-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Chapter 54, Section 24 of the Massachusetts General Laws, the following shall be the polling locations in the City of Peabody for all future elections effective in the year of 2021:

Ward 1, Precinct 1, Brown School, 150 Lynn Street
 Ward 1, Precinct 2, Brown School, 150 Lynn Street
 Ward 1, Precinct 3, Brown School, 150 Lynn Street
 Ward 2, Precinct 1, Welch School, 50 Swampscott Avenue
 Ward 2, Precinct 2, Welch School, 50 Swampscott Avenue
 Ward 2, Precinct 3, Welch School, 50 Swampscott Avenue
 Ward 3, Precinct 1, Torigian Center, 75R Central Street
 Ward 3, Precinct 2, Torigian Center, 75R Central Street
 Ward 3, Precinct 3, Torigian Center, 75R Central Street
 Ward 4, Precinct 1, Higgins Middle School, 85 Perkins Street
 Ward 4, Precinct 2, Higgins Middle School, 85 Perkins Street
 Ward 4, Precinct 3, Higgins Middle School, 85 Perkins Street
 Ward 4, Precinct 3A, MacIntosh Clubhouse, 300 Brooksby Village Drive, First Floor

Ward 5, Precinct 1, Peabody Veterans Memorial High School, 485 Lowell Street
 Ward 5, Precinct 2, Peabody Veterans Memorial High School, 485 Lowell Street
 Ward 5, Precinct 3, Peabody Veterans Memorial High School, 485 Lowell Street
 Ward 6, Precinct 1, Burke School, 127 Birch Street
 Ward 6, Precinct 2, Burke School, 127 Birch Street
 Ward 6, Precinct 3, Burke School, 127 Birch Street

(Carried 11-0)

Finance Committee

April 22, 2021

P210-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening. Present for the committee were Councillors Gould, Manning-Martin, Rossignoll and Turco. Also present were Councillors Welton, Moutsoulas, Charest, Saslaw, O'Neill, and Melville. There was one item on the agenda; transfer of funds request - Cable Fund Expense in an amount of \$2,138.22. Mr. Gingras, Director of Finance, was here to explain that this was a transfer from money collected from RCN. With that explanation there was a motion made by Councillor Manning-Martin as follows: (Report received)

P211-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2021:

FROM:

Receipts Reserved Cable Fund - \$2,138.22
 270-0000-33017

(Carried 11-0)

TO:

Cable Fund Expense - \$2,138.22
 270-0000-53007

Committee of the Whole

April 22, 2021

P212-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – There were two items on the agenda. The first one was the Executive Session held for the AAA Northeast versus the Peabody City Council, et al; and the other item was the in-person attendance by the general public at City Hall meetings. All councillors were present for the meeting tonight.

The Executive Session, we met and as a group we have decided to move forward with the motion. And at this time, I will read it in its entirety that was approved in the Executive Session. (Report received)

P213-21 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application filed by AAA Northeast, 110 Royal Little Drive, Providence, RI, for a Special Permit to operate a trucking terminal and truck repair and maintenance services with no outdoor storage at 7 Lakeland Park Drive, Peabody, MA as filed in accordance with Sections 6.6.4 (B), 6.1, 11, 12, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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.

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

P214-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – The second item was a discussion of returning to in-person public participation at City Hall for City Council meetings. We had discussion points regarding safety for all attendees, and also how we'll run the meeting. We're going to be working with the City Hall personnel to make sure that we have areas designated for seating, and also so that people can know where they can properly social distance from parties who are not with them or part of their family members. And we have decided the Council voted unanimously to have our first public meeting with public participation scheduled for Thursday, May 13, 2021. We will continue at this time to have a hybrid model of public participation, which will include those attending the meeting in person of general public, as well as on through the Zoom meeting platform. So we'll try to continue with the Governor's Order still in effect, still allow that participation for people to have greater involvement if they choose so. The following motion was approved in committee. (Report received)

P215-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO approve that the first meeting by the City Council of the City of Peabody for public participation will be held on Thursday, May 13, 2021, with requirements for City Hall access to comply with all current regulations in place in terms of entering on the handicapped accessible entrance on Chestnut Street and check in with City Hall security staff, self screening for any COVID-19 symptoms checklist, and as well as providing contact information in the event that we need to contact trace individuals due to COVID-19 or any other illness that possibly occurred in this building. The second part will be safety protocols for all attendees: Face masks must be worn by all attendees at all times, social distancing will be required with six feet physical distance between attendees as well as seating arrangements, hand sanitizers will be available. We will also establish microphone cleaning and disinfecting protocols between participants. It is thought that we will have seating throughout this hall, but the majority of it will be in the upper balcony. Although there will be allowances for people who may not be able to access the balcony due to lack of elevator and also for any other conditions, but we just want to make sure that everyone is able to attend the hearing in a safe manner. (Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

The City Council suspended their rules, and moved to Item 10-A Unfinished Business from the Preceding meeting; draft resolution for fair and full employment opportunities at Amazon.

P216-21 COUNCILLOR TURCO – MOVE TO withdraw my motion with regards to the draft resolution for fair and full employment opportunities at Amazon and further move to rescind the same. (Unanimous)

P217-21 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive item 7-A from His Honor the Mayor submitting a communication from Department of Housing & Community Development relative to their approval of the City's Housing Production Plan. (Unanimous)

P218-21 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive item 7-b from His Honor the Mayor submitting a transfer of funds dated April 15, 2021 and be referred to the Finance Committee. (Unanimous)

P219-21 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive and approve item 9-A, Utility Contractors License from Rosciti Construction Company, 130 King Philp Street, Johnston, RI. (Unanimous)

P220-21 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-F, communication from the Fire Department submitting their departmental response for 535 Lowell Street Peabody, LLC, 535 Lowell Street. (Unanimous)

P221-21 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-H, communication from Capt. Scott Richards, Police Department, submitting their departmental response for 535 Lowell Street Peabody, LLC, 535 Lowell Street. (Unanimous)

P222-21 COUNCILLOR SASLAW – MOVE THAT the Department of Public Services please inspect the catch basins and sewer covers and lines at 29 Downing Road so that there is no more water back up. (Unanimous)

P223-21 (Matter of the record) COUNCILLOR SASLAW – I'd like to inform the community as a whole, tomorrow night, Peabody Tanner's varsity football team will be playing their final home game against our traditional Thanksgiving opponent, Saugus High School. I just want to give a shout out to everyone from the coaches to the school committee to the principal to make it happen this year. I know it meant a lot to the team, to everybody, and a lot of this community obviously does support all youth sports. And I just want to invite everyone to either come down, if you are allowed via the COVID rules, but most likely you can certainly tune in to local cable access (PAT tv). Once again I want to congratulate Coach Bettencourt and his staff on a very successful season and wish the seniors the best of luck as they move on from Peabody High School.

P224-21 (Matter of the record) COUNCILLOR WELTON - No motions this evening, but I did want to first recognize the Department of Public Works for their outstanding efforts to get all of those stop signs put up in Boulderwood. If you have an opportunity to drive through there, you will now see that all the signs are up and that the neighborhood is fully accessible and has the stop signs where they needed.

Secondly, I wanted to thank many of my fellow councillors and many of our community members who participated, despite the bad weather, in the Peabody Pride Cleanup Day on Saturday. I was very pleased to see so much participation and really kind of underscored the pride that our community has.

P225-21 COUNCILLOR CHAREST – MOVE, under suspension of the rules, to receive Item 8-G, communication from James Donovan, Teamsters Local 125, relative to a proposed resolution for full and fair employment opportunities at Amazon. (Unanimous)

P226-21 COUNCILLOR CHAREST – WHEREAS, Amazon has targeted the City of Peabody for expansion of its e-commerce network; and

WHEREAS, COVID-19 has had a devastating impact on the health, safety, and well-being of the residents of the City of Peabody; and

WHEREAS, State and Local guidelines to prevent the spread and curtail transmission of the Coronavirus have had a devastating economic impact on local retail establishments in the City of Peabody and have changed the retail options for the residents of the City of Peabody ;and

WHEREAS, Preventative measures put in place to combat COVID-19; and

WHEREAS, Existing retail and e-commerce delivery networks currently operate in the City of Peabody and set community standards for family-sustaining wages, benefits including but not limited to quality health insurance and secure retirement; and

WHEREAS, These retail and e-commerce delivery options coexist in Peabody's diverse neighborhoods while adding value to the fabric of the Community including offering good careers for Peabody's Residents to provide for their families; and

WHEREAS, Existing e-commerce delivery options have aptly served the residents of the City of Peabody throughout the COVID-19 pandemic while maintaining the highest of standards for its' Essential Workforce.

NOW THEREFORE BE IT ORDERED: The Peabody City Council, hereby assembled, encourages Amazon to sit down with the Peabody community, included but not limited to representatives from the International Brotherhood of Teamsters Local #25, locally impacted neighborhood groups, local residents, and other interested parties to discuss how Amazon can expand delivery operations, warehouses, and fulfillment centers in a way that is beneficial to the City of Peabody and it's residents, guaranteeing sustainable growth for the City and helping to ensure that fair and equitable employment standards are maintained for all ecommerce delivery networks throughout the City of Peabody; and

IT BE FURTHER RESOLVED, That prior to any expansion into the City of Peabody, that Amazon's operation meets or exceed current Community Standards set by existing e-commerce delivery networks. This would include all delivery drivers to be direct employees of Amazon and not Independent Contractors. Amazon will ensure that all employed delivery drivers, pass the most rigorous background checks including CORI checks and are compliant with all federal DOT Drug Testing guidelines. Amazon will only hire competent and safe delivery drivers, that will maintain the utmost professional conduct in their day to day operation in the Neighborhoods of the City of Peabody. (Unanimous)

P227-21 COUNCILLOR CHAREST – (Matter of the record) - Just a point of information. This April 28th, Wednesday, 6:30 to 7:30, there's going to be a presentation this James Street Eco-Campus Hub. Peabody Access Channel will be covering it, also Peabody Access Television social media site will also be covering this informational webinar. This is the continuing phase from James Street Park down to the Higgins on trails, walking trails, and cleaning up, making it more pedestrian friendly. I will also be setting a meeting up a meeting of the Ad Hoc committee of City Council and School Committee to discuss polling place locations as previously approved this evening. Thanked the residents of Ward 4 who participated in the Pride in Peabody cleanup day.

P228-21 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive Item 8-B, communication from Robert LaBossiere, Director of Public Services, relative to motion P91-21. (Unanimous)

P229-21 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive Item 8-I, communication from Councillor O'Neill relative to establishing a committee of the whole meeting on May 27th to review the Aggregate Industries 2020 annual report. (Unanimous)

P230-21 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive item 8-A, Communication from Robert LaBossiere, Director of Public Services, relative to motion P96-21. (Unanimous)

P231-21 COUNCILLOR MOUTSOULAS (Co-motion with Councillor Gould) – MOVE TO request that a stop sign ordinance be drafted and advertised for the location of a stop sign on Colonial Road at the intersection of Abington Avenue, and that the Public Services Department install said stop sign upon its adoption by the City Council. (Unanimous)

P232-21 COUNCILLOR MOUTSOULAS – MOVE TO request the Public Services department install a "No parking from here to corner" sign at the corners of Driscoll Street and Tremont Street. (Unanimous)

P233-21 COUNCILLOR ROSSIGNOLL – (Matter of the Record) - Just a point of information and just a reminder that on May 23rd at 7:30 a.m., the Peabody Area Chamber of Commerce as well as the Rotary will be having their annual golf tournament for scholarships.

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P234-21 COUNCILLOR MELVILLE – MOVE TO receive item 8-E, communication from Joseph Scanlon, School Business Manager, relative to an MOU ESSA training reimbursement and be referred to the Legal Affairs Committee. (Unanimous)

P235-21 COUNCILLOR MELVILLE – MOVE TO receive item 8-D, communication from Councillor Saslaw regarding an email from the Conservation Commission agent relative to Bosun's Marine Showroom special permit at 205-207 Newbury Street and be referred to the public hearing. (Unanimous)

P236-21 COUNCILLOR O'NEILL – (Matter of the Record) - I did want to inform residents that on Saturday, May, May 1st, from 10:00 a.m. to 3:00 p.m., two Peabody High School seniors will be hosting a Mental Health Matters 5k walk (\$15.00 sign up) to support mental health in the community.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

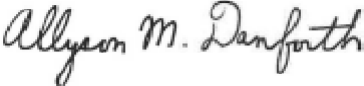
P237-21 COUNCILLOR MELVILLE – MOVE TO receive and approve the renewal application for a Junk Dealers License from Long's Jewelers LTD, 35 Cross Street, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 4, 2021

RETURNED BY HIS HONOR THE MAYOR, MAY 4, 2021


 ATTEST: _____
 (Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Department of Housing & Community Development re: Housing Production Plan – Approved

His Honor the Mayor re: Transfer of funds – CPC – Historic Dept Documents; \$19,500

Robert Labossiere, Dir., Public Services Dept., re: Council Motion P96-21

Robert Labossiere, Dir., Public Services Dept., re: Council Motion P91-21

Atty. John Keilty, on behalf of Bosun's Assets and Operations, LLC, 203 Newbury Street, re: Bosun's Marine Showroom, 205-207 Newbury Street

Lucia DelNegro, Conservation Agent, re: Special Permit, 203 Newbury Street; Response to Item 8-C

Joseph Scanlon, School Business Manager, re: Memorandum of Understanding (MOU) ESSA Transportation Reimbursement

Fire Department-Departmental Response re: 535 Lowell Street Peabody, LLC, 535 Lowell Street

James Donovan, Political Director of Teamsters Local 25, re: Proposed resolution for Peabody City Council

Captain Scott Richards, Police Dept., re: Departmental Response - 535 Lowell Street

Councillor Mark O'Neill re: Aggregate Industries -2020 Annual Report

Atty. John Keilty on behalf of Bosun's Assets and Operations, LLC, 203 Newbury Street, re: Bosun's Marine - Request to continue to May 13, 2021

UTILITY CONTRACTOR'S LICENSE:

Rosciti Construction Company, 130 King Philip Street, Johnston, RI

JUNK DEALERS LICENSE: (Renewal for 2021)

Long's Jewelers, 35 Cross Street