

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MAY 27, 2021**

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

ABSENT COUNCILLORS:

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 Mark J. O'Neill.

Private Joseph William Swanton led the City Council in the Pledge of Allegiance.

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.

P264-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 13, 2021.  
(Unanimous)

**HEARINGS**

P265-21 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty, 40 Lowell Street, Peabody, MA, requesting to withdraw without prejudice the Special Permit application for Elina, LLC, 19-23 Central Street.  
(Unanimous)

P266-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications regarding Wardhurst Deck:

Item 8-B Atty. John Keilty, 40 Lowell Street, on behalf of Spero J. Demakes, 29-31 Lynnfield Street  
Late 2 Atty. John Keilty, 40 Lowell Street, on behalf of Spero J. Demakes, 29-31 Lynnfield Street  
(Unanimous)

P267-21 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the Special Permit application for Spero Demakes, 29-31 Lynnfield Street, until June 24, 2021.  
(Unanimous)

The City Council reconvened the recessed public hearing on the application filed by Bosun's Assets and Operations, LLC d/b/a Bosun's Marine, 203 Newbury Street, Peabody, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P268-21 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the application from Bosun's Assets and Operations, LLC d/b/a Bosun's Marine, 203 Newbury Street, until June 24, 2021.  
(Unanimous)

A public hearing was duly held on the application filed by LSF Peabody, LLC, d/b/a Legal Sea Foods, 210 Andover Street. Appearing to speak on behalf of the application was Ms. Donna Cruz. No one appeared to speak in favor. No one appeared to speak in opposition.

P269-21 COUNCILLOR CHAREST – MOVE TO approve the application filed by LSF Peabody, LLC, d/b/a Legal Sea Foods, 210 Andover Street, to transfer an Entertainment License for non-live entertainment at said 210 Andover Street, subject to all papers being in order.  
(Carried 11-0)

A public hearing was duly held on the Special Permit application filed by Tracey Castrichini, 168 Washington Street, Peabody. Ms. Tracey Castrichini appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P270-21 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Tracey Castrichini, 168 Washington Street, Peabody, MA, for a Special Permit to operate a hair salon at 168 Washington 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 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. In accordance with the Special Permit application, business hours of operation are 9:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday;
2. Services rendered at the location shall be by a maximum of eight service providers at any given time;
3. Parking shall be in accordance with condition 4 of Special Permit 2017 #24. Additionally, in accordance with the Special Permit application, employees, services providers, and customers will be encouraged to utilize parking available at 119R Foster Street;
4. Deliveries shall be in accordance with condition 4 of Special Permit 2017 #24;
5. Any sign shall be in accordance with condition 7 of Special Permit 2017 #24; and
6. Trash and recycling shall be in accordance with conditions 8 and 9 of Special Permit 2017 #24. Additionally, in accordance with the Special Permit application, a dumpster shall be located offsite at 119R Foster Street

(Carried 11-0)

**REPORTS OF COMMITTEE**

**Legal Affairs Committee**

**May 25, 2021**

P271-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – We held a Legal Affairs Committee meeting on Tuesday, May 25<sup>th</sup>. In attendance were all the members of the committee, along with Councillors: O’Neill, Gould, Manning-Martin, Charest, and Moutsoulas. We had a number of items on the agenda that evening. The following communications were received. (Report received)

P272-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, the following communications:

Legal Late 1 Curt Bellavance, Dir., Community Development, re: City-Owned Property 0 Downing Road  
 Legal Late 2 Curt Bellavance, Dir., Community Development, re: City-Owned Property Squanto Road  
 Legal Late 3 Curt Bellavance, Dir., Community Development, re: Inquiry of selling private property to the City 156R Bartholomew Street  
 Legal Late 4 Donald Conn, City Solicitor, re: Mullin Rule  
 (Unanimous)

P273-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – There was discussion that resulted in the following motions being made by Councillor McGinn. (Report received)

P274-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO follow the recommendation of Community Development Department that the property identified as 0 Downing Road (Property ID 060-042A) not be transferred to private ownership.  
 (Unanimous)

P275-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO follow the recommendation of the Community Development Department that the property identified as 0 Squanto Road (Property ID 044-148 and 044-143) not be transferred to private ownership.  
 (Unanimous)

P276-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The next item was a discussion regarding the property 156R Bartholomew Street. Both Councillor Turco and Councillor McGinn had some follow-up questions with regard to Community Preservation Committee that would require their attendance and some answers from Curt Bellavance. That discussion resulted in the following motion. (Report received)

P277-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE THAT the inquiry of selling private property to the City at 156R Bartholomew Street (Property ID 144-089H) be kept in Committee until the City Clerk, Community Preservation Committee, and Building Commissioner, provide information relative to the legacy CPC process of prior city purchases of other property in the area, specifically Valley Circle identified as 0 Felton Ave (Property ID 106-027) Marquardo identified as 0 Bartholomew Street (Property ID 107-012) parcels and to further request that the Community Development Department contact the property owner to find out whether this is still valid and if the property owner could be patient as we work through the process.  
 (Unanimous)

P278-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The next item was regarding a motion by Councillor Turco from February of 2020 regarding the Planning Board and the recording of those meetings and that resulted in the following motion. (Report received)

P279-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO amend Chapter 10, Article 2, Section 10-13, the following: (d) All meetings of the Planning Board shall be televised live and made available for public viewing on Peabody Access TV or its successor entity.  
 (Carried 11-0)

P280-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 1 from Donald Conn, City Solicitor, regarding Mullin Rule Certification.  
(Unanimous)

P281-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – Late 1 is the Mullin Rule certification that we had discussed at the meeting held on Tuesday. Attorney Conn had fulfilled what I thought was our request for that particular certification. That certification will be referenced in the motion that came out of committee. The next item was in regard to the Mullin Rule. It was a great discussion. We had Attorney Don Conn here and it was based off of a recommendation of His Honor the Mayor. We had great input by a number of councillors and some history regarding other times that the Mullin Rule was adopted. The following motion was made by Councillor McGinn as a co-motion with Councillor Turco. (Report received)

P282-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO adopt MGL Chapter 39, Section 23D, with respect to adjudicatory hearings of city boards, committees, and commissions. This approval shall relate specifically to the Planning Board, Zoning Board of Appeals, and the Conservation Commission as set forth in the Mayor's request in a communication dated April 1, 2021, and to draft and advertise. I would further MOVE THAT a certification be developed by the City Solicitor requiring the viewing of video recordings of meetings to be in compliance of said statute.  
(Carried 11-0)

P283-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The next item on the agenda on Tuesday was regarding the School Department and a memorandum of understanding with regard to Every Student Succeeds Act Transportation. We had Mr. Joe Scanlon, the School Business Manager, in attendance. He provided some background information. Councillor Turco had some good questions regarding why it was actually in front of the council. There was a section within the contract that required City Council approval. The following motion was made by Councillor McGinn. (Report received)

P284-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO authorize the Peabody School Department to enter into a Memorandum of Understanding Every Student Succeeds Act Transportation Reimbursement claiming under Title IV-E of the Social Security Act dated April 6, 2021.  
(Unanimous)

P285-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The last item on our agenda was a discussion regarding a fee schedule and the process for which the Wiggin Auditorium would be booked for events. It was a good discussion with Councillors: Rossignoll, Gould, and Saslaw on the specifics of that process. We also got some input from the City Clerk regarding her input on that. There were two requests in the Mayor's letter: One was to update that process, which we are going to keep in Committee so that after the budget discussions we can have Mr. Bellavance and all of the relevant parties involved in said issue present in the chambers to discuss. We did approve the Schedule of Fees for the Wiggin Auditorium and that resulted in the following motion. (Report received)

P286-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO approve The Schedule of Fees for the Wiggin Auditorium and Facility Use and Rental Agreement Application , as submitted by His Honor the Mayor under date of January 24, 2020.  
(Unanimous)

**Committee of the Whole**  
**May 27, 2021**

P287-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – The Committee of the Whole met earlier this evening for the City Council's review of Aggregate Industries 2020 Annual Report. In attendance were Councillors: Manning-Martin, Saslaw, Welton, Charest, McGinn, Moutsoulas, Turco, Rossignoll and Melville. We also had representatives from Aggregate Industries to answer any questions and comments. I'll briefly summarize. For the blasting in 2020 there were 15 blast events at the quarry from April to October producing 358,000 tons of aggregate. While there were no written property damage claims submitted by residents to Peabody Fire Department in 2020, there were several calls related to noise and vibration complaints from residents on at least three different occasions through the year. The annual report complied with all requirements, including noise and air quality monitoring, groundwater and storm water testing and monitoring. The 2020 Annual Report submitted by Aggregate Industries complies with the requirements of the Special Permit granted to Aggregate Industries. (Report received)

P288-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, the following communications:

- 8-C Councillor Mark J. O'Neill regarding Aggregate Industries – Fire Department
- 8-D Sharon Cameron, Director of Health, regarding Aggregate Industries 2020 Annual Report (Unanimous)

P289-21 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO approve the 2020 Aggregate Industries Annual Report with the following recommendations:

1. The annual report will have page numbers for next year's annual report;
2. Department of Public Services to be added to the distribution list for the 2021 annual report;
3. Recommend Groundwater sampling to be done in the springtime to ensure the best chance for the wells to have an adequate groundwater table to ensure a sample can be taken and analyzed;
4. The topographical survey submitted should contain elevations;
5. We would like to continue to receive three to four copies of the larger maps of the proposed blast plans along with the report, as they're easier to read and review; and
6. We would request a site visit of the property for some of the neighbors, councillors, as well as some of the city boards and departments that have oversight of the operation.

(Carried 10-0; Councillor Saslaw voting present)

**MOTIONS, ORDERS AND RESOLUTIONS**

P290-21 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – Whereas an emergency condition exists affecting the health, safety, and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Public Services Department repair the sidewalk at 4 Roycroft Road.

(Emergency Preamble - Carried 11-0)

(Motion to adopt - Carried 11-0)

P291-21 COUNCILLOR GOULD (Co-motion with Councillor Welton) – MOVE TO request that the Park, Recreation & Forestry Department trim a tree at 34 Coolidge Avenue.

(Unanimous)

P292-21 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department install a new berm at 9 Newcastle Road that was damaged during the plowing season.

(Unanimous)

P293-21 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that the Park, Recreation & Forestry Department trim a tree at 8 Fay Avenue.

(Unanimous)

P294-21 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Clerk provide the City Council with a list of any pending referred items that remain in various committees.

(Unanimous)

P295-21 COUNCILLOR MANNING-MARTIN – MOVE TO refer to the Industrial & Community Development Committee a review of our zoning language with respect to outdoor dining so that we can take a look at what areas are working well and what areas may need to be tweaked.

(Unanimous)

P296-21 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 9-B Block Party - Willis Road and Raddin Road – June 12, 2021, subject to all papers being in order.

(Unanimous)

P297-21 COUNCILLOR WELTON – MOVE TO request that Peabody Municipal Light Plant and Public Services Department install a streetlight on an existing pole at 16 Leonard Road.

(Unanimous)

P298-21 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install “Yield for Crosswalk” signs in a northerly and southerly direction at the intersection of Joyce Road and Lynnfield Street.

(Unanimous)

P299-21 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department install a “Dead End” sign at the corner of Palmer Avenue and Perkins Street.

(Unanimous)

P300-21 COUNCILLOR CHAREST – MOVE TO amend Section 19-126 entitled “Obedience to Isolated Stop Signs” of the Code of the City of Peabody by adding “Stop” signs on a recommendation by Captain Richards and Sergeant Harkins at the following locations:

Violet Road and Cunha Road going westerly  
 Bartlett Road and Violet Road going northerly  
 Dahlia Avenue and Violet Road going southerly

(Unanimous)

P301-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense; \$203,364.35 and refer to the Finance Committee.

(Unanimous)

{Colonial Road}

P302-21 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-126 entitled “Obedience To Isolated Stop Signs” of the Code of the City of Peabody be adopted as advertised and read.

(Carried 11-0)

P303-21 COUNCILLOR TURCO (Tri-motion with Councillor McGinn and Councillor Welton) – MOVE TO request that Fire Alarm provide the City Council with an update regarding the repair of the broken sensors in the road at the intersection of Summit Street and Lynnfield Street and to request an expedited repair.

(Unanimous)

P304-21 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department repair the berm in front of 13 Krochmal Road.

(Unanimous)

P305-21 COUNCILLOR TURCO (Co-motion with Councillor O’Neill) – MOVE TO request that the Park, Recreation & Forestry Department trim a tree at 663 Lowell Street.

(Unanimous)

P306-21 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Park, Recreation & Forestry Department grind down two stumps in front of 3 Krochmal Road.

(Unanimous)

P307-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 9-C Petition - Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Petition #20-131 for locating one new pole on Catherine Drive @ Theresa Road and set up a public hearing.

(Unanimous)

P308-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Jerry Halberstadt, 20 Central Street, #504, regarding Massachusetts Municipal Wholesale Electric Company – 55 MW natural gas and oil peaker power plant (Pulaski Street), refer to Chuck Orphanos at Peabody Municipal Light Plant to request if they have any intention on holding a public meeting in regard to the status of the project, and to further refer to His Honor the Mayor and the City Solicitor to provide input whether there is anything in regard to the Peabody peaker plant project being proposed to be built in Peabody by MMWEC that will require City or City Council approval.

(Unanimous)

P309-21 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, the following Junk Dealers License (Renewal for 2021), subject to all papers being in order:

Charland Appliance Center, 15 Spring Street

Habitat for Humanity, 58R Pulaski Street

Martoni & James, 215 Newbury Street, #206

(Unanimous)

P310-21 COUNCILLOR O’NEILL – MOVE TO request that the Fire Department provide the City Council on a monthly basis a list of all formal and informal noise or property damage claims made by residents related to Aggregate Industries.

(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.

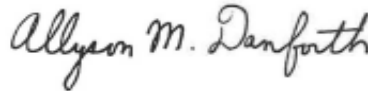
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 3, 2021

RETURNED BY HIS HONOR THE MAYOR, JUNE 3, 2021



ATTEST: \_\_\_\_\_  
(Allyson M. Danforth, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$203,364.35  
Jerry Halberstadt, 20 Central Street, #504, re: Massachusetts Municipal Wholesale Electric Company –  
55 MW natural gas and oil peaker power plant (Pulaski Street)  
Atty. John Keilty on behalf of Spero J. Demakes, 29-31 Lynnfield Street, re: Wardhurst deck  
Councillor Mark J. O’Neill re: Aggregate Industries – Fire Department  
Sharon Cameron, Director of Health, re: Aggregate Industries 2020 Annual Report

**Junk Dealer’s License:** (Renewal for 2021)

Charland Appliance Center, 15 Spring Street  
Habitat for Humanity, 58R Pulaski Street  
Martoni & James, 215 Newbury Street, #206

**Block Party:**

Willis Road and Raddin Road – June 12, 2021

**Petition:**

Peabody Municipal Light Plant, 201 Warren Street Extension, re: Petition #20-131 for locating one new  
pole on Catherine Drive @ Theresa Road