

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 26, 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.

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.

P428-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of July 8, 2021, and the special meeting of July 15, 2021.
(Unanimous)

P429-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various Appointments/Re-appointments.
(Unanimous)

(MAYOR EDWARD BETTENCOURT AND JULIA FLEET, DO, APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-B.)

P430-21 COUNCILLOR GOULD – MOVE TO approve the appointment of Julia Fleet, DO, 95 Goodale Street, Peabody, MA, to the Board of Health (Regular Position) for a three-year term to expire 01/01/2024. (Carried 11-0)

P431-21 COUNCILLOR MANNING-MARTIN – MOVE TO approve a communication from His Honor the Mayor dated July 29, 2021, regarding the following various reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Judith Blodgett 18 Princeton Street Peabody, MA 01960	Board of Registrars	April 1, 2024 (3-Year Term)
Leslie T. George 4D Hart Way Salem, MA 01970	Board of Assessors/ Appraiser Administrator	September 6, 2024 (3-Year Term)
Sharon Cameron 75 Lake Shore Road Peabody, MA 01960	Health & Human Services Director	September 30, 2022 (One-Year Term)
James Liacos 3 Cosmos Drive Peabody, MA 01960 (Carried 11-0)	Licensing Board	June 1, 2026 (5-Year Term)

HEARINGS

A public hearing was duly held on the application filed by Steven Lomasney, 635 Lowell Street, Peabody, MA. Mr. Steven Lomasney appeared to speak on behalf of the application. No one appeared to speak in favor. Ms. Marcia O'Leary, 278 Newbury Street #36, Peabody, MA, appeared to speak in opposition.

P432-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Steven Lomasney, 48 Russell Street, Peabody, regarding Show New England documents.

(Unanimous)

P433-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 2 from Marcia O'Leary, 278 Newbury Street #36, Peabody, regarding Special Permit 7-2017 dated February 2, 2017, regarding 274 Newbury Street.

(Unanimous)

P434-21 COUNCILLOR ROSSIGNOLL – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Steven Lomasney, 48 Russell Street, Peabody, MA, for a Special Permit for indoor recreation, specifically to operate a baseball and softball training facility with a retail store accessory to said facility at 635 Lowell Street, Suite A 60-70 (former T.J. Maxx space), 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:

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 11-0)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P435-21 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Public Services Department repaint the crosswalks in the downtown area and replace any faded traffic signs.

(Unanimous)

P436-21 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Park, Recreation & Forestry Department provide the City Council with the trash pickup schedule for all city parks and all public places. There's an issue recently and repeatedly at Raddin Road Park where the trash containers are left full and overflowing and not covered for days on end and perhaps even weeks on end and through weekends.

(Unanimous)

P437-21 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department provide an update for a new sign for the Centerfield neighborhood.

(Unanimous)

P438-21 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department provide an update to the City Council on Motion P369-21 that was made June 24, 2021:

“P369-21 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department install a “Do Not Block Intersection” sign at the corner of Lowell Street and Proctor Circle heading west. (Unanimous)”

(Unanimous)

{104 Lynn Street}

P439-21 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-96.2 entitled “Fifteen minute zones designated Monday through Sunday” of the Code of the City of Peabody be adopted as advertised and read.

(Unanimous)

P440-21 COUNCILLOR WELTON – MOVE TO request that the Public Services Department repair the sidewalk at 2 Pulver Drive.

(Unanimous)

P441-21 COUNCILLOR WELTON – MOVE TO request that the Park, Recreation & Forestry Department place an extra trash barrel at Raddin Road Park, Brown’s Pond Park, and MacArthur Park.

(Unanimous)

P442-21 COUNCILLOR CHAREST – MOVE TO request that Captain Richards, Police Department, provide an update on Motion P376-21 dated June 24, 2021:

“P376-21 COUNCILLOR CHAREST – MOVE TO request that Captain Richards, Police Department, prepare language for an ordinance addressing the use of modified exhaust systems in vehicles that is consistent with state law.

(Unanimous)

P443-21 COUNCILLOR CHAREST (Co-motion with Councillor Moutsoulas) – MOVE TO invite State Representative Thomas Walsh, State Representative Sally Kerans, State Senator Joan Lovely, and Captain Richards to a meeting of the Municipal Safety Committee to discuss traffic safety improvements for Route 114.

(Unanimous)

P444-21 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 Transfers of Funds:
 - CPC – Open Space; \$300,000.00
 - CPC – Parks Restoration Program 2021; \$185,000.00
- 7-C Transfer of Funds – CPC – Lake and Pond Restoration; \$150,000.00
- 7-D Transfer of Funds – Cable Fund Expense; \$195,909.21
- 7-E Transfers of Funds – Cable Fund Expense; \$16,192.89; \$3,598.42
- 7-G Transfers of Funds – Various

(Unanimous)

P445-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-H communication from His Honor the Mayor regarding Resolution Adopting Special Tax Assessment Agreement for Farm Street Real Estate, LLC; Special Tax Assessment Agreement re: 2 Washington Street and refer to the Finance Committee.

(Unanimous)

P446-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from John MacDonald, Manager, Wardhurst Restaurant, 31 Lynnfield Street, regarding Thank-you letter.

(Unanimous)

P447-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Peabody Downtown Business Coalition regarding Meeting Minutes: 7/12/21.

(Unanimous)

P448-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Fernando and Victoria Pena, 14 Charlotte Street, regarding Purchase of city-owned land; 0 Calumet Street, Map 104, Lot 131 and refer to the Legal Affairs Committee.

(Unanimous)

P449-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-N communication from Farm Street Realty Group, LLC, c/o The Panos Law Group, 2 Washington Street, regarding Special Permit application and set up a public hearing.

(Unanimous)

P450-21 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that \$5,000,000 (Five Million Dollars) is appropriated to pay costs of the following projects, including the payment of any costs incidental or related thereto:

Police HVAC	250,000.00
Cruisers	385,000.00
Microwave Repeaters	1,200,000.00
Defensive Equipment, Tools & Training Aides	50,000.00
Fire Radios	300,000.00
Ladder 1 Truck	1,000,000.00
Police Radios	300,000.00
Boiler Replacements	190,000.00
School Roof Repairs	75,000.00
Chiller Replacements	125,000.00
Vehicles	255,000.00
Trucks	340,000.00
Technology Upgrades	240,000.00
Playground Equipment	215,000.00
Boom Attachment	75,000.00

and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority; that the Treasurer, Mayor and any other City official is authorized to take actions necessary or convenient to carry out the purposes of this Order; that any premium received upon the sale of any bonds or notes approved by this

vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that this Order be adopted as advertised and read.

(Carried 10-0; Councillor Manning-Martin absent)

{Weights and Measures fees}

P451-21 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 7 Buildings and Building Regulations of the Code of the City of Peabody be adopted as advertised and read.

(Carried 10-0; Councillor Manning-Martin absent)

P452-21 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install a “Slow Children at Play” sign on Highland Street.

(Unanimous)

P453-21 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department repair the pothole at 61 North Central Street, as well as all of the potholes in Ward 3.

(Unanimous)

P454-21 COUNCILLOR TURCO (Tri-motion with Councillor Welton and Councillor Charest) – MOVE TO request that the Public Services Department repaint the crosswalks on Felton Street and Lynnfield Street/Joyce Road.

(Unanimous)

P455-21 COUNCILLOR TURCO – MOVE TO request that the Public Services Department investigate the flooding issues, which occur during heavy rain, in front of 26 Bay State Boulevard.

(Unanimous)

P456-21 COUNCILLOR TURCO – MOVE TO request that the Public Services Department contact the contractor who recently did work at Maple Terrace and Johnson Street and have them come back and repair the roadway.

(Unanimous)

P457-21 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-H communication from Allyson M. Danforth, City Clerk, regarding Class 2 Motor Vehicle License – 245 Andover Street and revert the Class 2 Motor Vehicle License at 245 Andover Street back to the City of Peabody.

(Carried 10-0; Councillor Manning-Martin absent)

P458-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-K communication from Sarah Narcus, 43 Main Street, regarding Special Permit application and set up a public hearing.

(Unanimous)

P459-21 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-A Entertainment License (Renewal for 2021), subject to all papers being in order:

Champion's Pub, 114 Foster Street
 Club Luis De Camoes, 10 Collins Street
 Green Tea, 126 Newbury Street
 Pellana Restaurant, 9 Rear Sylvan Street
 Su Chang's, 373 Lowell Street

(Unanimous)

P460-21 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-B Taxi Driver License, subject to all papers being in order:

Shane Kieran – License 3
 Rex A. Kent – License 4

(Unanimous)

P461-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 9-C Fortuner Teller License – Ashley DeCarney, 245 Andover Street, and set up a public hearing.

(Unanimous)

P462-21 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-D Block Party – 5-8 Glen Drive – September 19, 2021, subject to all papers being in order.

(Unanimous)

P463-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Sharon Cameron, Director of Health, regarding Massachusetts Municipal Wholesale Electric Company "Project 2015A".

(Unanimous)

P464-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Jerry Halberstadt, 20 Central Street #504, regarding Proposed peaker plant.

(Unanimous)

P465-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Massachusetts State Lottery Commission regarding KENO License; St. Michael Arcangel Polish American Soc, 15 Endicott Street.

(Unanimous)

P466-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Jennifer Davis, Director, Parks, Recreation & Forestry Department regarding Motion P323-21.

(Unanimous)

P467-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-G communication from Captain Scott Richards, Police Department, regarding Municipal Code Update and refer to the Legal Affairs Committee.

(Unanimous)

P468-21 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Ordinance Amendment – Section 18-20 and “Schedule of Compensation for Part-Time Positions” and Section 18-21 “Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining” and refer to the Legal Affairs Committee.
(Unanimous)

P469-21 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 8-L communication from Allyson M. Danforth, City Clerk, regarding Primary Warrant for September 14, 2021.
(Unanimous)

P470-21 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, the following communications:

Frank Nguyen, Director of Information Technology, re: Motion P391-21
Robert Labossiere, Director of Public Services, re: Council Motions: P256-21, P299-21, and P304-21
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

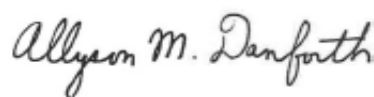
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P471-21 COUNCILLOR SASLAW – MOVE TO request that the City Clerk notify BTI Investments, LLC, Tom McMillan Manager, 27 Water Street, Unit 211, Wakefield, MA, the holder of Special Permit 7-2017 for property located at 274 Newbury Street, that the change in the management of the baseball/softball facility will require a Special Permit Transfer hearing, according to Condition Number 3.
(Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 31, 2021
RETURNED BY HIS HONOR THE MAYOR, AUGUST 31, 2021



(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfers of Funds: CPC – Open Space; \$300,000.00
 CPC – Parks Restoration Program 2021; \$185,000.00

His Honor the Mayor re: Various Appointments/Re-appointments

His Honor the Mayor re: Transfer of Funds – CPC – Lake and Pond Restoration; \$150,000.00

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$195,909.21

His Honor the Mayor re: Transfers of Funds – Cable Fund Expense; \$16,192.89; \$3,598.42

His Honor the Mayor re: Ordinance Amendment – Section 18-20 and “Schedule of Compensation for Part-Time Positions” and Section 18-21 “Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining”

His Honor the Mayor re: Transfers of Funds – Various

His Honor the Mayor re: Resolution Adopting Special Tax Assessment Agreement for Farm Street Real Estate, LLC; Special Tax Assessment Agreement re: 2 Washington Street

John MacDonald, Manager, Wardhurst Restaurant, 31 Lynnfield Street, re: Thank-you letter

Sharon Cameron, Director of Health, re: Massachusetts Municipal Wholesale Electric Company “Project 2015A”

Jerry Halberstadt, 20 Central Street #504, re: Proposed peaker plant

Peabody Downtown Business Coalition, re: Meeting Minutes: 7/12/21

Massachusetts State Lottery Commission re: KENO License; St. Michael Arcangel Polish American Soc, 15 Endicott Street

Jennifer Davis, Director, Parks, Recreation & Forestry re: Motion P323-21

Captain Scott Richards, Police Department, re: Municipal Code Update

Allyson M. Danforth, City Clerk, re: Class 2 Motor Vehicle License – 245 Andover Street

Frank Nguyen, Director of Information Technology, re: Motion P391-21

Robert Labossiere, Director of Public Services, re: Council Motions: P256-21, P299-21, and P304-21

Sarah Narcus, 43 Main Street, re: Special Permit application

Allyson M. Danforth, City Clerk, re: Primary Warrant for September 14, 2021

Fernando and Victoria Pena, 14 Charlotte Street, re: Purchase of city-owned land; 0 Calumet Street, Map 104, Lot 131

Farm Street Realty Group, LLC, c/o The Panos Law Group, 2 Washington Street, re: Special Permit application

Entertainment License: (Renewal for 2021)

Champion’s Pub, 114 Foster Street

Club Luis De Camoes, 10 Collins Street

Green Tea, 126 Newbury Street

Pellana Restaurant, 9 Rear Sylvan Street

Su Chang’s, 373 Lowell Street

Taxi Driver License:

Shane Kieran – License 3

Rex A. Kent – License 4

Fortune Teller License:

Ashley DeCarney, 245 Andover Street

Block Party:

5-8 Glen Drive – September 19, 2021