

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 13, 2022

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

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 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.

P625-22 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the revised minutes from the Regular Meeting of September 22, 2022.
(Unanimous)

P626-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various appointments/reappointments.
(Unanimous)

(MAYOR BETTENCOURT AND MR. ELVIS PEREZ APPEARED TO SPEAK REGARDING ITEM 7-A.)

P627-22 COUNCILLOR GOULD – MOVE TO approve the appointment of Elvis Perez, 38 Gedney Drive, Peabody, MA, to the Park & Recreation Commission for a three-year term to expire 12/31/2024.
(Carried 11-0)

(MR. MARC PERLMAN APPEARED TO SPEAK REGARDING ITEM 7-A.)

P628-22 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Marc Perlman, 4 Emily Lane, Peabody, MA, to the Planning Board for a two-year term to expire 12/31/2023.
(Carried 11-0)

P629-22 COUNCILLOR GAMACHE - MOVE TO approve the following reappointments, as submitted by His Honor the Mayor, under date of October 6, 2022:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|--|-------------------------|-------------------------------|
| Stewart Lazares 2 Upham Street Peabody, MA 01960 | Conservation Commission | 9/30/2025 (3-Year Term) |
| Kelly Bloom 36 Catherine Drive Peabody, MA 01960 | Cultural Council | 12/31/2023 (2-Year Term) |
| Lisa Greene 24 Lowell Street Peabody, MA 01960 | Cultural Council | 12/31/2023 (2-Year Term) |

| | | |
|---|------------------|-----------------------------|
| Tara Lejeune 669 Lowell Street Peabody, MA 01960 | Cultural Council | 12/31/2023 (2-Year Term) |
| Kelly Lomasney 13 Raymond Circle Peabody, MA 01960 | Cultural Council | 12/31/2023 (2-Year Term) |
| Julie Murphy 5 Herbert Avenue Peabody, MA 01960 | Cultural Council | 12/31/2023 (2-Year Term) |
| Kelly Rydzewski 17 Orchard Street Peabody, MA 01960 (Carried 11-0) | Cultural Council | 12/31/2023 (2-Year Term) |

HEARINGS

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE

OCTOBER 13, 2022

P630-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening to discuss two topics. The committee members – Councillors: Rossignoll, Peach, McGinn, and Turco -- were all there. We were also joined by all our fellow councillors. For the first item we were joined by Mayor Bettencourt to discuss the topic and purchase of 69 Granite Road, which we are in the process of trying to purchase, which is a six and a half acre parcel, which is intended to be used as open space. Councillor McGinn and Councillor Turco, as well as Mayor Bettencourt, talked about how important this purchase is, not only for its proximity to other open space that the city currently possesses, but this will help potentially with preventing any future drainage issues that have happened in that area and it's just great to have this six and a half acre parcel come to us. The total purchase price is \$127,900 with \$112,900 for the actual land and another \$15,000 for the closing and recording of the deed. At this time the full Committee voted five to zero to approve to allow the mayor to sign the purchase and sale agreement. The following motion was made. (Report received)

P631-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO authorize His Honor the Mayor to execute the purchase and sale agreement for the property located at 69 Granite Road.
(Carried 11-0)

P632-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The next item on the agenda was an update to a list of Special Municipal Employees. Mayor Bettencourt appeared for this portion of the meeting too to give us an overview of the requested boards and commissions that he would like to have added to the list of Special Municipal Employees. As was discussed, the actual members of these committees or commissions are not named. It's the actual boards and the positions that are added under the definition of Special Municipal Employee. The boards that are before us are the Children's Museum Board, the Conservation Commission, Commission on Disability, Council on Aging, and the

Cultural Council. There was a discussion about it and there was a unanimous vote -- five to zero -- in full support of moving this forward to add these commissions and boards to the city's list of Special Municipal Employees. The following motion was made. (Report received)

P633-22 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody as follows that the following list of Boards and Commissions of the City of Peabody be and are hereby classified as Special Municipal Employees with reference to the Conflict-of-Interest Law Chapter 268A of the General Laws of the Commonwealth of Massachusetts, effective October 13, 2022:

Children's Museum Board
 Conservation Commission
 Commission on Disability
 Council on Aging
 Cultural Council
 (Carried 11-0)

FINANCE COMMITTEE
OCTOBER 13, 2022

P634-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the Peabody 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, Rossignoll, and City Council President Melville. We had one item on the agenda this evening, which was the additional bond order for the Welch School Renovation Project in the amount of \$3,458,193. It was presented to the committee by His Honor the Mayor essentially with an explanation that inflation and construction and the market caused bids to come in over the initial projections and requiring an additional bond order for the amount just noted. The School Committee had voted to approve these additional costs and moved the request forward to the City Council for an appropriation and adoption. Present to address councillors' questions were Purchasing Agent, Mr. Doucette; Superintendent, Dr. Vadala; Director of Finance, Mr. Gingras; and via Zoom we had Christina Dell Angelo, Project Manager for Dore & Whittier; Mike Burton from Dore & Whittier; Todd McCabe from Consigli Construction; and Beverley Ann Griffin Dunne, who is a School Committee person as well as the chair of the Welch School Building Committee. Councillors asked question of, specifically, Mr. Doucette who provided some context for the relative increases and reiterated that some of the decisions that had been made by the committee, and subsequently the school committee and the city council, to go with the CM at-risk approach versus design bid build had served the City well in keeping these increases to a minimum given the situation we're facing and the economy today. Also some of the questions from Councillor Rossignoll and others were addressed by the project manager, Mike Burton of Dore & Whittier. There was also some commentary by the Director of Finance, Mr. Gingras, indicating that, although we are taking this step, that does not preclude the possibility of utilizing other funding sources outside of bonding, specifically ARPA or ESSER funds, which would not cause the MSBA, under their revised policy, to lower any reimbursements committed to the City. There was a motion made by Councillor Gould. (Report received)

P635-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of Three Million Four Hundred Fifty-Eight Thousand One Hundred Ninety-Three Dollars (\$3,458,193), in addition to the \$29,973,821 previously authorized by vote of this Council, for the purpose of paying costs of the addition and renovation project to the existing William A. Welch School, located at 50 Swampscott Avenue, Peabody, Massachusetts, including the

payment of all costs incidental or related thereto and for which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least fifty years and for which the City of Peabody may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Peabody Welch Elementary School Building Committee. 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. 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 the City of Peabody may receive from the MSBA for the project shall not exceed the lesser of (1) 63.33 percent(%) of 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 the 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 advertised.
(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P636-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Peabody Downtown Business Coalition regarding Meeting Minutes: 10/4/22
(Unanimous)

P637-22 COUNCILLOR WELTON – MOVE TO request that the Peabody Police Department assess a possible ordinance change for an accessible parking spot in front of One Arnold Road.
(Unanimous)

P638-22 COUNCILLOR WELTON – MOVE TO request a "Stop" sign at the top of Ralph Road intersecting with Pearl Street, that an ordinance be drafted and advertised on the same, and request that the Public Services Department install the sign.
(Unanimous)

P639-22 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install a "Not a throughway" sign at the bottom of Ralph Road at the intersection of Lynnfield Street.
(Unanimous)

P640-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-A communication from Carole Saslaw, Peabody Fire Prevention Bureau, regarding Motion P310-21 - Aggregate Blasting Complaints and refer to the Ad Hoc Committee on Aggregate Industries.
(Unanimous)

P641-22 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Allyson M. Danforth, City Clerk, regarding State Election Warrant for November 8, 2022.
(Unanimous)

P642-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 15- 2020; Boston Muslim Cemetery Corporation, 530 Lowell Street, subject to all papers being in order, and request that the Building Commissioner contact the applicant to advise them that condition number 1 of their Special Permit is not in compliance.

(Unanimous)

P643-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Banner Request, subject to all papers being in order:

The Progeria Research Foundation, 200 Lake Street, Unit 102
PVMHS Stage One, 46 Glendale Avenue

(Unanimous)

P644-22 COUNCILLOR WELTON – MOVE TO approve, under suspension of the rules, Item 9-A Block Party - 17 Batchelder Avenue to 30 Batchelder Avenue - October 28, 2022, subject to all papers being in order.

(Unanimous)

P645-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 15-2017; Tara Prescott and Patrick Lord, Plat Du Jour Catering, 297 Lynn Street, subject to all papers being in order.

(Unanimous)

P646-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor Proclamation - Support Your Local Chamber of Commerce Day - October 19, 2022.

(Unanimous)

P647-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-D communication from Councillor Stephanie Peach regarding Committee of the Whole Charter Comments- Article 3 and 4.

(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.

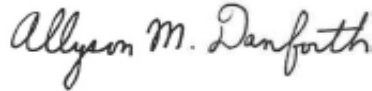
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 18, 2022

RETURNED BY HIS HONOR THE MAYOR, OCTOBER 18, 2022



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

COMMUNICATIONS:

His Honor the Mayor re: Various appointments/reappointments

His Honor the Mayor re: Proclamation – Support Your Local Chamber of Commerce Day – October 19, 2022

Carole Saslaw, Peabody Fire Prevention Bureau, re: Motion P310-21 – Aggregate Blasting Complaints

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 15-2020; Boston Muslim Cemetery Corporation, 530 Lowell Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 15-2017; Tara Prescott and Patrick Lord, Plat Du Jour Catering, 297 Lynn Street

Councillor Stephanie Peach re: Committee of the Whole Charter Comments – Article 3 and 4

Allyson M. Danforth, City Clerk, re: State Election Warrant for November 8, 2022

Peabody Downtown Business Coalition Meeting Minutes: 10/4/22

BLOCK PARTY:

17 Batchelder Ave. to 30 Batchelder Ave. – October 28, 2022

BANNER:

The Progeria Research Foundation, 200 Lake Street, Unit 102

PVMHS Stage One, 46 Glendale Avenue