

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 23, 2024

PRESENT COUNCILLORS: ROSSIGNOLL, WELTON, MELVILLE, GAMACHE, MCGINN, GOULD, DAIGLE, MANNING-MARTIN, HIGGINS, AND PEACH

ABSENT COUNCILLORS: TURCO

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 Stephanie R. Peach.

Salute to the American Flag.

COUNCILLOR PEACH – 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.

P210-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of May 9, 2024.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Strada Marginale, LLC, 75 Mystic Street, Methuen, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P211-24 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Strada Marginale, LLC, 75 Mystic Street, Methuen, MA, for a Special Permit to allow conversion of first floor professional office to residential apartment at 13 Margin Street, Peabody, MA, as filed in accordance with Sections 1.5.1, 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 10-0; Councillor Turco absent)

P212-24 COUNCILLOR PEACH – MOVE TO continue the public hearing on the application from Roland Cika, 10 Kenwood Road, Peabody, MA, until Thursday, June 13, 2024.
(Unanimous)

REPORTS OF COMMITTEE

Legal Affairs Committee
May 23, 2024

P213-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – Legal Affairs met earlier this evening. In attendance was myself as the chair, Councillor Daigle, Councillor Higgins, Councillor Melville, and Councillor Gamache sitting in for Councillor Turco. We had three items on the agenda. The first one was a request to purchase city-owned land regarding 2 Linda Jean Lane. This has

been either in subcommittee or through the Council as a whole multiple times. The following motion was made. (Report received)

P214-24 COUNCILLOR ROSSIGNOLL – MOVE TO **DENY** the sale of a portion of city-owned land at 2 Linda Jean Lane, as filed in the application from Robert and Lisa Polignone, 27 Emily Lane, Peabody, MA.

(Carried 8-1; Councillor Peach Opposed; Councillor Turco and Councillor Gould absent)

P215-24 RECONSIDERATION BY COUNCILLOR GAMACHE – Immediate reconsideration hoping same shall not prevail.

(Carried 5-4; Councillor Rossignoll, Councillor Welton, Councillor McGinn, and Councillor Peach voting opposed; Councillor Turco and Councillor Gould absent)

P216-24 COUNCILLOR ROSSIGNOLL – MOVE TO **DENY** the sale of a portion of city-owned land at 2 Linda Jean Lane, as filed in the application from Robert and Lisa Polignone, 27 Emily Lane, Peabody, MA.

(Carried 7-2; Councillor McGinn and Councillor Peach Opposed; Councillors Turco and Gould absent)

P217-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Building Commissioner enforce the violations on the property at 27 Emily Lane and 2 Linda Jean Lane.

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

P218-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – The second item on the Legal Affairs subcommittee was by Councillor Gamache who referred to Legal Affairs the car carrier ordinance as an amended motion so that the dealers will have a stake in the game. Right now our ordinance only dealt with the car carriers, not with the owners of the properties that they were delivering to. The following motion was made. (Report received)

P219-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee - MOVE TO amend Section 19-48 entitled Car Carrier by Motor Vehicle under Article II as follows:

By inserting the following paragraph labeled “1A” as follows:

- 1A. No corporation, individual, or other entity shall accept motor vehicles delivered by a car carrier of motor vehicles, which is stopped on the road to load or offload said motor vehicles within a travel lane or breakdown lane located within a public way in the City of Peabody.

By inserting a new paragraph 3 as follows:

- 3. Individuals or entities fined pursuant to this section may request a hearing as follows:

A car carrier driver may request a court hearing.

A corporation or other entity may request a hearing before the City Council, which may affirm or remit the fine.

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

P220-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – The third item on the agenda for Legal Affairs was regarding non-live entertainment licenses. There was a discussion that was brought forward by Councillor Melville regarding this and the following motion was made. (Report received)

P221-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-E Allyson M. Danforth, City Clerk, regarding Entertainment Licenses
 Late 2 Allyson M. Danforth, City Clerk, regarding City Code ordinance language – Entertainment Licenses
 (Unanimous)

P222-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the City Solicitor provide the City Council with a breakdown of what the Council's options are in proceeding with issuing non-live Entertainment Licenses, such as a public hearing requirement, or what options and annual fees are required by the state statute.
 (Unanimous)

Finance Committee
May 23, 2024

P223-24 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, and sitting in for Councillor Turco was Councillor Melville. Also present were Councillors: Peach, Daigle, Higgins, and Rossignoll. We had two items on the agenda, the first item was transfer of funds fire overtime in the amount of \$780,000, fire medical in the amount of \$360,000, fire alarm salaries in the amount of \$15,000, police overtime in the amount of \$700,000, snow removal services in the amount of \$450,000, and Lowell/King Street lights in the amount of \$50,000. This was presented to us by His Honor the Mayor. Also present for support was the Police Chief and Fire Chief, as well as some of the captains from both departments; the facilities manager, Mr. Hafey; and the Director of the Public Services Department, Mr. Paulitz. The Mayor explained to us, specifically as it related to overtime, that he will be going forward -- in an effort to avoid these types of transfers in future years -- by adding money to the budget at a more realistic level for overtime, and that over the last two years the City has been hit particularly hard with 11 major illnesses across the Police and Fire Departments, which is one of the major drivers in the overtime issue. He is, in this request, tapping into the remaining ARPA monies, which are no longer going to be available after this year. He acknowledges that to avoid the potential of a structural deficit that can come from over reliance on ARPA the commitment to properly budgeting a realistic number in the budget for Fiscal '25. Also contributing to the issue were a significant amount of resignations and retirement -- some were expected; some were not -- and struggles getting sufficient a number of officers into the academy, which has resulted in difficulty in bringing on new officers: Police and Fire Department. The goal for Fiscal '25, the Mayor reiterated, is not to come back again for this type of supplemental request. He addressed a number of questions from the committee and the following motion was made. (Report received)

P224-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve, under suspension of the rules, the following transfers, as submitted by His Honor the Mayor, under date of April 16, 2024

<u>FROM:</u>		<u>TO:</u>	
ARPA Funds		Fire Overtime 100-2200-51130	\$780,000.00
250-05900-34812-2021	\$1,755,000.00	Fire Medical 100-2200-53111	360,000.00
		Fire Alarm Salaries 100-2250-51110	15,000.00
Unreserved Fund Balance (Free Cash)			
100-0000-35901	<u>100,000.00</u>	Police Overtime 100-2100-51130	<u>700,000.00</u>
	\$1,855,000.00		\$1,855,000.00

FROM:		TO:	
Unreserved Fund Balance (Free Cash)		Snow Removal Services	
100-0000-35901	\$ 500,000.00	100-4210-53136	\$450,000.00
		Lowell/King Lights	
		300-0000-58105-2023-4210	\$50,000.00

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

P225-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a bond order for capital projects in an amount of \$9,125,000. Again, that was presented to us by His Honor the Mayor with the same group of employees from the City to provide any supplemental information that the committee might want to ask. The mayor’s presentation explained how the 9.125 million broke down. Six million -- so the majority of it – was for waterline replacements and the lion’s share of that for the Central Street project, which is a subset of the much larger TIP project for the Central Street corridor improvement, and also a water main replacement in a portion of Lowell Street; there are also school improvements and mechanical upgrades to happen at the Center School, which are intended to extend the useful life of that school for another seven to 10 years and are deemed necessary to keep that school operational over that period; some vehicles for DPS, \$385,000; the demolition of some city-owned buildings that are in very poor condition, it’s \$125,000 there; a payment for fire pump truck that the City’s already taken delivery on in the amount of \$215,000. There’s going to be some reorganization of various departments and to facilitate moving offices around the various buildings between City Hall and the DPS building there are some office upgrades necessary, partitions and workstations, in an amount of \$475,000. Lastly some technology upgrades that are required in an amount of \$75,000. The Mayor addressed a few questions by the committee. The following motion was made. (Report received)

P226-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of Nine Million One Hundred Twenty-Five Thousand Dollars (\$9,125,000) to pay the costs of the following projects, including the payment of any costs incidental or related thereto:

Water Line Replacements	\$6,000,000.00
School Improvements & Mechanical Upgrades	2,250,000.00
Vehicles	385,000.00
Berry St Building Demolition	125,000.00
Fire Pump	215,000.00
Office Upgrades – Partitions/Workstations	75,000.00
Technology Upgrades	<u>75,000.00</u>
	\$9,125,000.00

It is Further Ordered: 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 such actions necessary or convenient to carry out the purpose of this Order, and that this order be advertised as read.

It is Further Ordered: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the “Commonwealth”) to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized to be borrowed pursuant to this loan order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

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

MOTIONS, ORDERS AND RESOLUTIONS

P227-24 COUNCILLOR ROSSIGNOLL (Co-motion with Councillor Peach) – MOVE TO request that the Finance Director Mr. Gingras, the City Treasurer, and Mayor Bettencourt provide a breakdown of what we're currently paying in bonds, as well as now with these added ones, what that number is going to look like so that we have some sort of idea of what we're paying out now, as well as in the future and when the debt obligation for those bonds will be complete.
(Unanimous)

P228-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Alan Titelbaum, 44 Emily Lane, regarding Application for purchase of city-owned land at 2 Linda Jean Lane (011-134).
(Unanimous)

P229-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, the following communications and refer to the Legal Affairs Committee:

Item 8-I Deanne Healey, President, Peabody Area Chamber of Commerce, regarding Downtown parking ordinance.

Item 8-J Curt Bellavance, Dir., Community Development and Planning, regarding City-owned property at 35 Swampscott Ave; Property ID: 103-094.

(Unanimous)

P230-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following item 9-A Junk Dealers License (2024 Renewal), subject to all papers being in order:

Charland Appliance Center, 15 Spring Street, Unit 2-3

Lifebridge North Shore d/b/a Bridgeworks Boutique, 23 Old County Road a/k/a 58R Pulaski Street

(Unanimous)

P231-24 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-A communication from Shuying Du, 145-A Summit Street, regarding Special Permit application and set up a public hearing.

(Unanimous)

P232-24 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

Pzegeo Circle -June 15, 2024

Pzegeo Circle - July 4, 2024

12 Hamerick Road to 13 Hamerick Road-July 13, 2024

2 Page Street to 6 Page Street-August 3, 2024

(Unanimous)

P233-24 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Robert M. Dunne, PVC Commander, Peabody Veterans' Council, regarding Memorial Day activities on Monday, May 27, 2024.

(Unanimous)

P234-24 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Thomas St. Pierre, Building Commissioner, regarding Council Order #P205-24; 4 Wheatland Street.
(Unanimous)

P235-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following late communications, and refer to the public hearing for 10 Kenwood Road:

Late 1 Brian Redditt regarding Special Permit Request 10 Kenwood Road
Late 3 Stephanie Peach regarding 10 Kenwood Rd., Peabody, MA
(Unanimous)

P236-24 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 \$204,017.31 and refer to the Finance Committee.
(Unanimous)

P237-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfers of Funds - Cable Fund Expense \$14,706.66, \$3,268.15, and refer to the Finance Committee.
(Unanimous)

P238-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Ordinance Amendments - Chapter 2 Administration; Chapter 11 Finance; and Section 18-21 "Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining and refer to the Finance Committee.
(Unanimous)

P239-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Lt. Matt Dowling, Peabody Fire Relief Association regarding Firefighter Memorial Sunday on June 9th.
(Unanimous)

P240-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Allyson M. Danforth, City Clerk, regarding Junk Dealers License Renewals for 2024.
(Unanimous)

P241-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Curt Bellavance, Dir., Community Development and Planning, regarding Update of Community Development Grant Funding.
(Unanimous)

P242-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 4 from Beverley Ann Griffin Dunne, Vice Chair, Essex North Shore Agricultural & Technical School Committee, regarding Budget Book for SY 2024-2025 and refer to the Finance Committee.
(Unanimous)

{Item 10-A Wallis Street}

P243-24 COUNCILLOR MCGINN – 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 9-0; Councillor Turco and Councillor Gould absent)

{Item 10-B Wallis Street}

P244-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-94 entitled "Parking Prohibited on Certain Streets" of the Code of the City of Peabody be adopted as advertised and read.

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

{Item 10-C Wallis Street}

P245-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-141 entitled "One-way Streets Enumerated" of the Code of the City of Peabody be adopted as advertised and read.

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

P246-24 COUNCILLOR DAIGLE – MOVE TO request that the City Clerk send the names of all Junk Dealers License holders who have not updated their license by May 15th of every year to the Building Commissioner to impose a \$300 fine.

(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 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAY 29, 2024

RETURNED BY HIS HONOR THE MAY 29, 2024

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

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense \$204,017.31

His Honor the Mayor re: Transfers of Funds – Cable Fund Expense \$14,706.66

\$ 3,268.15

His Honor the Mayor re: Ordinance Amendments – Chapter 2 Administration; Chapter 11 Finance; and Section 18-21 “Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining

Shuying Du, 145-A Summit Street, re: Special Permit application

Lt. Matt Dowling, Peabody Fire Relief Association, re: Firefighter Memorial Sunday on June 9th

Alan Titelbaum, 44 Emily Lane, re: Application for purchase of city-owned land at 2 Linda Jean Lane (011-134)

Allyson M. Danforth, City Clerk, re: Junk Dealers License Renewals for 2024

Allyson M. Danforth, City Clerk, re: Entertainment Licenses

Robert M. Dunne, PVC Commander, Peabody Veterans’ Council, re: Memorial Day activities on Monday, May 27, 2024

Curt Bellavance, Dir., Community Development and Planning, re: Update of Community Development Grant Funding

Thomas St. Pierre, Building Commissioner, re: Council Order #P205-24; 4 Wheatland Street

Deanne Healey, President, Peabody Area Chamber of Commerce, re: Downtown parking ordinance

Curt Bellavance, Dir., Community Development and Planning, re: City-owned property at 35 Swampscott Ave; Property ID: 103-094

JUNK DEALERS LICENSE: (2024 Renewal)

Charland Appliance Center, 15 Spring Street, Unit 2-3

Lifebridge North Shore d/b/a Bridgeworks Boutique, 23 Old County Road a/k/a 58R Pulaski Street

BLOCK PARTY:

Pzegeo Circle – June 15, 2024

Pzegeo Circle – July 4, 2024

12 Hamerick Road to 13 Hamerick Road – July 13, 2024

2 Page Street to 6 Page Street – August 3, 2024