

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 27, 2020

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

ABSENT COUNCILLORS:

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Thomas J. Rossignoll.

Salute to the American Flag.

COUNCILLOR ROSSIGNOLL – 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.

P109-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Various Appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-D VARIOUS APPOINTMENTS.)

P110-20 COUNCILLOR MCGINN – MOVE TO approve the appointment of Chief Joseph Daly, 3 Hood Terrace, Danvers, MA, as the Director of Emergency Management for a one-year term to expire 12/31/2020. (Carried 11-0)

P111-20 COUNCILLOR MCGINN – MOVE TO approve the following appointments, as submitted by His Honor the Mayor, under date of February 20, 2020:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Adam Buckley, Esq. 12 Castle Circle Peabody, MA 01960	Asst. City Solicitor	12/31/2021 (Two-Year Term)
Brian P. Barrett, Esq. 53 Emerson Avenue Peabody, MA 01960	Asst. City Solicitor	12/31/2021 (Two-Year Term)
Michael Smerczynski, Esq. 100 Corporate Place, Suite 104 Peabody, MA 01960 (Carried 10-0; Councillor Melville absent)	Asst. City Solicitor	12/31/2021 (Two-Year Term)

HEARINGS

A public hearing was duly held on the application filed by Brothers Main Street, LLC, d/b/a Brother Restaurant & Deli, 11 Main Street, Peabody, MA. Mr. Theodoras Kougianos appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P112-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Health Department regarding Departmental Response; Brothers Restaurant & Deli, 11 Main Street. (Unanimous)

P113-20 COUNCILLOR MCGINN – MOVE TO approve the application filed by Brothers Main Street, LLC, d/b/a Brother Restaurant & Deli, 11 Main Street, Peabody, MA, for an Entertainment License for non-live entertainment, specifically television and digital/internet music, and live entertainment, specifically live music and DJ, at said 11 Main Street, Peabody, MA, subject to all papers being in order with the following conditions:

CONDITIONS:

Hours of non-live entertainment:

6:00 a.m. to 1:00 a.m. Monday to Saturday

6:00 a.m. to 1:00 a.m. Sunday (or as otherwise stipulated in Sunday license to be obtained from the Mayor's office)

Hours of live entertainment:

8:00 p.m. to 12:30 a.m. Friday and Saturday

8:00 p.m. to 11:30 p.m. Sunday (or as otherwise stipulated in Sunday license to be obtained from the Mayor's office)

(Carried 11-0)

P114-20 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Atty. Athan Vontzalides on behalf of Todisco Properties, LLC, 40 & 42 Endicott Street, regarding Request to continue until Thursday, March 12, 2020. (Unanimous)

REPORTS OF COMMITTEE

Finance Committee
February 27, 2020

P115-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening, February 27th, at 6:00 p.m. Present for the committee were Councillors: Gould, O'Neill, Manning-Martin, and Turco. Also present were Councillors: Welton, Melville, and Rossignoll. We had several items on the agenda. The first item was a transfer of funds to Brown School "Randi" Playground. Speaking on behalf of the transfer was His Honor the Mayor. He specifically made reference to two members of the community that have actively brought this playground to the place where it is today in terms of fundraising and advocating for community involvement: Haley Guarino and Erin Thorpe, who also praised the work done by past ward councillor and current at large Councillor Turco and current Ward 1 Councillor Welton for their efforts in this. Ms. Guarino and Ms. Thorpe spoke briefly and indicated that they anticipate a March groundbreaking and the playground would be completed by May. The following motion was made by Councillor Turco. (Report received)

P116-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 24, 2020:

FROM:

TO:

Community Preservation Act \$120,000.00
Open Space
270-0000-33021
(Carried 11-0)

Community Preservation Act \$120,000.00
Brown School "Randi" Playground
270-01811-58562-2020-385

P117-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second item on the agenda was the transfer of funds from various departments' salaries to water and sewer enterprise salaries and skating rink salaries. Speaking on behalf of that was Director of Finance, Mr. Gingras. There was a bit of debate on the topic with respect to the fund that would be used to derive the transfer from. It was ultimately decided to go with the recommendation of the Director of Finance. The following three motions were made by Councillor Gould. (Report received)

P118-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Budgeted Reserve Account		Various Departments -Salaries	
100-01320-57410	\$144,207.00	(See Attached List – AFSCME)	
		100-01320-57410	\$144,207.00
(Carried 11-0)			

P119-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Unreserved Fund Balance-Free Cash		Water & Sewer Enterprise Salaries	
100-0000-35910	\$51,047.00	460-4400-51110	\$ 9,172.00
		460-4420-51110	\$ 41,875.00
(Carried 11-0)			

P120-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Retained Earnings – Skating Rink		Skating Rink Salaries	
430-33101	\$1,441.00	430-6990-51110	\$ 1,441.00
(Carried 11-0)			

P121-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The third item on the agenda was a transfer request for various departments salaries for ordinance. The transfers were to salaries, water and sewer, enterprise salaries, skating rink salaries, and golf course salaries. His Honor the Mayor spoke on this and addressed some questions of the committee. The following motions were made by Councillor Gould. (Report received)

P122-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Budgeted Reserve Account		Various Departments – Salaries	
100-01320-57410	\$113,144.00	(See Attached List – Ordinance)	\$113,144.00
(Carried 11-0)			

P123-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Unreserved Fund Balance-Free Cash		Water & Sewer Enterprise Salaries	
100-0000-35901	\$7,566.00	460-4420-51110	\$7,566.00
(Carried 11-0)			

P124-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Retained Earnings – Skating Rink		Skating Rink Salaries	
430-33101	\$3,046.00	430-6990-51110	\$3,046.00
(Carried 11-0)			

P125-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 21, 2020:

<u>FROM:</u>		<u>TO:</u>	
Retained Earnings – Golf Course		Golf Course Salaries	
440-33101	\$6,643.00	440-6995-51110	\$4,118.00
		440-6998-51110	\$2,525.00
(Carried 11-0)			

P126-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was Item D, which was a request to transfer funds to bunker gear in an amount of \$100,000. We were addressed by His Honor the Mayor requesting this transfer and also by Fire Chief Daly, who stressed the importance of getting this gear near-term for the safety of the department. There was a number of comments on that and they were very supportive. Councillor Gould made the following motion. (Report received)

P127-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 16, 2020:

<u>FROM:</u>		<u>TO:</u>	
Receipts Reserved for Appropriation		Bunker Gear	
270-00000-33009	\$100,000.00	300-09421-58333-2020-00-00-00-2200	
		\$100,000.00	
(Carried 11-0)			

P128-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was Item E, a transfer of fund request for equipment sidewalk plows in an amount of \$104,000. We were addressed by His Honor the Mayor on this request as well as DPS Director Labossiere, who explained the benefits of moving forward with the acquisition of this equipment, which we've been able to get at a fairly desirable price. There was a motion by Councillor Gould. (Report received)

P129-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 16, 2020:

<u>FROM:</u>		<u>TO:</u>	
Unreserved Fund Balance		Equipment Sidewalk Plows	
100-00000-35901	\$104,000.00	300-00000-58121-2020-00-00-00-4210	
		\$104,000.00	
(Carried 11-0)			

P130-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The last item on the agenda was a request to transfer funds to landfill soil operation expense in an amount of \$530,000. We were addressed on this topic by His Honor the Mayor as well as DPS Director Labossiere, who explained that these monies would be utilized in three areas: \$148,000 for engineering services, \$72,000 for a new scale, and \$310,000 for landfill operations that would be operated by a third party. The purpose of this was to enable us to ask the city to utilize the landfill under some existing permitting that would potentially

generate some incremental funding for the city by bringing in approximately 75,000 tons of soil at \$38 a ton. So potentially generating in excess of \$2.8 million in revenue for the city, netting out the expenses, would be beneficial to the city to advance this proposal. There was a number of comments by councillors, all supportive, and ultimately a motion was made by Councillor Gould. (Report received)

P131-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 5, 2020:

FROM:

TO:

Unreserved Fund Balance		Landfill Soil Operation Expense	
100-0000-35901	\$530,000.00	100-04310-58482-2020	\$530,000.00
(Carried 11-0)			

Committee of the Whole
February 27, 2020

P132-20 COUNCILLOR ROSSIGNOLL – Reporting for the Committee of the Whole – There was a second meeting prior to our regularly scheduled City Council meeting and that was a Meeting of the Whole in Executive Session. In attendance was the entire council, as well as attorney Don Conn. Agenda items were as follows: Litigation regarding AAA, litigation regarding Verizon Wireless, as well as a third agenda item was added and that was in conjunction with releasing Executive Session minutes. The only motion that was made in Executive Session was to have Attorney Conn go back and look at what minutes we have available to be able to be released as far as Executive Session minutes go. So that is a report of the Executive Session. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P133-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-A communication from Community Development Department re: Special Permit Application – 40 & 42 Endicott Street and refer to the public hearing. (Unanimous)

P134-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-B communication from Stacey Bernson, Asst. Community Development Director, re: Special Permit Application 40 and 42 Endicott Street and refer to the public hearing. (Unanimous)

P135-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from Sharon Cameron, Director of Health, re: Departmental Response; Todisco Properties, LLC, 40-42 Endicott Street and refer to the public hearing. (Unanimous)

P136-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 2 from Community Development Department regarding Special Permit Application – 40 & 42 Endicott Street and refer to the public hearing. (Unanimous)

P137-20 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Michael Gingras, Director of Finance, re: Motion P39-20 – Municipal Veterans Assistance Fund. (Unanimous)

P138-20 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Peabody Veterans' Council, re: Memorial Day activities on Monday, May 25, 2020. (Unanimous)

P139-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Donald Conn, City Solicitor, regarding Response to P93-20 and refer to the 40-42 Endicott Street Special Permit hearing. (Unanimous)

P140-20 COUNCILLOR TURCO – MOVE TO amend Section 13-67 “Prohibited Refuse” of the Code of the City of Peabody to read, “The following refuse is prohibited, unless otherwise approved by the Massachusetts Department of Environmental Protection,” and to draft and advertise. (Unanimous)

P141-20 COUNCILLOR TURCO – MOVE TO refer to the Legal Affairs Committee an amendment to Chapter 10, Article 2, Section 10-13, the following: “(d) All meetings of the Planning Board shall be videotaped and made available for public viewing on Peabody Access TV or its successor entity.” (Unanimous)

P142-20 COUNCILLOR MELVILLE – MOVE TO approve Class 2 Motor Vehicle License (Renewal for 2020) Mallia’s Towing, 161-163 Washington Street, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P143-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense; \$228,173.96 and refer to the Finance Committee. (Unanimous)

P144-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Peabody Veterans Memorial High School and refer to the Finance Committee. (Unanimous)

P145-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Center School and refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

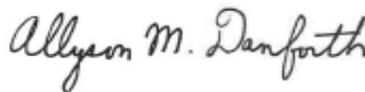
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 10, 2020
RETURNED BY HIS HONOR THE MAYOR, MARCH 10, 2020



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

COMMUNICATIONS:

- His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$228,173.96
- His Honor the Mayor re: Statement of Interest – Peabody Veterans Memorial High School
- His Honor the Mayor re: Statement of Interest – Center School
- His Honor the Mayor re: Various Appointments
- Community Development Department re: Special Permit Application – 40 & 42 Endicott Street
- Stacey Bernson, Asst. Community Development Director, re: Special Permit Application 40 and 42 Endicott Street

Michael Gingras, Director of Finance, re: Motion P39-20 – Municipal Veterans Assistance Fund
Sharon Cameron, Director of Health, re: Departmental Response; Todisco Properties, LLC, 40-42
Endicott Street
Sharon Cameron, Director of Health, re: Departmental Response; Brothers Restaurant & Deli, 11 Main
Street
Peabody Veterans' Council, re: Memorial Day activities on Monday, May 25, 2020
CLASS 2 MOTOR VEHICLE LICENSE: (2020 Renewal)
Mallia's Towing, 161-163 Washington Street