

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MAY 14, 2020**

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

ABSENT COUNCILLORS:

A remotely held 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.

P219-20 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of April 23, 2020. (Carried 11-0)

(MAYOR BETTENCOURT AND FINANCE DIRECTOR MICHAEL GINGRAS PRESENTED A BRIEF OVERVIEW OF THE CITY BUDGET)

P220-20 COUNCILLOR WELTON – MOVE, under suspension of the rules, to go to Item 10-B Notice of Reconsideration. (Carried 11-0)

P221-20 RECONSIDERATION BY COUNCILLOR GOULD – Reconsideration of Motion P208-20  
"COUNCILLOR MANNING-MARTIN – MOVE THAT the City Council does not open public hearings on Special Permits involving major construction developments or zoning changes."  
(Failed 8-3; Councillor Saslaw, Councillor Gould and Councillor Manning-Martin in favor)

**HEARINGS**

The City Council reconvened the recessed public hearing on the application from GameStop, Inc. #7832, 210 Andover Street, Peabody, MA. Ms. Rikki Palmer appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P222-20 COUNCILLOR CHAREST – MOVE TO approve the application from GameStop, Inc. #7832, 625 Westport Parkway, Grapevine, Texas, for a Junk Dealers License at 210 Andover Street, Peabody, MA, subject to all papers being in order.  
(Carried 10-1; Councillor Manning-Martin opposed)

The City Council reconvened the recessed public hearing on the application from Spiro's Auto Sales Peabody, LLC, 90 Margin Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Vasilios Frangias. Mr. D.R. Maker, 62 Main Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P223-20 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Spiro's Auto Sales Peabody, LLC, 90 Margin Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 90 Margin Street, Peabody, MA, subject to all papers being in order and with the following conditions:

**CONDITIONS:**

1. A Limit of fifty (50) unregistered motor vehicles on the premises at any one time for sale or not for sale, sold or not sold, or in for repair;
2. Hours of operations shall be 8:00 a.m. to 7:00 p.m. Monday through Saturday; 1:00 p.m. to 5:00 p.m. on Sunday; and
3. Pursuant to a plan of land dated April 29, 2013, as the plan of record.

(Carried 10-1; Councillor Manning-Martin opposed)

The City Council reconvened the recessed public hearing on the application from MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Melanie Carr and Ms. Gayle Fili. No one appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA; Mr. Jarrod Hochman, 52 Ellsworth Road, Peabody, MA; and Ms. Julianne McLaughlin, 1 Truman Road, Peabody, MA, appeared to speak in opposition.

P224-20 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application filed by MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, Peabody, MA, for a Special Permit to allow for the use of a bank with drive-through for teller and ATM services on behalf of North Shore Bank, who will be occupying Suite A-50 (The corner of the former TJ Maxx Space) at 635-637 Lowell 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:

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 10-1; Councillor Manning-Martin opposed)

The City Council reconvened the recessed public hearing on the application from Todisco Properties, LLC, 40-42 Endicott Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. Pat Todisco. Mr. Curt Bellavance, Director of Community Development, appeared to speak on behalf of the City. Mr. D.R. Maker, 62 Main Street, Peabody, MA; Ms. Janine Lafond, 11 Berry Street, Peabody, MA; Ms. Julie Daigle, 21 Fay Avenue, Peabody, MA; Mr. Mike Higgins, 7 Catherine Drive, Peabody, MA; Mr. Victor Molle, 5 Helen Drive, Peabody, MA; and Mr. Michael Zellen, 5 Chase Circle, Peabody, MA; appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA; Mr. Andrew Beale, 129 Lowell Street, Unit 9, Peabody, MA; Mr. Brian Cacchiotti, 82 Franklin Street, Peabody, MA; Ms. Jaclyn Corriveau, 56 Lynn Street, Peabody, MA; Mr. Jarrod Hochman, 52 Ellsworth Road, Peabody, MA; Mr. Joe Mello, 45 Rear Endicott Street, Peabody, MA; Mr. John Salisbury, 7 Emerson Street, Peabody, MA; Ms. Kim Seaberg, 4 Parkview Lane, Peabody, MA; Ms. Liz Milne, 8 Richartson Road, Peabody, MA; Mr. Stephen Kline, 35 Warren Street, Peabody, MA; and Ms. Trish Rennick, 49 Endicott Street, Peabody, MA, appeared to speak in opposition.

P225-20 COUNCILLOR MCGINN – MOVE TO accept, under suspension of the rules, late communications Items 1 through 6, Items 9 and 10, and Items 12 through 16 at one time.  
(Carried 11-0)

P226-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications regarding Hearing 4-D Special Permit, Todisco Properties, LLC, 40-42 Endicott Street, and refer to the public hearing:

Late 1 from Pat Todisco regarding Various letters of support  
Late 2 from Pat Todisco regarding Petition  
Late 3 from Patricia Rennick, 49 Endicott Street, regarding Agenda - Opposed  
Late 4 from Edward Rennick, 49 Endicott Street, regarding Agenda – Opposed  
Late 5 from Deborah Thibodeau, 3 Parkview Lane, regarding Agenda  
Late 6 from Kim Seaberg, 4 Parkview Lane, regarding 40-42 Endicott Street  
Late 9 from Patricia and Edward Rennick, 49 Endicott Street, regarding Opposed Todisco Properties 40-42 Endicott Street  
Late 10 from John Herlihy, 52 Warren Street, #2, regarding Remote/virtual/zoom format for nonessential special permit hearings  
Late 12 from Joyce Johnson, 47 Endicott Street, regarding Agenda  
Late 13 from Alicia Griffin, 47 Endicott Street, regarding Agenda  
Late 14 from Andrew Beale, 129 Lowell Street, regarding Endicott St Development Proposal  
Late 15 from Donna Kline, 35 Warren Street, regarding Participation in the Zoom Council Meeting-May 14, 2020  
Late 16 from Melissa Rogerson, 52 Warren Street, Unit 4, regarding Todisco Properties  
(Carried 10-0; Councillor Gould absent)

P227-20 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the application from Todisco Properties, LLC, 40-42 Endicott Street, Peabody, MA, until Thursday, May 28, 2020, and to request that the applicant provide a revised site plan. (Carried 11-0)

P228-20 COUNCILLOR CHAREST – MOVE THAT the City Council extend the meeting past 11:00 p.m. and hear new agenda items, in accordance with Section 14 (b) of the Rules and Orders of the City Council of the City of Peabody. (Carried 10-1; Councillor Manning-Martin opposed)

### REPORTS OF COMMITTEE

#### **Finance Committee May 14, 2020**

P229-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening May 14<sup>th</sup> via Zoom. Present at the meeting were Councillors: Gould, O'Neill, Manning-Martin, Turco and myself as chair. Also present were non-committee members Welton, Charest, Saslaw, Melville and Rossignoll. There were two items on the agenda. The first item related to a transfer of funds for the Community Preservation Act and that dealt with the Perkins Street/Emerson Eco-Campus. These were related transfers. One to ensure that there were sufficient funds in the open space fund to fund the second item, which was the initiative for the Perkins Street/Emerson Eco-Campus. Also present at the meeting were the Director of Finance Mr. Gingras and Mr. Bellavance to explain these two motions. After discussion Councillor Turco made the following two motions. (Report received)

P230-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 26, 2020:

<u>FROM:</u>		<u>TO:</u>	
Community Preservation Act	\$150,000.00	Community Preservation Act	\$150,000.00
Unreserved Fund		Open	
270-0000-33011		270-0000-33021	

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

P231-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 26, 2020:

<u>FROM:</u>		<u>TO:</u>	
Community Preservation Act	\$260,000.00	Community Preservation Act	\$260,000.00
Open Space		Perkins St/Emerson Eco-Campus	
270-0000-33021		270-01811-58562-2020	

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

P232-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second item on the agenda was a transfer of funds from various departments to other various departments. This was just a balancing activity that is common as we get deeper into the fiscal year. The Director of Finance Mr. Gingras was here to explain that and the following motions were made by Councillor Turco. (Report received)

P233-20 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of April 16, 2020:

<u>FROM:</u>		<u>TO:</u>	
Various Departments – Salaries	\$347,100.00	Various Departments – Salaries	\$347,100.00
(See Attached List)		(See Attached List)	

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P234-20 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of April 16, 2020:

<u>FROM:</u>		<u>TO:</u>	
Tillies Farm Revolving 260-0000-35615	\$13,200.00	Tillies Farm Budget 100-6640-51110	\$200.00
		100-6640-51120	\$8,000.00
		100-6640-51130	\$5,000.00

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

### **MOTIONS, ORDERS AND RESOLUTIONS**

P235-20 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor assign an employee from the Information Technology Department to attend all future City Council meetings to help the City Council until the COVID-19 restrictions have been lifted.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P236-20 COUNCILLOR TURCO – MOVE TO request that the City Solicitor provide a legal opinion as to whether the Planning Board with regard to the Stonegate subdivision was within its legal rights to close a public hearing on a project that has continually changed upwards of a dozen times in the last two years.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P237-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Russell Donovan, 12 Quail Road, regarding City Council Meetings.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P238-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Councillor Manning-Martin regarding Council Business.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P239-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Chief Thomas Griffin, Police Department, regarding Thank-you letters and refer to the Thursday, May 28<sup>th</sup>, 2020, Regular Meeting.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P240-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Pat Todisco, Sr., 28 Jennifer Lane, regarding 40-42 Endicott Street; letters of support and refer to the public hearing.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P241-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication from Donald L. Conn, Jr., City Solicitor, regarding Request for Legal Opinion; Chapter 53 of the Acts of 2020; Motion P208-20.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P242-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-F communication from S&S Consultants, 530 Lowell Street, regarding Special Permit application and set up a public hearing.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P243-20 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that \$4,000,000 (Four Million Dollars) is appropriated for the purpose of financing roadway paving and water system improvements including water transmission main, pump stations and all costs incidental and related thereto and without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St.1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$4,000,000 (Four Million Dollars) and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as

amended; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and 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 as read.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P244-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of Funds – Various Departments – Expenses; \$347,100 and refer to the Finance Committee.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P245-20 COUNCILLOR MCGINN – MOVE TO receive a late communication from His Honor the Mayor regarding Transfer of Funds – Various Departments – Expenses; \$361,500 and refer to the Finance Committee.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P246-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense; \$226,292.38 and refer to the Finance Committee.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

Previously received.

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

None.

### **UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P247-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 17 from Donald L. Conn, Jr., City Solicitor, regarding Order on Plaintiff's Motion for Preliminary Injunction and refer to the Thursday, May 28<sup>th</sup>, 2020, Regular Meeting.

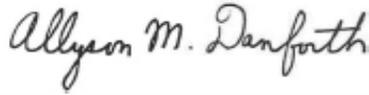
(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

P248-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication 11 from Donald L. Conn, Jr., City Solicitor, regarding Complaint, etc., Donovan v. City of Peabody et al and refer to the Thursday, May 28<sup>th</sup>, 2020, Regular Meeting.

(Carried 9-0; Councillor Moutsoulas and Councillor Manning-Martin absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 12:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 21, 2020  
RETURNED BY HIS HONOR THE MAYOR, MAY 21, 2020



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

**COMMUNICATIONS:**

- His Honor the Mayor re: Transfers of Funds – Various Departments – Expenses; \$347,100
- His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$226,292.38
- Russell Donovan, 12 Quail Road, re: City Council Meetings
- Councillor Manning-Martin re: Council Business
- Chief Thomas Griffin, Police Department, re: Thank-you letters
- Pat Todisco, Sr., 28 Jennifer Lane, re: 40-42 Endicott Street; letters of support
- Donald L. Conn, Jr., City Solicitor, re: Request for Legal Opinion; Chapter 53 of the Acts of 2020; Motion P208-20
- S&S Consultants, 530 Lowell Street, re: Special Permit application