

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 24, 2020

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

ABSENT COUNCILLORS:

An in-person (City Council only) 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 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.

P400-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 regarding Revised regular meeting minutes of August 27, 2020.
(Carried 11-0)

P401-20 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the revised minutes from the regular meeting of August 27, 2020, and the regular meeting minutes of September 10, 2020.
(Carried 11-0)

HEARINGS

The City Council reconvened the recessed public hearing on the application from S & S Consultants, 530 Lowell Street, Peabody, MA. Appearing remotely to speak on behalf of the application was Atty. John Keilty and Mr. Syed Nuruzzaman. Mr. Moonia Mazhar appeared to speak in favor. Atty. Benjamin Tymann on behalf of PK Realty Trust, 532 Lowell Street, Peabody, MA, appeared to speak in opposition.

P402-20 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the application filed by S & S Consultants, 530 Lowell Street, Peabody, until Thursday, October 8, 2020.
(Carried 11-0)

The City Council reconvened the recessed public hearing on the application from City of Peabody – Public Services Department, 0 Winona Street, Peabody, MA. Appearing remotely to speak on behalf of the application was Director Robert Labossiere, Public Services Department. No one appeared to speak in favor. No one appeared to speak in opposition.

P403-20 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application filed by City of Peabody – Public Services Department, 50 Farm Avenue, Peabody, MA, for a Special Permit to expand the footprint by approximately 1,700 S.F. to an existing nonconforming use at 0 Winona Street, Assessors Map 55, Parcel 43, Peabody, MA, as filed in accordance with Sections 1.5, 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)

The City Council reconvened the recessed public hearing on the application from Jessica Capellan, 149 Washington Street, Peabody, MA. Appearing remotely to speak on behalf of the application was Frances Martinez and Jessica Capellan. No one appeared to speak in favor. No one appeared to speak in opposition.

P404-20 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Jessica Capellan, 6 Oak Street, Peabody, MA, for a Special Permit to operate a hair salon, nail salon, and skin depilatory service at 149 Washington 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 and subject to the following conditions:

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.

CONDITIONS:

1. In accordance with the Special Permit application, business hours of operation are 9:00 a.m. to 7:00 p.m. Monday through Saturday; and
2. Services rendered at this location shall be by a maximum of two service providers at any given time.

(Carried 11-0)

REPORTS OF COMMITTEE

Committee of the Whole
September 24, 2020

P405-20 COUNCILLOR ROSSIGNOLL – Reporting for the Committee of the Whole – We met in Executive Session this evening prior to the Finance meeting. Topics of discussion was the McIntyre versus the City lawsuit, which has now been settled with no fault and that was dismissed. The other matter that was discussed and is still ongoing is Cellco/Verizon versus the City. That is a report of committee. (Report received)

(Carried 11-0)

P405A-20 COUNCILLOR ROSSIGNOLL – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, late communication Item 2 from Donald Conn, City Solicitor, regarding Stipulation of Dismissal; McIntyre et al vs. City of Peabody, etc., et al.

(Carried 11-0)

Finance Committee
September 24, 2020

P406-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening very briefly. It was decided to recess the meeting and it will be rescheduled on the same subject matter at a later date. (Report received)

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P407-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-A communication from Massachusetts State Lottery Commission regarding Richdale, 139 Lynnfield Street. (Carried 11-0)

P408-20 COUNCILLOR WELTON – MOVE TO request that the City Clerk submit a formal written objection to the Keno application submitted by Richdale, 139 Lynnfield Street, Peabody, MA, on the grounds that approval of a Keno operation would be a violation of Condition #11 cited in the special permit issued on March 23, 2019; and any application to the Massachusetts State Lottery Commission for such consideration would first require an amendment of their current special permit.

(Carried 11-0)

P409-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Extension of Outdoor Dining and refer to the Committee of the Whole.
(Carried 11-0)

P410-20 COUNCILLOR MOUTSOULAS – Whereas an emergency condition exists affecting the health, safety and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Public Services Department repair the sidewalks at 12 and 14 Gardner Street and 7 Union Street.
(Emergency Preamble - Carried 11-0)
(Motion to adopt - Carried 11-0)

P411-20 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, the following communications from His Honor the Mayor and refer to the Finance Committee:

Item 7-A Transfer of Funds – CPC – Riverwalk Canal Wall; \$98,868.00
Item 7-B Transfer of Funds – CPC – Healing Garden; \$90,000.00
(Carried 11-0)

P412-20 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Appointment – Beth Brennan O'Donnell, Liaison to State Ethics Commission.
(Carried 11-0)

P413-20 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding the following Various Appointments:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|---|--------------------------------------|-------------------------------|
| Sharon Cameron 75 Lake Shore Drive Peabody, MA 01960 | Health & Human Services Director | 09/30/2021 (One-Year Term) |
| Jeffrey Budd 2 Lewis Circle Peabody, MA 01960 (Carried 11-0) | Historical Commission (Alternate) | 12/31/2021 (One-Year Term) |

P414-20 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Transfer of Funds – Various Department Accounts; \$606,737.00 and refer to the Finance Committee.
(Carried 11-0)

P415-20 COUNCILLOR CHAREST – MOVE TO receive and approve, under suspension of the rules, Item 9-A Junk Dealers License – GameStop, Inc., 300 Andover Street, subject to all papers being in order.
(Carried 11-0)

P416-20 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-C communication from Travis Wojcik, 20 Margin Street, #3, regarding Petition for Transportation Advisory Committee and refer to His Honor the Mayor.
(Carried 11-0)

P417-20 COUNCILLOR CHAREST – MOVE TO request that the Police Department Traffic Division work on educating kids on bikes, scooters, and skateboard regarding traffic rules.
(Carried 11-0)

P418-20 COUCILLOR CHAREST – MOVE TO request that the City Clerk forward to the City Council any notice of future swearing-in ceremonies for members of the Police Department and Fire Department.
(Carried 11-0)

P419-20 COUNCILOR CHAREST – MOVE TO request that the City Clerk provide a Zoom link for the Zoning Board of Appeals meeting to be held on October 5, 2020.
(Carried 11-0)

P420-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Michael Gingras, Finance Director, regarding Motion P358-20 Detail \$600,000.00 Water Systems Improvements.
(Carried 11-0)

P421-20 COUNCILLOR MELVILLE – MOVE TO request that the Purchasing Agent and the Chairpersons of the following boards/commissions: Conservation Commission, Zoning Board of Appeals, Planning Board, and Licensing Board, appear before the Legal Affairs Committee to discuss the legal advertisement policies and procedures that they have in place.
(Carried 11-0)

P422-20 COUNCILLOR MELVILLE – MOVE TO request that the Health Department and Community Development Department offer suggestions or policies that the Council may adopt incentivizing businesses that are conforming to the safety measures for their employees and their clientele.
(Carried 11-0)

P423-20 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Carla McGrath, Clerk, Zoning Board of Appeals, regarding P373-20 Communication from Councillor Melville; August 27, 2020 to require that the Zoning Board of Appeals submit procedurals and Massachusetts General Law for legal advertisement required and refer to the Legal Affairs Committee.
(Carried 11-0)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

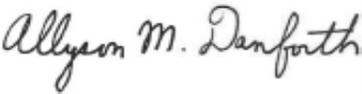
PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P424-20 COUNCILLOR MCGINN – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2020) Mike’s Custom Auto Body, 100 Birney Street, subject to all papers being in order.
(Carried 11-0)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 1, 2020
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 1, 2020

ATTEST: 
(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – CPC – Riverwalk Canal Wall; \$98,868.00

His Honor the Mayor re: Transfer of Funds – CPC – Healing Garden; \$90,000.00

His Honor the Mayor re: Appointment – Beth Brennan O'Donnell, Liaison to State Ethics Commission

His Honor the Mayor re: Various Appointments

His Honor the Mayor re: Extension of Outdoor Dining

His Honor the Mayor re: Transfer of Funds – Various Department Accounts; \$606,737.00

Massachusetts State Lottery Commission re: Richdale, 139 Lynnfield Street

Carla McGrath, Clerk, Zoning Board of Appeals, re: P373-20 Communication from Councillor Melville; August 27, 2020 to require that the Zoning Board of Appeals submit procedurals and

Massachusetts General Law for legal advertisement required

Travis Wojcik, 20 Margin Street, #2, re: Petition for Transportation Advisory Committee

Michael Gingras, Finance Director, re: Motion P358-20 Detail \$600,000.00 Water Systems Improvements

JUNK DEALERS LICENSE: (Renewal for 2020)

GameStop, Inc., 300 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2020)

Mike's Custom Auto Body, 100 Birney Street