

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**SEPTEMBER 26, 2019**

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

ABSENT COUNCILLORS: MOUTSOULAS

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Jon G. Turco.

Salute to the American Flag.

P656-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of September 12, 2019. (Unanimous)

COUNCILLOR TURCO – 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.

**HEARINGS**

The City Council reconvened the recessed public hearing on Zoning Amendment – Section 6.16.3(H). Curt Bellavance, Director of Community Development, appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P657-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 1 from Jack Shannon, Mercatus Center at George Mason University, regarding Inclusionary Zoning and Housing Market Outcomes. (Unanimous)

P658-19 COUNCILLOR GOULD – MOVE TO amend Section 6.16.3 (H) of the Peabody Zoning Ordinance by deleting the last sentence in said paragraph as follows: "Projects under 6.16 will require an additional ten percent (10%) of the total number of units to be affordable for a minimum of twenty-five percent (25%) and inserting in place thereof the following: "Projects under 6.16 will require an additional five percent (5%) of the total number of units to be affordable for a minimum of twenty percent (20%)," and adopt as advertised. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Moutsoulas absent)

P659-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from Atty. John Keilty on behalf of Claiton Cruz, 58 Walnut Street, regarding Request to continue the public hearing until Thursday, October 10, 2019. (Unanimous)

A public hearing was duly held on the application from Tesla Motors MA, Inc., 210 Andover Street, Peabody, MA. Mr. Javier Matos Rodriguez appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P660-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Andrew Levin, City Planner, Community Development, regarding Class 1 Motor Vehicle License – Tesla Motor Vehicles, Inc. (Unanimous)

P661-19 COUNCILLOR CHAREST – MOVE TO approve the application from Tesla Motors MA, Inc., 210 Andover Street, Peabody, MA, for a Class 1 Motor Vehicle License, subject to all papers being in order. (Carried 10-0; Councillor Moutsoulas absent)

P662-19 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the Class 2 Motor Vehicle License (Transfer) Jean Machado, 98 Foster Street, until Thursday, October 10, 2019. (Unanimous)

P663-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Andrew Levin, City Planner, Community Development, regarding Class 2 Motor Vehicle License – 98 Foster Street and refer to the public hearing. (Unanimous)

## REPORTS OF COMMITTEE

### **Municipal Safety Committee** **September 26, 2019**

P664-19 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – Earlier this evening we had a meeting of the Municipal Safety Committee. In attendance on the committee were myself, Councillor Gould, Councillor Manning-Martin, Councillor Melville, and Councillor Charest. In addition we had Councillor O'Neill, Councillor Rossignoll, and Councillor Turco. We had one item on the agenda and that was heavy commercial vehicle exclusion ordinance on Gardner Street. Councillor Gould has been working diligently with the neighbors and Captain Richards over the last few months to help them alleviate the issue of heavy truck traffic on that street. Working through the process Captain Richards made a recommendation that we change the language to Section 19-27 and the following motion was made and was voted unanimously. (Report received)

P665-19 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – MOVE THAT Section 19-27 Entitled "Exclusion of Heavy and Commercial Vehicles on Certain Streets; Exceptions be amended as follows: "Gardner Street, either direction between Pulaski Street and Margin Street (vehicles over 12,500 pounds Gross Vehicle Weight)." (Carried 10-0; Councillor Moutsoulas absent)

### **Legal Affairs Committee** **September 26, 2019**

P665A COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. Present for the committee were Councillor Gould, Councillor Melville, Councillor O'Neill, and Councillor Rossignoll sat in briefly for Councillor Gravel. Councillor Gravel joined us later. Also present was Councillor Turco, Councillor Charest, Councillor Saslaw, and Councillor Manning-Martin. We had three items on the agenda. The first was a request to purchase city-owned land at 0 Birch Street also known as 82 Birch Street. There was some discussion on that matter and there was clarification provided by the City Solicitor that the city is the true owner of the property and is therefore in a position to sell the property. We have had recommendations from other departments at prior meetings to sell the property and there were no objections from Community Development, PMLP, DPS, and so forth. Councillor O'Neill made the following motion. (Report received)

P666-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO recommend the sale of the city-owned parcel known as 0 Birch Street. The sale of this parcel should be referred to the City Clerk office's for notice to abutters in the event of any interest in the purchase of this parcel and ask that Community Development Department issue an RFP to arbitrate the sale, if there is more than one interested party. (Carried 10-0; Councillor Moutsoulas absent)

P667-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The second matter before the Legal Affairs Committee tonight was Chapter 40, Section 57, "Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges." There was some discussion on this matter, including inputs from the City Collector Christopher Morfis. This is language that exists in the code of the city today, except for the fact that the most recent Mass. General Law update on this eliminates a 12-month waiting period. The will of the committee was to advance this and the following motion was made by Councillor Gould. (Report received)

P668-19 COUNCILLOR MCGINN (Tri-motion with Councillor Gould and Councillor Manning-Martin) Reporting for the Legal Affairs Committee – MOVE TO amend Section 16-4 entitled "Denial, revocation or suspension of local licenses and permits for failure to pay municipal taxes or charges" by deleting in its entirety and inserting in place thereof the language as amended by Chapter 40, Section 57, of the Massachusetts General Laws and to draft and advertise. (Carried 10-0; Councillor Moutsoulas absent)

P669-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The third matter on the agenda tonight was a motion by Councillor Gravel to refer to Legal Affairs Committee the issue of utility companies marking up and defacing public and private property without notification. There was some discussion on that matter. The scope of the topic was broadened a little bit to go beyond just proper notice, but also repairing work that's done by various utilities. The will of the committee was to request ordinance language from the City Solicitor and the following motion was made. (Report received)

P670-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO request that the City Solicitor provide language for an ordinance to require any utility or other service coming onto a residence to provide notification in advance of them entering the property and that if any markings or defacing to the property were to occur, that they are required to return it to its original condition or better and that if any public street involved in this is defaced or changed that it be repaved curb to curb and also include an emergency provision that they have the right to do it without notification, in case of emergency. Also ensure that we are not making any redundancy to current laws being observed. We are trying to strengthen the law and have enforcement. (Carried 10-0; Councillor Moutsoulas absent)

**Joint Ad Hoc City Council/School Committee**  
**September 25, 2019**

P671-19 COUNCILLOR ROSSIGNOLL – Reporting for the Joint Ad Hoc City Council/School Committee – We had a meeting last evening of the Joint Ad Hoc City Council/School Committee. The meeting started at 6:30 and ended at approximately 7:35. In attendance was Dr. Murtagh, the superintendent; Brandi Carpenter from the school committee; Dr. Christopher Lord, the current assistant superintendent/acting principal; as well as myself, Councillor Ed Charest, and Councillor Joel Saslaw. There were three items that were on the agenda, number one, was the principal and the current state. As I mentioned just a second ago, Dr. Lord is now going to be presiding over the high school. And part of Dr. Murtagh's rationale for choosing Dr. Lord was his succinct knowledge and wherewithal regarding NEASC. NEASC is an accreditation process that the high school is undertaking currently and her understanding -- and I don't want to put words in her mouth -- but basically her gist was with him knowing the high school NEASC as well as he does, it would be a good transition to have him run the school for the year. She also mentioned that she would be looking at starting a new search in February, if that need arises. Right now Dr. Lord is receiving a stipend, in addition to his current pay as the assistant superintendent, so there is some cost savings regarding the high school principal. One of the things that they were very proud of was a concept called the Vision of the Graduate, which is basically a process to enhance a lifelong learner. I do have something that I will share with the council and apply to the record. (Report received)

P672-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 3 from Dr. Cara Murtagh, Superintendent, regarding Peabody Veterans Memorial High School Mission. (Unanimous)

P673-19 COUNCILLOR ROSSIGNOLL – Reporting for the Joint Ad Hoc City Council/School Committee – NEASC was extremely impressed with this because this is something that is just now being rolled out, but it's something that the high school has actually instituted over two years ago. The second topic was the student parking fee. I know that when we went through the budget we had a lot of questions regarding the student parking fee that was not rescinded. So according to the School Committee's policies, they will institute a \$100 parking fee for students. One of the things that did come out of our discussion was a sliding scale type of fee so if students get their license later in the school year and only have, let's say, a month and a half or so to park at the high school, they would be charged less than somebody that's going to be utilizing it for the entire school year. The third topic was school start times. I have another document that Ms. Carpenter provided us what it would cost the district. Most of the cost that would be incurred would be busing. So currently we have a three-tiered system. The high school gets dropped off first, those same bus drivers then pick up the middle school students and then it, kind of, mushrooms as the day progresses. So there would be a significant increase in busing, if we changed the tiered system that we currently have. We are finishing our bus contract; so one of the things that came out of that committee was a request that Dr. Murtagh, when she goes to the bus companies and she puts out the RFP, include that language to see what that cost would be for the next contract. Another thing that came out of that is they're also starting a redistricting committee and their thought would be that with a redistricting committee that also would have some cost savings regarding the buses. Lastly, just as a footnote, they did hire a new business manager, his name is Joe Scanlon, and he starts on October 7th. (Report received)

P674-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 4 from School Committeewoman Brandi Carpenter regarding Busing Schedule. (Unanimous)

**MOTIONS, ORDERS AND RESOLUTIONS**

P675-19 COUNCILLOR MELVILLE – Matter of the Record: I wanted to congratulate Peabody resident Donna Jansky, who was recently elected to become the national president of the Fleet Reserve Association, which is a major congressionally-recognized veterans group. They work with currently serving and veterans of the Navy, Marine Corps, and Coast Guard. (Unanimous)

P676-19 COUNCILLOR O'NEILL – MOVE TO request that the Public Services Department look into the feasibility of installing a sidewalk connecting the footpath to the sidewalk in place at 22 Antrim Road. (Unanimous)

P677-19 COUNCILLOR O'NEILL – MOVE TO request that Park, Recreation & Forestry Department install a flashing pedestrian crossing light system at the Russell Street entrance of the Greenway path near the Middleton border. (Unanimous)

P678-19 COUNCILLOR O'NEILL – Matter of the record: I want to remind everyone that next Saturday, October 5th will be the Fall for Peabody event taking place at Crystal Lake and at Lieutenant Ross/Cy Tenney Park. There will be lots of events for kids and adults, such as music, games, an 11-mile bike ride along the bike path escorted by the police, food trucks, a kids' costume bike parade, and also a lot of demonstrations such as fly fishing and kayaking at Crystal Lake. Curious Creatures will also be there and for the adults there's going to be a pop-up pub. (Unanimous)

P679-19 COUNCILLOR O'NEILL – Matter of the record: I wanted to take a moment and recognize Mary Bellavance, a long-term employee and friend, who's retiring after close to 35 years of service to our city. Mary is retiring at the end of this month and she's been a tremendous asset to not only three mayors, but a huge help to everyone who calls or asks for help. She's been a critical organizer for so many events over many decades. She and her family have been long-time friends to the O'Neill Family and she's been very helpful to me during my first council term. I know we all wish her nothing but a wonderful retirement to enjoy both her family and friends. (Unanimous)

P680-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-C Junk Dealers License (New) Cash Call, 161 Main Street, and set up a public hearing. (Unanimous)

P681-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Banner Request, subject to all papers being in order:

The Progeria Research Foundation, 200 Lake Street, Unit 102  
Higgins Middle School PTO, 85 Perkins Street  
West School PTO, Inc., 15 Bow Street  
(Unanimous)

P682-19 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Moutsoulas) – MOVE TO request a handicapped sign for 4 Walter Road and 5 Walter Road, and that an ordinance be drafted and advertised on the same.

(Emergency Preamble – Carried 10-0; Councillor Moutsoulas absent)

(Motion to adopt – Carried 10-0; Councillor Moutsoulas absent)

(COUNCILLOR CHAREST "I'd just ask that residents be mindful going into the last month of the fall growing season not to leave unpicked and rotting vegetables and fruit in their gardens as that will attract rats and other the rodents.")

(COUNCILLOR CHAREST recognized Boy Scout Garrett Lezott, who was in the audience, observing the City Council meeting this evening.)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

None.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P683-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from Charles J. Orphanos, Manager, Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Verizon Wireless. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P684-19 COUNCILLOR GRAVEL – MOVE TO receive and approve Item 9-B Use of the Wiggin Auditorium – Peabody Chamber of Commerce & The Salem News – October 2, 2019, subject to all papers being in order. (Unanimous)

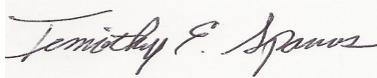
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P685-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from Solimine Funeral Homes, 426 Broadway, Lynn, re: Veterans Memorial Service – Saturday, November 2, 2019, at 1:00 p.m. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 30, 2019  
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 30, 2019

ATTEST



(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

Charles J. Orphanos, Manager, Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Verizon Wireless

Solimine Funeral Homes, 426 Broadway, Lynn, re: Veterans Memorial Service – Saturday, November 2, 2019, at 1:00 p.m.

Andrew Levin, City Planner, Community Development, re: Class 1 Motor Vehicle License – Tesla Motor Vehicles, Inc.

Andrew Levin, City Planner, Community Development, re: Class 2 Motor Vehicle License – 98 Foster Street

**BANNER REQUEST:**

The Progeria Research Foundation, 200 Lake Street, Unit 102

Higgins Middle School PTO, 85 Perkins Street

West School PTO, Inc., 15 Bow Street

**USE OF THE WIGGIN AUDITORIUM:**

Peabody Area Chamber of Commerce & The Salem News – October 2, 2019

**JUNK DEALERS LICENSE:**

Cash Call, 161 Main Street