

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 8, 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.

P425-20 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the minutes from the regular meeting of September 24, 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. Mr. Moonia Mazhar appeared remotely to speak in favor. No one appeared to speak in opposition.

P426-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, the following communications and refer to the public hearing:

- 8-A Lucia DelNegro, Conservation Commission, regarding 530 Lowell Street – Proposed Cemetery Motion 9.16.2020 CC Hearing
 - 8-F Atty. John Keilty on behalf of S & S Corporation regarding 530 Lowell Street – Cemetery NOI
 - Late 1 Atty. John Keilty on behalf of S & S Corporation regarding 530 Lowell Street – Cemetery NOI
- (Carried 11-0)

P427-20 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by S & S Consultants, 12 Wheeler Road, Lexington, MA, for a Special Permit to develop a cemetery in a B-R Zoning District at 530 Lowell Street, Assessors Map 35, Parcel 27A, 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 condition:

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.

CONDITION:

1. The applicant will plant large green Arborvitae along the property line of Lowell Street to provide a natural barrier.
- (Carried 11-0)

REPORTS OF COMMITTEE

Legal Affairs Committee **October 8, 2020**

P428-20 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – In Legal Affairs we had the entire committee available, including Councillor McGinn, Councillor O’Neill, Councillor Saslaw, and Councillor Turco. We were also joined by Councillor Welton, Councillor Rossignoll, Councillor Charest, Councillor Gould, and Councillor Manning-Martin. We had two items on the agenda; one was in reference to a motion made by Councillor Manning-Martin regarding legal advertisements in newspapers and part of the request was to have the chairs of the various committees available. We had Purchasing Agent Dan Doucette; Fran Gallugi from the Zoning Board of Appeals; Fred Murtagh from the Licensing Board; Michael Rizzo, who is the chair of the Conservation Commission; along with Darryl McCarthy, who is the clerk for the Licensing Board. It was a very good discussion, very enlightening. Councillor O’Neill made the following motion. (Report received)

P429-20 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO request an opinion from Donald Conn, City Solicitor, on whether the City Council and other boards and commissions within the City can require an applicant to re-advertise a hearing, if they wish to continue to another date. (Carried 11-0)

P430-20 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The second item on our agenda for Legal Affairs was an easement at 2 Crystal Drive. The attorney representing the owners of that property, Attorney Arvanites, discussed the easement and the reasons they’re requesting it. Councillor O’Neill made the following motion. (Report received)

P431-20 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO authorize His Honor the Mayor to enter into a permanent non-exclusive 41.25 foot wide easement over, across, and through that portion of the Grantor’s land shown as access easement containing 22,679 square feet, more or less, on a plan entitled “Plan of Land Located in Peabody, Mass.,” prepared by Eastern Land Survey Associates, Incorporated, Christopher R. Mello, POS, 104 Lowell Street, Peabody, Mass., 01960, 978-531-8121, scale one inch equals 20 feet, dated October 7, 2019, known as the easement plan recorded herewith for purposes of passing and re-passing by foot and by vehicle to and from Lowell Street to a way 25 feet in width shown on said plan and leading to the land of Grantee shown on said plan as Lot 18C and commonly known and numbered as 2 Crystal Drive, Peabody, Mass. 01960. (Carried 11-0)

Finance Committee **October 8, 2020**

P432-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening. Present for the Committee was Councillors: Gould, O’Neill, Manning-Martin, Turco, and myself as chair. Also present were Councillors: Welton, Moutsoulas, Charest, Saslaw, Melville, and Rossignoll. There were two items on the agenda; the first was Fiscal Year 2021 financial update. The Mayor; the Director of Finance, Mr. Gingras; and Ms. Mary Martin, the City Auditor, provided some insight on the FY20 budget deficit that is approximately \$3.6 million and they provided what the major components of that deficit were. It was explained that the \$1.4 million portion of the deficit was related to the Water and Sewer Enterprise that was driving in large part due to the timing of collections as bills went out late and ratepayers were given some extra time to make payments because of the pandemic. It was also noted that the Fiscal Year ‘21 real estate tax collections are being watched closely as they are running behind the FY20 pace. It was also noted in the current fiscal year that the City is doing well in not exceeding last years’ spending rate. In short, there will be a need to make a decision in the coming months on how to fund the deficit. Broadly, the choice would be to fund 50 percent in Year One and the balance over time or to defer the entire deficit fully over a three fiscal-year period as will be allowed by state law. The Mayor indicated that he hopes to hold the tax increase slightly over last year’s level, but it remains to be seen how several factors, such as state aid, will play out. The Mayor and Mr. Gingras answered several questions from the Council. It was a good exchange of information and the Mayor and the finance team will be back in the November time frame for further update to the Finance Committee as we approach the tax classification hearing in December. That is a report of progress on the first item. The second item on the agenda was a request to transfer funds from various departments in the amount

of \$606,737. There was information about that presented by Mr. Gingras to the Committee who also entertained a number of questions from the committee. There was a motion made by Councillor Gould. (Report received)

P433-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 23, 2008:

FROM:**TO:**

Various Department Accounts
(See Attached List)
(Carried 11-0)

\$606,737.00

Various Department Accounts \$606,737.00
(See Attached List)

MOTIONS, ORDERS AND RESOLUTIONS

P434-30 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-E communication from Donald Conn, City Solicitor, regarding Appeals Court Decision; Cellico Partnership vs. City of Peabody.
(Carried 11-0)

P435-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-G communication from Scott Crooker, 145A Summit Street, Suite 203, regarding Special Permit application and set up a public hearing.
(Carried 11-0)

P436-20 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 2 from Carla McGrath, Clerk, Zoning Board of Appeals, regarding 15 King Street.
(Carried 11-0)

P437-20 COUNCILLOR CHAREST – MOVE TO receive and approve, under suspension of the rules, Item 9-B Banner – The Progeria Research Foundation, 200 Lake Street, Unit 102, subject to all papers being in order.
(Carried 11-0)

P438-20 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department sweep the roadway of Felton Terrace.
(Carried 11-0)

P439-20 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department and Police Department provide information whether there was a “Stop” sign at the corner of Cunha Road and Violet Road.
(Carried 11-0)

P440-20 COUNCILLOR MANNING-MARTIN – MOVE TO request that Steve Patten, Veterans Agent, and Mr. Jarrod Hochman appear before the Human Services Committee to discuss the needs and an overview of the services of No Child Goes Hungry in Peabody.
(Carried 11-0)

P441-20 COUNCILLOR TURCO – MOVE TO request that the Park, Recreation & Forestry Department remove the tree limb in the vicinity of 157 and 159 Lynnfield Street.
(Carried 11-0)

P442-20 COUNCILLOR O’NEILL – MOVE TO receive, under suspension of the rules, Item 8-J communication from Lisa MacGillivray, 21 Jennings Circle, regarding Application to Purchase City-Owned Land; Squanto Road, Assessors Map 44, Parcels 143 and 148; to request an opinion from the Community Development Department; and to refer to the Legal Affairs Committee.
(Carried 11-0)

P443-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Fiscal 2020/2121 Finance Update and refer to the Finance Committee.
(Carried 11-0)

P444-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications and refer to the Legal Affairs Committee:

Item 8-C Lucia DelNegro, Conservation Commission, re: P373-20 Councillor Melville-Move to require that the clerks for various boards/commissions provide City Council their procedures for legal advertisements and the section of law that require such advertisements

Item 8-H Darryl Ann McCarthy, Clerk to the Peabody Licensing Board, re: Response to Request for Comments on Procedures for Legal Advertisements

(Carried 11-0)

P445-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Brendan Callahan, Asst. Director of Planning, re: CPA Open Space Properties – Conservation Restrictions and refer to the Legal Affairs Committee.
(Carried 11-0)

P446-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Andrew Levin, City Planner, re: Form A Application – Approval Not Required; 0 Andover Street.
(Carried 11-0)

P447-20 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-I communication from Allyson M. Danforth, City Clerk, regarding State Election Warrant for November 3, 2020.
(Carried 11-0)

P448-20 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-A Utility Contractors License – Boraczek’s Septic and Drain, Inc., 4 Hazel Drive, Hampstead, NH, subject to all papers being in order.
(Carried 11-0)

P449-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from His Honor the Mayor regarding Appointment – Amanda E. Green, Conservation Commission.
(Carried 11-0)

P450-20 COUNCILLOR MCGINN – MOVE TO approve the appointment of Amanda E. Green, 18 Roosevelt Avenue, Peabody, MA, to the Conservation Commission (Alternate) for a one-year term to expire 9/30/2021.
(Carried 11-0)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P451-20 COUNCILLOR MCGINN – MOVE TO receive and approve a communication from His Honor the Mayor dated October 1, 2020, regarding the following various appointments/reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Stewart Lazares 2 Upham Street Peabody, MA 01960	Conservation Commission	9/30/2022 (2-Year Term)
Melissa Feld 49 Warren Street Peabody, MA 01960	Conservation Commission	9/30/2022 (2-Year Term)
Arthur Athas 26 Lynnfield Street Peabody, MA 01960 (Carried 11-0)	Conservation Commission	12/31/2021 (One-Year Term)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

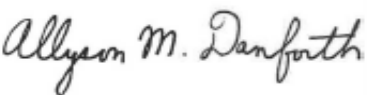
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 16, 2020
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 16, 2020


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

COMMUNICATIONS:

His Honor the Mayor re: Fiscal 2020/2021 Finance Update

His Honor the Mayor re: Various Appointments

Lucia DelNegro, Conservation Commission, re: 530 Lowell Street – Proposed Cemetery Motion
9.16.2020 CC Hearing

Brendan Callahan, Asst. Director of Planning, re: CPA Open Space Properties – Conservation
Restrictions

Lucia DelNegro, Conservation Commission, re: P373-20 Councillor Melville-Move to require that
the clerks for various boards/commissions provide City Council their procedures for legal
advertisements and the section of law that require such advertisements

Andrew Levin, City Planner, re: Form A Application – Approval Not Required; 0 Andover Street

Donald Conn, City Solicitor, re: Appeals Court Decision; Cellco Partnership vs. City of Peabody
Atty. John Keilty on behalf of S & S Corporation, re: 530 Lowell Street – Cemetery NOI

Scott Crooker, 145A Summit Street, Suite 203, re: Special Permit application

Darryl Ann McCarthy, Clerk to the Peabody Licensing Board, re: Response to Request for Comments on Procedures for Legal Advertisements

Allyson M. Danforth, City Clerk, re: State Election Warrant for November 3, 2020

Lisa MacGillivray, 21 Jennings Circle, re: Application to Purchase City-Owned Land; Squanto Road; Assessors Map 44, Parcels 143 and 148

UTILITY CONTRACTORS LICENSE:

Boraczek's Septic and Drain, Inc., 4 Hazel Drive, Hampstead, NH

BANNER:

The Progeria Research Foundation, 200 Lake Street, Unit 102