

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 24, 2019

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

ABSENT COUNCILLORS: None

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.

P714-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of October 10, 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

P715-19 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Atty. John Keilty on behalf of Claiton Cruz, 58 Walnut Street, regarding Request to continue public hearing until Thursday, November 14, 2019, and to request that the Health Department and Building Department report back to the City Council with a recommendation (Unanimous)

A public hearing was duly held on the application filed by Sousa Signs, LLC, 225 East Industrial Park Drive, Manchester, NH. Mr. Jason Gagnon and Mr. Jonathan Tapper appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P716-19 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Sousa Signs, LLC, 225 East Industrial Park Drive, Manchester, NH, for a Special Permit to install an electronic message board sign, which will be affixed to a freestanding sign, at 515 Lowell Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, 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. That the sign will only be used by the property owner for his business and the tenants at that particular site.
- (Carried 11-0)

REPORTS OF COMMITTEE

Industrial & Community Development Committee
October 24, 2019

P717-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Tonight we met for the second time -- excuse me -- met for numerous times to try to wrap up a plastic bag ban and we got new information from Community Development Director Bellavance and Health Director Sharon Cameron. We modified definition F under reusable bags and we had a very informative

discussion about it. The motion passed to advertise five to nothing with an implementation date of July 1, 2020. (Report received)

P718-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO draft and advertise the proposed plastic bag reduction ordinance with an implementation date of July 1, 2020. (Carried 8-3; Councillor Manning-Martin, Councillor Saslaw, and Councillor Gravel opposed)

P719-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We also had a communication from Mr. George Smith, 83 Bartholomew Street, regarding hillside protection, which is in front of the state legislature. Mr. Smith informed us of some very enlightening situations that occur when we try to overdevelop in rocky areas. The following motion was made. (Report received)

P720-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the City Council send a letter to our state delegation in support of House Bill 1836 regarding an act relative to hillside protection. (Carried 11-0)

Finance Committee **October 24, 2019**

P721-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. On behalf of the committee there was myself as the chair, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, Councillor Rossignoll, and all other councillors were present at the meeting. There were two items on the agenda. The first item on the agenda was status of appropriations for period ending July 31, 2019, for the FY2020 city and school budget. The following motion was made. (Report received)

P722-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO defer any discussion of status of appropriations for period ending July 31, 2019, for the FY2020 city and school budget due to the age and limitation of what that report could provide, to schedule a Finance Committee for the first regular meeting of November and to have at that meeting the items of a status of appropriations through September 30th and a recap or final status of the funds reallocated for the fiscal year ending June 30th, 2019. (Unanimous)

P723-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, Item 8-G communication from Michael J. Gingras, Director of Finance, regarding Status of appropriations for the period ending September 30, 2019, for the FY 2020 City/School Budget; Final Closing FY 2019 June 30, 2019, Budget Status and to refer to the Finance Committee. (Unanimous)

P724-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Our next topic of discussion was brought up to us by City Clerk Spanos who believes that there's an urgent need to increase fees in the city; so he requested that we consider increasing the fee for the poll book, which is currently at \$20. The following motion was made. (Report received)

P725-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO amend Section 2-197 “Charges for Poll Book list-Imposed” to increase the fee from \$20.00 to \$30.00 for each printed copy and to institute a fee of \$20.00 for each electronic copy prepared by the Board of Registrars, in accordance with the provisions of Chapter 51, and to draft and advertise. (Carried 11-0)

P726-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was also a concern about dog license fees that was brought up by the City Clerk. What he is requesting is that the fees, as outlined in Section 6-16 Annual License Fees of Article II Dogs, be amended. (Report received)

P727-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO draft and advertise Section 6-16 Annual License Fees of Article II Dogs as amended as follows:

By deleting in its entirety the following license fee schedule:

Annual license fees:

Male dog	\$20.00
Female dog	\$20.00
Neutered male dog	\$10.00
Spayed female dog	\$10.00

Kennel license:

Four dogs or less	\$15.00
Up to ten dogs	\$35.00
More than ten dogs	\$75.00

And inserting in place thereof the following license fee schedule:

(a) Annual license fees:

Male dog	\$25.00
Female dog	\$25.00
Neutered male dog	\$15.00
Spayed female dog	\$15.00

(b) Kennel license:

Four dogs or less	\$25.00
Up to ten dogs	\$50.00
More than ten dogs	\$100.00

(c) In addition, the City Clerk shall collect the current prevailing postage charges as imposed by the United States Postal Service for dog license tag mailing.

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P728-19 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department replace the "No Parking" signs on Wallis Street that are faded or missing. (Unanimous)

P729-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-H communication from Robert Labossiere, Dir., Public Services, regarding Council Motion P682-19. (Unanimous)

P730-19 COUNCILLOR MELVILLE – MOVE TO request that the Cemetery Department and Veteran's Agent coordinate volunteers to remove the overgrowth from veterans' plaques at all of our cemeteries. (Unanimous)

(COUNCILLOR MELVILLE: "I would like to say thank you to DPS and the Forestry Department. We had a pretty significant storm recently and they were pretty quick to handle the trees that had a safety issue or were blocking traffic and roadways.")

P731-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Robert Labossiere, Dir., Public Services, regarding Council Motion P676-19. (Unanimous)

P732-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-D communication from Daniel Doucette, Purchasing Agent, regarding RFP – 0 Birch Street. (Unanimous)

P733-19 COUNCILLOR O'NEILL – MOVE TO formally declare the city-owned parcel known as 0 Birch Street, Map 4, Parcel 51A, as surplus and further to refer this matter back to the City Clerk and Community Development Department to complete the process in accordance with Motion P666-19 and the flow chart policy to dispose of requests to sell city-owned land dated April 17, 1998. (Unanimous)

P734-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Rosanne Bakos, 16 Bates Lane, Westford, regarding Donate parcel of land known as 061-001B located at 0 Trask Road and refer to the Legal Affairs Committee. (Unanimous)

P735-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Elaine Killilea, 33 Swampscott Avenue, regarding Purchase of city-owned land; Map 103, Lot 094 (35 Swampscott Avenue) and refer to the Legal Affairs Committee. (Unanimous)

P736-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Christine Lander, 99 Lynn Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P737-19 COUNCILLOR ROSSIGNOLL – MOVE TO request that SOLitude Lake Management appear before the Public Services Committee to provide an update on the process and the progress they've made on cleaning up our waterways. (Unanimous)

P738-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Banner request – North Shore Medical Center, 81 Highland Avenue, Salem, subject to all papers being in order. (Unanimous)

P739-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 Banner request – Special Olympics MA SOMA, 6 Allens Lane, subject to all papers being in order. (Unanimous)

P740-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-A Use of the Wiggin Auditorium – Stars of Lacage, Inc. – May 31, 2020, subject to all papers being in order. (Unanimous)

P741-19 COUNCILLOR MANNING-MARTIN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 16 entitled “Licenses; In General” of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P742-19 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department post a speed limit sign in front of the west Peabody library on Lowell Street heading west on either pole number CPTe804SPP5 or pole number 1884189. (Unanimous)

P743-19 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City Council of the City of Peabody appropriate the amount of One Million Two Hundred Thousand Dollars(\$1,200,000.00) for the purpose of paying costs of a Feasibility Study to determine the need and costs of potential renovation, modernization, repair, upgrades, construction, reconstruction and/or modernization of the William A. Welch Elementary School, located at 50 Swampscott Avenue, Peabody, Massachusetts, including the payment of all costs incidental or related thereto, and for which the City of Peabody may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the City of Peabody Welch Elementary School Building Committee. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority; 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. Chapter 44, Section 20 thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The City of Peabody acknowledges that the MSBA’s grant program is a non- entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Peabody incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Peabody, and that

the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Peabody and the MSBA; and that this order be adopted as advertised as read.
(Carried 11-0)

P744-19 COUNCILLOR CHAREST – MOVE TO request that Public Services Department repair the potholes on James Street and Augustus Street. (Unanimous)

P745-19 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department replace the "Children" sign on Violet Road and Cunha Road that is faded and replace any others that are faded.
(Unanimous)

P746-19 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending the Ordinance entitled “Motor Vehicles and Traffic; Operation of Vehicles” of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P747-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-E communication from Curt T. Bellavance, Dir., Community Development, regarding Proposed City Ordinance: Regulation regarding plastic bags (Amended). (Unanimous)

P748-19 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – CPC Administration; \$10,000.00 and refer to the Finance Committee. (Unanimous)

P749-19 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds – CPC Various Transfers and refer to the Finance Committee. (Unanimous)

P750-19 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department and Park, Recreation & Forestry Department clean up the city-owned property, particularly the property on Washington Street. (Unanimous)

P751-19 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department inspect the culvert on Foster Street at the designated area for the Riverwalk. It is loaded with tree debris.
(Unanimous)

P752-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from Mary Murphy, Peabody, regarding Plastic bag ban and refer to the Industrial & Community Development Committee.
(Unanimous)

P753-10 COUNCILLOR GRAVEL – MOVE TO receive a communication from Jack Harrington, 4 Antigua Circle, regarding Plastic bag ban and refer to the Industrial & Community Development Committee.
(Unanimous)

P754-19 COUNCILLOR TURCO – MOVE TO request that the Peabody Municipal Light Plant and Public Services Department install a streetlight between 1 and 3 Antonio Drive. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

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 8:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 29, 2019

RETURNED BY HIS HONOR THE MAYOR, OCTOBER 29, 2019

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – CPC Administration; \$10,000.00

His Honor the Mayor re: Transfer of funds – CPC Various Transfers

Robert Labossiere, Dir., Public Services, re: Council Motion P676-19

Rosanne Bakos, 16 Bates Lane, Westford, re: Donate parcel of land known as 061-001B located at 0 Trask Road

Elaine Killilea, 33 Swampscott Avenue, re: Purchase of city-owned land; Map 103, Lot 094 (35 Swampscott Avenue)

Daniel Doucette, Purchasing Agent, re: RFP – 0 Birch Street

Curt T. Bellavance, Dir., Community Development, re: Proposed City Ordinance: Regulation regarding plastic bags (Amended)

Christine Lander, 99 Lynn Street, regarding Special Permit application

Michael J. Gingras, Director of Finance, regarding Status of appropriations for the period ending September 30, 2019, for the FY 2020 City/School Budget; Final Closing FY 2019 June 30, 2019, Budget Status

Robert Labossiere, Dir., Public Services, re: Council Motion P682-19

USE OF THE WIGGIN AUDITORIUM:

Stars of Lacage, Inc. – May 31, 2020

BANNER REQUEST:

North Shore Medical Center, 81 Highland Avenue, Salem