REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 26, 2023

PRESENT COUNCILLORS: TURCO, DAIGLE, O'NEILL, PEACH, MANNING-MARTIN, GOULD, ROSSIGNOLL, GAMACHE, MELVILLE, MCGINN, AND WELTON

ABSENT COUNCILLORS:

An in-person 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 Craig S. Welton.

Salute to the American Flag.

COUNCILLOR WELTON – 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.

P38-23 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the minutes from the Regular Meeting of January 12, 2023.
(Unanimous)

(MAYOR BETTENCOURT INTRODUCED FORMER ESSEX DISTRICT ATTORNEY JONATHAN BLODGETT, WHO APPEARED TO PRESENT TO THE CITY A HISTORIC MAP OF PEABODY)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING REPORT OF COMMITTEE FROM THE INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE AND HEARING 4-A)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
JANUARY 26, 2023

P39-23 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Levin, Senior Planner, regarding Proposed Zoning Amendment – Mill Overlay District Zoning Amendment and Expansion.
(Unanimous)

P40-23 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met earlier this evening with myself as chair, Councillor Peach sitting in for Councillor Daigle, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll. We had a lengthy discussion with Councillor McGinn, Councillor Manning-Martin, and Councillor Turco in regard to the Mill Overlay that Mr. Bellavance presented before us from Community Development Department. We have a number of issues that we would like attention drawn to and we have asked Mr. Bellavance to come back on March 9th. A motion was passed to hold this matter in committee. (Report received)

HEARINGS

P41-23 COUNCILLOR PEACH – MOVE TO continue the public hearing on Item 4-A Zoning Amendment – Amend Section 6 entitled Special Regulations as follows: By deleting in its entirety Section 6.15 Mill Overlay District (MOD) as adopted on March 14, 2019, and inserting in place thereof a new Section 6.15 entitled Mill Overlay District (MOD) until Thursday, March 9, 2023.
(Unanimous)

P42-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Allyson M. Danforth, City Clerk, regarding Special Permit JG Backland Realty Trust, 190(R) Newbury Street; Motion P06-23.
(Unanimous)

(ATTORNEY JOHN KEILTY APPEARED TO SPEAK ON BEHALF OF JG BACKLAND REALTY TRUST, 190(R) NEWBURY STREET TO REQUEST A CONTINAUNCE OF THE PUBLIC HEARING.)

P43-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing regarding Item 4-B JG Backland Realty Trust, 190(R) Newbury Street, Peabody, MA, until Thursday, February 23, 2023, to request that the City Clerk re-advertise the public hearing at the expense of the applicant, and to request new departmental responses from the various departments.
(Unanimous)

A public hearing was duly held on the application submitted by Jack Elias, LLC, 468 Lowell Street, Peabody, MA. Attorney Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P44-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Andrew Levin, Senior Planner, regarding 468 Lowell Street – Special Permit application.
(Unanimous)

P45-23 COUNCILLOR GAMACHE – MOVE TO recess the public hearing regarding Item 4-C Jack Elias, LLC, 468 Lowell Street, Peabody, MA, until Thursday, February 23, 2023.
(Unanimous)

(COUNCILLOR MCGINN RECUSED HIMSELF FROM HEARING 4-D.)

A public hearing was duly held on the application submitted by Maki Sushi Bar, Inc., 43 Main Street, Peabody, MA. Mr. Ngo Nguyen appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P46-23 COUNCILLOR TURCO – MOVE TO approve the application submitted by Maki Sushi Bar, Inc., 43 Main Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically television and digital internet jukebox, at said 43 Main Street, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor McGinn absent)

A public hearing was duly held on the application submitted by Oliveira's Peabody Corp., d/b/a From Brazil Restaurant, 72-74 Walnut Street, Peabody, MA. Mr. Felipe Ladeira appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P47-23 COUNCILLOR PEACH – MOVE TO approve the application submitted by Oliveira's Peabody Corp., d/b/a From Brazil Restaurant, 72-74 Walnut Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically television, digital internet jukebox, and projector for displaying videos; and live entertainment consisting of live music, comedy acts, and private events in function hall at said 72-74 Walnut Street, Peabody, MA, pursuant to the following conditions and subject to all papers being in order:

CONDITIONS:

1. Hours of operation for non-live entertainment: Monday through Sunday from 9:00 a.m. to 12:30 a.m.;
2. Hours of operation for live entertainment: Live entertainment with one amp, such as karaoke or trivia, Wednesday through Saturday from 11:00 a.m. to 12:30 a.m. and Sunday through Tuesday from 10:00 a.m. to 9:00 p.m.; and
3. Hours of operation for live entertainment: Live entertainment with two amps or two instruments and above, Thursday through Saturday from 11:00 a.m. to 12:30 a.m. and Sunday from 10:00 a.m. to 9:00 p.m. with all Sunday hours being subject to a Sunday entertainment license from the Mayor's office.

(Carried 11-0)

A public hearing was duly held on the application submitted by ADSV, LLC, d/b/a Brothers Restaurant & Deli, 11 Main Street, Peabody, MA. Mr. Alexandros Vesai appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P48-23 COUNCILLOR MCGINN – MOVE TO approve the application submitted by ADSV, LLC, d/b/a Brothers Restaurant & Deli, 11 Main Street, Peabody, MA, for the transfer of an Entertainment License at said 11 Main Street, Peabody, MA, with all of the conditions on the original license and subject to all papers being in order:

CONDITIONS:

1. Hours of live entertainment: 8:00 a.m. to 12:30 p.m. Friday and Saturday. Sunday 8:00 p.m. to 11:30 p.m. or as otherwise stipulated in Sunday license from Mayor's Office; and
2. Hours of non-live entertainment: 6:00 a.m. to 1:00 a.m., unless otherwise stipulated in Sunday license.

(Carried 11-0)

A public hearing was duly held on the application submitted by EDE Food Enterprises d/b/a Oliveira's Restaurant, 135 Washington Street, Peabody, MA. Mr. Edilson Oliveira appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P49-23 COUNCILLOR MCGINN – MOVE TO approve the application submitted by EDE Food Enterprises d/b/a Oliveira's Restaurant, 135 Washington Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically televisions, at said 135 Washington Street, Peabody, MA, subject to all papers being in order.
(Carried 11-0)

REPORTS OF COMMITTEE

Finance Committee
January 26, 2023

P50-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the City Council met earlier this evening. Present for the committee were Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. I believe all other Councillors were present. There were several items on the agenda. The first item was a bond order for several capital projects in an amount of $3.8 million dollars, which broke down to Public Safety Facility Feasibility Preliminary Design $1,150,000, there was a line item originally on there for the demolition of City buildings -- the Mayor had opted to withdraw that portion of the request at this time -- the Endicott Street Bridge repair in an amount of $650,000; and the Central Street Easements & Design in an amount of $1 million. In attendance to present this to the committee were the Mayor, Mr. Doucette, and Mr. Gingras. The Mayor explained that for the Public Safety building line item they have hired an owner's project manager, that the funding would be used to get to the 25 percent design stage. The site would be near the middle school. The concept is to co-locate a new Police Department building with a Fire Department headquarters, along with Emergency Management. They would build that building and then ultimately tear down the existing Police Department building, which is in excess of 50 years old. The Endicott Street Bridge Project totals about $1.2 million, however, about half of that has been covered with grants and this repair is required by the State; so the $650,000 request would be for the City's portion of that -- again -- supplemented by the grants that have been received in the vicinity of $600,000. Regarding the third request, the Central Street project, this is on a TIP program, federal funding in the vicinity of a $17 million project. The City is going to pay roughly $3 million, which includes some design funding, which was already approved by the Council previously, and some money to be spent on easements, which is the primary reason for this $1 million request. And ultimately there will be a future request for a water main replacement so that would be a future Capital request that we should anticipate related to this overall project. This is a complete redesign and reconfiguration of the corridor and, with respect to the easements, they've hired a specialized law firm to work on the easements. There was a bit of conversation on each of these. Generally the comments were supportive of the Mayor's efforts to get ahead of many of these things. And, again, in the case of the easements and the bridge repair, this is mandated by either the process or the State in the case of the bridge. The following motion was made.
(Report Received)

P51-23 COUNCLLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate Two Million, Eight Hundred Thousand Dollars ($2,800,000) to pay the costs of the following projects, including the payment of any costs incidental or related thereto:

Public Safety Facility Feasibility/Preliminary Design	$1,150,000.00
Endicott Street Bridge Repair	$ 650,000.00
Central Street Easements & Design	$1,000,000.00

And that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority, that the Treasurer, Mayor, and other City official is authorized to take actions necessary or convenient to carry out the purposes of this Order, and that this order be advertised and read.
(Carried 11-0)

P52-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was the review of Section 2-14, Salary of the City Council. This was a review that was requested by Councillor O'Neill, who addressed the committee and laid out his rationale for why he thought a review of that specific ordinance was in order. In summary, more about as it relates to the council's salaries, more about the transparency in the process than about the amounts to be granted in any given raise in any given year. There was discussion by several councillors, including Councillor Gamache, who had originally brought the current language into existence by a motion he made a number of years ago and laid out the rationale as to why he thought that the current language should stay in place. Several councillors agreed with him, and ultimately, Mr. President, there was a motion made by Councillor Gamache.
(Report received)

P53-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO take no action on the request for further review of Section 2-14 the Salary of the City Council.
(Carried 7-4; Councillor O'Neill, Councillor Peach, Councillor Gould, and Councillor Melville opposed)

P54-23 COUNCILLOR MCGINN – Reporting for the Finance Committee - The next item on the agenda was transfer of funds for Fire Salaries in the amount of $498,800 and Fire OT in the amount of $901,200. There were some questions specifically from Councillor Manning-Martin about the use of ARPA funds and the concern that ARPA funds are kind of a one-time opportunity, what's the plan going forward, and that we will not be able to draw on that source of funds in future years. The response to that was essentially that the staffing that's now in place as a result of bringing on more full-time firefighters will result in a need for less overtime going forward. Councillor Gamache added to that that he felt that this had been questioned at budget time and the Council was led to believe that this wasn't going to be an issue. The following motion was made by Councillor Gould.
(Report Received)

P55-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 5, 2023:

FROM:		**TO:**	
ARPA Funds		Fire Salaries	
250-05900-34812-2022	$1,400,000.00	100-02200-51110	$498,800.00
		Fire OT	
		100-02200-51130	$901,200.00
Total:	$1,400,000.00		$1,400,000.00

(Carried 11-0)

P56-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was transfer of funds Cemetery Capital Improvements in the amount of $109,750. That was presented to us by the Director of Finance, Mr. Gingras. There were some questions, specifically from Councillor Turco, about the appropriateness of certain line items that were in the request as to why they weren't in the budget versus a request for a capital transfer, specifically things like lawn mowing contract, equipment lease, and tree work. The comment from Director of Finance Mr. Gingras was that although he didn't have full familiarity with the details that he would look at that in the budget process going forward. Councillor Gould made the following motion.
(Report received)

P57-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 29, 2022:

FROM:		**TO:**	
Cemetery Sale of Lots & Graves		Cemetery - Capital Improvement	
270-33006	$35,0000.00	300-04910-58608	$109,750.00
Cemetery – Interest			
70-0000-33008	$4,750.00		
Cemetery - Perpetual Care			
500-0000-32303	$70,000.00		

(Carried 11-0)

P58-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The last item on the agenda was transfer of funds Cable Fund Expense in an amount of $17,418.82 and $3,870.85. This was brought to us by Director of Finance Mr. Gingras. This is a routine matter in this case transferring funds that are brought in from RCN as a function of the agreement with the City. The following motion was made by Councillor Gould.
(Report received)

P59-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 29, 2022:

FROM:		**TO:**	
Receipts Reserved Cable Fund		Cable Fund Expense	
270-0000-33017	$17,418.82	270-0000-53007	$17,418.82
270-0000-33017	$3,870.85	270-0000-53007	$3,870.85

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P60-23 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Atty. John Keilty on behalf of Peabody Living, LLC, 234 Bartholomew Street, regarding Easement for Bartholomew Street layout, request that the City Solicitor provide a legal opinion, and refer to the Legal Affairs Committee.
(Unanimous)

P61-23 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor appear before the City Council for a public discussion regarding the possible uses of two parcels of land, which include the parcel at the Kiley School and the parcel at Berry Street.
(Unanimous)

P62-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Joseph M. Anastasi, General Manager, Peabody Municipal Light Plant, regarding Peabody Municipal Light Commission vacancy.
(Unanimous)

P63-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, the following communications and refer to the Legal Affairs Committee:

Item 8-D Allyson M. Danforth, City Clerk, regarding Adoption of MGL Chapter 41, Section 110A
Item 8-F Allyson M. Danforth, City Clerk, regarding Ward 2 Polling Location change
(Unanimous)

P64-23 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 31-1982; Artur Bercan, 97 ½ Tremont Street, subject to all papers being in order.
(Unanimous)

P65-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 9-C Class 2 Motor Vehicle License (Transfer) Tremont Auto Sales, 97 ½ Tremont Street, and set up a public hearing.
(Unanimous)

P66-23 COUNCILLOR PEACH – MOVE TO request that the City Clerk send a letter to Governor Healey in support of the Peabody Board of Health letter dated January 24, 2023, regarding Project 2015A.
(Carried 11-0)

P67-23 COUNCILLOR GAMACHE (Co-motion with Councillor O'Neill) – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 5-2005; Joseph M. Rosano and Dana M. Rosano, 647 Lowell Street, subject to all papers being in order.
(Unanimous)

P68-23 COUNCILLOR GAMACHE – MOVE TO request that the Peabody Municipal Light Plant install a streetlight on the corner of Anthony Road and Anthony Way and request that the Public Services Department erect a pole.
(Unanimous)

P69-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-A Taxi/Limo Driver License, Michael Campbell - License 18, subject to all papers being in order.
(Unanimous)

P70-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Class 2 Motor Vehicle License (2023 Renewal), subject to all papers being in order:

Adpro Motorsports, 15 Spring Street
Alex Auto Sales, 480 Lowell Street
Route 1 Auto Sales, 218 Newbury Street

(Unanimous)

P71-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-E Entertainment License (2023 Renewal) Champion's Pub, 114 Foster Street, subject to all papers being in order.
(Unanimous)

P72-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-G Use of the Wiggin Auditorium – Peabody High School Vocal Music – February 15, 2023, subject to all papers being in order.
(Unanimous)

P73-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following Item 9-B Entertainment License and set up a public hearing:

Gallo Nero, 89 Main Street
La Siesta Restaurante, 3 Main Street

(Unanimous)

P74-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following Item 9-F Lodging House License (2023 Renewal), subject to all papers being in order:

ViceRoy Main Street, 2 Main Street
ViceRoy Peabody, 65 Main Street
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

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 9:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 1, 2023
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 1, 2023

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

COMMUNICATIONS:

Atty. John Keilty on behalf of Peabody Living, LLC, 234 Bartholomew Street, re: Easement for Bartholomew Street layout
Joseph M. Anastasi, General Manager, Peabody Municipal Light Plant, re: Peabody Municipal Light Commission vacancy
Thomas St. Pierre, Acting Building Commissioner, re: Transfer of Special Permit 31-1982; Artur Bercan, 97 ½ Tremont Street
Allyson M. Danforth, City Clerk, re: Adoption of MGL Chapter 41, Section 110A
Thomas St. Pierre, Acting Building Commissioner, re: Transfer of Special Permit 5-2005; Joseph M. Rosano and Dana M. Rosano, 647 Lowell Street
Allyson M. Danforth, City Clerk, re: Ward 2 Polling Location change
Andrew Levin, Senior Planner, re: 468 Lowell Street – Special Permit application
Allyson M. Danforth, City Clerk, re: Special Permit JG Backland Realty Trust, 190(R) Newbury Street; Motion P06-23
Andrew Levin, Senior Planner, re: Proposed Zoning Amendment – Mill Overlay District Zoning Amendment and Expansion

TAXI/LIMO DRIVER LICENSE:
Michael Campbell – License 18
ENTERTAINMENT LICENSE: (New)
Gallo Nero, 89 Main Street
La Siesta Restaurante, 3 Main Street
CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)
Tremont Auto Sales, 97 ½ Tremont Street
CLASS 2 MOTOR VEHICLE LICENSE: (2023 Renewal)
Adpro Motorsports, 15 Spring Street
Alex Auto Sales, 480 Lowell Street
Route 1 Auto Sales, 218 Newbury Street
ENTERTAINMENT LICENSE: (2023 Renewal)
Champion's Pub, 114 Foster Street
LODGING LICENSE: (2023 Renewal)
ViceRoy Main Street, 2 Main Street
ViceRoy Peabody, 65 Main Street
USE OF THE WIGGIN AUDITORIUM:
Peabody High School Vocal Music – February 15, 2023