

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 28, 2021

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

ABSENT COUNCILLORS: WELTON

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 Mark J. O'Neill.

Salute to the American Flag.

COUNCILLOR O'NEILL – 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.

P26-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 14, 2021.

(Carried 10-0; Councillor Welton absent)

(COVID-19 UPDATE FROM HIS HONOR THE MAYOR AND HEALTH DIRECTOR SHARON CAMERON)

P27-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Lori Greenberg, 1426 Crane Brook Way, regarding Vaccine Phase II Group A Questions.

(Carried 10-0; Councillor Welton absent)

P28-21 COUNCILLOR TURCO – MOVE THAT the City Council support Mayor Bettencourt's communication to Governor Charles Baker, Lieutenant Governor Karyn Polito, Secretary Marylou Sudders, State Senator Joan Lovely, State Representative Thomas Walsh, and State Representative Sally Kerans, regarding the request that our health department and other local health departments have more input into the COVID-19 vaccination program.

(Carried 10-0; Councillor Welton absent)

HEARINGS

A public hearing was duly held on the application filed by Kamil Babayev, 288 Newbury, Peabody, MA. Mr. Kamil Babayev and Mr. Elchin Nadirov appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P29-21 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Albert Talarico, Building Commissioner, re: Transfer of Special Permit 10-2015; Kamil Babayev, 288 Newbury Street, subject to all papers being in order.

(Carried 10-0; Councillor Welton absent)

P30-21 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the application from Kamil Babayev, 288 Newbury, Peabody, until Thursday, February 11, 2021.

(Carried 10-0; Councillor Welton absent)

A public hearing was duly held on the application filed by Marlon Ramirez, 145 Summit Street, Unit 3, Peabody, MA. Mr. Marlon Ramirez appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P31-21 COUNCILLOR TURCO – MOVE TO recess the public hearing on the application from Marlon Ramirez, 145 Summit Street, Unit 3, Peabody, until Thursday, February 11, 2021.

(Carried 10-0; Councillor Welton absent)

A public hearing was duly held on the application filed by Martino Grill, LLC, d/b/a Eatery 58 Marketplace, 58 Pulaski Street, Peabody, MA. Mr. Frank Martino appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P32-21 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the application from Martino Grill, LLC, d/b/a Eatery 58 Marketplace, 58 Pulaski Street, Peabody, until Thursday, February 11, 2021.

(Carried 10-0; Councillor Welton absent)

P33-21 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 3 from Atty. John Keilty on behalf of Wilson Square Auto, regarding Statement of Agreed Upon Facts and Admissions.

(Carried 10-0; Councillor Welton absent)

P34-21 COUNCILLOR CHAREST – MOVE TO authorize City Solicitor Don Conn, on behalf of the City, to sign the Statement of Agreed Upon Facts and Admissions submitted by Atty. John Keilty on behalf of Wilson Square Auto.

(Carried 10-0; Councillor Welton absent)

P35-21 COUNCILLOR CHAREST – MOVE TO rescind Motion P551-20 dated December 10, 2020, requesting a Show Cause hearing for Wilson Square Auto Sales, 2 Andover Street.

(Carried 10-0; Councillor Welton absent)

P36-21 COUNCILLOR CHAREST – MOVE TO approve Class 2 Motor Vehicle License (Renewal for 2021) Wilson Square Auto Sales, 2 Andover Street, subject to conditions A through G of the Agreement contained in Statement of Agreed Upon Facts and Admissions between Jonila, LLC; Wilson Square Auto Sales; John Keilty, Attorney for Wilson Square Auto Sales; and the City of Peabody.

(Carried 10-0; Councillor Welton absent)

REPORTS OF COMMITTEE

Finance Committee January 28, 2021

P37-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the Peabody City Council met earlier this evening, January 28th; Present for the Committee were Councillors: Gould, Manning-Martin, Rossignoll, Turco, and myself as chair. Also present this evening were Councillors: Moutsoulas, Charest, Saslaw, O’Neill and Melville. There were two items on the agenda. The first item was a transfer of fund request for Facilities Salaries Full Time. We had a brief presentation by the Director of Finance, Mr. Gingras, and His Honor the Mayor. They answered several questions from the Committee, which resulted in the following motion by Councillor Gould. (Report received)

P38-21 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, 2021:

FROM:

TO:

Budgeted Reserve Account	\$200,000.00	Facilities Salaries Full time	\$200,000.00
100-01320-57410		100-4905-51110	

(Carried 9-1; Councillor Manning-Martin opposed; Councillor Welton absent)

P39-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second item on the agenda was a transfer of funds request from library books and subscriptions in an amount of \$74,000. Again we had a presentation on this matter from His Honor the Mayor as well as library Director Merlin was present to answer questions. Also present was the president of the Library Trustees, Mr. Thomas Pappas. There was a number of questions about this. Ultimately the transfer request was to enable the library to maintain its services and, as importantly, its accreditation status. The following motion was made by Councillor Gould. (Report received)

P40-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 8, 2021:

<u>FROM:</u>		<u>TO:</u>	
Budgeted Reserve Account 100-01320-57410	\$139,000.00	Library Books & Subscriptions 100-6010-57360	\$65,000.00
		Salaries Full Time 100-6010-51110	\$74,000.00

(Carried 10-0; Councillor Welton absent)

MOTIONS, ORDERS AND RESOLUTIONS

P41-21 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that Public Services Department, specifically the Water Department, adjust the height of the water valve that is two to three inches above the sidewalk at 35 Evans Road that is a trip hazard.

(Carried 10-0; Councillor Welton absent)

P42-21 COUNCILLOR GOULD – MOVE TO request a meeting of the Industrial & Community Development Committee for February 11, 2021, to discuss the revised Housing Production Plan and to request that His Honor the Mayor and Director Curt Bellavance, Community Development Department, attend said Committee meeting.

(Carried 10-0; Councillor Welton absent)

P43-21 COUNCILLOR MANNING-MARTIN – MOVE TO request that Finance Director Gingras provide the City Council with a list of all transfers of funds made this fiscal year and to request that said list is updated and submitted to the City Council each time another transfer is requested.

(Carried 8-2; Councillor McGinn and Councillor Rossignoll opposed; Councillor Welton absent)

P44-21 COUNCILLOR CHAREST – MOVE THAT a congratulatory note be sent to Councillor Welton and Emily Welton on the birth of their son Samuel John Welton.

(Carried 10-0; Councillor Welton absent)

P45-21 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Albert Talarico, Building Commissioner, regarding Transfers of Special Permit 21-1983 and Special Permit 19-2016; EDE Food Enterprises, 135 Washington Street, subject to all papers being in order.

(Carried 10-0; Councillor Welton absent)

P46-21 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Councillor Mark J. O’Neill regarding Appointment of Thomas J. Rossignoll (City Council Alternate) to the Community Preservation Committee.

(Carried 9-0; Councillor Rossignoll voting present; Councillor Welton absent)

P47-21 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-B Entertainment License (Renewal for 2021) Italian American Citizens Club, 7 Blaney Avenue, subject to all papers being in order.

(Carried 10-0; Councillor Welton absent)

P48-21 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-C General License (Renewal for 2021) Lodging House License-Skalkos Brothers Realty Trust, 14 Foster Street, subject to all papers being in order.

(Carried 10-0; Councillor Welton absent)

P49-21 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department replace the missing “One Way” sign at the end of Tremont Street.

(Carried 10-0; Councillor Welton absent)

P50-21 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 Utility Contractor's License – Roadway Excavators, Inc., 70 Chester Road, Derry, New Hampshire, subject to all papers being in order.
(Carried 10-0; Councillor Welton absent)

P51-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-F communication from Captain Scott Richards, Police Department, regarding Design and Safety Report – Roadway Improvements Study on Lynnfield Street, Peabody, MA, and refer to the Municipal Safety Committee.
(Carried 10-0; Councillor Welton absent)

P52-21 COUNCILLOR TURCO – MOVE TO request that the Public Services Department replace the damaged street sign and "Stop" sign at the end of Veterans Memorial Drive.
(Carried 10-0; Councillor Welton absent)

P53-21 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Class 2 Motor Vehicle License (2021 Renewal), subject to all papers being in order:

Boyd Cycles, 25 Walnut Street
D&D Auto Sales, 39 Walnut Street
North Shore Auto Sales, 218B Newbury Street
222 Newbury Motors, 222 Newbury Street

(Carried 10-0; Councillor Welton absent)

P54-21 COUNCILLOR MELVILLE – MOVE TO request that the City Solicitor and Community Development Department provide the City Council with a brief summary regarding how the newly enacted law impacting zoning regulations will procedurally affect cities and towns, specifically with regard to the votes required to make changes.
(Carried 10-0; Councillor Welton absent)

P55-21 COUNCILLOR MELVILLE – MOVE TO request feedback from the City Clerk, Board of Registrars, and citizens regarding the voting locations used in the 2020 Primary and General Elections and their impact on being used for future locations for 2021 elections pending guidance from the Secretary of State.
(Carried 10-0; Councillor Welton absent)

P56-21 COUNCILLOR SASLAW – MOVE TO refer the issue of residents and/or contractors blowing leaves and debris into roadways to the Municipal Safety Committee.
(Carried 10-0; Councillor Welton absent)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P57-21 COUNCILLOR MELVILLE – MOVE TO receive and approve, a communication from Allyson M. Danforth, City Clerk, regarding Release of Executive Session Minutes: February 23, 2017; June 22, 2017; July 18, 2017; June 14, 2018; June 28, 2018; April 18, 2019; September 12, 2019; September 24, 2020.
(Carried 10-0; Councillor Welton absent)

P58-21 COUNCILLOR MCGINN – MOVE TO receive the following communications:

8-B Gordon and Sylvia Jean Bowman, 8 Apple Hill Road, regarding Library funding
Late 1 Peabody Board of Trustees regarding Library funding
(Carried 10-0; Councillor Welton absent)

(COUNCILLOR CHAREST RECOGNIZED PEABODY ACCESS TELEVISION FOR RECEIVING THE MASS CREATOR AWARD IN THE COVID-19 RELATED PROGRAMMING CATEGORY FOR THE “COVID CHRONICLES” INFORMATIONAL SERIES.)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

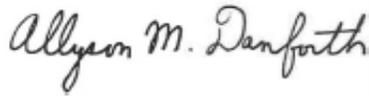
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 3, 2021
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 3, 2021



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

COMMUNICATIONS:

Allyson M. Danforth, City Clerk, re: Release of Executive Session Minutes: February 23, 2017; June 22, 2017; July 18, 2017; June 14, 2018; June 28, 2018; April 18, 2019; September 12, 2019; September 24, 2020
Gordon and Sylvia Jean Bowman, 8 Apple Hill Road, re: Library funding
Albert Talarico, Building Commissioner, re: Transfer of Special Permit 10-2015; Kamil Babayev, 288 Newbury Street
Albert Talarico, Building Commissioner, re: Transfers of Special Permit 21-1983 and Special Permit 19-2016; EDE Food Enterprises, 135 Washington Street
Councillor Mark J. O’Neill regarding Appointment to Community Preservation Committee (City Council Alternate)
Captain Scott Richards, Police Department, re: Design and Safety Report – Roadway Improvements Study on Lynnfield Street, Peabody, MA
Lori Greenberg, 1426 Crane Brook Way, re: Vaccine Phase II Group A Questions

CLASS 2 MOTOR VEHICLE LICENSE: (2021 Renewal)

Boyd Cycles, 25 Walnut Street
D&D Auto Sales, 39 Walnut Street
North Shore Auto Sales, 218B Newbury Street
222 Newbury Motors, 222 Newbury Street

ENTERTAINMENT LICENSE: (Renewal for 2021)

Italian American Citizens Club, 7 Blaney Avenue

GENERAL LICENSE: (Renewal for 2021)

Lodging House License-Skalkos Brothers Realty Trust, 14 Foster Street