REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 9, 2023

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

ABSENT COUNCILLORS: MANNING-MARTIN

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.

P75-23 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the minutes from the Regular Meeting of January 26, 2023.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Asia Taste, Inc., d/b/a Asia Taste Café and Grille, 635 Lowell Street, Peabody, MA. Mr. Joe Huy Yang appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P76-23 COUNCILLOR O'NEILL – MOVE TO approve the application submitted by Asia Taste, Inc., d/b/a Asia Taste Café and Grille, 635 Lowell Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically televisions, at said 635 Lowell Street, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Manning-Martin absent)

A public hearing was duly held on the application submitted by Kichi, Inc., d/b/a Tokyo Steak House, 300 Andover Street, Suite 9, Peabody, MA. Mr. Freddy Zheng and Mr. Fan Lam appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P77-23 COUNCILLOR DAIGLE – MOVE TO approve the application submitted by Kichi, Inc., d/b/a Tokyo Steak House, 300 Andover Street, Suite 9, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically televisions, at said 300 Andover Street, Suite 9, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Manning-Martin absent)

A public hearing was duly held on the application submitted by Tri City Services, Inc., 55-R Walnut Street, Peabody, MA. Mr. Igor Likterov appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P78-23 COUNCILLOR PEACH – MOVE TO approve the application submitted by Tri City Services, Inc., 55-R Walnut Street, Peabody, MA, to amend a Limousine License to increase the number of vehicles allowed by ordinance from four (4) to ten (10) at said 55-R Walnut Street, Peabody, MA, with the condition that the applicant will reduce the number of taxicab licenses by the same amount, and subject to all papers being in order.
(Carried 10-0; Councillor Manning-Martin absent)

A public hearing was duly held on the application submitted by RBK Auto Sales, Inc., 288 Newbury Street, Peabody, MA. Atty. Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P79-23 COUNCILLOR GAMACHE – MOVE TO approve the application submitted by RBK Auto Sales, Inc., 288 Newbury Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 288 Newbury Street, Peabody, MA, subject to all papers being in order, and with the following conditions:

CONDITIONS:

1. Hours of Operation are Monday through Friday from 10:00 a.m. to 7:00 p.m.; Saturday from 10:00 a.m. to 6:00 p.m.; no Sunday hours; and
2. A maximum of twelve (12) unregistered motor vehicles for sale or not for sale, sold or not sold.

(Carried 10-0; Councillor Manning-Martin absent)

A public hearing was duly held on the application submitted by Bercan Enterprises, LLC, 97½ Tremont Street, Peabody, MA. Mr. Artur Bercan appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P80-23 COUNCILLOR PEACH – MOVE TO approve the application submitted by Bercan Enterprises, LLC, 97½ Tremont Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 97½ Tremont Street, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Manning-Martin absent)

REPORTS OF COMMITTEE

Legal Affairs Committee
February 9, 2023

P81-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. In attendance were Councillors: McGinn, Melville, Peach, and Turco. We were also joined by Councillors: Daigle, Gamache, Gould, Rossignoll, and Welton. The first item we discussed in the committee was the proposed five-year contract with Axon Enterprises, which would be to provide body-worn cameras to the Peabody police and related support. We were lucky enough to have Mayor Bettencourt, Police Chief Tom Griffin, Captain Marcus, and Sergeant Fletcher of the Peabody police Department; as well as Sara Grinnell with the Healthy Peabody Collaborative, who actually wrote the grant that allowed the City to get $235,000, which will pay for the majority of the costs. And I'll just quickly outline that this is a proactive approach by the Peabody Police Department based on potential police reform that's coming from the State. The Chief wanted to get out ahead of it and also as part of modern policing to make sure that we're providing protection to our police officers as well as the general public. These cameras will be ultimately distributed to all uniformed police officers, if approved this evening. I do want to highlight that the Peabody police, especially Captain Marcus and Sergeant Fletcher, went out to surrounding towns, including Salem, Lynn, and Boston police to talk about the work and services they are getting from their body camera providers, and that brought forth their ability to get Axon. As the Chief outlined, we are currently contracted with Axon Enterprises for the tasers that the Peabody police use. As part of this, there's going to be a cloud storage capacity called evidence.com so that if anyone in the general public wants to request any kind of video in the future with an incident, that will be made part of a public record. This is a five-year contract. The additional cost that was not part of

the package was for the storage, I believe, for $29,000. Those additional costs for storage are coming from seizure funds that the Peabody police have, so there will be no cost for the first year. There were some questions from Councillors: Melville, Turco, McGinn, Gould, and Peach and also praise to the police department for being proactive. These cameras will be powered on at all times, buffering if you will, and that there will be certain situations that cause them to activate whether it be an officer drawing their taser or weapon as other situations. At the end of the shift, these cameras will be docked in stations and uploaded into the cloud. Lastly, Chief Griffin did mention that there will be compliance to make sure that officers are using these correctly as part of their normal duties. The following motion made in committee passed five to zero. (Report received)

P82-23 COUNCILLOR O'NEILL – MOVE TO authorize Mayor Bettencourt to enter into a five–year agreement with Axon Enterprises to provide police body cameras and related support to the Peabody Police Department.
(Carried 10-0; Councillor Manning-Martin absent)

P83-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee –The second agenda item was a request from City Clerk Danforth to have us evaluate, due to the VOTES Act of 2022, which changes the last day to register before elections. We talked about how opening up the Clerk's Office on Saturday, would fall on the weekend of Labor Day and also Halloween, so these things would kind of probably be an expense that's unnecessary. It was important to note -- Councillor Melville brought this up through questions -- that the City Clerk's office will be open on Friday before the last day to register until 5:00; and then any resident who doesn't make that deadline up to that point can go on the Secretary of State's website and register that way electronically. The following motion made in committee passed five to zero.
(Report received)

P84-23 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody to adopt Massachusetts General Laws, Chapter 41, Section 110A: Office hours on Saturday, allowing any public office in the City to remain closed on any or all Saturdays as may be determined from time to time, by the City Council, subject to the provisions of the City Charter, and the provisions of Section 9 of Chapter 4 shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.
(Carried 10-0; Councillor Manning-Martin absent)

P85-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The last item on the agenda for our committee hearing was regarding the Ward 2 polling location change. We discussed that due to the start of the building project at the Welch School before the last election, we had to unfortunately move the polling place from the Welch School to the most logical place, it was determined, was the Azorean Brotherhood of the Divine Holy Ghost at 20 Howley Street. Councillor McGinn, like many of us, expressed frustration. We'd like to be able to have voters be at their traditional polling places, but it was vetted by Welch School Building Committee and noted that the cafeteria may be in place, but we still wouldn't be able to have all three precincts ready to vote for the election. The following motion made in committee passed five to zero. (Report received)

P86-23 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Chapter 54, Section 24, of the Massachusetts General Laws, that the polling place for voters of Ward 2: Precinct 1, Precinct 2, and Precinct 3, be changed temporarily from the Welch Elementary School to the Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, effective for the year 2023 only.

(Carried 10-0; Councillor Manning-Martin absent)

Committee of the Whole
February 9, 2023

P87-23 COUNCILLOR WELTON – Reporting for the Committee of the Whole – This evening, the Committee of the Whole met to review the salary of the Mayor, pursuant to Section 2-13 of the Code of the City of Peabody. Councillor Gould provided an overview of the achievements of the Mayor over the last few years, particularly throughout COVID, and the financial situation the City currently finds itself in. Also provided was an overview of mayoral and town manager salaries in surrounding communities noting that a proposed increase to $135,000 annually would still be lower than some of our surrounding communities. There was no discussion following Councillor Gould's overview and remarks. The following motion was made in committee and passed eight to zero with two voting present. (Report received)

P88-23 COUNCILLOR WELTON - Reporting for the Committee of the Whole – MOVE TO increase the Mayor's salary from $126,000.00 to $135,000.00 and that Section 2-13 of the City Code be amended to reflect the same and the ordinance be advertised as read.
(Carried 8-0; Councillor O'Neill and Councillor Peach voting present; Councillor Manning-Martin absent)

MOTIONS, ORDERS AND RESOLUTIONS

P89-23 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Atty. Donald Conn, Jr., City Solicitor, regarding Responsible Employer Ordinance (Motion P291-22), and refer to the Legal Affairs Committee.
(Unanimous)

P90-23 COUNCILLOR TURCO (Co-Motion with Councillor Welton) – MOVE TO receive, under suspension of the rules, Item 8-E communication from William A. & Joanne E. Demoree, 297 Lynn Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P91-23 COUNCILLOR TURCO – MOVE TO refer to the Finance Committee a discussion regarding the creation of a high school stabilization fund to use toward the construction of a new high school and invite Mayor Bettencourt and Finance Director Gingras.
(Unanimous)

P92-23 COUNCILLOR DAIGLE – MOVE TO send a communication to Atty. Jason Panos and/or Hemisphere Development requesting an update on the 15 King Street development.
(Unanimous)

P93-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Atty. Elizabeth A. Lashway, Assistant City Solicitor, regarding Motion (P191-22); Ordinance change regarding limitation of sign size for lawns and refer to the Legal Affairs Committee.
(Unanimous)

P94-23 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Class 2 Motor Vehicle License (2023 Renewal), subject to all papers being in order:

Auto Graphics & Sales, 220B Newbury Street
Boyd Cycles, 27 Howley Street

(Unanimous)

P95-23 COUNCILLOR ROSSIGNOLL – MOVE TO request that the City Clerk provide the City Council with an updated list of any outstanding council licenses.
(Unanimous)

P96-23 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Allyson M. Danforth, City Clerk, regarding License Renewals for 2023; Response to Motion P31-23.
(Unanimous)

P97-23 COUNCILLOR TURCO – MOVE TO send a communication to Police Chief Griffin requesting that an officer be assigned to handle livery vehicles.
(Unanimous)

P98-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Atty. John Keilty, 40 Lowell Street, Peabody, regarding Special Permit request continuance; 190(R) Newbury Street.
(Unanimous)

P99-23COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Atty. Athan Vontzalides on behalf of Jack Elias, LLC, 468 Lowell Street, regarding Request to continue public hearing until March 9, 2023.
(Unanimous)

P100-23 COUNCILLOR GAMACHE – MOVE TO approve, under suspension of the rules, the following Item 9-A Taxi/Limo Driver License, subject to all papers being in order:

Alan Marchesini – License 19
Marco Aleixo – License 20

(Unanimous)

P101-23 COUNCILLOR MELVILLE – MOVE TO refer to the Legal Affairs Committee a review of the non-live entertainment application, fee structure, current licensees, and outstanding licensees.
(Unanimous)

P102-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – Police Salaries $185,400; Police OT $1,017,200 and refer to the Finance Committee.
(Unanimous)

P103-23 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install a “Dead End” sign at the intersection of Druid Avenue and Bowditch Street.
(Unanimous)

P104-23 COUNCILLOR WELTON – MOVE TO establish an Ad Hoc Committee on Charter Review that will meet as a Committee of the Whole and appoint Councillor Ryan Melville as chairman.
(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 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 14, 2023
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 14, 2023

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

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – Police Salaries $185,400; Police OT $1,017,200
Atty. Donald Conn, Jr., City Solicitor, re: Responsible Employer Ordinance (Motion P291-22)
Atty. Elizabeth A. Lashway, Assistant City Solicitor, re: Motion (P191-22); Ordinance change regarding limitation of sign size for lawns
Atty. John Keilty, 40 Lowell Street, Peabody, re: Special Permit request continuance; 190(R) Newbury Street
Allyson M. Danforth, City Clerk, re: License Renewals for 2023; Response to Motion P31-23
William A. & Joanne E. Demoree, 297 Lynn Street, re: Special Permit application
Atty. Athan Vontzalides on behalf of Jack Elias, LLC, 468 Lowell Street, re: Request to continue public hearing until March 9, 2023

TAXI/LIMO DRIVER LICENSE:
Alan Marchesini – License 19
Marco Aleixo – License 20

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)
Auto Graphics & Sales, 220B Newbury Street
Boyd Cycles, 27 Howley Street