Revised 03.15.2023

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 23, 2023

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

ABSENT COUNCILLORS: None

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.

P111-23 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of February 9, 2023.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by La Siesta Restaurante, Inc., 3 Main Street, Peabody, MA. Mr. Christopher Vasquez appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P112-23 COUNCILLOR MCGINN – MOVE TO approve the application submitted by La Siesta Restaurante, Inc., 3 Main Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically television, digital internet music, and radio and live entertainment, specifically live music, at said 3 Main Street, Peabody, MA, subject to all papers being in order and with the following conditions:

CONDITIONS:

1. In accordance with the application, live music entertainment is non-amplified guitar and vocalist; and
2. Live and non-live entertainment hours to align with the establishment hours of operation:
   Sunday-Thursday 5:00 p.m. to 9:30 p.m.
   Friday 5:00 p.m. to 10:00 p.m.
   Saturday 11:30 a.m. to 10:00 p.m.

(Carried 11-0)

A public hearing was duly held on the application submitted by Gallo Nero Peabody, Inc., 89 Main Street, Peabody, MA. Mr. Davi Shurdha appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P113-23 COUNCILLOR MCGINN – MOVE TO approve the application submitted by Gallo Nero Peabody, Inc., 89 Main Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically television, CD player, and digital internet radio at said 89 Main Street, Peabody, MA, subject to all papers being in order and with the following condition:

CONDITION:

1. Non-live entertainment hours to align with the establishment hours of operation:
   Monday-Wednesday 3:00 p.m. to 9:00 p.m.
   Thursday-Saturday 11:00 a.m. to 10:00 p.m.
   Sunday 12:00 p.m. to 10:00 p.m.

(Carried 11-0)

(COUNCILLOR MELVILLE RECUSED HIMSELF FROM THE FOLLOWING HEARING 4-C)

A Show Cause hearing was duly held on Special Permit 2-2022, as issued to Albanian Boston Community, Inc., 26 Howley Street, Peabody, MA. Appearing to speak on behalf of the City was City Solicitor Donald Conn and Lieutenant David Bonfanti. Appearing to speak on behalf of the Special Permit holder was Atty. John Keilty, Mr. Ardi Bocova, and Mr. Endri Kume. Mr. Klevis Qyrasi, 94 Birch Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P114-23 COUNCILLOR PEACH – MOVE THAT in accordance with Section 15.5 “Penalty” of the Peabody Zoning Ordinance, the City Council imposes a fine of $200.00 for violations as it relates to condition #1 “No alcohol to be sold or consumed on the premises” of Special Permit 2-2022, as issued to Albanian Boston Community, Inc., 26 Howley Street, Peabody, MA, with the following sanctions:

1. The license holder will serve a three-month suspension of their special permit; and
2. Before reinstatement of the special permit, the license holder must appear before the City Council with a business plan, which includes the board members’ names/addresses; the names/addresses of the responsible parties; and a plan to mitigate compliance with condition #1 “No alcohol to be sold or consumed on the premises.”

(Carried 10-0; Councillor Melville absent)

P115-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Atty. John Keilty on behalf of JG Backland Realty Trust, 190(R) Newbury Street, Special Permit Request Continuance.
(Unanimous)

P116-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application filed by JG Backland Realty Trust, 190(R) Newbury Street, Peabody, MA, until Thursday, March 23, 2023.
(Unanimous)

REPORTS OF COMMITTEE

Municipal Safety Committee
February 23, 2023

P117-23 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee met this evening with myself as chair and attended by members: Councillor Gamache, Councillor Gould, Councillor O'Neill, and Councillor Rossignoll, as well as a full complement of councillors. We discussed one item and that was a draft ordinance of a car carrier by motor vehicle. There was lengthy discussion stemming from earlier discussions about car carriers on both Route 1 and 114. We had Representative Kerans and Representative Walsh come to address this matter as they have been working with the Council for several months to address this issue. Councillor Gamache has worked with State Representative Walsh to compile the language for an ordinance to be enacted. The following motion was made. (Report received)

P118-23 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – MOVE TO request that the City Solicitor review the draft ordinance for "Car Carrier by Motor Vehicle," as was submitted in the subcommittee, and also include language to impose a fine of $1,000.00 for each infraction and refer back to the City Council.
(Unanimous)

Legal Affairs Committee
February 23, 2023

P119-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. In attendance were Councillor McGinn, Councillor Melville, Councillor Peach, and Councillor Turco. We were also joined by all our other councillors. We had three items on the agenda. The first one was an easement for Bartholomew Street and we had City Solicitor Don Conn appear before us, as well as Attorney Jack Keilty, to talk about the necessity for this easement due to an error in the plans in which a portion of the Peabody streets are actually on the owner's property and so this easement grants the City the right to maintain and repair the road. The following motion was made. (Report received)

P120-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody to authorize Mayor Edward Bettencourt to execute the grant of easement by the Peabody Living, Limited Liability Company, of 749 Lowell Street, Lynnfield, Mass., the owner of certain properties shown as 234 Bartholomew Street, containing 42,429 square feet of land on a plan entitled, "Subdivision Plan of Land, Eastern Land Survey Associates, Incorporated, dated March 20, 1986," which Plan is recorded at the Essex South District Registry of Deeds, Land Registration Office, as Land Court Plan 30475-N (the "Plan"), the right and easement to pass and repass over and on, have access to, construct, maintain, and repair that certain area shown as "Roadway Easement" over Lot 73 for the benefit of the City of Peabody, as shown on a plan entitled "Subdivision Plan of Land Located in Peabody, Mass.," dated January 19, 2018, and recorded at the Essex South District Registry of Deeds, Land Registration Office as Plan 30475N.
(Carried 10-0; Councillor Turco absent)

P121-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, Item 8-E communication from Donald L. Conn, Jr., City Solicitor, regarding 234 Bartholomew Street Easement.
(Unanimous)

P122-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – We had two other items that we discussed. One of them was a discussion of the Responsible Employer Ordinance. At this time, it's going to remain in committee, so there was no further action taken this evening. The last item was the discussion about the size of political signs. That is also staying in Legal Affairs at this time for further discussion. (Report received)

Committee of the Whole
February 23, 2023

P123-23 COUNCILLOR WELTON – Reporting for the Committee of the Whole – This evening, Thursday, February 23rd, the City Council met as the Committee of the Whole to discuss pending litigation regarding Extreme Packing, 7 Webster Street, Unit F. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P124-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Mohamed Hassan, 145 Summit Street, Unit 1, regarding Special Permit application and set up a public hearing.
(Unanimous)

P125-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-D communication from 95 Lynn Street, LLC, 95 Lynn Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P126-23 COUNCILLOR DAIGLE – MOVE TO receive and approve, Item 9-E Block Party – Orchard Street - March 18, 2023, subject to all papers being in order.
(Unanimous)

P127-23 COUNCILLOR DAIGLE – MOVE TO request that Peabody Municipal Light Plant install a streetlight on the pole in front of 38 King Street.
(Unanimous)

P128-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Purchase and Sale Agreement: 0 Felton Avenue, 0 Goldthwaite Avenue, 0 Appleton Street, and 0 Pulsifer Avenue and refer to the Legal Affairs Committee.
(Unanimous)

P129-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7- D communication from His Honor the Mayor regarding Draft Zoning Ordinance; Section 7:80-90 – Vacant Structures and Vacant Land, send to the Planning Board, refer to the Industrial & Community Development Committee, and set up a public hearing.
(Unanimous)

P130-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-B communication from the Peabody Board of Health regarding Project 2015A.
(Unanimous)

{Munroe Court}
P131-23 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that an ordinance Amending Chapter 19-126 entitled, "Obedience To Isolated Stop Signs" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 10-0; Councillor Turco absent)

P132-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Updated Chapter 40B Subsidized Housing Inventory; Response to Council Motion P19-23 and refer to the Industrial & Community Development Committee.

(Unanimous)

P133-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, Item 8-H communication from Allyson M. Danforth, City Clerk, regarding Release of Executive Session minutes.
(Unanimous)

P134-23 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Gould) – MOVE TO request a presentation and update from James Freeman, Pension Administrator, and Michael Gingras, Director of Finance, on the Cost-of-Living-Adjustment (COLA) Base for retirees and refer to the Finance Committee.
(Unanimous)

P135-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-J communication from Allyson M. Danforth, City Clerk, regarding License Renewals for 2023.
(Unanimous)

P136-23 COUNCILLOR MANNING-MARTIN – MOVE THAT the City Council impose a $300.00 fine to the Outback Steakhouse, 300 Andover Street, for non-renewal or their Entertainment License.
(Carried 10-0; Councillor Turco absent)

P137-23 COUNCILLOR MANNING-MARTIN – MOVE THAT the City Council impose a $100.00 fine to Stanzy's Country Ranch, 1 Main Street, Suite 1, for non-renewal of their Entertainment License.
(Carried 8-2; Councillor Gould and Councillor Welton opposed; Councillor Turco absent)

P138-23 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Fire Department perform an inspection for the Lodging House License in the name of W.J Skouras Realty Trust, 59 Walnut Street.
(Unanimous)

P139-23 COUNCILLOR MANNING-MARTIN – MOVE TO send a communication to Americab, 10 Jefferson Avenue #B4, Salem, MA, that they no longer have a valid Non-City Taxicab License in the City of Peabody and also notify the Police Department that we are no longer recognizing their license.
(Unanimous)

P140-23 COUNCILLOR GAMACHE – MOVE TO send final notification to Kouzina's Restaurant, Newbury Street, that if their Entertainment License application is not before the council by March 31st, their license will be pulled.
(Unanimous)

P141-23 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-G Banner Request - International Festival Committee - 24 Lowell Street, subject to all papers being in order.
(Unanimous)

P142-23 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-C Class 2 Motor Vehicle License (2023 Renewal), subject to all papers being in order:

Elite Motor Cars, 93 Lynn Street
Northshore Automotive, 100 Birney Street, Unit 7
Tri State Auto Sales, 248 Newbury Street

(Unanimous)

P143-23 COUNCILLOR GAMACHE (Tri-motion with Councillor Daigle and Councillor Turco) – MOVE TO place into the Municipal Safety Committee a request from Mr. Kevin Coman, 17 Felton Street, who is seeking "Not a Throughway" signs to be placed in the Brooksby Farm area, specifically on Felton Street at Prospect Street, Mount Pleasant Street at Andover Street, and Baldwin Street at Lowell Street and request Captain Richards attend that committee meeting.

(Unanimous)

P144-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from 180 Newbury, LLC, 180 Newbury Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P145-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-I communication from Allyson M. Danforth, City Clerk, regarding Class 2 Motor Vehicle License – 80 Newbury Street and approve the recommendation from the City Clerk that the Class 2 Motor Vehicle License issued to Morco Enterprises d/b/a JRM Auto Sales, 80 Newbury Street, revert back to the City's possession for future applicants.
(Carried 10-0; Councillor Turco absent)

P146-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-A Taxi/Limo Driver License – Scott Boyle-License 21, subject to all papers being in order.
(Unanimous)

P147-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Entertainment License (2023 Renewal), subject to all papers being in order:

AOH Division 11, 58 Lowell Street
Grecian Diner and Tavern, 136 Newbury Street
Jade's Restaurant, 4 Bourbon Street
Paddy Kelly's Restaurant & Pub,154 Washington Street
Su Chang's Restaurant, 373 Lowell Street
Tony C's Sports Bar & Grill, 210 Andover Street
Trackside Bar & Grill, 30 Warren Street
VFW Fidelity Post 1011, 20 Stevens Street
Wardhurst, 31 Lynnfield Street

(Unanimous)

P148-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, the following Item 9-D Entertainment License (New), and set up a public hearing:

Ithaki II Restaurant & Bistro, Inc., 1A Newbury Street
Marco's Pizzeria, 47 Newbury Street

(Unanimous)

P149-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-F Taxicab License (Transfer) Sunshine Car Services, 153 Newbury Street, License 37 and 38, subject to all papers being in order.
(Unanimous)

P150-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 9-H Limousine License (New) Sunshine Car Services, 153 Newbury Street, and set up a public hearing.
(Unanimous)

P151-23 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 8-G communication from Allyson M. Danforth, City Clerk, regarding 2023 Municipal Election Calendar.
(Unanimous)

P152-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfers of Funds - Central Fire Station Building Assessment $29,710; Sewer Pump Station Rehab $90,500 and refer to the Finance Committee.
(Unanimous)

P153-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds - Cable Fund Expense $206,020.31 and refer to the Finance Committee.
(Unanimous)

P154-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Transfer of Funds - Capital Equipment-Farm Truck $65,000 and refer to the Finance Committee.
(Unanimous)

P155-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of 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 Square 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 any other City official is authorized to take actions necessary or convenient to carry out the purposes of this Order, and that this Order be adopted as advertised and read.
(Carried 9-0; Councillor Turco and Councillor Gamache absent)

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 9:40 p.m.

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

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

COMMUNICATIONS:

His Honor the Mayor re: Transfers of Funds – Central Fire Station Building Assessment $29,710
Sewer Pump Station Rehab $90,500
His Honor the Mayor re: Transfer of Funds – Cable Fund Expense $206,020.31
His Honor the Mayor re: Purchase and Sale Agreement: 0 Felton Avenue, 0 Goldthwaite Avenue, 0 Appleton Street; 0 Pulsifer Avenue
His Honor the Mayor re: Draft Zoning Ordinance; Section 7:80-90 – Vacant Structures and Vacant Land
His Honor the Mayor re: Updated Chapter 40B Subsidized Housing Inventory; Response to Council Motion P19-23
His Honor the Mayor re: Transfer of Funds – Capital Equipment – Farm Truck $65,000
His Honor the Mayor re: Transfer of Funds – Police Salaries $185,400; Police OT $1,017,200
180 Newbury, LLC, 180 Newbury Street, re: Special Permit application
Peabody Board of Health re: Project 2015A
Mohamed Hassan, 145 Summit Street, Unit 1, re: Special Permit application
95 Lynn Street, LLC, 95 Lynn Street, re: Special Permit application
Donald L. Conn, Jr., City Solicitor, re: 234 Bartholomew Street Easement
Atty. John Keilty on behalf of JG Backland Realty Trust, 190(R) Newbury Street Special Permit Request Continuance
Allyson M. Danforth, City Clerk, re: 2023 Municipal Election Calendar
Allyson M. Danforth, City Clerk, re: Release of Executive Session minutes
Allyson M. Danforth, City Clerk, re: Class 2 Motor Vehicle License – 80 Newbury Street
Allyson M. Danforth, City Clerk, re: License Renewals for 2023

TAXI/LIMO DRIVER LICENSE:

Scott Boyle – License 21

ENTERTAINMENT LICENSE: (2023 Renewal)

AOH Division 11, 58 Lowell Street
Grecian Diner and Tavern, 136 Newbury Street
Jade's Restaurant, 4 Bourbon Street
Paddy Kelly's Restaurant & Pub, 154 Washington Street
Su Chang's Restaurant, 373 Lowell Street
Tony C's Sports Bar & Grill, 210 Andover Street
Trackside Bar & Grill, 30 Warren Street
VFW Fidelity Post 1011, 20 Stevens Street
Wardhurst, 31 Lynnfield Street

CLASS 2 MOTOR VEHICLE LICENSE: (2023 Renewal)

Elite Motor Cars, 93 Lynn Street
Northshore Automotive, 100 Birney Street, Unit 7
Tri State Auto Sales, 248 Newbury Street

ENTERTAINMENT LICENSE: (New)

Ithaki II Restaurant & Bistro, Inc., 1A Newbury Street
Marco's Pizzeria, 47 Newbury Street

BLOCK PARTY REQUEST:

Orchard Street – March 18, 2023

TAXICAB LICENSE: (Transfer)

Sunshine Car Service, 153 Newbury Street – License 37 and 38

BANNER:

International Festival Committee – 24 Lowell Street

LIMOUSINE LICENSE: (New)