REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 13, 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.

P219-23 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of March 23, 2023.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Sunshine Car Service, LLC d/b/a Sunshine Taxi, 153 Newbury Street, Peabody, MA. Mr. Carmen Gaeta appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P220-23 COUNCILLOR GAMACHE – MOVE TO approve the application submitted by Sunshine Car Service, LLC d/b/a Sunshine Taxi, 153 Newbury Street, Peabody, MA, requesting a Limousine License for the use of four (4) limousines at said 153 Newbury Street, Peabody, MA, subject to all papers being in order.
(Carried 11-0)

P221-23 COUNCILLOR PEACH – MOVE TO continue the public hearing on Item 4-B Zoning Amendment – Re-designating the following parcels from residential R-2 to Central Business BC:
Assessors Map 085, Parcel 002H, and numbered 10 Munroe Street
Assessors Map 085, Parcel 002I, and numbered 12 Munroe Street
until Thursday, April 27, 2023.
(Unanimous)

P222-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-N communication from Curt T. Bellavance, Dir., Community Development Dept., regarding Proposed Zoning Amendment to the Mill District Overlay (MOD) and refer to the public hearing.
(Unanimous)

P223-23 COUNCILLOR PEACH – MOVE TO continue the public hearing on Item 4-C 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, April 27, 2023.
(Unanimous)

P224-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-B Councillor Jon Turco regarding 180 Newbury Street
Item 8-J Atty. John Keilty on behalf of 180 Newbury Street, LLC, regarding 180 Newbury Street Special Permit Request Continuance
Item 8-K Atty. John Keilty on behalf of 180 Newbury Street, LLC, regarding 180 Newbury Street Special Permit, Sale of Automobiles
(Unanimous)

P225-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on Item 4-D Special Permit – 180 Newbury Street, regarding Allow for automotive repair shop in a BR-1 Zoning District, until Thursday, April 27, 2023.
(Unanimous)

P226-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on Item 4-E Special Permit – 180 Newbury Street, regarding Allow for the sale of automobiles in a BR-1 Zoning District, until Thursday, April 27, 2023.
(Unanimous)

P227-23 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-A Andrew Levin, Senior Planner, Community Development and Planning, regarding Site Plan Review Application – 190R Newbury Street
Item 8-D Councillor Peter McGinn regarding 190(R) Newbury Street special permit application
Item 8-L Andrew Levin, Senior Planner, Community Development and Planning, regarding Special Permit application – 180 Newbury Street (Sale of automobiles)
Item 8-Q Donald L. Conn, City Solicitor, regarding Special Permit Application 190 Newbury Street
Item 8-R Andrew Levin, Senior Planner, Community Development and Planning, regarding Special Permit application – 190R Newbury Street
(Unanimous)

(ATTY. JOHN KEILTY APPEARED TO SPEAK REGARDING ITEM 4-F.)

P228-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on Item 4-F Special Permit – JG Backland Realty Trust, 190 (R) Newbury Street, regarding Construction of a sixty (60) unit residential facility pursuant to the provisions of the Residential Overlay District, until Thursday, May 11, 2023.
(Unanimous)

P229-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Atty. John Keilty on behalf of JG Backland Realty Trust, 190(R) Newbury Street, regarding 190 R Newbury Street – Special Permit request continuance.
(Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P230-23 COUNCILLOR DAIGLE – MOVE TO receive and approve, under suspension of the rules, Item 9-C Banner Request - St. Clare of Assisi Catholic Community, 32 Ellsworth Road, Peabody, subject to all papers being in order.
(Unanimous)

P231-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Lease Purchase - Pierce Custom Fire Pumper $862,922 and refer to the Legal Affairs Committee.
(Unanimous)

P232-23 COUNCILLOR O'NEILL (Co-motion with Councillor McGinn) – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Land acquisition/Bond Order - 0 Sherwood Avenue: $5.7 million, 0 Spring Pond Road: $2.2 million and refer the release and settlement portion to the Legal Affairs Committee and the bond order portion to the Finance Committee.
(Unanimous)

P233-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Allyson M. Danforth, City Clerk, regarding Council licenses expiration date/renewal cost; Response to Motion P293-22 and refer to the Legal Affairs Committee.
(Unanimous)

P234-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-G communication from Maxwell Hill, 4 Lake Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P235-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-M communication from Eleanor Gould and David Smith, 10 Druid Avenue, regarding Purchase of city-owned land - 0 Druid Avenue, Map 124, Lot 114, and refer to the Legal Affairs Committee and request an opinion from Community Development & Planning Department.
(Unanimous)

P236-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-E communication from Donald L. Conn, City Solicitor, regarding Clerk's Notice - Albanian Boston Community, Inc., 26 Howley Street.
(Unanimous)

P237-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-P communication from Captain Christopher Dowling, Peabody Fire Prevention Bureau, regarding Lodging House License - W.J. Skouras Realty Trust, 59 Walnut Street and refer to the Acting Building Commissioner.
(Unanimous)

P238-23 COUNCILLOR PEACH – MOVE TO draft and advertise an ordinance amendment to Section 19-99, "One-hour parking zones designated," for both sides of Gates Street beginning from the intersection of Andover Street northerly to the rear property lines of 249 and 251 Andover Street, and request that the Public Services Department install "one-hour parking" signs.

(Unanimous)

P239-23 COUNCILLOR PEACH – MOVE TO request that the Public Services Department install “No Parking Here to Corner” signs at the intersection of Bowditch Street and Water Street on both sides of the street.
(Unanimous)

P240-23 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE THAT the Park, Recreation & Forestry Department inspect the tree at 7 Evans Road and possibly remove it.
(Unanimous)

P241-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 9-A Entertainment License (New) Kouzina, 134 Newbury Street, and set up a public hearing.
(Unanimous)

P242-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-D Taxi/Limo Driver License – Diegoelia Pacheco - License 24, subject to all papers being in order.
(Unanimous)

P243-23 COUNCILLOR MELVILLE – MOVE TO request that the City Solicitor’s office provide the required language to eliminate the non-live entertainment license from the City Code and provide any other requirements to do so.
(Unanimous)

P244-23 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Marjorie A. Macarelli, Administrative Assistant to the Superintendent/School Committee Secretary, regarding 4.24.23 Liaison to City Council Subcommittee Meeting.
(Unanimous)

P245-23 COUNCILLOR MELVILLE – MOVE TO inform the School Committee, Electric Light Commission, and Library Trustees, if they wish to provide any comments regarding Charter Review, to get those comments to the City Clerk by May 11th for our May 16th Charter Review meeting
(Unanimous)

P246-23 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Junk Dealers License (2023 Renewal) Long's Jewelers, 35 Cross Street, subject to all papers being in order.
(Unanimous)

P247-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds – Endicott Street Bridge $195,000 and refer to the Finance Committee.
(Unanimous)

P248-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of Funds – School Salaries $1,044,305 and refer to the Finance Committee.
(Unanimous)

P249-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense $17,425.74; Cable Fund Expense $3,872.39 and refer to the Finance Committee.
(Unanimous)

P250-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Ordinance Amendment – Section 18-21 entitled "Schedule of Compensation for Full-time Positions not Subject to Collective Bargaining" and Ordinance Amendment - Section 21-5 – Recreation Manager and refer to the Finance Committee.
(Unanimous)

P251-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Jaime Hernandez, Director-Engineering, Codes and Standards, Kinder Morgan, Inc., regarding Working & Digging Near Pipelines and Pipeline Facilities brochure.
(Unanimous)

P252-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from RMC Promotional Products, LLC, 95 Lynn Street, Unit 4, regarding Special Permit application and set up a public hearing.
(Unanimous)

P253-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-H communication from Salem United, Inc., 62 Frederick Street, Unit 33, Dracut, regarding Parade participation request.
(Unanimous)

P254-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-O communication from James Freeman, Retirement Board Pension Administrator, regarding Request from the Peabody City Council for a presentation and update on the Cost-of-Living-Adjustment (COLA) Base for Retirees; Response to Motion P134-23 and refer to the Finance Committee.
(Unanimous)

P255-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-S communication from Augustus Laface, President of Mike's Custom Auto Body, Inc., 100 Birney Street, Units A-1, A-2 and A-3, regarding Special Permit application and set up a public hearing.
(Unanimous)

P256-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-T communication from A & P Borges, LLC, 100 Birney Street, Unit A-9, regarding Special Permit application and set up a public hearing.
(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, APRIL 19, 2023
RETURNED BY HIS HONOR THE MAYOR, APRIL 19, 2023

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

COMMUNICATIONS:

His Honor the Mayor re: Lease Purchase – Pierce Custom Fire Pumper $862,922
His Honor the Mayor re: Transfer of Funds – Endicott Street Bridge $195,000
His Honor the Mayor re: Transfer of Funds – School Salaries $1,044,305
His Honor the Mayor re: Transfer of Funds – Cable Fund Expense $17,425.75
Cable Fund Expense $3,872.39
His Honor the Mayor re: Land acquisition/Bond Order – 0 Sherwood Avenue: $5.7 million
0 Spring Pond Road: $2.2 million
His Honor the Mayor re: Ordinance Amendment – Section 18-21entitled "Schedule of Compensation for Full-time Positions not Subject to Collective Bargaining"
Ordinance Amendment – Section 21-5 – Recreation Manager
Andrew Levin, Senior Planner, Community Development and Planning, re: Site Plan Review Application – 190R Newbury Street
Councillor Jon Turco re: 180 Newbury Street
Allyson M. Danforth, City Clerk, re: Council licenses expiration date/renewal cost; Response to Motion P293-22
Councillor Peter McGinn re: 190(R) Newbury Street special permit application
Donald L. Conn, City Solicitor, re: Clerk's Notice – Albanian Boston Community, Inc., 26 Howley Street
Jaime Hernandez, Director – Engineering, Codes and Standards, Kinder Morgan, Inc., re: Working & Digging Near Pipelines and Pipeline Facilities brochure
Maxwell Hill, 4 Lake Street, re: Special Permit application
Salem United, Inc., 62 Frederick Street, Unit 33, Dracut, re: Parade participation request
RMC Promotional Products, LLC, 95 Lynn Street, Unit 4, re: Special Permit application
Atty. John Keilty on behalf of 180 Newbury Street, LLC, re: 180 Newbury Street Special Permit Request Continuance
Atty. John Keilty on behalf of 180 Newbury Street, LLC, re: 180 Newbury Street Special Permit, Sale of Automobiles

Andrew Levin, Senior Planner, Community Development and Planning, re: Special Permit application – 180 Newbury Street (Sale of automobiles)
Eleanor Gould and David Smith, 10 Druid Avenue, re: Purchase of city-owned land 0 Druid Avenue, Map 124, Lot 114
Curt T. Bellavance, Dir., Community Development Dept., re: Proposed Zoning Amendment to the Mill District Overlay (MOD)
James Freeman, Pension Administrator, re: Request from the Peabody City Council for a presentation and update on the Cost-of-Living-Adjustment (COLA) Base for Retirees; Response to Motion P134-23
Captain Christopher Dowling, Peabody Fire Prevention Bureau, re: Lodging House License – W.J. Skouras Realty Trust, 59 Walnut Street
Donald L. Conn, City Solicitor, re: Special Permit Application 190 Newbury Street
Andrew Levin, Senior Planner, Community Development and Planning, re: Special Permit application – 190R Newbury Street
Augustus Laface, President of Mike's Custom Auto Body, Inc., 100 Birney Street, Units A-1 and A-2, re: Special Permit application
A & P Borges, LLC, 100 Birney Street, Unit A-9, re: Special Permit application

ENTERTAINMENT LICENSE: (New)
Kouzina, 134 Newbury Street

JUNK DEALERS LICENSE: (2023 Renewal)
Long's Jewelers, 35 Cross Street

BANNER REQUEST:
St. Clare of Assisi Catholic Community, 32 Ellsworth Road

TAXI/LIMO DRIVER LICENSE:
Diegoelia Pacheco – License 24