REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 12, 2022

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

ABSENT COUNCILLORS: WELTON

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 Ryan Melville.

Salute to the American Flag.

COUNCILLOR MELVILLE – 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.

P294-22 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of April 28, 2022.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Scott Crooker, 2 First Avenue, Unit 101, Peabody, MA. Appearing to speak on behalf of the application was Mr. Scott Crooker. No one appeared to speak in favor. No one appeared to speak in opposition.

P295-22 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 7 from Christopher Morfis, City Collector, regarding Departmental Response; Scott Crooker, 2 First Avenue, Unit 101.
(Unanimous)

P296-22 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication from Sharon Cameron, Health Director, regarding Departmental Response; Scott Crooker, 2 First Avenue, Unit 101.
(Unanimous)

P297-22 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Scott Crooker, 126 Farrell Road, Lynn, MA, for a Special Permit to operate a tattoo establishment at 2 First Avenue, Unit 101, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITION:

1. Per the Health Department, establishment will require a permit from the Board of Health, as well as the body artists to be employed at the location.

(Carried 10-0; Councillor Welton absent)

A public hearing was duly held on the application submitted by The Kitty Cat Café & Adoption Lounge, Inc., 108 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Mr. Uri Harel. No one appeared to speak in favor. No one appeared to speak in opposition.

P298-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, the following late communications:

Late 1 Sharon Cameron, Health Director, regarding Revised comments on Kitty Cat Cafe
Late 6 Christopher Morfis, City Collector, regarding Departmental Response; The Kitty Cat Cafe & Adoption Lounge, Inc., 108 Newbury Street
(Unanimous)

P299-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Sharon Cameron, Health Director, regarding Departmental Response; The Kitty Cat Café & Adoption Lounge, Inc., 108 Newbury Street.
(Unanimous)

P300-22 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by The Kitty Cat Café & Adoption Lounge, Inc., 152 State Street, Newburyport, MA, for a Special Permit to operate a kennel in a BR-1 Zoning District at 108 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITION:

1. The hours of operation will be Monday through Saturday from 8:00 a.m. to 8:00 p.m.

(Carried 10-0; Councillor Welton absent)

A public hearing was duly held on the application submitted by Extreme Packing Solutions, Inc., c/o Keith Tobin, President, 7 Webster Street, Unit F, Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Joseph MacDonald and Mr. Keith Tobin. Mr. William Colletti, 8 Norwood Court, Gloucester, MA, and Attorney Thomas Alexander, 1 School Street, Beverly, MA, on behalf of Mr. William Colletti, appeared to speak in favor. Attorney Jason Panos, 246 Andover Street, Peabody, MA, on behalf of Mr. Paul Ferragamo, appeared to speak in opposition.

P301-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 9 from Attorney Joseph MacDonald, 16 City Hall Square, Suite 119, Lynn, MA, regarding Tenant Chart Extreme Packing Solutions.
(Unanimous)

P302-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-H communication from Attorney Jason Panos, 246 Andover Street, Peabody, regarding Special Permit application; Letter in opposition to Extreme Packing Solutions, 7 Webster Street, Unit F.
(Unanimous)

P303-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Extreme Packing Solutions, Inc., c/o Keith Tobin, President, 59 Sturtevant Street, Beverly, MA, for a Special Permit to operate a trucking terminal for the transportation of common dry freight goods, which are crated, packaged, stored, and transferred at 7 Webster Street, Unit F, Peabody, MA, as filed in accordance with Sections 4.2.6, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITIONS:

1. Parking spaces for the applicant will be delineated by signage;
2. Hours of operation will be Monday through Saturday from 7:00 a.m. to 5:00 p.m.;
3. Per the Health Department, Applicant must ensure that trash pickup is done in accordance with city ordinance regarding allowable hours of pickup;
4. The applicant will provide a rolling dumpster that will be stored inside the warehouse; and
5. Any transfer of the special permit will require a public hearing.

(Carried 10-0; Councillor Welton absent)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
MAY 12, 2022

P304-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met tonight, the Industrial & Community Development Committee. In attendance was Councillor Rossignoll, Councillor Manning-Martin, Councillor O'Neill who sat in for Councillor Daigle, Councillor McGinn, and myself. Also present was Councillor Turco and Councillor Peach. We discussed the new boundaries needed of the Mill Overlay District for revamping the Zoning Map and Councillor McGinn made the following motion. (Report received)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING MOTION)

P305-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO refer to the Planning Board the proposed Zoning Map Amendment to Expand the Mill Overlay District (MOD) for property ID 053-087, set up a public hearing, and further request that the Police Department submit potential input on traffic safety issues.
(Carried 9-0; Councillor Welton and Councillor Daigle absent)

FINANCE COMMITTEE
MAY 12, 2022

P306-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the City Council met earlier this evening. Present for the Committee was Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. Also present was Councillors: Peach, Daigle, O'Neill, Melville, and Rossignoll. There were four items on the agenda. The first item was Motion P190-22 from Councillor Rossignoll: "Move to refer to the Finance Committee a recommendation of a 3 percent raise for the School Committee." The following motion was made. (Report received)

P307-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 8 from Allyson M. Danforth, City Clerk, regarding Finance Agenda Item A.
(Unanimous)

P308-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – Several councillors voiced their support for a raise for the School Committee for various reasons, but the central theme was that this would only be the third raise in 24 years and the need to be reasonable in that regard and also make sure that there is some level of acknowledgement of the importance of the position and to attract potential candidates in the future. Councillor Turco made the following motion. (Report received)

P309-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO increase the annual compensation of the School Committee from $4,000.00 to $6,000.00 and that Section 18-18 and Section 18-20 of the City Code be amended to reflect the same and the ordinance be advertised as read.
(Carried 10-0; Councillor Welton absent)

P310-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was to establish an ordinance creating the departmental Revolving Fund for the Peabody Children's Museum. This was presented to the Committee by Director of Finance, Mr. Gingras, and this is needed to administratively support the new department in terms of how the finances of the Children's Museum will be handled consistent with some of the other revolving funds that exist in Peabody already, for example, Tillie's Farm. Councillor Gould made the following motion. (Report received)

P311-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE THAT a revolving fund be established for the Peabody Children's Museum Department #6100 in accordance with the provisions set forth in Chapter 44, Section 53F ½:

1. Expenditures from the fund can be made for any allowable expenses as set forth in Chapter 44, Section 53 F ½ for the Peabody Children's Museum.
2. Revenues and receipts generated through Peabody Children's Museum activities shall be credited to the Peabody Children's Museum Revolving Fund.
3. The Peabody Children's Museum Executive Director is authorized to expend from the fund.
4. Expenditure from the fund is limited to the available balance in the revolving fund. The revolving fund balance at the end of the fiscal year shall be retained by the fund.

(Carried 10-0; Councillor Welton absent)

P312-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a transfer of funds for police salaries full time in the amount of $210,000. This was presented to us by the Director of Finance, Mr. Gingras, who explained that this is the result of the City ratifying a one-year collective bargaining agreement with the Peabody Police Benevolent Association MCOP Local 351 and the Peabody Police Captains Association MCOP Local 346 for Fiscal Year 2022, and that the agreement provides for a 2 percent salary increase and an increase for police details for the City of Peabody from $44 to $50 per hour. There was a couple of questions from the Committee. One by Councillor Turco with respect to whether or not it covered all unions and I believe the answer to that was that it did. The following motion was made by Councillor Gould. (Report received)

P313-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2022:

FROM:		**TO:**	
100-01320-51925	$210,000.00	100-2100-51110	$210,000.00
Salary Reserve Account		Police Salaries Full Time	

(Carried 10-0; Councillor Welton absent)

P314-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The last item on the agenda was a transfer of funds CPC Lake and Pond Restoration in an amount of $40,900, as was presented to us by the Director of Finance, Mr. Gingras. And it relates to an add-on to a previous project for the harvesting of aquatic plants from Elginwood and Mill Ponds. Councillor Gould made the following motion. (Report received)

P315-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of April 21, 2022:

FROM:		**TO:**	
270-0000-33021	$40,900.00	270-1811-58562-2022-00-0392	$40,900.00
CPC – Open Space		CPC – Lake and Pond Restoration	

(Carried 10-0; Councillor Welton absent)

MOTIONS, ORDERS AND RESOLUTIONS

P316-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner Request – St. Clare of Assisi Catholic Community, 32 Ellsworth Road, Peabody, subject to all papers being in order.
(Unanimous)

P317-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-C Entertainment License (Renewal for 2022) Building Association of AOH Division II, 58 Lowell Street, subject to all papers being in order.
(Unanimous)

P318-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, the following late communications Items 2, 3, 4, and 5 from Councillor Manning-Martin regarding 40B/Safe Harbor Status expiration date 3/28/22 and refer to the Zoning Board of Appeals.
(Unanimous)

P319-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 11 from Councillor Manning-Martin regarding Affordable Housing and refer to the Zoning Board of Appeals.
(Unanimous)

P320-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-A communication from Dan Foss, 75 Walnut Street #316, Peabody, regarding Application for purchase of city-owned land; 50 Sabino Farm Road, Map 40, Lot 52, and refer to the Legal Affairs Committee and the Community Development and Planning Department.
(Unanimous)

P321-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-B communication from Pavement Maintenance Systems, Inc., 2 Fuller Avenue, Swampscott, regarding Special Permit application for 65 North Central Street and set up a public hearing.
(Unanimous)

P322-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-D communication from Attorney Brian Barrett, Assistant City Solicitor, regarding Response to charter motions made April 19, 2022, and refer to the Committee of the Whole.
(Unanimous)

P323-22 COUNCILLOR PEACH (Co-motion with Councillor Gould) – MOVE TO request that Captain Richards, Police Department, and the Traffic Division investigate the need for a handicap sign at 21 Elm Street.
(Unanimous)

P324-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Allyson M. Danforth, City Clerk, regarding Motion P280-22 and P293-22; Council Licenses non-renewals and Council license information and refer to the Legal Affairs Committee.
(Unanimous)

P325-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, late communication Item 10 from Allyson M. Danforth, City Clerk, regarding Temporarily relocate polling location for voters of Ward 2 for the 2022 election cycle and refer to the Legal Affairs Committee.
(Unanimous)

P326-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds dated May 5, 2022, re: Fire OT, Police OT, and snow removal services and refer to the Finance Committee.
(Unanimous)

P327-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various transfers of funds dated May 5, 2022, and refer to the Finance Committee.
(Unanimous)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING MOTION)

P328-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-B Junk Dealers License (New) Antique Furniture & Upholstery, 58 Pulaski Street, and set up a public hearing.
(Carried 9-0; Councillor Welton and Councillor Daigle absent)

P329-22 COUNCILLOR GAMACHE – MOVE TO request that the Public Services Department add 23 Edythe Lane to the sidewalk repair/replacement list.
(Unanimous)

P330-33 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-G communication from Attorney John R. Keilty, 40 Lowell Street, regarding CV 13 Corwin, LLC c/o Cargo Ventures, 13 Corwin Street, and refer to the public hearing scheduled for May 26, 2022.
(Unanimous)

P331-22 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor appropriate $52,000, plus the cost of employee benefits, to fund the position of Attorney of the Peabody City Council beginning in Fiscal Year 2023.
(Carried 7-3; Councillor O'Neill, Councillor Gamache, and Councillor Melville opposed; Councillor Welton absent)

P332-22 COUNCILLOR TURCO – MOVE TO refer the issue of retaining legal representation for the City Council and establishing its structure to the Legal Affairs Committee to discuss amending Article II, Section 2-12.
(Carried 10-0; Councillor Welton absent)

P333-22 COUNCILLOR DAIGLE – MOVE TO request that Mayor Bettencourt and Curt Bellavance, Director of Community Development & Planning, appear before the Industrial & Community Development Committee to make a presentation on our subsidized housing inventory, safe harbor status, our 10 percent affordable housing status, how those units are counted, and anything else that pertains to affordable housing.
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

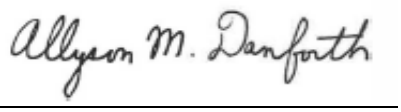
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:25 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 16, 2022
RETURNED BY HIS HONOR THE MAYOR, MAY 16, 2022

ATTEST: 

(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds dated May 5, 2022, re: Fire OT, Police OT, and snow removal services
His Honor the Mayor re: Various transfer of funds dated May 5, 2022
Dan Foss, 75 Walnut Street #316, Peabody re: Application for purchase of city owned land; 50 Sabino Farm Road, Map 40, Lot 52
Pavement Maintenance Systems, Inc., 2 Fuller Avenue, Swampscott re: Special Permit application for 65 North Central Street
Allyson M. Danforth, City Clerk re: Motion P280-22 and P293-22; Council Licenses non-renewals and Council license information
Attorney Brian Barrett, Assistant City Solicitor re: Response to charter motions made April 19, 2022
Sharon Cameron, Director, Health & Human Services re: Special Permit memo, Scott Crooker, 2 First Avenue
Sharon Cameron, Director, Health & Human Services re: Special Permit memo, The Kitty Cat Café & Adoption Lounge, 108 Newbury Street
Attorney John R. Keilty, 40 Lowell Street re: CV 13 Corwin, LLC c/o Cargo Ventures, 13 Corwin Street
Attorney Jason Panos, 246 Andover Street, Peabody re: Special Permit application; Letter in opposition to Extreme Packing Solutions, 7 Webster Street, Unit F

BANNER REQUEST:

St. Clare of Assisi Catholic Community

JUNK DEALERS LICENSE: (Renewal for 2022)

Antique Furniture & Upholstery, 58 Pulaski Street

ENTERTAINMENT LICENSE: (Renewal for 2022)

Building Association of AOH Division II, 58 Lowell Street