REGULAR MEETING OF THE PEABODY CITY COUNCIL
JULY 13, 2023

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

ABSENT COUNCILLORS: O'NEILL

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.

P502-23 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Special Meeting of June 20, 2023, and the Regular Meeting of June 22, 2023.
(Unanimous)

HEARINGS

A public hearing was duly held on a proposed Zoning Map Amendment to Section 6.16.1 Residential Overlay District by adding the following parcels of land to the Residential Overlay District: Assessors Map 035, Parcel 025, and numbered 535 Lowell Street; and Assessors Map 027, Parcel 006A, and numbered 8 Bourbon Street. Appearing to speak on behalf of the request was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P503-23 COUNCILLOR MCGINN – MOVE TO recess the public hearing on the Zoning Map Amendment to Section 6.16.1 Residential Overlay District by adding the following parcels of land to the Residential Overlay District: Assessors Map 035, Parcel 025, and numbered 535 Lowell Street, and Assessors Map 027, Parcel 006A, and numbered 8 Bourbon Street, until Tuesday, August 29, 2023.
(Carried 10-0 Councillor O'Neill absent)

A public hearing was duly held on the application submitted by DMC Auto, LLC, 258 Newbury Street, Unit C, Peabody, MA. Atty. Chad Colarusso appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P504-23 COUNCILLOR GAMACHE – MOVE TO approve the application submitted by DMC Auto, LLC, 258 Newbury Street, Unit C, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 258 Newbury Street, Unit C, Peabody, MA, with the following conditions and subject to all papers being in order:

1. There will be a maximum number of five (5) vehicles for sale at any one time; and
2. The hours of operation will be 8:00 a.m. to 5:00 p.m. Monday through Sunday.

(Carried 10-0; Councillor O'Neill absent)

A public hearing was duly held on the application submitted by Lofa Auto Body, LLC, 55R Walnut Street, Peabody, MA. Mr. Festus Kromah and Mr. Samuel Guwor appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P505-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-R communication from Andrew Levin, Senior Planner, regarding Class 2 MVL – 55R Walnut Street.
(Unanimous)

P506-23 COUNCILLOR PEACH – MOVE TO request that the Fire Department submit a departmental response regarding the Class 2 Motor Vehicle License application submitted by Lofa Auto Body, LLC, 55R Walnut Street.
(Unanimous)

P507-23 COUNCILLOR PEACH – MOVE TO recess the public hearing on the application submitted by Lofa Auto Body, LLC, 55R Walnut Street, until Tuesday, August 29, 2023.
(Carried 10-0 Councillor O'Neill absent)

A public hearing was duly held on the application submitted by Frank Rossetti of Pontoon Boats of MA, Inc., 108 Newbury Street, Peabody, MA. Atty. John Keilty and Mr. Frank Rossetti appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P508-23 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Frank Rossetti of Pontoon Boats of MA, Inc., 1 Lakeview Avenue, Lynnfield, MA, for a Special Permit to allow for marine boat sales or rentals in a BR1 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 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. There will be no more than eleven (11) boats on said property with five boats stored inside and no more than six boats stored outside for display;
2. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Sunday; and
3. There will be no offloading of vehicles on Route 1.

(Carried 10-0; Councillor O'Neill absent)

P509-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 2 from Atty. John Keilty on behalf of Saint Bishoy, Inc., regarding 598 Lowell Street – E-Market.
(Unanimous)

P510-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application submitted by Saint Bishoy, Inc., 598 Lowell Street, Peabody, MA, until Tuesday, August 29, 2023.
(Unanimous)

The City Council reconvened the recessed public hearing on Petition 1A6J5NH filed by Verizon, 85 High Street, Pawtucket, Rhode Island. Appearing to speak on behalf of the application was Mr. Alexander Marrero. No one appeared to speak in favor. No one appeared to speak in opposition.

P511-23 COUNCILLOR MCGINN – MOVE TO approve Petition 1A6J5NH filed by Verizon, 85 High Street, Pawtucket, Rhode Island, to install one joint-owned utility pole number T.8S/E.8S on the northwesterly side of Sutton Street at a point approximately fifty-five (55) feet southwesterly from the center line of Wallis Ann Road, subject to all papers being in order.
(Carried 10-0; Councillor O'Neill absent)

The City Council reconvened the recessed public hearing on the application submitted by Mandoulidis Auto Repair d/b/a Tire Depot & Auto Services, 1 Willard Street, Units 11 & 12. Mr. Peter Mandoulidis appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P512-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-B Councillor Manning-Martin regarding 1 Willard St. Units 11 & 12
Item 8-C Councillor Manning-Martin regarding 1 Willard St. Units 11 & 12
Item 8-D Councillor Manning-Martin regarding 1 Willard St. Units 11 & 12
Item 8-E Councillor Manning-Martin regarding 1 Willard St. Units 11 & 12
(Unanimous)

P513-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, the following communications:

Late 4 Dianne Full, City Treasurer, regarding 1 Willard St 12
Late 5 Christopher Morfis, City Collector, regarding 1 Willard St 12
(Unanimous)

P514-23 COUNCILLOR MANNING-MARTIN – MOVE TO send Items: 8-A, 8-B, 8-C, 8-D, Late 4, and Late 5 to Mr. Georgia Mandoulidis, CPA, 12 Beeman Road, Peabody.
(Unanimous)

P515-23 COUNCILLOR PEACH – MOVE TO approve the application submitted by Mandoulidis Auto Repair d/b/a Tire Depot & Auto Services, 1 Willard Street, Units 11 & 12, for a Class 2 Motor Vehicle License at said 1 Willard Street, Units 11 & 12, subject to all papers being in order and with the following conditions:

1. The applicant must make regular payments for their property that is in tax title to the Peabody City Treasurer and the balance must be paid in full by December 31, 2023; and
2. Per the Health Department, the applicant must have a plan to prevent accumulation of water in tires stored on exterior of property as tires are a preferred breeding location for mosquitoes.

(Carried 10-0; Councillor O'Neill absent)

The City Council reconvened the recessed public hearing on the application submitted by BTD Investments, LLC, 274 Newbury Street, Peabody, MA. Atty. John Keilty and Mr. Thomas McMillan appeared to speak on behalf of the application. Mr. Jim Connolly, 57 Glendale Avenue, Peabody, MA; and Ms. Marcia O'Leary, 278 Newbury Street, Lot 36, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P516-23 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by BTD Investments, LLC, 9 Martin Road, Middleton, MA, for a Special Permit to amend Special Permits 7-2017 and 17-2017 to allow for use as AN indoor recreation facility generally without being limited to a specific sport at 274 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 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. The applicant will hire a police traffic detail for large events on the property; and
2. The applicant must notify management of Whispering Meadows, 278 Newbury Street, and Park Place, 266 Newbury Street, as early as possible of large events being held on the property.

(Carried 10-0; Councillor O'Neill absent)

P517-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, late communication Item 3 from Atty. John Keilty on behalf 5 Stars Rims Corporation, 100 Birney Street, Units A1, A2, and A3, and continue the public hearing until Tuesday, August 29, 2023.
(Unanimous)

P518-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following communications and continue the public hearings until Tuesday, August 29, 2023:

Item 8-N Atty. John Keilty on behalf of 180 Newbury Street, LLC, regarding Special Permit, sale of automobiles
Item 8-O Atty. John Keilty on behalf of 180 Newbury Street, LLC, regarding Special Permit, automotive repair shop
(Unanimous)

A public hearing was duly held on the application submitted by A & P Borges, LLC, 100 Street, Unit 9, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P519-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by A & P Borges, LLC, 65 North Central Street, Peabody, MA, for a Special Permit to conduct a landscaping business as an office and shop for contractors with outdoor storage of vehicles at 100 Birney Street, Unit 9, 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 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. In accordance with zoning and the site plan, a six-foot high sight-impervious fence shall be erected and maintained at the property;
2. As indicated on the site plan, a portion of the property shall be paved;
3. Outdoor storage is limited to storage of vehicles overnight and passenger vehicles during the day utilizing the twelve (12) parking spaces indicated on the site plan. All other storage and operations, including equipment maintenance and repair, are to be conducted inside the building;
4. As indicated on the site plan, commercial condominium common property not under the control of the applicant shall not be used for any purpose associated with this business;
5. There shall be no rock crushing or other noise or dust-generating activities conducted on the property;
6. In accordance with the Health Department, guidance, applicant must ensure proper procedures are in place and followed to capture and dispose of any automotive fluids, landscaping products, and other potentially hazardous materials. Any landscaping materials stored in the building must be managed to prevent nuisance conditions such as dust, odor, and rodent harborage;
7. There shall be no storage of junk, scrap metal, rags, waste paper and/or other hazardous materials;
8. All flammable liquids shall require storage permits and there shall be no indoor storage of flammables and combustibles without a permit;
9. Trash and refuse shall be maintained in a dumpster on site;
10. In accordance with the application, hours of operations shall be Monday through Friday from 7:00 a.m. to 5:00 p.m.; and
11. All references to the site plan are to the site plan dated June 26, 2023.

(Carried 10-0; Councillor O'Neill absent)

REPORTS OF COMMITTEE

Legal Affairs Committee
July 10, 2023

P520-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met on Monday, July 10th. In attendance were committee members Councillors: Melville, McGinn, Peach, and Turco. We were also joined by Councillors: Daigle, Gould and Rossignoll. The first item was a request to lease or purchase a 2023 Pierce Custom Fire Pumper. The Mayor spoke along with Mr. Gingras, the Finance Director. There were some questions asked by Councillor Turco regarding lease times, whether it will be five or seven years. The following motion was made. (Report received)

P521-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO authorize his Honor the Mayor to enter into a lease agreement greater than three (3) years for the lease purchase of a 2023 Pierce Custom Fire Pumper in the amount of $862,922.00.
(Carried 10-0; Councillor O'Neill absent)

P522-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The next item was regarding the Central Street Corridor Project that is upcoming and there are 133 property easements, including 24 permanent easements and 109 temporary easements, over 87 parcels for a total of $626,300. The City Council has previously approved $1 million in funding for the property easements related to this project and design work. The Council's authorization for the order of these takings would be the next step in the process. Attorney Conn laid out the process along with the various steps that the City will take to work with residents. The next step, after the Council approves the Order of Taking, will be letters going out to the property owners regarding the actual process so that they can receive their checks, if they're not litigating the cost of the actual damages that the resident would've received for the parcels that are going to be taken. Overall, City Solicitor Conn stated that once the City makes the payments to the property owners, then the City has the easement. The only remedy left for the property owner would be to litigate the amount paid to them. He went through the entire process at that meeting. The following motion was made. (Report received)

P523-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 6 from William Paulitz, Interim Director of Public Services, regarding Updated Plans for the Central Street Corridor Project.
(Unanimous)

P524-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody to hereby take such action as is necessary to acquire by eminent domain the easements in parcels of land in Peabody, Essex County, Massachusetts (the "property"), and more particularly described in an Order of Taking, including Schedule A (List of Owners) and Schedule B (Compensation Awards) presented to us this day by Counsel, to effectuate the Rehabilitation of Central Street Project and to award a total of Six Hundred Twenty-Six Thousand Three Hundred Dollars ($626,300) as damages for such taking to the land affected by said taking, in accordance with the schedule of awards set forth in said taking and to accept three donated easements.
(Carried 10-0; Councillor O'Neill present)

P525-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – The last item on the agenda was a policy from the Mayor's office with regards to the flagpole. This was in response to a Supreme Court case that occurred in the City of Boston. It was the opinion of Attorney Conn, along with the Mayor, that a policy was necessary to ensure that the City would be protected from possible litigation, if certain types of entities would apply to fly a flag and that the policy would be put on the City website. There was a question about where the policy would actually be found; and it would be filed with the City Clerk, on the City website, and in the Mayor's office. The following motion was made. (Report received)

P526-23 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO adopt the City of Peabody City Hall Flagpole Policy, as attached and submitted by Mayor Bettencourt under date of May 3, 2023.
(Carried 10-0; Councillor O'Neill absent)

Industrial & Community Development Committee
July 13, 2023

P527-23 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Tonight we met. In attendance was myself along with Councillor Daigle, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll. Also in attendance was Councillor Turco, Councillor Peach, Councillor Melville, and Councillor Gamache. We had a discussion about the Residential Overlay and the possibility of amending Section 6.16.1. We are awaiting further information from Community Development and we're keeping it in committee. (Report received)

Finance Committee
July 13, 2023

P528-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening. Present for the committee were Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. Councillors: Peach, Daigle, Melville, and Rossignoll were also present. We had a few items on the agenda. The first item was an appropriation for the water asset GIS program in an amount of $250,000. That was presented to us by His Honor the Mayor and the Director of Finance, Mr. Gingras. It was explained that this was a mapping project to improve and identify system replacement costs and ensure reliability and level of service by mapping the water infrastructure. The expenditure was going to leverage a DEP reimbursement of $150,000. There were questions raised by Councillor Turco about why we are taking this from the Stabilization Fund. It was explained by Mr. Gingras that we were not able to take this from the other reserves or from the Water and Sewer Enterprise Retained Earnings because of the timing issue. We were not able to do that until later in the year and that Stabilization was the only opportunity to do that at this point. However, there was a commitment made by Mr. Gingras and the Mayor that this would be paid back to Stabilization. Again the City will likely get a $150,000 reimbursement from DEP in the form of a grant and so that will constitute a source for a significant portion of that payback. The following motion was made. (Report received)

P529-23 COUNCILLOR MCGINN – Reporting from the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of June 22, 2023:

FROM:		**TO:**	
Stabilization 500-0000-32150	$250,000.00	Water Asset GIS program 300-36750-2023	$250,000.00

(Carried 10-; Councillor O'Neill absent)

P530-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was Transfer of Funds – CPC Lake and Pond Restoration in an amount of $234,000.00, which was presented to us again by His Honor the Mayor and Director of Finance, Mr. Gingras. There were questions asked by Councillor Turco. He asked that Conservation Agent DelNegro clarify what she had earlier clarified to the CPC about some pre-work and approvals that needed to be done before they can move forward with this project and she did that. If those approvals aren't received from DEP, the money would not be needed and it would be returned to the CPC. The following motion was made. (Report received)

P531-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of June 8, 2023:

FROM:		**TO:**	
270-0000-33021 Community Preservation Act Open Space	$234,000.00	270-01811-58562-2023-0392 Community Preservation Act CPC - Lake and Pond Restoration	$234,000.00

(Carried 10-0; Councillor O'Neill absent)

P532-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was transfer of funds cable fund expense in amount of $120,000.00. This was an item that actually was on tonight's agenda for receipt. It's a relatively routine matter that was vetted with the committee. The following motion was made. (Report received)

P533-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds - Cable Fund Expense $120,000.00 and refer to the Finance Committee.
(Unanimous)

P534-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of June 20, 2023:

FROM:		**TO:**	
Receipts Reserved Cable Fund 270-0000-33017	$120,000.00	Cable Fund Expense 270-0000-53007	$120,000.00

(Carried 10-0; Councillor O'Neill absent)

P535-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – Similar to the last item, this item was on the agenda for the regular meeting tonight to be referred to Finance. The situation here was it's a project that the Council on Aging hoped to move forward on this summer and, if the Finance Committee failed to act on it, that would not be possible because the funding would not be available. There was some discussion on that and ultimately the following motion was made. (Report received)

P536-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds - CPC-COA Recreation Space $120,000.00 and refer to the Finance Committee.
(Unanimous)

P537-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of July 6, 2023:

FROM:		**TO:**	
270-0000-33021 Community Preservation Act Open Space	$120,000.00	270-01811-58562-2024 -0514 Community Preservation Act CPC - COA Recreation Space	$120,000.00

(Carried 9-0; Councillor Manning-Martin voting present; Councillor O'Neill absent)

MOTIONS, ORDERS AND RESOLUTIONS

P538-23 COUNCILLOR TURCO (Co-motion with Councillor Manning-Martin) – MOVE TO request a legal opinion from City Solicitor Adam Buckley as to whether a policy similar to the recently implemented flagpole policy is needed for banner requests and/or messages placed on the public billboard owned by the City of Peabody.
(Unanimous)

P539-23 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department install a "Not a Throughway" sign at the corner of Oak Avenue and Bartholomew Street.
(Unanimous)

P540-23 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department repair the sidewalk at 2 Bartholomew Terrace.
(Unanimous)

P541-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Taxi Driver License, subject to all papers being in order:

John Miller – License 3
Jaime Mejia – License 4
Rex Kent – License 5

(Unanimous)

P542-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-E and late communication Item 1 - Block Party, subject to all papers being in order:

Bay State Rd/Lake Shore -July 3, 2023
Shannon Drive/ Antrim Road -September 2, 2023
21 Margin Terrace to 2-4 Adams Avenue

(Unanimous)

P543-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-F Banner Request – North Shore Community Health, 27 Congress Street, Suite 513, Salem, subject to all papers being in order.
(Unanimous)

P544-23 COUNCILLOR TURCO – MOVE, under suspension of the rules, to remove from the Legal Affairs Committee the following item and request that the City Clerk forward all documents relative to Motion P291-22 to the Regular Meeting of Thursday, September 14, 2023:

> "P291-22 COUNCILLOR TURCO (Co-motion with Councillor Gould) – MOVE TO receive, under suspension of the rules, late communication Item 1 from Councillor Jon Turco regarding Responsible Employer Ordinance, refer it to the Legal Affairs Committee, and request a legal opinion from the City Solicitor. (Unanimous)"

(Carried 10-0; Councillor O'Neill absent)

P545-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, the following Item 9-A Class 2 Motor Vehicle License (Transfers) and set up public hearings:

AMC Motors North, 218 Andover Street
DC Trust, LLC, 258 Newbury Street, Unit B

(Unanimous)

P546-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 9-B Entertainment License (New) Granite Coast Brewing Company, 77B Main Street, and set up a public hearing.
(Unanimous)

P547-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 9-C Limousine License (New) Boston Chauffeur Services, Inc., 222 Newbury Street, and set up a public hearing.
(Unanimous)

P548-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 9-G Junk Dealers License (New) Lifebridge North Shore, 58R Pulaski Street, and set up a public hearing.
(Unanimous)

P549-23 COUNCILLOR DAIGLE – MOVE TO request that the Police Department evaluate Perkins Street up by Emerson Park regarding issues of speeding and make recommendations to the City Council.
(Unanimous)

P550-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-F communication from Ardi Bocova for Albanian Boston Community, Inc., 26 Howley Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P551-23 COUNCILLOR PEACH – MOVE TO request that the Public Services Department reinstall a missing “Handicap” sign in front of 65 Endicott Street.
(Unanimous)

P552-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Donald L. Conn, City Solicitor, regarding Car Carrier Ordinance; Response to Motion P118-23.
(Unanimous)

P553-23 COUNCILLOR MANNING-MARTIN – BE IT ORDAINED by the City Council of the City of Peabody to amend that the following be added to the City Code of Ordinances:

That the

ARTICLE III SECTION 19-56

- **(a) No Contract Carrier by Motor Vehicle also known as a car carrier shall stop to load or off load Motor vehicles within the travel lane or breakdown lane located within a public way in the City of Peabody;**
- **(b) Any violation of this ordinance shall be punishable by a fine of $1,000 and a fine of $1,000 for a second or subsequent offense; and**
- **(c) Individuals or entities fined pursuant to this section may request a hearing before the City Council, which may affirm or remit the fine.**

Advertise as read
(Carried 10-0; Councillor O’Neill absent)

P554-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Dean J. Collins, 258 Newbury Street, Unit B, regarding Special Permit application and set up a public hearing.
(Unanimous)

P555-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-I communication from John Roche/Manager-CollabDevl, LLC, Lot 2,1 Newbury Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P556-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-K communication from Lisa and Robert Polignone, 27 Emily Lane, regarding Purchase of city-owned land; Map 011, Lot 134 – A portion of 2 Linda Jean Lane; refer to the Legal Affairs Committee; and request a recommendation from the Community Development & Planning Department.
(Unanimous)

P557-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-P communication from Joyceann Redford, M.Ed., North Shore/Cape Ann Tobacco Policy Program, regarding Special Permit – Saint Bishoy, Inc., 598 Lowell Street, and refer to the public hearing.
(Unanimous)

P558-23 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-J communication from Brian P. Barrett, Assistant City Solicitor, regarding Response to Charter motions made April 25, 2023, and refer to the Charter Review Committee.
(Unanimous)

P559-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Ordinance Amendment – Section 23-16 Establishment and composition under Article II Police Department and refer to the Legal Affairs Committee.
(Unanimous)

P560-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Massachusetts State Lottery Commission, 150 Mount Vernon Street, Suite 300, Dorchester, MA, regarding Keno license application; Cabaret Enterprises, 96 Newbury Street.
(Unanimous)

P561-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Atty. John Keilty on behalf of A & P Borges, LLC, 100 Birney Street, Unit 9, regarding Special Permit; Revised site plan.
(Unanimous)

P562-23 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-L communication from Thomas St. Pierre, Building Commissioner, regarding Transfer of Special Permit 1-2014; Growing Smile Pediatric Dentistry and Braces, 79 Lynnfield Street, Unit F, subject to all papers being in order.
(Unanimous)

{Item 10-A}
P563-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An ordinance Amending Chapter 2, Article III, Division 8, Section 2-86 entitled Safety and Security Director of the Code of the City of Peabody be adopted as advertised and read.
(Carried 9-1; Councillor Manning-Martin opposed; Councillor O'Neill absent)

{Item 10-B – Safety and Security Director}
P564-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An ordinance Amending Section 18-21 entitled Schedule of Compensation for Full Time Positions Not Subject to Collective Bargaining of the Code of the City of Peabody be adopted as advertised and read.
(Carried 9-1; Councillor Manning-Martin opposed; Councillor O'Neill absent)

P565-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Allyson M. Danforth, City Clerk, regarding September 28, 2023, Regular Meeting. (Unanimous)

P566-23 COUNCILLOT TURCO – MOVE the question.
(Carried 10-0; Councillor O'Neill absent)

P567-23 COUNCILLOR MCGINN – MOVE THAT the City Council Regular Meeting scheduled for Thursday, September 28, 2023, be moved to the Higgins Middle School, 85 Perkins Street, and request that the IT Department be in attendance to help with any logistical issue that may arise that evening. The reason for the change in venue is due to the sound system upgrades that will be taking place in the Frank L. Wiggin Auditorium.
(Carried 5-4; Councillor Gould, Councillor Rossignoll, Councillor Gamache, and Councillor Welton opposed; Councillor Manning-Martin and Councillor O'Neill 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 9:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 25, 2023
RETURNED BY HIS HONOR THE MAYOR, JULY 25, 2023

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

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; $120,000
His Honor the Mayor re: Transfer of Funds – CPC – COA Recreation Space $120,000
His Honor the Mayor re: Ordinance Amendment – Section 23-16 Establishment and composition under Article II Police Department
Massachusetts State Lottery Commission, 150 Mount Vernon Street, Suite 300, Dorchester, MA, re: Keno license application; Cabaret Enterprises, 96 Newbury Street
Councillor Manning-Martin re: 1 Willard St. Units 11 & 12
Councillor Manning-Martin re: 1 Willard St. Units 11 & 12

Councillor Manning-Martin re: 1 Willard St. Units 11 & 12
Councillor Manning-Martin re: 1 Willard St. Units 11 & 12
Ardi Bocova for Albanian Boston Community, Inc., 26 Howley Street, re: Special Permit application
Atty. John Keilty on behalf of A & P Borges, LLC, 100 Birney Street, Unit 9, re: Special Permit; Revised site plan
Dean J. Collins, 258 Newbury Street, Unit B, re: Special Permit application
John Roche/Manager – CollabDev1, LLC, Lot 2 – 1 Newbury Street, re: Special Permit application
Brian P. Barrett, Asst. City Solicitor, re: Response to Charter motions made April 25, 2023
Lisa and Robert Polignone, 27 Emily Lane, re: Purchase of city-owned land; Map 011, Lot 134 – A portion of 2 Linda Jean Lane
Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 1-2014; Growing Smile Pediatric Dentistry and Braces, 79 Lynnfield Street, Unit F
Donald L. Conn, City Solicitor, re: Car Carrier Ordinance; Response to Motion P118-23
Atty. John Keilty on behalf of 180 Newbury Street, LLC, re: 180 Newbury Street, Special Permit Request Automotive Repair Shop
Atty. John Keilty on behalf of 180 Newbury Street, LLC, re: 180 Newbury Street, Special Permit, Sale of Automobiles
Joyceann Redford, M.Ed., North Shore/Cape Ann Tobacco Policy Program, re: Special Permit – Saint Bishoy, Inc., 598 Lowell Street
Allyson M. Danforth, City Clerk, re: September 28, 2023, Regular Meeting
Andrew Levin, Senior Planner, re: Class 2 MVL – 55R Walnut Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)
AMC Motors North, 218 Andover Street
DC Trust, LLC, 258 Newbury Street, Unit B

ENTERTAINMENT LICENSE:
Granite Coast Brewing Company, 77B Main Street

LIMOUSINE LICENSE:
Boston Chauffeur Services, Inc., 222 Newbury Street

TAXI DRIVER LICENSE:
John Miller – License 3
Jaime Mejia – License 4
Rex Kent – License 5

BLOCK PARTY:
Bay State Rd/Lake Shore – July 3, 2023
Shannon Drive/Antrim Road – September 2, 2023

BANNER:
North Shore Community Health, 27 Congress Street, Suite 513, Salem

JUNK DEALERS LICENSE:
Lifebridge North Shore, 58R Pulaski Street