

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 8, 2022

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

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 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.

P563-22 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of August 25, 2022.
(Unanimous)

HEARINGS

P564-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, the following communications:

Late 1 Planning Board re: Proposed Zoning Amendment – Residential Overlay District
Late 4 Atty. John Keilty re: Zoning Amendment – 14 Pine Street; Request to withdraw without prejudice
(Unanimous)

P565-22 COUNCILLOR GAMACHE – MOVE TO approve Late 4 Communication from Atty. John Keilty regarding Zoning Amendment – 14 Pine Street; Request to withdraw without prejudice.
(Unanimous)

A public hearing was duly held on the application filed by City of Peabody, 24 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Mayor Bettencourt and Ali Haydock, Executive Director of the Children's Museum. No one appeared to speak in favor. No one appeared to speak in opposition.

P566-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by City of Peabody, 24 Lowell Street, Peabody, MA, for a Special Permit for the use of a children's museum at 10 Main Street, Peabody, MA, as filed in accordance with Sections 4.2.3, 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. Any bus drop-offs and pickups of museum visitors are to take place at the designated loading zone on Main Street or at the rear/Mill Street side of the building;
2. Any truck deliveries are to take place at the designated loading zone on Main Street or at the rear/Mill Street side of the building;
3. In accordance with the application, business hours of operation shall be Sunday through Wednesday from 8:00 a.m. to 6:00 p.m. and Thursday through Saturday from 8:00 a.m. to 10:00 p.m.;
4. Prior to any food being brought onto the premises, the applicant shall submit an Integrated Pest Management Plan to the Health Department; and
5. For the avoidance of doubt, Peabody Zoning Ordinance Section 5 shall apply, including, "The Peabody Downtown Design Standards – Main Street Subdistrict" to the extent such standards pertain to exterior renovations and signs.

(Carried 11-0)

A public hearing was duly held on the application filed by Peabody Tips, Inc., d/b/a Champions Pub, 114 Foster Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P567-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from Atty. John Keilty on behalf of Champions Pub, regarding 114 Foster Street – Champions Entertainment License.

(Unanimous)

P568-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Michael Saporito, 111 Foster Street, regarding City Hall Meeting regarding Champions Pub.

(Unanimous)

P569-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications:

Late 2 Karen Witham, 111 Foster Street, Unit 316, re: Champions entertainment license

Late 3 Suzanne O'Brien-Wallace and Burke Wallace, 111 Foster Street, Unit 215, re: Champion's Pub Live Music Permit Application

Late 7 Janio Storck, 31 Rainbow Circle, re: Champions Pub Noise Ordinance Public Hearing

Late 8 Katia Pascoal, 111 Foster Street, Unit 202, re: Peabody Tips, Inc. d/b/a Champions Pub

(Unanimous)

P570-22 COUNCILLOR MCGINN – MOVE TO approve the application filed by Peabody Tips, Inc., d/b/a Champions Pub, 114 Foster Street, Peabody, MA, to transfer an existing Entertainment License, specifically for non-live entertainment (television, radio, digital jukebox), at said 114 Foster Street, Peabody, MA, subject to all papers being in order.

(Carried 11-0)

(COUNCILLOR MELVILLE RECUSED HIMSELF FROM THE FOLLOWING HEARINGS: 4-D AND 4-E)

(COUNCILLOR MANNING-MARTIN ASSUMED THE CHAIR.)

A public hearing was duly held on the application filed by Sita Liquors, Inc., 17 Central Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P571-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 9 from Atty. John Keilty on behalf of Sita Liquors, Inc., re: 113-115 Main Street; Hand-drawn Site Plan.
(Unanimous)

P572-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 6 from Atty. John Keilty on behalf of Sita Liquors, Inc., re: 113-115 Main Street; Site Plan.
(Unanimous)

P573-33 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Sita Liquors, Inc., 17 Central Street, Peabody, MA, for a Special Permit to allow a retail store for packaged alcoholic beverages at 113-115 Main 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. Customer and employee vehicles shall be parked generally in accordance with the site sketch presented at the public hearing. With an objective of maximizing pedestrian and vehicle safety, this layout features: a) Primarily angular parking at the front of the building; b) A single vehicular access to the property from Main Street; c) A single vehicular exit from the property onto Holten Street; d) A “No right turn” sign at the exit; e) Parking area striping and arrows that encourage proper vehicle flow; and f) A blockage of one of the existing entry points from Main Street utilizing a planter or similar visually appealing feature;
2. Truck deliveries are to take place at the rear of the building;
3. Business hours of operation shall be in accordance with Massachusetts General Laws;
4. Dumpster will be screened from view from Main Street, Holten Street, and any abutting residential properties;
5. The applicant shall submit an Integrated Pest Management Plan to the Health Department; and
6. For the avoidance of doubt, Peabody Zoning Ordinance Section 5 shall apply, including, “The Peabody Downtown Design Standards – Main Street Subdistrict” to the extent such standards pertain to exterior renovations, parking areas, lighting, and signs.

(Carried 9-1; Councillor Manning-Martin opposed; Councillor Melville recused)

A public hearing was duly held on the application filed by GK Liquors, Inc., 23 Central Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P574-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by GK Liquors, Inc., 23 Central Street, Peabody, MA, for a Special Permit to allow a retail store for packaged alcoholic beverages at said 23 Central 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 are from 9:00 a.m. to 11:00 p.m. Monday through Saturday and from 10:00 a.m. to 11:00 p.m. on Sunday, in accordance with Mass. General Laws.
(Carried 10-0; Councillor Melville recused)

REPORTS OF COMMITTEE

**AD HOC COMMITTEE ON DRUG EDUCATION & AWARENESS
SEPTEMBER 8, 2022**

P575-22 COUNCILLOR TURCO – Reporting for the Ad Hoc Committee on Drug Education & Awareness – We held a meeting this evening. In attendance were Councillor Manning-Martin, Councillor Welton, and Councillor Turco. Also in attendance were Councillor Gould, Councillor Rossignoll, Councillor Peach, Councillor O’Neill, Councillor McGinn, and Councillor Daigle. The Mayor as well as Sandi Drover and Sara Grinnell from the Peabody Healthy Collaborative and Joseph Simonelli from A Vision from Hope and Woburn Wellness appeared speak about the overdose numbers within the city and treatment options available to Peabody residents and the recent settlement to the City of Peabody for the opioid class action lawsuit that the City of Peabody enjoined several years back. We received the first settlement check in July of this year. The following motion was made. (Report received)

P576-22 COUNCILLOR TURCO – Reporting for the Ad Hoc Committee on Drug Education & Awareness – MOVE TO receive, under suspension of the rules, late communication Item 10 from His Honor the Mayor regarding Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements. (Unanimous)

P577-22 COUNCILLOR TURCO – Reporting for the Ad Hoc Committee on Drug Education & Awareness – The Mayor presented that there was roughly \$50,000 in the first check. The settlement has strict guidelines on what it could be spent on, so the Mayor would be working on that and would be open to any suggestions from any Councillors. We then heard from Sandi Drover and Sara Grinnell from the Healthy Peabody Collaborative that explained all the programs that they implemented throughout the school system in elementary, middle, and high school to provide information on the opioid epidemic as well as mental health issues. They discussed the partnerships with the schools, recreation department, business sector, media, police department, health department, MassCall3, and the local government. Sharon Cameron, Director of Health was next to speak. She presented us with a flyer, which is contact information for behavioral health through MassHealth and Beth Israel Lahey. Those numbers are posted on the Peabody Health website, if residents are looking for an outreach or some help with behavioral

health. Also presented was the Interface Referral Service for drug rehabilitation services and aftercare services, which is also available on the City of Peabody website for people that may know someone that is seeking help with addiction. The last person to speak was Joseph Simonelli from Woburn Wellness about the issues that people deal with regarding aftercare costs. It can sometimes cost \$1,000 or more for a longer-term program. At times, a scholarship can be requested through different state agencies or organizations fund the first thirty days in a program or even up to the second thirty days. Councillor Manning-Martin made the following motion. (Report received)

P578-22 COUNCILLOR TURCO – Reporting for the Ad Hoc Committee on Drug Education & Awareness – MOVE TO receive, under suspension of the rules, the following late communications:

Late 11 Sharon Cameron, Director of Health, regarding MassHealth Behavioral Health Emergency Services Program

Late 12 Sharon Cameron, Director of Health, regarding William James College INTERFACE Referral Service

(Unanimous)

FINANCE COMMITTEE
SEPTEMBER 8, 2022

P579-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening. Present for the Committee were Councillor Gamache, Councillor Gould, Councillor Manning-Martin, Councillor Turco, and myself as chair. All other councillors were present. We had four items on the agenda. The first item was a transfer of funds to various departments. This was presented by the Finance Director, Mr. Gingras. This is a series of transfers required to close out Fiscal '22. The following motion was approved. (Report received)

P580-22 COUNCILLOR MCGINN – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 8, 2022:

FROM:

City Budget
 Various Departments Accounts \$432,700.00
 (See Attached List-)
 (Carried 11-0)

TO:

Various Departments Accounts \$432,700.00

P581-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 8, 2022:

FROM:

Recreation Enterprise:
 Golf Grounds:
 PT Wages
 440-06995-51120 \$2,575.00
 Water Charges
 440-06995-52211 \$17,000.00
 Electricity
 440-06995-52114 \$4,000.00
 Grounds Improvements

TO:

Skating Rink:
 Overtime
 440-06990-51130 \$275.00
 Supplies & Repairs
 440-06990-54301 \$3,900.00
 Golf Club House:
 Salaries
 440-06998-51110 \$18,000.00

| | | | |
|-----------------|-------------------|------------------|-------------------|
| 400-06995-58199 | <u>\$6,600.00</u> | PT Wages | |
| | | 440-06998-51120 | \$4,000.00 |
| Total From: | \$30,175.00 | Health Insurance | |
| | | 440-06998-51615 | \$3,000.00 |
| | | Administration | |
| | | 440-06998-54230 | <u>\$1,000.00</u> |
| | | | \$30,175.00 |

(Carried 10-0; Councillor Turco absent)

P582-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 8, 2022:

FROM:

TO:

Water Sewer Enterprise:

Water Sewer Current Revenue

460-0000-42121 \$368,850.00

Sewer- Salaries

460-04400-51110 \$7,500

Total From: \$376,350.00

Sewer Outside Services

460-04400-53125 \$231,500.00

Water Overtime

460-04420-51130 \$37,000.00

Worker Comp

460-04420-51611 \$94,700.00

Material & Supplies

460-04420-54217 \$13,150.00

Total To: \$376,350.00

(Carried 10-0; Councillor Turco absent)

P583-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was various department salary transfer request presented by Mr. Gingras separate and distinct from that first section, which dealt with Fiscal '22. These were to deal with the Fiscal '23 budget. Councillor Gould made the following motions. (Report received)

P584-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 17, 2022:

FROM:

TO:

Salary Reserve Account

100-01320-51925-2022 \$196,800.00

(Carried 10-0; Councillor Turco absent)

Various Departments – Salaries

(See Attached List) \$196,800.00

P585-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 17, 2022:

| <u>FROM:</u> | <u>TO:</u> |
|---|---|
| Current Revenue Water/Sewer Enterprise: | Sewer Salaries |
| 460-0000-00000 \$15,650.00 | 460-4400-51110 \$3,750.00 |
| | Water Salaries |
| | 460-4420-51110 \$11,900.00 |

(Carried 10-0; Councillor Turco absent)

P586-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 17, 2022:

| <u>FROM:</u> | <u>TO:</u> |
|---|--|
| Current Revenue - Recreation Enterprise | Skating Rink Salaries |
| 440-0000-00000 \$10,735.00 | 440-6990-51110 \$3,345.00 |
| | Golf Grounds Salaries |
| | 440-6995-51110 \$4,055.00 |
| | Golf Club House Salaries |
| | 440-6998-51110 \$3,335.00 |

(Carried 10-0; Councillor Turco absent)

P587-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a transfer of funds CPC purchase of 69 Granite Road in the amount of \$127,900 and historic preservation in the amount of \$4,242.95. The first portion was presented to the committee by His Honor the Mayor, who has advocated for this open space purchase, which was approved by the Community Preservation Committee. On a parallel track, separate from this effort, there will be a committee meeting with Legal Affairs that would authorize the Mayor to enter into a purchase and sale for this property. Councillor Gould made the following motion. (Report received)

P588-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 16, 2022:

| <u>FROM:</u> | <u>TO:</u> |
|--|-----------------------------------|
| CPC - Open Space | CPC - Purchase 69 Granite Road |
| 270-0000-33021 \$127,900.00 | 270-1811-58562-2023-00-00-00-0506 |
| | \$127,900.00 |

(Carried 10-0; Councillor Turco absent)

P589-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second portion of that item is just an administrative move of money back to a general account for some unspent monies on a CPC project for the preservation of city building documents, which was presented to us by Mr. Gingras. (Report received)

P590-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 16, 2022 :

| <u>FROM:</u> | <u>TO:</u> |
|---|--|
| Preservation City Building Documents 270-1811-58563-2021-00-00-00-0384 \$4,242.95 (Carried 10-0; Councillor Turco absent) | Historic Preservation 270-0000-33022 \$4,242.95 |

P591-22 COUNCILLOR MCGINN – Reporting for the Finance Committee – The last item on the agenda was the transfer of funds for cable fund expense in the amount of \$210,950.28. This was presented to us by Director of Finance, Mr. Gingras. This is a routine matter that comes before us a few times per year to move money that is paid by the cable providers in the City to the cable fund expense. The following motion was made by Councillor Gould. (Report received)

P592-22 COUNCILLOR MCGINN - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 16, 2022:

| <u>FROM:</u> | <u>TO:</u> |
|--|---|
| Receipts Reserved Cable Fund 270-0000-33017 \$210,950.28 (Carried 10-0; Councillor Turco absent) | Cable Fund Expense 270-0000-53007 \$210,950.28 |

MOTIONS, ORDERS AND RESOLUTIONS

P593-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner Request - Higgins Middle School, 85 Perkins Street, subject to all papers being in order. (Unanimous)

P594-33 COUNCILLOR ROSSIGNOLL – MOVE TO request an update from Captain Richards regarding the intersection of Lynnfield Street and Casco Road and refer to the Municipal Safety Committee. (Unanimous)

P595-22 COUNCILLOR ROSSIGNOLL – MOVE TO request an update from Representative Walsh, Representative Kerans, Senator Lovely, and MassDOT regarding the 114 corridor, which extends from Wilson Square past the Northshore Mall and to request their appearance before the Municipal Safety Committee. (Unanimous)

P596-22 COUNCILLOR ROSSIGNOLL – MOVE TO request that Curt Bellavance, Director of Community Development, appear before the Industrial & Community Development Committee to provide the City Council with a review of all of the changes the state has made to the “MBTA Bus Community” guidelines. (Unanimous)

P597-22 COUNCILLOR PEACH – MOVE TO request that Captain Richards, Police Department, investigate the need for a handicap parking space adjacent to 28 Harris Street. (Unanimous)

P598-22 COUNCILLOR WELTON – MOVE TO request that Captain Richards, World Tech, and DPS appear before the Municipal Safety Committee regarding the intersection at Bartholomew Street and Lynnfield Street.

(Unanimous)

P599-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-A communication from Steve Patten, Veterans Agent, regarding update on Peabody Veterans Shuttle Program and request to amend MGL c 59, section 5N, as adopted by the Peabody City Council and refer to the Human Services Committee.

(Unanimous)

P600-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfers of Funds to Fire Salaries \$171,869 and Fire OT \$42,981 and refer to the Finance Committee.

(Unanimous)

P601-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfers of Funds - Cable Fund Expense \$18,021.67 and \$4,004.82 and refer to the Finance Committee.

(Unanimous)

P602-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Atty. David Ankeles on behalf of Mall at Northshore, LLC, regarding request to amend Zoning Ordinance 210 Andover Street; refer to the Planning Board and Industrial & Community Development Committee and set up a public hearing.

(Unanimous)

P603-22 COUNCILLOR DAIGLE – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 12-2021; Petros Markopoulos, 1 Newbury Street, subject to all papers being in order.

(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.

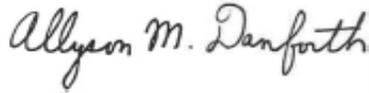
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 14, 2022

RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 14, 2022



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

COMMUNICATIONS:

His Honor the Mayor re: Transfers of Funds – Fire Salaries - \$171,869
Fire OT - \$42,981

His Honor the Mayor re: Transfers of Funds – Cable Fund Expense – \$18,021.67; \$4,004.82

Steve Patten, Veterans Agent, re: Update on Peabody Veterans Shuttle Program and Request to amend MGL c 59, section 5N, as adopted by the Peabody City Council

Atty. David Ankeles on behalf of Mall at Northshore, LLC, re: Request to amend Zoning Ordinance; 210 Andover Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 12-2021; Petros Markopoulos, 1 Newbury Street

Michael Saporito, 111 Foster Street, re: City Hall Meeting regarding Champions Pub

BANNER:

Higgins Middle School PTO, 85 Perkins Street