

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**SEPTEMBER 28, 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.

P659-23 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 the Revised minutes from the Regular Meeting of September 14, 2023.  
(Unanimous)

P660-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appointment of Howard Caras to the Cable Commission as an Alternate Member.  
(Unanimous)

(MAYOR BETTENCOURT AND MR. HOWARD CARAS APPEARED TO SPEAK ON ITEM 7-B.)

P661-23 COUNCILLOR GAMACHE – MOVE TO approve, under suspension of the rules, Mr. Howard Caras, 41 Hampshire Road, Peabody, MA, to the Cable Commission (Regular Member) for a one-year term to expire 12/31/2024.  
(Carried 11-0)

**HEARINGS**

None.

**REPORTS OF COMMITTEE**

**Public Services Committee**  
**September 28, 2023**

P662-23 COUNCILLOR TURCO – Reporting for the Public Services Committee – Tonight we had a Public Services Subcommittee. The subject matter was proposed by Councillor Gould regarding the planting of trees and some additional commentary on how we could help with the backlog of removal of trees. Brian Grant and Jen Davis came before the committee. All members of the committee were present and all council members were present. It was a pretty good discussion. A lot of questions from Councillor Peach about whether there's a separate list of dangerous limbs or trees that would need to be removed prior to the winter, and also some education for the residents on where they would go if they wanted to file a claim for a city tree that damaged their property and had been previously reported; and for the record, that can be filed with the clerk's office and then handled by Mary Martin at City Hall to forward through to the insurance carriers. Brian Grant let us know that he had 121 current trees on his list for removal, increasing every day; 245 stump removals; and a rather large pruning list. The approximate cost to catch up on all that work would be \$441,000. Each Councillor let the tree department

know how thankful they were for their response time. Councillor Melville and Councillor McGinn brought up the Gateway Cities' opportunities, which Jen Davis said she had just discussed with Representative Walsh for the planting of trees. Councillor Melville let us know that some of the work involved with those plantings would also be covered, in addition to the cost of the trees. As Councillor McGinn said, it's a very tight window and Ms. Davis said that she would move forward with a request to the state to receive help. The following motion was made. (Report received)

P663-23 COUNCILLOR TURCO – Reporting for the Public Services Committee – MOVE TO request His Honor the Mayor appropriate \$100,000 to subsidize the outside services account for the removal of trees to the Parks, Recreation & Forestry Department.  
(Carried 11-0)

**Legal Affairs Committee**  
**September 28, 2023**

P664-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. In attendance were committee members: Councillor McGinn, Councillor Melville, Councillor Peach, Councillor Turco, as well as all other members of the City Council. The only agenda item was the approval for the City to take by friendly eminent domain the property known as 166-R Main Street. We were joined by Mayor Ted Bettencourt, City Solicitor Don Conn, Finance Director Mike Gingras, as well as Community Development member Brendan Callahan. And those folks have been working on this project at the Riverwalk for quite a few years, as well as other people throughout the city. The Mayor gave an overview of that project, the parcels that have been acquired over the last few years and how this parcel will fit into it. It will run from the post office downtown to the Salem border with Peabody. The Mayor mentioned that the purchase price of \$630,000 was agreed upon with the seller of the property. Don Conn, the City Solicitor, mentioned that the agreement of this purchase price will not change, there will be no future callback by any member. As I said, that's \$630,000. There will be no further dispute regarding the purchase price. Councillor Turco asked the question about where the monies were coming from for this property. It's coming from a block grant from the state, and \$185,000 will ultimately come from the city account used for the sale and purchase of real estate. One thing that was brought up is certainly there's been a lot of people who've worked on this Riverwalk project but there was a special note and appreciation for the efforts of Brendan Callahan, not only on just the overall project, but his work in acquiring grants. The following motion was made. (Report received)

P665-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – BE IT ORDERED that the City Council of the City of Peabody on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 of the Massachusetts General Laws, as amended, and the City Code of the City of Peabody, Massachusetts, Part 1 Charter Section 35 "Condemnation of land for municipal purpose," and of any and every other power and authority which is hereunto in any way enabling, adopts an Order of Taking to acquire, for preservation of open space and to facilitate passive recreation, together with the attendant customary purposes and uses, and for all appurtenances related thereto take fee ownership interest in a parcel of land known and numbered 166 Rear Main Street, Peabody, Essex County, Massachusetts (the "Property") and more particularly described in a deed dated September 27, 2002 from Bob - Kat Tanning Co., Inc to River Walk Place LLC recorded with the Essex South Registry of Deeds at Book 19564 Page 291 and to accomplish the foregoing, execute the Order of Taking presented to us this day by counsel and further award Six Hundred Thirty-Five Thousand (\$635,000.00) Dollars as damages for such taking to the land affected by said taking.  
(Carried 11-0)

P666-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – BE IT ORDERED that the City Council of the City of Peabody take such action as is necessary to acquire by eminent domain the easements in a parcel of land in Peabody, Essex County, Massachusetts (the "Property") and more

particularly described in an Order of Taking presented to us this day by counsel to effectuate the Riverwalk Project and to award a total of Six Hundred Thirty-Five Thousand (\$635,000.00) Dollars as damages for such taking to the land affected by said taking in accordance with the schedule of awards set forth in said taking.

(Carried 11-0)

P667-23 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, the following late communications:

Late 1 Donald Conn, City Solicitor, regarding 166 Rear Main Street

Late 3 Donald Conn, City Solicitor, regarding 166 Rear Main Street

(Unanimous)

**Finance Committee**  
**September 28, 2023**

P668-23 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. All other councillors were present. There were several items on the agenda. The first was a transfer of funds capital equipment in the amount of \$185,000. This was a holdover item from the last Finance Committee meeting where there was a little bit of confusion on the date. That was clarified tonight by Mr. Gingras, who basically used a prior template, and was the question that was raised by Councillor Turco at the last meeting as to whether or not this was a duplicate. This is actually an additional truck to specifically answer his question. The following motion was made. (Report received)

P669-23 COUNCILLOR MCGINN – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of April 18, 2018, and timestamped August 18, 2023:

**FROM:**

Brooksby Farm Revolving  
260-00000-35603 \$185,000.00

(Carried 11-0)

**TO:**

Capital Equipment  
300-0000-58506-2024-00-00-00-6620 \$185,000.00

P670-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a transfer of funds requests for various department and the Water and Sewer Enterprises and the Skating Rink Salaries for various amounts. This was presented to us by Mr. Gingras. He indicated that this is needed to settle retroactive amounts based on agreements that have been reached with the unions. The following motion was made. (Report received)

P671-23 COUNCILLOR MCGINN – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 30, 2023:

**FROM:**

**TO:**

Salary Reserve Account 100-01320-51925-2023	\$368,232.00	Various Departments - Salaries (See Attached List - AFSCME)	\$368,232.00
Water Sewer Current Revenue 460-0000-42121	\$161,722.00	Water & Sewer Enterprise Salaries 460-4400-51110 460-4420-51110	\$14,755.00 \$146,967.00
Recreation Enterprise Current Revenue 440-6990-42511	<u>\$6,459.00</u>	Skating Rink Salaries 440-6990-51110	<u>\$ 6,459.00</u>
	\$536,413.00		\$536,413.00
(Carried 11-0)			

P672-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a transfer of fund request salaries in the amount of \$42,765. It was explained again by Mr. Gingras as it relates to another collective bargaining agreement settlement related to the library. The following motion was made. (Report received)

P673-23 COUNCILLOR MCGINN – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 30, 2023:

<b><u>FROM:</u></b>		<b><u>TO:</u></b>	
Salary Reserve Account 100-01320-51925-2023	\$42,765.00	Salaries 100-6010-51110	\$42,765.00
(Carried 11-0)			

P674-23 COUNCILLOR MCGINN – Reporting for the Finance Committee – Last item on the agenda was another transfer request for various departments and enterprise groups in various amounts, which was presented to us by Mr. Gingras, Director of Finance. The explanation here was it's a retroactive payment similar to the prior transfer request, but these related to ordinance employees that were not part of the collective bargaining unit. The following motion was made. (Report received)

P675-23 COUNCILLOR MCGINN – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 30, 2023:

<b><u>FROM:</u></b>		<b><u>TO:</u></b>	
Salary Reserve Account		Various Departments -Salaries	

100-01320-51925-2023	\$185,153.00	(See Attached List)	\$185,153.00
Brooksby Revolving 260-00000-35603	\$8,173.00	Brooksby Salaries 100-6620-51110	\$8,173.00
Tillies Revolving 260-00000-35615	\$7,937.00	Tillies Salaries 100-6640-51110	\$7,937.00
Current Revenue Water/Sewer Enterprise 460-0000-42121	\$22,532.00	Sewer Salaries 460-4400-51110	\$2,474.00
		Water Salaries 460-4420-51110	\$20,058.00
Current Revenue - Recreation Enterprise 440-0000-42121	\$20,671.00	Skating Rink Salaries 440-6990-51110	\$9,328.00
		Golf Grounds Salaries 440-6995-51110	\$6,827.00
		Golf Club House Salaries 440-6998-51110	\$4,516.00
	<u>\$244,466.00</u>		<u>\$244,466.00</u>
(Carried 11-0)			

### **MOTIONS, ORDERS AND RESOLUTIONS**

P676-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner – Higgins Middle School PTO, 85 Perkins Street, subject to all papers being in order.  
(Unanimous)

P677-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

5-8 Glen Drive - October 15, 2023  
15 Batchelder to 30 Batchelder- October 20, 2023  
(Unanimous)

P678-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfers of Funds - Cable Fund Expense - \$15,623.21; \$16,241.62; \$3,471.83; \$3,609.25 and refer to the Finance Committee.  
(Unanimous)

{Item 10-A}

P679-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An ordinance Amending Chapter 23, Section 16, under Article II Police Department entitled "Establishment and Composition" of the Code of the City of Peabody be adopted as advertised and read.  
(Carried 11-0)

{Item 10-B}

P680-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody An ordinance Amending Chapter 7 Buildings and Building Regulations creating a new Article VIII entitled Stretch Energy Code of the Code of the City of Peabody be adopted as advertised and read. (Carried 11-0)

P681-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Curt T. Bellavance, Director of Community Development, regarding Green Communities UPDATE and refer to the Ad Hoc Committee on Energy Efficiency and Renewable Energy. (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 8:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 3, 2023

RETURNED BY HIS HONOR THE MAYOR, OCTOBER 3, 2023



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

**COMMUNICATIONS:**

His Honor the Mayor re: Transfers of Funds – Cable Fund Expense –	\$15,623.21
	\$16,241.62
	\$3,471.83
	\$3,609.25

His Honor the Mayor re: Appointment of Howard Caras to the Cable Commission as an Alternate Member  
Curt T. Bellavance, Director of Community Development, re: Green Communities UPDATE

**BANNER:**

Higgins Middle School PTO, 85 Perkins Street

**BLOCK PARTY:**

5-8 Glen Drive – October 15, 2023  
15 Batchelder to 30 Batchelder – October 20, 2023