REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 25, 2024

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

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 Stephanie R. Peach.

Salute to the American Flag.

COUNCILLOR PEACH – 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.

P21-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of January 11, 2024
(Unanimous)

HEARINGS

P22-24 COUNCILLOR MCGINN – MOVE TO continue the public hearing on Item 4-A Class 2 Motor Vehicle License (Transfer) Nilton De Souza Azevedo d/b/a Legacy Auto Sales, Inc., 92 Foster Street, until Thursday, February 8, 2024.
(Unanimous)

(COUNCILLOR MELVILLE RECUSED HIMSELF FROM THE FOLLOWING HEARING ITEM 4-B.)

A public hearing was duly held on the application submitted by Spero J. Demakis, Trustee, 29-31 Lynnfield Street, Peabody, MA. Attorney John Keilty and Mr. John McDonald appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P23-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Spero J. Demakis, Trustee, 6 Buttonwood Lane, Danvers, MA, for a Special Permit to amend Special Permit 14-2021 to allow the deck permitted by said special permit to be enclosed and converted to a year-round function room at 29-31 Lynnfield Street, Peabody, MA, as filed in accordance with Sections 1.5.1, 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 shall comply with the inputs provided by the Conservation Commission;

2. There will be no direct access to the addition from the parking lot except to facilitate emergency access and/or egress;
3. The dumpster will not be relocated;
4. Exterior lighting shall be designed and situated such that it does not illuminate abutters' properties;
5. The applicant shall have responsibility for the ongoing maintenance and repair of the two fences along the 27 and 33 Lynnfield Street property lines and shall provide secure parking blocks to protect the fences; and
6. The minimum number of parking spaces required under Zoning Ordinance Section 9.2 shall be maintained. The applicant shall adjust seating capacity as necessary to ensure compliance is maintained with Zoning Ordinance Section 9.2.

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

REPORTS OF COMMITTEE

Legal Affairs Committee
January 25, 2024

P24-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. We had one item on the agenda: 2 Linda Jean Lane, Lot 011-134. In attendance were all of the City Council with Councillor Gamache replacing Councillor Higgins for the hearing. The following motion was made. (Report received)

P25-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – MOVE TO deem as surplus land a portion of the land at 2 Linda Jean Lane, Lot 011, Parcel 134, consisting of 4,161 square feet.
(Carried 11-0)

P26-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody to approve the sale of a portion of city-owned land numbered 2 Linda Jean Lane, Lot 011, Parcel 134, consisting of 4,161 square feet in the amount of $15,000.00 and refer to the City Solicitor.
(Carried 11-0)

Industrial & Community Development Committee
January 25, 2024

P27-24 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met this evening. In attendance was myself as chair, Councillor Daigle, Councillor Manning-Martin, Councillor McGinn, and Councillor Welton. All other councillors were in attendance. We had an update by Mr. Bellavance from Community Development on the current policy of outdoor dining, which will expire on April 1st, but the Governor has asked the legislature to expand the dining policy. We're waiting to hear what the status of that will be. Interesting stat, we actually have 21 businesses that operate with and have instituted the outdoor dining policy. All applications have to be through the licensing board to have alcohol on the property. That was a current status and an update. We will be informed by Mr. Bellavance if there's any change in the policy. We also talked at length about the 40B situation here in the city. We're currently at 12 percent, but it teeters. We're trying hard to get the manufactured houses as deductible for our number, but we haven't had much luck. Councillor McGinn mentioned that it appears as though that may be considered this year by the legislature. Councillor Manning-Martin brought up the bed/bedrooms

as it relates to group homes. And the information that we got was very thorough. Ms. Bernson was definitely on her game with it. The following motion was made. (Report received)

P28-24 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO send a communication to the Zoning Board of Appeals advising that the City Council is 100 percent supportive of Stacey Bernson's requests to the Zoning Board of Appeals that approval of affordable units under Chapter 40B be done in perpetuity.
(Unanimous)

P29-24 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-B communication from Stacey Bernson, Asst. Community Development Director, regarding P716-23 Comprehensive Permit Expiration Dates with Number of Units at Stake.
(Unanimous)

Finance Committee
January 25, 2024

P30-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the Peabody City Council met earlier this evening. Present for the committee were Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. All other councillors were present. We had one item on the agenda: Transfer of funds, voting booth upgrades in the amount of $35,350.71 and software upgrades in the amount of $39,332.33. This was presented to us by the Director of Finance, Mr. Gingras. There was some additional information provided to the committee by Clerk Danforth. Councillor Turco raised a question about the ongoing annual fee, which is addressed by Mr. Gingras with what our expectations should be with that fee ongoing. Justification for the additional fees was that it was going to provide some additional automation that various departments are not able to utilize today. So that would be the payback on the incremental annual fee. The following motion was made. (Report received)

P31-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve, under suspension of the rules, the following transfers, as submitted by His Honor the Mayor, under date of November 28, 2023:

FROM:
100-01320-57410
Budgeted Reserve
$35,572.71

TO:
300-00000-58716-2024-00-00-00-1620
Voting Booth Upgrades
$35,572.71

FROM:
100-01320-57410
Budgeted Reserve
$39,332.33

TO:
300-00000-58769-2024-00-00-00-1550
Software Upgrades
$39,332.33

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P32-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Allyson M. Danforth, City Clerk, regarding License Renewals for 2024.
(Unanimous)

P33-24 COUNCILLOR TURCO – MOVE TO approve, under suspension of the rules, late communication Item 3 from Allyson M. Danforth, City Clerk, regarding License Renewals for 2024, subject to all papers being in order:

Class 2 Motor Vehicle License:
All Motors, 29 Newbury Street

Entertainment License:
Su Chang's, 373 Lowell Street

Non-City Taxicab License:
Witch City Taxi, 92 Jackson Avenue, Salem, MA
(Unanimous)

P34-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Allyson M. Danforth, City Clerk, regarding 2024 Assignment of Police Officers at Polling Locations.
(Unanimous)

P35-24 COUNCILLOR TURCO – MOVE TO request that Police Chief Thomas Griffin assign a minimum of one police officer to each polling precinct for the presidential primary to be held on Tuesday, March 5, 2024; the state primary to be held on Tuesday, September 3, 2024; the state election on Tuesday, November 5, 2024; and all early voting dates in 2024, if possible.
(Unanimous)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING ITEMS 9-D AND 9-B)

P36-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-D General License (2024 Renewal) Outdoor Dining License for The Bell Inn, 2 Washington Street, with the same conditions stipulated in the 2023 renewal, subject to all papers being in order.
(Unanimous)

P37-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Entertainment License (2024 Renewals), subject to all papers being in order:

Eatery 58, 58 Pulaski Street
Jade's Restaurant, 4 Bourbon Street
Trackside Bar & Grill, 30 Warren Street
(Unanimous)

P38-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Class 2 Motor Vehicle License (2024 Renewal), subject to all papers being in order:

Northshore Automotive, 100 Birney Street, Unit 7
Sacco's, 119-121 Lynn Street
(Unanimous)

P39-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-C Use of the Wiggin Auditorium - Peabody High School Vocal Music, subject to all papers being in order.
(Unanimous)

P40-24 COUNCILLOR ROSSIGNOLL -MOVE TO receive, under suspension of the rules, Item 8-C communication from Allyson M. Danforth, City Clerk, regarding Licenses not renewed for 2024. (Unanimous)

P41-24 COUNCILLOR ROSSIGNOLL – MOVE, under suspension of the rules, to remove from the Legal Affairs Committee the following item:

"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)"
(Unanimous)

P42-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the City Clerk send the names of all license holders who have not updated their license by January 15th of every year to the Building Commissioner to impose a $300 fine.
(Unanimous)

P43-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve the following reappointments, Item 7-D as submitted by His Honor the Mayor, under date of January 19, 2024:

NAME:	**POSITION:**	**TERM TO EXPIRE:**
Kevin Kelly 8 Ohio Street Wilmington, MA 01887	Assistant Director of Public Services	12/31/2024 (1-Year Term)
Thomas J. Durkin, III 19 Surrey Lane Peabody, MA 01960	Board of Health	2/1/2026 (3-Year Term)
Tony Carli 13 Krochmal Road Peabody, MA 01960	Board of Health	2/1/2026 (3-Year Term)
Dr. Julia Fleet 95 Goodale Street Peabody, MA 01960	Board of Health	2/1/2026 (3-Year Term)
Mick Loescher 10 Columbus Road Peabody, MA 01960	Cable Commission	12/31/2025 (2-Year Term)
Ross Richardson 45 Glen Drive Peabody, MA 01960	Cable Commission	12/31/2025 (2-Year Term)
Kevin Donovan 151 R Lowell Street Peabody, MA 01960	Cable Commission	12/31/2025 (2-Year Term)

Harry Schwartz 22 Rainbow Road Peabody, MA 01960	Cemetery Commission	12/31/2024 (1-Year Term)
Faye Kolhonen 198 Lowell Street Peabody, MA 01960	Cemetery Commission	12/31/2024 (1-Year Term)
Stanley Smith, Jr. 2 Marion Road Peabody, MA 01960	Cemetery Commission	12/31/2024 (1-Year Term)
Ali Haydock 3 Walnut Lane Hamilton, MA 01982	Children's Museum Executive Director	12/31/2024 (1-Year Term)
Christopher J. Mortis 14 Kittredge Street Peabody, MA 01960	City Collector	12/31/2024 (1-Year Term)
Alain A. Chaoui, M.D. 1 Roosevelt A venue, Suite 201 Peabody, MA 01960	City Physician	12/31/2025 (2-Year Term)
Brian Barrett 1 Essex Center Drive, Unit #4 Peabody, MA 01960	City Solicitor (Assistant)	12/31/2025 (2-Year Term)
Elizabeth Lashway 38 Lowell Street Wellesley, MA 02481	City Solicitor (Assistant)	12/31/2025 (2-Year Term)
Colleen Ruffing 11 Peterson Road Peabody, MA 01960	Community Development Authority	12/31/2024 (1-Year Term)
William Woods, Jr. 4 Baldwin Street Peabody, MA 01960	Community Development Authority	12/31/2024 (1-Year Term)
Erica Barrett 16 Cedar Grove Avenue Peabody, MA 01960	Commission on Disability	12/31/2024 (1-Year Term)
Robert Caldwell 52 Catherine Drive Peabody, MA 01960	Commission on Disability	12/31/2024 (1-Year Term)
Mark Menard 23 Pocahontas Drive Peabody, MA 01960	Commission on Disability	12/31/2024 (1-Year Term)

Beth Brennan O'Donnell 24 Lowell Street Peabody, MA 01960	Commission on Disability	12/31/2025 (2-Year Term)
Tom Gould 9 Abington Avenue Peabody, MA 01960	Commission on Disability	12/31/2025 (2-Year Term)
Kayla Bentas 11 Lenox Road Peabody, MA 01960	Commission on Disability	12/31/2025 (2-Year Term)
Thomas Muxie 5 Forest Street Peabody, MA 01960	Commission on Disability	12/31/2025 (2-Year Term)
Michael W. Rizzo, Jr. 40 Samoset Road Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Darren Kelly 746R Lowell Street Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Richard St. Pierre 25 Lynnfield Street Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Andrew Metropolis 5 Dane Street Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Edward Neary 54 Linden Road Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Stewart Lazares 2 Upham Street Peabody, MA 01960	Community Preservation Committee	12/31/2024 (1-Year Term)
Arthur Athas 26 Lynnfield Street Peabody, MA 01960	Conservation Commission	12/31/2024 (1-Year Term)
Michael Vivaldi 24 Osborne Street Peabody, MA 01960	Conservation Commission	12/31/2024 (1-Year Term)
Amanda Green 18 Roosevelt A venue Peabody, MA 01960	Conservation Commission	12/31/2024 (1-Year Term)

RitaMarie Cavicchia 25 Emerson Street Peabody, MA 01960	Conservation Commission	12/31/2024 (1-Year Term)
John Sacramone 15 Brentwood Drive Peabody, MA 01960	Council on Aging	12/31/2024 (1-Year Term)
Kelly Rydzewski 17 Orchard Street Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
Kelly Lomasney 13 Raymond Circle Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
Lisa Greene 13 Johnson Avenue Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
Kelly Bloom 36 Catherine Drive Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
Julie Murphy 5 Herbert Avenue Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
Tara Lejeune 669 Lowell Street Peabody, MA 01960	Cultural Council	12/31/2025 (2-Year Term)
James M. Hafey 9 Andrews Street Gloucester, MA 01930	Facilities Director	12/31/2024 (1-Year Term)
Joanne Roden 27 Calumet Street Peabody, MA 01960	Farm Manager	12/31/2024 (1-Year Term)
Paul A. Foukas 40 Spencer Street Lynn, MA 01905	Plumbing & Gas Inspector	12/31/2024 (1-Year Term)
Len Roland 53 Nancy Avenue Peabody, MA 01960	Historical Commission Alternate	12/31/2025 (2-Year Term)
Francis X. Hardy 1 Danforth Street Peabody, MA 01960	Historical Commission	12/31/2025 (2-Year Term)

Andrew Metropolis 5 Dane Street Peabody, MA 01960	Historical Commission	12/31/2025 (2-Tear Term)
Cheryl Millard 148C Shore Drive Peabody, MA 01960	Historical Commission	12/31/2025 (2-Year Term)
David J. Cronin 20 Livingston Drive Peabody, MA 01960	Historical Commission	12/31/2025 (2-Year Term)
John Andruszkiewicz 2 Perley Avenue Peabody, MA 01960	Historical Commission Alternate	12/31/2024 (1-Year Term)
Jeffrey Budd 2 Lewis Road Peabody, MA 01960	Historical Commission	12/31/2025 (2-Year Term)
Bertha Germano 26 Aborn Street Peabody, MA 01960	Housing Authority	12/31/2025 (2-Year Term)
Michael J. O'Brien 6 Cider Mill Road Peabody, MA 01960	Housing Authority	12/31/2025 (2-Year Term)
Beth Brennan-O'Donnell 10 Michelle Road Peabody, MA 01960	Human Resources Director	12/31/2024 (1-Year Term)
Mark Menard 23 Pocahontas Drive Peabody, MA 0 1960	Local Building Inspector	12/31/2024 (1-Year Term)
Daniel Terenzoni 35 MacArthur Circle Peabody, MA 01960	Local Building Inspector	12/31/2024 (1-Year Term)
Peter Benavides 200 Lynnfield Street Peabody, MA 01960	Network Administrator/ Database Specialist	12/31/2024 (1-Year Term)
Jennifer Davis 30 Green Street, Apartment B Newbury, MA 01951	Director of Parks, Recreation & Forestry	12/31/2024 (1-Year Term)
Maureen Sammon 49 Judson Street Malden, MA 02148	Outdoor Education Coordinator	12/31/2024 (1-Year Term)

Brian Grant 10 South Street Peabody, MA 01960	Superintendent of Parks & Forestry	12/31/2024 (1-Year Term)
Lisa Alperen 6 Videtta Street Peabody, MA 01960	Park Commission	12/31/2025 (2-Year Term)
Joy Wallace 14 Carrell Road Peabody, MA 01960	Park Commission	12/31/2025 (2-Year Term)
William Paulitz 23 Town Farm Road Ipswich, MA 01938	Public Services Director	12/31/2025 (2-Year Term)
Daniel B. Doucette 3 Essex Green Lane Peabody, MA 01960	Purchasing Agent	12/31/2024 (1-Year Term)
Paul Ricci 22 Bristol Road Peabody, MA 01960	Rent Control Board	12/31/2025 (2-Tear Term)
Peter Bakula 278 Newbury Street, #51 Peabody, MA 01960	Rent Control Board	12/31/2024 (1-Year Term)
Edward J. Lomasney, III 13 Raymond Circle Peabody, MA 01960	Retirement Board	12/31/2025 (2-Year Term)
James A. Collins 18 Jeffrey Street Peabody, MA 01960	Sealer of Weights & Measures	12/31/2024 (1-Year Term)
Taylor MacCallum 14 Bradford Road Peabody, MA 01960	Superintendent of Cemeteries	12/31/2025 (2-Tear Term)
Stephen J. Patten 4 Clinton Road Peabody, MA 01960	Veterans Agent	12/31/2024 (1-Year Term)
Shawn M. Mahoney 1 7 Ethel Avenue Peabody, MA 01960 (Carried 11-0)	Wire Inspector	12/31/2024 (1-Year Term)

P44-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve the reappointment of Keith Slattery, 11 Albert Road, Peabody, MA, to the Zoning Board of Appeals for a one-year term to expire 12/31/2024.
(Carried 10-1; Councillor Manning-Martin opposed)

P45-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Building Commissioner update the City Council regarding setbacks for the Catherine Drive residents who are abutters to the Regency at Lynnfield Senior Housing Development.
(Unanimous)

P46-24 COUNCILLOR GAMACHE – MOVE TO request that City Solicitor Donald Conn amend the Car Carrier Ordinance to include a $1,000 fine to the businesses that are receiving deliveries of motor vehicles.
(Unanimous)

P47-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds - Community Preservation Act Open Space; $300,000.00 and refer to the Finance Committee.
(Unanimous)

P48-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds - CPC - Bikeway Independence Greenway Extension Project; $500,000.00 and refer to the Finance Committee.
(Unanimous)

P49-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of Funds – Facilities Salaries Full Time $250,000.00; Facilities Overtime $24,500.00 and refer to the Finance Committee.
(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 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 30, 2024
RETURNED BY HIS HONOR THE MAYOR, JANUARY 30, 2024

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

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – Community Preservation Act Open Space $300,000
His Honor the Mayor re: Transfer of Funds – CPC – Bikeway Independence Greenway Extension Project $500,000
His Honor the Mayor re: Transfer of Funds – Facilities Salaries Full Time $250,000
Facilities Overtime $24,500
His Honor the Mayor re: Various reappointments
Allyson M. Danforth, City Clerk, re: 2024 Assignment of Police Officers at Polling Locations
Stacey Bernson, Asst. Community Development Director, re: P716-23 Comprehensive Permit Expiration Dates with Number of Units at Stake
Allyson M. Danforth, City Clerk, re: Licenses not renewed for 2024
CLASS 2 MOTOR VEHICLE LICENSE: (2024 Renewal)
Northshore Automotive, 100 Birney Street, Unit 7
Sacco's, 119-121 Lynn Street
ENTERTAINMENT LICENSE: (Renewal for 2024)
Eatery 58, 58 Pulaski Street
Jade's Restaurant, 4 Bourbon Street
Trackside Bar & Grill, 30 Warren Street
USE OF WIGGIN AUDITORIUM:
Peabody High School Vocal Music
GENERAL LICENSES: (Renewal for 2024)
Outdoor Dining License-The Bell Inn, 2 Washington Street