

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 24, 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.

P469-24 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Late 1 communication the minutes from the Regular Meeting of October 10, 2024.
(Unanimous)

HEARINGS

P470-24 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application for the transfer of Class 2 Motor Vehicle License filed by Jean Baguidy c/o PK Motor Cars, Inc., 195 Washington Street, to a later date.
(Unanimous)

P471-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Christopher Morfis, City Collector, regarding PK Motor Cars, 195 Washington Street, and refer to the public hearing.
(Unanimous)

P472-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications and refer to the public hearing:

Late 3 Councillor Peter McGinn re: PK Motor Cars, Inc. request to transfer class 2 motor vehicle license
Late 5 Fire Department re: PK Motor Cars, Inc. 195 Washington Street
Late 6 Health Department re: PK Motor Cars, Inc. 195 Washington Street
Late 7 Christopher Morfis, Collector re: PK Motor Cars, 195 Washington Street
Late 8 Cpt. Scott Richards re: PK Motor Cars
Late 9 PK Motor Cars re: PK Motor Cars, Inc. request to transfer class 2 motor vehicle license
Late 10 Captain Christopher Dowling re: Redaction of Updated Fire Department Response Request
(Unanimous)

A public hearing was duly held on the application submitted by Andy Brito c/o John R. Keilty, Esq., 288 Washington Street, Peabody, MA. Atty. John R. Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P473-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications:

Late 2 Conservation Commission re: 288 Washington Street
Late 4 Atty. John R. Keilty re: Map of 288 Washington Street
(Unanimous)

P474-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Andy Brito c/o John R. Keilty, Esq., 288 Washington Street, for a Special Permit to allow for the conversion of a nonconforming use (Convenience store) to be less impactful use of dental office, at 288 Washington Street, Peabody, MA, as filed in accordance with Sections 1.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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 plot plan is the version dated October 8, 2024, and received by the City Clerk on October 23, 2024;
2. On site parking is limited to the seven numbered parking spaces shown on the plot plan and there shall be no parking directly adjacent to the building along the line running parallel with Granite St;
3. All Conservation Commission conditions listed in late communication 2 shall be conditions of this special permit;
4. A small dumpster for non-medical waste shall be screened from view by abutters and comply with Zoning Ordinance Section 10.4 C. Medical waste storage shall be inside the building. The facility must have a contract with a commercial vendor to dispose of sharps and other medical waste;
5. In accordance with the application, deliveries shall be made via the rear door;
6. Any roof mounted mechanicals shall be shielded from sight by abutters;
7. Any signs shall comply with Zoning Ordinance Section 11; and
8. Hours of operation shall be 9:00 a.m. to 7:00 p.m. Monday through Friday; Saturdays on an emergency basis only.

(Carried 11-0)

REPORTS OF COMMITTEE

Public Services Committee

October 24, 2024

P475-24 COUNCILLOR TURCO – Reporting for the Public Services Committee – Tonight at 6:15 p.m., we had a Public Services subcommittee meeting with the subject matter of proper disposal of American flags, which was brought forward because of a letter from Steve Patten from the Veterans Affairs as to the abundant amount of flags that he received and the fact that many of them are currently made out of nylon, which hinders the ability to burn the flags, because nylon when burnt becomes toxic. Present were all committee members: myself, Councillor Gamache, Councillor Manning-Martin, Councillor Melville. Councillor Gould sat in temporarily for Councillor Welton. Councillor Gould actually presented on behalf of the Veterans Affairs office. I want to thank him for putting his time in for this, and also had several conversations with Steve Patten. In the committee meeting, Councillor Gould read an email from Steve Patten that suggested that during a monthly staff meeting it was brought up that the textile bins currently located at the schools may be able to be used to dispose of flags. The following motion was made.
(Report received)

P476-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 11 from Councillor Thomas Gould regarding flag disposal issue resolved.
(Unanimous)

P477-24 COUNCILLOR TURCO – Reporting for the Public Services Committee – On behalf of the suggestion that Councillor Gould read in the email, Mr. Rippin from the School Department came and spoke as it was his suggestion. Through further vetting, it was determined that this might not be the best idea because there’s a requirement that the stars of all disposed of flags be cut out of the flag prior to disposal and we couldn’t guarantee that that would be done. So, ultimately, Councillor Manning-Martin made a suggestion that we create a drop box at the fire station or police station, and we decided to leave this in committee and invite the Fire chief and the Police chief to a future meeting where Mr. Patten from Veterans Affairs can be here so that we ensure that we are doing this in the proper fashion. (Report received)

Finance Committee
October 24, 2024

P478-24 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 two items on the agenda. The first item was police salary transfer in the amount of \$379,100 and police overtime in an amount of \$119,200. The first item was presented to us by Director of Finance, Mr. Gingras. He explained that the request was for retroactive pay for the police superior officers for the period of July 1, 2022, to June 30, 2024; additionally for some retroactive pay for patrol officers that qualified for additional 15-, 25-year steps and body camera stipends. The following motion was made. (Report received)

P479-24 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 October 2, 2024:

<u>FROM:</u>		<u>TO:</u>	
Budgeted Reserve		Police - Salaries	
100-01320-57410-2024	\$249,588.03	100-02100-51110	\$379,100.00
Budgeted Reserve		Police – Overtime	
100-1320-57 410	\$248,711.97	100-02100-51110	\$119,200.00
	\$498,300.00		\$498,300.00

(Carried 11-0)

P480-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a transfer of funds, cable fund expense, in an amount of \$13,474.72 and \$2,993.94. This is a routine transfer, in this case, from funds received from RCN. The following motion was made. (Report received)

P481-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve, under suspension of the rules, the following transfer as submitted by His Honor the Mayor, under date of October 2, 2024:

<u>FROM:</u>		<u>TO:</u>	
Receipts Reserved Cable Fund		Cable Fund Expense	
Quarter 2 2024			
270-0000-33017	\$13,472.72	270-0000-53007	\$13,472.72
270-0000-33017	\$2,993.94	270-0000-53007	\$2,993.94

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P482-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Brian Barrett, Asst. City Solicitor, regarding Gift of land to City (Newbury Street) and refer to the Legal Affairs Committee.

(Unanimous)

P483-24 COUNCILLOR WELTON – MOVE TO request that the Public Services Department place a "Caution Children at Play" sign on both sides of Gedney Drive between 36 and 38 Gedney Street.

(Unanimous)

P484-24 COUNCILLOR GAMACHE – MOVE TO install a streetlight on an existing pole between 27 and 29 Curwen Road and refer to Public Services Department and Peabody Municipal Light Plant.

(Unanimous)

P485-24 COUNCILLOR GAMACHE – MOVE TO request that the Public Services Department install a pedestrian warning sign on Felton Street at the entrance of Brooksby Farm.

(Unanimous)

{10-A Raylen Avenue}

P486-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 entitled Motor Vehicles and Traffic of the Code of the City of Peabody be adopted as advertised.

(Carried 11-0)

P487-24 COUNCILLOR ROSSIGNOLL – **MOVE TO DENY** the request for purchase of city-owned land, made by Demetri Skalkos, 3 Morton Hill Ave., Swampscott, for the property at 45 Walnut Street (085-037)

(Carried 10-0: Councillor Welton present)

P488-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds - CPC - Bikeway Mass Trails Match \$160,000 and refer to the Finance Committee.

(Unanimous)

P489-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Petition - Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Petitions: #24-179 for locating one new pole on Central Street; and #24-181 for locating one new joint-owned pole on Hamilton Road and set up public hearings.

(Unanimous)

P490-24 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO request that a handicapped sign be installed in front of and along the property line of 6 Evans Road, and that an ordinance be drafted and advertised on the same.

(Unanimous)

P491-24 COUNCILLOR HIGGINS – MOVE TO receive, under suspension of the rules, the following communications and refer to the Legal Affairs Committee:

8-A Andrew Cacciola, 82 Birch Street, re: Purchase of city-owned land 2024.08.06 Plot Plan (0 Birch Street)

8-B Ross Titelbaum, City Treasurer, re: City Property - Lot 004-51A (0 Birch Street)

(Unanimous)

P492-24 COUNCILLOR HIGGINS – MOVE TO receive, under suspension of the rules, Item 8-E communication from Curt T. Bellavance, Dir., Community Development and Planning, regarding MBTA 3A Zoning-Lynnfield, MA.
(Unanimous)

P493-24 COUNCILLOR HIGGINS – MOVE TO receive and approve, the appointment of Jon Swanson, 9 Welcome Street, Peabody, MA, to the Cable Commission for a one-year term to expire 12/31/2025.
(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 8:30 p.m.

SUBMITTED TO HIS HONOR THE OCTOBER 29, 2024
RETURNED BY HIS HONOR THE OCTOBER 29, 2024



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

COMMUNICATIONS:

- His Honor the Mayor re: Transfer of Funds – CPC – Bikeway Mass Trails Match \$160,000
- His Honor the Mayor re: Appointment under date of October 17, 2024
- Andrew Cacciola, 82 Birch Street, re: Purchase of city-owned land 2024.08.06 Plot Plan (0 Birch Street)
- Ross Titelbaum, City Treasurer, re: City Property - Lot 004-51A (0 Birch Street)
- Demetri Skalkos, 3 Morton Hill Ave., Swampscott, re: Application for purchase of city-owned land – 45 Walnut Street (085-037)
- Brian Barrett, Asst. City Solicitor, re: Gift of land to City (Newbury Street)
- Curt T. Bellavance, Dir., Community Development and Planning, re: MBTA 3A Zoning – Lynnfield, MA
- Christopher Morfis, City Collector, re: PK Motor Cars, 195 Washington Street

Petition:

- Peabody Municipal Light Plant, 201 Warren Street Extension, re: Petitions:
- #24-179 for locating one new pole on Central Street
- #24-181 for locating one new joint-owned pole on Hamilton Road