REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 28, 2021

PRESENT COUNCILLORS: GOULD, MANNING-MARTIN, SASLAW, WELTON, CHAREST, MCGINN, MOUTSOULAS, TURCO, ROSSIGNOLL, MELVILLE, AND O'NEILL

ABSENT COUNCILLORS:

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 Mark J. O'Neill.

Salute to the American Flag.

COUNCILLOR O'NEILL – 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.

P580-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of October 14, 2021.
(Unanimous)

HEARINGS

P581-21 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the application from Jeremy Martin, 249 Andover Street, Peabody, MA, until the next regular meeting on Tuesday, November 9, 2021.
(Unanimous)

A public hearing was duly held on the application filed by Drew Donarumo Plumbing and Heating, Inc., 82 Margin Street. Atty. Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P582-21 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Drew Donarumo Plumbing and Heating, Inc., 82 Margin Street, Peabody, MA, for a Special Permit requesting to use a portion of the premises for a plumbing and heating business and to continue to use the existing second floor for residential apartments at said 82 Margin 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 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 shall be from Monday to Friday from 7:00 a.m. to 6:00 p.m., except for emergency service or repairs.

(Carried 11-0)

A public hearing was duly held on the application filed by Jeremy Martin, 249 Andover Street, Peabody, MA. Mr. Jeremy Martin appeared remotely to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P583-21 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from Sharon Cameron, Director of Health, regarding Departmental response; 249 Andover Street.
(Unanimous)

P584-21 COUNCILLOR MOUTSOULAS – MOVE TO approve the Class 2 Motor Vehicle License transfer to Jeremy Martin, 249 Andover Street, Peabody, MA, subject to all papers being in order.
(Carried 11-0)

P585-21 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-E communication from Sharon Cameron, Director of Health, regarding Departmental response; 82 Margin Street.
(Unanimous)

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

A public hearing was duly held on the application filed by Farm Street Realty Group, LLC, 2 Washington Street, Peabody, MA. Mayor Edward Bettencourt appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P586-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Sharon Cameron, Director of Health, regarding Departmental response; 2 Washington Street.
(Unanimous)

P587-21 COUNCILLOR MCGINN – MOVE TO approve the application from Farm Street Realty Group, LLC, 2 Washington Street, Peabody, MA, for an Outdoor Dining License at said 2 Washington Street, as filed in accordance with Section 5.4.6 of the Peabody Zoning Ordinance, as shown on a plan of land dated August 30, 2021, with the following conditions:

CONDITIONS:

1. Outdoor dining area shall be screened along all property lines of abutting residential properties with an eight (8) foot high, sight-impervious privacy fence along the entire length of such property lines. The applicant shall have responsibility for the ongoing maintenance and repair of the fence. Additionally, along such property lines a landscape buffer shall be established utilizing evergreens such as arborvitaes with a mature height of 30 feet such that the buffer shall be sight-impervious even during the winter;

2. Owners will make ongoing reasonable efforts to prevent noise from becoming disruptive to residential abutters;

3. Permissible outdoor dining hours: Sunday through Wednesday from 9:00 a.m. to 10:00 p.m. and Thursday through Saturday from 9:00 a.m. to 12:00 a.m. (midnight) year-round;

4. Any lights in the outdoor dining area will be designed and situated such that they do not illuminate abutters' properties and all lights in the outdoor dining area, with the exception of landscaping lights, will be off during times that use of the outdoor dining area is not permitted;

5. There will be no smoking of any type or vaping in the outdoor dining area;

6. Plan review must be completed with the Health Department prior to start of construction;

7. Outside dining area must be included in an integrated pest management plan; and

8. In accordance with Zoning Ordinance Section 5.4.6, Outdoor Dining License must be reapplied for annually.

(Carried 10-0; Councillor Melville absent)

REPORTS OF COMMITTEE

Legal Affairs Committee
October 28, 2021

P588-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – We had one item on the agenda this evening and it was to discuss a response to the RFP that was sent out by the Mayor and the response came from Michael Votto. In attendance were all the members of the subcommittee and all of the members of the council. We had a presentation by both the Mayor and the representatives of the respondent of the RFP. There was a discussion regarding the contents of the response and a discussion regarding the procedure in which the RFP was sent out and received. Councillors made their thoughts and comments based on the design that was shown and through that discussion the following motions were made. (Report received)

P589-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO request that City Solicitor Donald Conn provide the City Council with a summary on the procurement law with regard to the RFP at 10 Lowell Street.
(Unanimous)

P590-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO request that Mr. Michael Votto, the respondent for the RFP at 10 Lowell Street, provide the City Council with financial documents and the pro forma that was referenced in the RFP.
(Unanimous)

P591-21 COUNCILLOR MELVILLE – Reporting for the Legal Affairs Committee – MOVE TO request that Mr. Michael Votto, the respondent for the RFP at 10 Lowell Street, provide the City Council with clarity on the cost estimates on structural contingencies that may occur, and the cost estimates on the cost of the elevator.
(Unanimous)

Finance Committee
October 28, 2021

P592-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening; present for the Committee were Councillors: Gould, Manning-Martin, Rossignoll, Turco, and myself as chair. We had two items on the agenda. The first item was a request for transfer of funds for Municipal Code Services code recodification in an amount of $15,900. It was presented to us by Mr. Gingras, the Director of Finance, and led to the following motion. (Report received)

P593-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of September 30, 2021:

FROM:		**TO:**	
Budgeted Reserve	$15,900.00	Municipal Code Services Code Recodification	$15,900.00
100-01320-57410		100-01620-53127	

(Carried 11-0)

P594-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second item on the agenda was an appropriation for Ride Share Transportation Enhancement Trust in the amount of $16,468.60. It was presented to us by the Director of Finance, Mr. Gingras, and led to the following motion. (Report received)

P595-21 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the recommendation of His Honor the Mayor to utilize the Ride Share Transportation Trust account 250-0000-35835 in the amount of $16,468.60 to be targeted to serve as matching funds to conduct a feasibility study to connect the gap between Peabody's Riverwalk and Salem's Riverwalk. The objective of the Peabody-Salem Riverwalk project is to create a multi-use connection between the two cities for both transportation and recreation. The path will provide connectivity between Peabody Square and the Salem Depot and serve as a link within the regional transportation network, as requested in a communication from His Honor the Mayor dated October 5, 2021.
(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P596-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – CPC Riverwalk Canal Wall; $359,950.00 and refer to the Finance Committee.
(Unanimous)

P597-21 COUNCILLOR MANNING-MARTIN – 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; $113,794.75 and refer to the Finance Committee.
(Unanimous)

P598-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of Funds – Community Preservation Act Administration; $10,000.00 and refer to the Finance Committee.
(Unanimous)

P599-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-D 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)

P600-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Transfers of Funds – Various and refer to the Finance Committee.
(Unanimous)

P601-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Peabody Children's Museum.
(Unanimous)

P602-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Bond Order – Welch School Renovation Project; $29,973,821 and refer to the Finance Committee.
(Unanimous)

P603-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, Item 9-C Banner – Stage One Association of Patrons (PVMHS Stage One Drama Club), 46 Glendale Avenue.
(Unanimous)

P604-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Kelley Bresnahan, PVMHS Stage One Association of Patrons, 46 Glendale Avenue, regarding Withdrawal of Banner Permit for PVMHS Stage One.
(Unanimous)

P605-21 COUNCILLOR CHAREST – MOVE TO request that the Police Department provide the City Council with an advisory regarding the use of motorized scooters and bicycles on public streets, specifically with regard to licensure or license plates.
(Unanimous)

P606-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Peabody Downtown Business Coalition regarding Meeting Minutes: 10/18/21.
(Unanimous)

P607-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Michael Gingras, Director of Finance, regarding Motion P491-21; Real Estate tax relief and to request that Mr. Gingras provide a recommendation to the City Council.
(Unanimous)

P608-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Class 2 Motor Vehicle License (Transfer) New Star Motors Corp., 161-163 Washington Street, and set up a public hearing.
(Unanimous)

P609-21 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 9-B Petition - Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Petition #20-128 for locating one new pole on Pulaski Street and set up a public hearing.
(Unanimous)

P610-21 COUNCILLOR TURCO – MOVE TO request that the Park, Recreation & Forestry Department trim the tree at 9 Dudley Street.
(Unanimous)

P611-21 COUNCILLOR MELVILLE – MOVE TO request that Steve Patton, Veteran's Agent, appear before the Public Services Committee to discuss a request to amend Mass. General Laws Chapter 59, Section 5N, as adopted by the Peabody City Council on December 6, 2018, to increase the abatement up to $1,500, which allows veterans, in exchange for volunteer services, to have their tax bill reduced. (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 8:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 8, 2021
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 8, 2021



(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – CPC Riverwalk Canal Wall; $359,950.00
His Honor the Mayor re: Transfer of Funds – CPC – Bikeway Independence Greenway Extension Project; $113,794.75
His Honor the Mayor re: Transfer of Funds – Community Preservation Act Administration; $10,000.00
His Honor the Mayor re: Transfer of Funds – Community Preservation Act – Open Space; $300,000.00
His Honor the Mayor re: Transfers of Funds – Various
His Honor the Mayor re: Peabody Children's Museum
His Honor the Mayor re: Bond Order – Welch School Renovation Project; $29,973,821
Peabody Downtown Business Coalition re: Meeting Minutes: 10/18/21
Michael Gingras, Director of Finance, re: Motion P491-21; Real Estate tax relief
Sharon Cameron, Director of Health, re: Departmental response; 2 Washington Street
Sharon Cameron, Director of Health, re: Departmental response; 249 Andover Street
Sharon Cameron, Director of Health, re: Departmental response; 82 Margin Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)
New Star Motors Corp., 161-163 Washington Street
PETITION:
Peabody Municipal Light Plant, 201 Warren Street Extension, re: Petition #20-128 for locating one new pole on Pulaski Street
BANNER:
Stage One Association of Patrons (PVMHS Stage One Drama Club), 46 Glendale Avenue