REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 22, 2024

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

ABSENT COUNCILLORS: WELTON

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.

P74-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of February 8, 2024
(Unanimous)

P75-24 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Various Appointments.
(Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL WITH CHRISTINE GRAY, TOM FRENCH, AND SEAN WALSH REGARDING ITEM 7-C.)

P76-24 COUNCILLOR GOULD – MOVE TO approve, under suspension of the rules, the appointment of Christine Gray, 7 Ellsworth Road, Peabody, MA, to the Disability Commission for a two-year term to expire 12/31/2025.
(Carried 10-0; Councillor Welton absent)

P77-24 COUNCILLOR GOULD – MOVE TO approve, under suspension of the rules, the appointment of Tom French, 16 George Road, Peabody, MA, to the Planning Board (Alternate) for a two-year term to expire 12/31/2025.
(Carried 10-0; Councillor Welton absent)

P78-24 COUNCILLOR GOULD – MOVE TO approve, under suspension of the rules, the appointment of Sean Walsh, 7 Linden Road, Peabody, MA, to the Planning Board for a two-year term to expire 12/31/2025.
(Carried 9-0; Councillor Melville voting present; Councillor Welton absent)

P79-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Statement of Interest - South Memorial Elementary School; Statement of Interest -West Memorial Elementary School.
(Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-D)

P80-24 COUNCILLOR MCGINN – BE IT RESOLVED having convened in an open meeting on February 22, 2024, prior to the closing date, the Peabody City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form for the **South Memorial Elementary School** located at 16 Maple Street Extension, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is the Accelerated Repair Program for the "repair and/or replacement of roofs".

The specific objective of this Statement of Interest is to partner with the MSBA for the replacement of the failing roof on the entire facility of the **South Memorial Elementary School** as articulated in the **South Memorial Elementary School SOI**.

And, the Peabody City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.
(Carried 10-0; Councillor Welton absent)

P81-24 COUNCILLOR HIGGINS – BE IT RESOLVED having convened in an open meeting on February 22, 2024, prior to the closing date, the Peabody City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form for the **West Memorial Elementary School** located at 15 Bow Street, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is the Accelerated Repair Program for the "repair and/or replacement of roofs".

The specific objective of this Statement of Interest is to partner with the MSBA for the replacement of the failing roof on the entire facility of the **West Memorial Elementary School** as articulated in the **West Memorial Elementary School SOI**.

And, the Peabody City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.
(Carried 10-0; Councillor Welton absent)

P82-24 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to go to Item 10-A Notice of Reconsideration - "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)"
(Unanimous)

(ATTY DONALD CONN, CITY SOLICITOR; SUSAN ANTONELLIS, CITY ASSESSOR; AND CURT BELLAVANCE, DIR., OF COMMUNITY DEVELOPMENT & PLANNING, APPEARED TO SPEAK ON BEHALF OF THE CITY REGARDING ITEM 10-A. ALSO APPEARING TO SPEAK WAS MR. ALAN TITELBAUM, 44 EMILY LANE, PEABODY, MA; ATTY. JAMES SEARS, 7 FEDERAL STREET, DANVERS, MA; MS. SHELLEY RUBIN, 29 EMILY LANE; MR. JARROD HOCHMAN, 52 ELLSWORTH ROAD, PEABODY, MA; MR. STEVEN BLUMENKRANTZ, 2 LINDA JEAN LANE, PEABODY, MA; MR. MATT MOLK, 13 EMILY LANE, PEABODY, MA; AND MR. ROBERT POLIGNONE, 27 EMILY LANE, PEABODY, MA.)

P83-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Atty. Donald Conn, City Solicitor, regarding Chapter 30B, Section 16; the sale of municipal property.
(Unanimous)

{Item 10-A} – 2nd ROLL CALL VOTE
P84-24 COUNCILLOR ROSSIGNOLL – 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.
(Failed 9-1; Councillor Rossignoll in favor; Councillor Welton absent)

P85-24 COUNCILLOR GAMACHE – MOVE TO request that the Community Development & Planning Department obtain a third-party appraisal for the portion of city-owned land numbered 2 Linda Jean Lane, Lot 011, Parcel 134, consisting of 4,161 square feet, which is to be paid for by the petitioner.
(Carried 10-0; Councillor Welton absent)

P86-24 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Community Development & Planning Department obtain an appraisal of the entire lot of city-owned land at 2 Linda Jean Lane, to be paid for by the City of Peabody.
(Carried 10-0; Councillor Welton absent)

HEARINGS

A public hearing was duly held on the application submitted by Nilton De Souza Azevedo d/b/a Legacy Auto Sales, Inc., 92 Foster Street, Peabody, MA. Mr. Nilton De Souza Azevedo appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P87-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. Nilton De Souza Azevedo, regarding Parking plan for 92 Foster Street.
(Carried 10-0)

P88-24 COUNCILLOR MCGINN – MOVE TO approve the application submitted by Nilton De Souza Azevedo d/b/a Legacy Auto Sales, Inc., 92 Foster Street, Peabody, MA, for the transfer of Class 2 Motor Vehicle License at said 92 Foster Street, Peabody, MA, with the following conditions and subject to all papers being in order:

CONDITIONS:

1. Limit of 10 unregistered motor vehicles on the premises at one time for sale or not for sale, sold or not sold, or in for repair;
2. Any and all vehicle repairs shall be conducted inside the building;
3. No on-street parking shall be utilized for the sale of automobiles;

4. Applicant shall comply with vehicle drop off plan received by the City Clerk on February 21, 2024; and
5. Applicant shall comply with parking plan received by the City Clerk on February 21, 2024.

(Carried 9-0; Councillor Welton and Councillor Melville absent)

REPORTS OF COMMITTEE

Committee of the Whole
February 22, 2024

P89-24 COUNCILLOR PEACH – Reporting for the Committee of the Whole – We met this evening as the Committee of the Whole. All councillors were present with Councillor Welton joining us via Zoom. We met to discuss the salary of the Mayor and the will of the committee was to increase the Mayor's salary by three percent with 10 supporting and one abstaining. The following motion was made. (Report received)

P90-24 COUNCILLOR TURCO - Reporting for the Committee of the Whole – MOVE TO increase the Mayor's salary from $135,000 to $139,000 and that Section 2-13 of the City Code be amended to reflect the same and the ordinance be advertised as read.
(Carried 8-0; Councillor Higgins voting present; Councillor Welton and Councillor Melville absent)

MOTIONS, ORDERS AND RESOLUTIONS

P91-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Gary Pezzullo, 294 Chatham Street, Lynn, regarding Sale of city-owned land; 35 Swampscott Avenue and refer to the Legal Affairs Committee.
(Unanimous)

P92-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Curt Bellavance, Dir., Community Development & Planning, regarding Downtown Parking Ordinance and refer to the Legal Affairs Committee.
(Unanimous)

P93-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 9-A Class 2 Motor Vehicle License (Transfer) D & D Auto Sales & Repair Corp., 32 Walnut Street a/k/a 36B Walnut Street and set up a public hearing.
(Unanimous)

P94-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Building Commissioner update the City Council on the council motion made January 25, 2024:

> "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)"

(Unanimous)

P95-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that State Representative Sally Kearns, State Representative Thomas Walsh, and State Senator Joan Lovely appear before the City Council's Committee of the Whole to discuss the MBTA Communities Act.
(Unanimous)

P96-24 COUNCILLOR GAMACHE – MOVE TO refer the current application for purchase of city-owned land to the Legal Affairs Committee to make sure that it falls in line with State Chapter 30B.
(Unanimous)

P97-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense $202,271.96 and refer to the Finance Committee.
(Unanimous)

P98-24 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 $14,446.69; $3,210.38 and refer to the Finance Committee.
(Unanimous)

P99-24 COUNCILLOR MCGINN – MOVE TO request that the Building Commissioner provide an opinion to the City Council regarding the arrangement that Legacy Auto Sales, 92 Foster Street, has entered into with Wayside Trans. Corp., 58 Pulaski Street, for the drop off of motor vehicles by car carrier.
(Unanimous)

P100-24 COUNCILLOR TURCO – MOVE TO request that the Building Commissioner update the City Council on the following Motion P813-23 made on December 14, 2023, under emergency preamble:

> "P813-23 COUNCILLOR GOULD – Whereas an emergency condition exists affecting the health, safety and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Building Commissioner take immediate action to remedy the situation that exists at 180 Newbury Street regarding no second egress for the upstairs apartment where a handicapped person is living above an autobody repair shop and any other safety concerns and provide an update to the City Council in 30 days.
> (Emergency Preamble - Carried 11-0)
> (Motion to adopt - Carried 11-0)"

(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 9:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 28, 2024
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 28, 2024

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

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense $202,271.96
His Honor the Mayor re: Transfers of Funds – Cable Fund Expense $14,446.69
$3,210.38
His Honor the Mayor re: Various Appointments
His Honor the Mayor re: Statement of Interest – South Memorial Elementary School
Statement of Interest – West Memorial Elementary School
Gary Pezzullo, 294 Chatham Street, Lynn, re: Sale of city-owned land; 35 Swampscott Avenue
Curt Bellavance, Dir., Community Development & Planning, re: Downtown Parking Ordinance

CLASS 2 MOTOR VEHICLE LICENSE:

D & D Auto Sales & Repair Corp., 32 Walnut Street a/k/a 36B Walnut Street