

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**APRIL 11, 2024**

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

ABSENT COUNCILLORS: MELVILLE

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.

P145-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Special Meeting of March 26, 2024, and the Regular Meeting of March 28, 2024.  
(Unanimous)

P146-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various appointments.  
(Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL REGARDING ITEM 7-A WITH MR. BRIAN CASSIDY. MS. JAMIE HARROP APPEARED VIA ZOOM.)

P147-24 COUNCILLOR TURCO – MOVE TO approve, under suspension of the rules, the following appointments under date of April 4, 2024:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>TERM TO EXPIRE</u></b>
Brian Cassidy 16 Pearl Street Peabody, MA 01960	Conservation Commission (Alternate)	12/31/2025 (2-Year Term)
Jamie Harrop 12 Emery Street Peabody, MA 01960 (Carried 10-0; Councillor Melville absent)	Conservation Commission (Alternate)	12/31/2025 (2-Year Term)

**HEARINGS**

A public hearing was duly held on the application submitted by One Main Street Restaurant, LLC, 1 Main Street, Peabody, MA. Atty. Jason Panos and Mr. Pat Todisco appeared to speak on behalf of the application. Mayor Bettencourt appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P148-24 COUNCILLOR MCGINN – MOVE TO approve the application as submitted by One Main Street Restaurant, LLC, 1 Main Street, Peabody, MA, requesting an entertainment license for the use of non-live entertainment, specifically, television, CD player, DVD player, electronic/digital internet jukebox,

internet/streaming music, background music, and live entertainment at said 1 Main Street, Peabody, MA, with the following conditions and subject to all papers being in order:

**CONDITIONS:**

1. Hours of non-live entertainment:
  - a. 10:00 a.m. to 12:00 a.m. Monday to Saturday
  - b. 10:00 a.m. to 12:00 a.m. Sunday (or as otherwise stipulated in Sunday license to be obtained from the Mayor's office);
2. Hours of live entertainment (non-amplified):
  - a. 10:00 a.m. to 12:00 a.m. Monday to Saturday
  - b. 10:00 a.m. to 12:00 a.m. Sunday (or as otherwise stipulated in Sunday license to be obtained from the Mayor's office);
3. Hours of live entertainment (up to 2 amplifiers):
  - a. 10:00 a.m. to 11:00 p.m. Monday to Wednesday
  - b. 10:00 a.m. to 12:00 a.m. Thursday to Saturday
  - c. 10:00 a.m. to 10:00 p.m. Sunday (or as otherwise stipulated in Sunday license to be obtained from the Mayor's office);
4. Windows to be closed by 11:00 p.m. Sunday to Wednesday and 12:00 a.m. Thursday to Saturday; and
5. Owner(s) will make ongoing reasonable efforts to prevent noise from becoming disruptive to area residents.

(Carried 10-0; Councillor Melville absent)

**REPORTS OF COMMITTEE**

**Municipal Safety Committee**

**April 11, 2024**

P149-24 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee met this evening with myself as chair and Councillors: Daigle, Gamache, Higgins, and Rossignoll were all in attendance. We had a couple of items on the agenda, one being the issue of Casco Road and Lynnfield Street being a dangerous intersection. We did have Captain Richards and Mayor Bettencourt join us to present on that. One of the issues is that that location is within three jurisdictions so the Mayor has reached out to and has been working with the mayor of Lynn, and also reaching out to Lynnfield management, in order to work out some traffic changes with respect to no left-hand turn on to or from Casco Road from Lynnfield Street. The Mayor is hopeful that these discussions will continue with being able to make some recommendations within the next few weeks. He does plan on putting out notifications to the public well in advance of any changes through billboards and robocalls and, just basically, getting the information out there so we don't make changes and it just sneaks up on people. But, again, that will take a few more weeks of his negotiating with those other jurisdictions. The matter of an ordinance is required and that is going to be reported out in Legal Affairs. The next item on the agenda was the issue of Route 114 and the matter of no left turn, basically the signs and the implementation of no left turn from Mount Pleasant Street. That matter came to light that there had always been an ordinance dating back to the '80s; however, the signage was not present. So, when the state did put up the signage, neighbors were taken aback by that, but since then it's been explained that there is an ordinance and the signs are required. It is the recommendation of the Peabody Police Department that the signs and the ordinance remain. There was a report out of the last five years and there were seven crashes in that area of taking a left-hand turn out of Mount Pleasant on to 114. Captain

Richards' recommendation was to keep things the way they are with the ordinance and the signage. Councillor Gamache indicated that the neighbors have become more acclimated to the change and have been abiding by the ordinance and the no left-hand turn. The following motion was made. (Report received)

P150-24 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – MOVE TO receive, under suspension of the rules, Item 8-D communication from Councillor Thomas Rossignoll regarding Photos of traffic backup near Casco Road.  
(Unanimous)

P151-24 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – Lastly, the matter of Bartholomew Street was briefly mentioned by Captain Richards that he has recommendations and hopes to add fog lines and hashmarks to delineate two traffic lanes in order to keep people from passing on the right, kind of, in the blind spots that are created down at that intersection. He's hoping for a spring implementation and the city Public Works as well was waiting for the spring to implement these changes. He also indicated that he believes the changes at Casco Road will also help alleviate the stress down at the Bartholomew Street intersection as well. (Report received)

**Legal Affairs Committee**  
**April 11, 2024**

P152-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – Legal Affairs met following the Safety Committee meeting. In attendance was Councillor Daigle, Councillor Higgins, Councillor McGinn sitting in for Councillor Melville, and Councillor Turco. All other committee members were present. We had one item on the agenda. The hope was to move Casco Road and its change of no left turns and implement an ordinance, but because it abuts other communities the Mayor still needs to have conversations with the Lynn mayor so that will be held in committee. The following motion was made. (Report received)

P153-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 1 from Captain Scott Richards regarding Photograph of proposed traffic island at the end of Casco to make sure cars are not going to be taking a left turn.  
(Unanimous)

P154-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – MOVE TO remove from the Legal Affairs Committee the following item:

“P332-22 COUNCILLOR TURCO – MOVE TO refer the issue of retaining legal representation for the City Council and establishing its structure to the Legal Affairs Committee to discuss amending Article II, Section 2-12. (Unanimous)”

(Unanimous)

**MOTIONS, ORDERS AND RESOLUTIONS**

P155-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Captain Scott Richards, Police Department, regarding Proposed Wallis Street Ordinance Changes.  
(Unanimous)

P156-24 COUNCILLOR TURCO – MOVE TO amend Section 19-141 entitled “One-way streets enumerated” of the Code of the City of Peabody by adding “Wallis Street southerly from Tremont Street to Elm Street” and that motion be advertised as read.  
(Unanimous)

P157-24 COUNCILLOR TURCO – MOVE TO amend Section 19-126 entitled “Obedience to isolated stop signs” of the Code of the City of Peabody by striking “(470) Wallis Street northbound and southbound at Walnut Street” and replace with “(470) Wallis Street northbound and southbound at Elm Street” and also strike “(471) Wallis Street northbound at Tremont Street” and that motion be advertised as read.  
(Unanimous)

P158-24 COUNCILLOR TURCO – MOVE TO amend Section 19-94 entitled “Parking prohibited on certain streets” by adding “Wallis Street easterly side for a distance of 30 feet in either direction of the intersection with Elm Street,” and this measurement will be determined by the painted stop lines on the pavement of Wallis Street and that motion be advertised as read.  
(Unanimous)

P159-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, the following Item 9-A Junk Dealers License (2024 Renewal), subject to all papers being in order:

- Bill's Music, 136 Main Street
  - Cash Call, 161 Main Street
  - Gamestop #7832, 210 Andover Street
  - Gamestop #0664, 300 Andover Street
  - Long's Jewelers, 35 Cross Street
  - Martoni & James, Ltd., 215 Newbury Street, Suite 206
- (Unanimous)

{10-B}

P160-24 COUNCILLOR ROSSIGNOLL – BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY AS FOLLOWS:

**SECTION ONE:** The Code entitled "The Code of the City of Peabody, Massachusetts," published by Municode, consisting of chapters 1 through 32, each inclusive, is adopted.

**SECTION TWO:** All ordinances of a general and permanent nature enacted on or before September 28, 2023, and not included in the Code or recognized and continued in force by reference therein, are repealed.

**SECTION THREE:** The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

**SECTION FOUR:** Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$300.00. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**SECTION FIVE:** Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**SECTION SIX:** Ordinances adopted after September 28, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

**SECTION SEVEN:** The publication of this ordinance is also subject to Section 32A of Chapter 40 of the General Laws accepted by the City Council on April 27, 1967.

**SECTION EIGHT:** This ordinance shall take effect May 1, 2024, as provided by law.  
(Carried 10-0; Councillor Melville absent)

P161-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds - Cemetery- Capital Improvement \$111,350 and refer to the Finance Committee.  
(Unanimous)

P162-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Zachary Ragain, Director - Engineering: Codes and Standards, Kinder Morgan, 1001 Louisiana Street, Suite 1000, Houston, TX, regarding Working & Digging Near Pipelines and Pipeline Facilities.  
(Unanimous)

P163-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Jerry Halberstadt, Member, Breathe Clean North Shore, 20 Central Street #504, regarding DOER plans for \$146m IRA funds to short-change MLP towns.  
(Unanimous)

P164-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Joseph Anastasi, General Manager, Peabody Municipal Light Plant, regarding DOER plans for \$146m IRA funds to short-change MLP towns.  
(Unanimous)

{10-A}

P165-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the City of Peabody appropriate the amount of Sixty-Nine Million Two Hundred Thousand (\$69,200,000) Dollars for the purpose of paying the costs of the design and construction of the Peabody Public Safety Facility located at Allen's Lane, Peabody, Massachusetts, including the payment of all costs incidental or related thereto.

It is Further Ordered: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized to be borrowed pursuant to this loan order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

It is Further Ordered: That to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority; that the Treasurer, Mayor and any other City official is authorized to take actions necessary or convenient to carry out the purposes of this Order, and that this Order be adopted as read.  
(Carried 9-1; Councillor Manning-Martin opposed; Councillor Melville absent)

P166-24 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO request an opinion from Captain Richards regarding the traffic flow issues on Monroe Street and surrounding areas due to the car wash and refer to the Municipal Safety Committee.  
(Unanimous)

P167-24 COUNCILLOR HIGGINS – MOVE TO receive, under suspension of the rules, Item 8-A communication from Andrew Brancato, 4 Lake Street, regarding Special Permit application and set up a public hearing.  
(Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

Previously received.

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

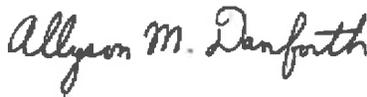
Previously received.

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 18, 2024  
RETURNED BY HIS HONOR THE MAYOR, APRIL 18, 2024



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

**COMMUNICATIONS:**

- His Honor the Mayor re: Various appointments
- His Honor the Mayor re: Transfer of Funds – Cemetery – Capital Improvement \$111,350
- Andrew Brancato, 4 Lake Street, re: Special Permit application
- Zachary Ragain, Director – Engineering: Codes and Standards, Kinder Morgan, 1001 Louisiana Street, Suite 1000, Houston, TX, re: Working & Digging Near Pipelines and Pipeline Facilities
- Captain Scott Richards, Police Department, re: Proposed Wallis Street Ordinance Changes
- Councillor Thomas Rossignoll re: Photos of traffic backup near Casco Road
- Jerry Halberstadt, Member, Breathe Clean North Shore, 20 Central Street #504, re: DOER plans for \$146m IRA funds to short-change MLP towns
- Joseph Anastasi, General Manager, Peabody Municipal Light Plant, re: DOER plans for \$146m IRA funds to short-change MLP towns

**JUNK DEALERS LICENSE:** (2024 Renewal)

Bill's Music, 136 Main Street

Cash Call, 161 Main Street

Gamestop #7832, 210 Andover Street

Gamestop #0664, 300 Andover Street

Lifebridge North Shore, 58R Pulaski Street

Long's Jewelers, 35 Cross Street

Martoni & James, Ltd., 215 Newbury Street, Suite 206