

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 22, 2023

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

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 Craig S. Welton.

Salute to the American Flag.

COUNCILLOR WELTON – 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.

P457-23 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of June 8, 2023.

(Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL WITH DEPUTY CHIEF JOHN R. DOWLING TO ANNOUNCE HIS APPOINTMENT AS CHIEF OF THE PEABODY FIRE DEPARTMENT.)

P458-23 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 4 from His Honor the Mayor regarding Appropriation – Water Asset GIS program; \$250,000 and refer to the Finance Committee.

(Unanimous)

P459-23 COUNCILLOR GOULD – MOVE TO approve His Honor the Mayor's recommendation of the appointment of John R. Dowling as Chief of the Peabody Fire Department.

(Carried 11-0)

P460-23 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 3 from His Honor the Mayor regarding Construction Management at Risk (CMAR) Project Delivery Method; New Police Station and Public Safety building and refer to the Legal Affairs Committee.

(Unanimous)

P461-23 COUNCILLOR TURCO – MOVE, under suspension of the rules, to go to Item 10-A Notice of Reconsideration – Ordinance Amending Section 18-43 entitled "Ordinance Establishing Fringe Benefits for Municipal Employees of the City of Peabody, Excluding Fire, Police, Electrical, School Personnel and any other Employees Covered by Collective Bargaining" of the Code of the City of Peabody.

(Unanimous)

P462-23 COUNCILLOR TURCO – NOTICE OF RECONSIDERATION filed in accordance with Section 11 of the City Council's Rules of Order regarding Ordinance Amending Section 18-43 entitled "Ordinance Establishing Fringe Benefits for Municipal Employees of the City of Peabody, Excluding Fire, Police, Electrical, School Personnel and any other Employees Covered by Collective Bargaining" of the Code of the City of Peabody, as approved June 8, 2023.

(Carried 10-1; Councillor O'Neill opposed)

{Item 10-A was reconsidered for a second roll-call vote}

{Item 10-A} – 2nd ROLL CALL VOTE

P463-23 COUNCILLOR GAMACHE – BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY AS FOLLOWS:

SECTION ONE: The Code of the City of Peabody adopted on January 23, 1969, and amended, is hereby further amended by amending Section 18-43 as follows:

That the Ordinance Establishing Fringe Benefits for Municipal Employees of the City of Peabody, Excluding Fire, Police, Electrical, School Personnel and any other Employees Covered by Collective Bargaining be amended as follows:

- a) By deleting the title of said ordinance and inserting in place thereof the following:

"An Ordinance Establishing Fringe Benefits for Municipal Employees Not Covered by Collective Bargaining of the City of Peabody".

- b) By deleting from Subsection, A of Section 4, entitled "Longevity," the amounts awarded for various periods of full-time continuous service and inserting in place thereof:

Longevity, Holidays, Personal Days, Funeral and Civic Duty Leave shall be equal to Benefits received By Employees Covered under the American Federation of State, County and Municipal Employees AFL-CIO State Council #93, Local #364

- c.) By deleting Section Thirteen: Medical Insurance and inserting in place thereof, the following:

"Effective July 1, 2019, the City of Peabody shall follow the Peabody Public Employee Committee (PPEC) agreement for contribution to employee health plans and related benefits.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect upon passage or as otherwise provided by law. (Carried 8-3; Councillor Turco, Councillor Manning-Martin, and Councillor Gould opposed)

HEARINGS

A public hearing was duly held on the Petition 1A6J5NH filed by Verizon, 85 High Street, Pawtucket, Rhode Island. Appearing remotely to speak on behalf of the application was James (Unknown last name). No one appeared to speak in favor. No one appeared to speak in opposition.

P464-23 COUNCILLOR MANNING-MARTIN – MOVE TO recess the public hearing on the application from Verizon, 85 High Street, Pawtucket, Rhode Island, MA, until Thursday, July 13, 2023. (Carried 9-2; Councillor Turco and Councillor Peach opposed)

A public hearing was duly held on the application submitted by Mandoulidis Auto Repair d/b/a Tire Depot & Auto Services, 1 Willard Street, Units 11 & 12. Mr. Peter Mandoulidis appeared to speak on behalf of the application. Mr. Christopher Morfis, City Collector, appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P465-23 COUNCILLOR PEACH – MOVE TO recess the public hearing on the application from Mandoulidis Auto Repair d/b/a Tire Depot & Auto Services, 1 Willard Street, Units 11 & 12, Peabody, MA, until Thursday, July 13, 2023.
(Carried 11-0)

A public hearing was duly held on the application submitted by Robert Mastrocola, 212 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Matt Silva, Mr. Robert Mastrocola, and Mr. Brian Brinkers. No one appeared to speak in favor. No one appeared to speak in opposition.

P466-23 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Robert Mastrocola, 4 America Drive, Peabody, MA, for a Special Permit to replace the current sign face on a free-standing pylon sign with an electronic message sign for Bradford Floor & Home at 212 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 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 sign shall only be used to advertise Bradford Floor & Home and/or public service and emergency announcements.

(Carried 11-0)

A public hearing was duly held on Zoning Map Amendment – Re-designating the following parcels from residential R-2 to Central Business BC: Assessors Map 085, Parcel 002H, and numbered 10 Munroe Street; Assessors Map 085, Parcel 002I, and numbered 12 Munroe Street. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P467-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Levin, Senior Planner, regarding Proposed Zoning Map Amendment – 10-12 Munroe Street.
(Unanimous)

P468-23 COUNCILLOR PEACH – BE IT ORDAINED by the City Council of the City of Peabody as follows:

That the Zoning Map of the City of Peabody entitled City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows and that said Zoning Map Amendment be adopted as advertised and read:

SECTION ONE: That the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows:

TO REDESIGNATE THE FOLLOWING PARCELS FROM RESIDENTIAL R-2 TO CENTRAL BUSINESS BC:

**ASSESSORS MAP 085, PARCEL 002H, AND NUMBERED 10 MUNROE STREET
ASSESSORS MAP 085, PARCEL 002I, AND NUMBERED 12 MUNROE STREET**

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION FOUR: This ordinance shall take effect as provided by law.
(Carried 9-2; Councillor Manning-Martin and Councillor McGinn opposed)

A public hearing was duly held on the application submitted by BTI Investments, LLC, 274 Newbury Street, Peabody, MA. Atty. John Keilty and Mr. Thomas McMillan appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Linda Belanger, 278 Newbury Street, Lot 42, Peabody, MA; Mr. Jim Connolly, 57 Glendale Avenue, Peabody, MA; and Ms. Marcia O’Leary, 278 Newbury Street, Lot 36, Peabody, MA, appeared to speak in opposition.

P469-23 COUNCILLOR GAMACHE – MOVE TO recess the public hearing on the application from BTI Investments, LLC, 274 Newbury Street, Peabody, MA, until Thursday, July 13, 2023.
(Carried 11-0)

P470-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Late 1 communication from Atty. John Keilty on behalf of 5 Stars Rims Corporation, 100 Birney Street, Units A1, A2 & A3, regarding Special Permit, Auto Body Shop.
(Unanimous)

P471-23 COUNCILLOR MCGINN – MOVE TO continue the public hearing on Special Permit – 5 Stars Rims Corporation, 100 Birney Street, Units A1, A2 & A3, until Thursday, July 13, 2023.
(Unanimous)

A public hearing was duly held on the application submitted by 55 Pulaski Street Realty Trust, Dennis & Georgia Giannias, Trustee, 55 Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty and Mr. Joseph Bettencourt. Ms. Kathy Wells, 22 Westview Circle, Peabody, MA; Ms. Darlene George, 17 Westview Circle, Peabody, MA; Mr. Wesley Oprzedek, 2 Spinale Road, Peabody, MA; and Ms. Wendy Thomas, 10 Westview Circle, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P472-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from Atty. John Keilty on behalf of Pulaski Street Realty Trust, Dennis & Georgia Giannias, Trustee, regarding PowerPoint presentation; Millview Development.
(Unanimous)

P473-23 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by 55 Pulaski Street Realty Trust, Dennis & Georgia Giannias, Trustee, 55 Pulaski Street, Peabody, MA, for a Special Permit to convert the structure at 55 Pulaski Street, being a pub/restaurant called Roadhouse Pub with apartments above (said restaurant being a pre-existing nonconforming use) and replace the same with twenty-two 22 townhouse-style residential units at said 55 Pulaski Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 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 is not approved for Sunday or holiday working hours. No construction or work activity shall be or is allowed on Sunday or holidays, including, but not limited to, delivery or removal of materials;
2. Compliance with Section 6.11 of the City of Peabody Zoning Ordinance "Inclusionary Zoning Requirements" is required as a Condition of this Special Permit, further, the Affordable Units developed under this permit shall be subject to this section/requirements (6.11(f)) in perpetuity;
3. This Special Permit shall not be transferable without the approval of the Special Permit Granting Authority; and
4. This Special Permit approval approves a plan entitled "Site Development Permit Plan, Millview, 55 Pulaski Street, Peabody, MA," prepared for 55 Pulaski Realty Trustee prepared by Eastern Land Survey Associates, Inc., dated January 19, 2023. All landscaping is to be in accordance with that plan and as depicted more specifically on a document titled Planting Diagram Along the Rear Fence at Millview Development, 55 Pulaski Street, prepared by Joseph M. Bettencourt, AIA, depicting an 8 ft tan or grey vinyl fence at the property line and depicting the installation of a minimum of 12 Canadian Hemlocks, 5 Red Maples, 7-9 Arborvitae all to be 6-8 ft at installation. The fence will run the full length of the existing fence and the existing fence will be removed and disposed of off-site. It is understood that this plan shows plantings on the applicant's land and land of others. Variation from that which is shown on this plan shall be allowed in the instance that the applicant or its agents are denied access or authority to install said landscaping. One year after planting, the applicant will revisit the landscape plantings to ensure all trees have rooted properly and are providing the desired buffer. Any trees that did not take properly shall be replaced with a new tree of the same variety and size.

(Carried 11-0)

P474-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Atty. John Keilty on behalf of A & P Borges, LLC, 100 Birney Street, Units A9 & A8, regarding Special Permit, Outdoor Storage/Landscape Contractor.
(Unanimous)

P475-23 COUNCILLOR MCGINN – MOVE TO continue the public hearing on Special Permit – A & P Borges, LLC, 100 Birney Street, Units A9 & A8, until Thursday, July 13, 2023.
(Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P476-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Thomas St. Pierre, Building Commissioner, regarding Transfer of Special Permit 24-2019; Davinn Cheat, 145 Summit Street.
(Unanimous)

P477-23 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department repaint the pedestrian crossing light stanchion at St. Anne's Church where it crosses Lynn Street.
(Unanimous)

P478-23 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department install a crosswalk and handicap ramps at the area of Raddin Park where it crosses at the Richdale, formerly Stonewood Plaza.
(Unanimous)

P479-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-C Taxi Driver License, subject to all papers being in order:

Shane Kieran - License 1
John Marley -License 2

(Unanimous)

P480-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Block Party, subject to all papers being in order:

31 Donna Street - July 8, 2023
5-8 Glen Drive - July 15, 2023
Page Street - August 5, 2023
Rockdale Avenue from Lynn to Woodlawn - August 5, 2023

(Unanimous)

P481-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor, regarding Purchase/Settlement Agreement for 166-R Main Street refer to the Legal Affairs Committee and request that His Honor the Mayor provide the Summary Appraisal Report.
(Unanimous)

P482-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Purchase & Sale Agreement - 70 Endicott Street and refer to the Legal Affairs Committee.
(Unanimous)

P483-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Carole Saslaw, Peabody Fire Prevention Bureau, regarding Motion P310-21 Aggregate Blasting Complaints and refer to the Ad Hoc Committee on Aggregate Industry.
(Unanimous)

P484-23 COUNCILLOR O'NEILL – MOVE TO request that Mayor Bettencourt; Finance Director, Mike Gingras; and Purchasing Agent, Daniel Doucette, provide the Legal Affairs Committee with their specific concerns in writing regarding possible adoption of the Responsible Employer Ordinance, and outline any language which they believe may adversely affect our city's bidding or procurement efforts and to further request that the City Solicitor provide any suggested alternative wording regarding the same document.
(Unanimous)

P485-23 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Thomas St. Pierre, Building Commissioner, regarding Transfer of Special Permit 18-2015; Samuel Guwor, 55R Walnut Street, subject to all papers being in order.
(Unanimous)

P486-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-D communication from Atty. John Keilty on behalf of Albanian Boston Community, Inc., regarding 26 Howley Street; Response to Motion P408-23.
(Unanimous)

P487-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 9-B Class 2 Motor Vehicle License (New) Lofa Autobody, LLC, 55R Walnut Street and set up a public hearing.
(Unanimous)

{Munroe Court}

P488-23 COUNCILLOR PEACH - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-126 entitled "Obedience To Isolated Stop Signs" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

{15 Northend Street}

P489-23 COUNCILLOR PEACH - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 entitled "Parking Prohibited, Handicapped Zone" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P490-23 COUNCILLOR PEACH – MOVE TO request that the Public Services Department install a "Stop" sign at Munroe Court and Central Street.
(Unanimous)

P491-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Atty. John Keilty on behalf of 535 Lowell Street, LLC, regarding Request for Amendment to Zoning Ordinance, refer to the Industrial & Community Development Committee, and send to the Planning Board.
(Unanimous)

P492-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Thomas St. Pierre, Building Commissioner, regarding Transfer of Special Permit 13-2012; Jonathan Silva, 258 Newbury Street, Unit C.
(Unanimous)

P493-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Frank Rossetti of Pontoon Boats of MA, Inc., regarding Special Permit application and set up a public hearing.
(Unanimous)

P494-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Saint Bishoy, Inc., 598 Lowell Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

{1 Arnold Road}

P495-23 COUNCILLOR MELVILLE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 entitled "Parking Prohibited, Handicapped Zone" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P496-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of Funds - CPC Lake and Pond Restoration \$234,000 and refer to the Finance Committee.
(Unanimous)

P497-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Class 2 Motor Vehicle License (Transfer) DMC Auto, LLC, 258 Newbury Street, Unit C, and set up a public hearing.
(Unanimous)

{Item 10-B}

P498-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 18-20 entitled "Schedule of Compensation for Part-Time Positions" and Section 18-21 entitled "Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 8-3; Councillor Turco, Councillor Manning-Martin, and Councillor Gould Opposed)

{Item 10-C}

P499-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 18-20A entitled "Schedule of Compensation of Hourly Rated Positions Not Subject to Collective Bargaining" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 8-3; Councillor Turco, Councillor Manning-Martin, and Councillor Gould Opposed)

{Item 10-D}

P500-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 18-43 entitled "Ordinance Establishing Fringe Benefits for Municipal Employees of the City of Peabody, Excluding Fire, Police, Electrical and School Personnel" of the Code of the City of Peabody be adopted as read.
(Carried 8-3; Councillor Turco, Councillor Manning-Martin, and Councillor Gould Opposed)

P501-23 COUNCILLOR MCGINN – MOVE TO request that the City Solicitor provide a legal opinion on the process the City Council can take to rectify the conflict on City Code Ordinance numbering that exists between salary ordinances and other existing ordinances.
(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 10:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 27, 2023

RETURNED BY HIS HONOR THE MAYOR, JUNE 27, 2023



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

COMMUNICATIONS:

- His Honor the Mayor re: Purchase/Settlement Agreement for 166-R Main Street
- His Honor the Mayor re: Purchase & Sale Agreement – 70 Endicott Street
- His Honor the Mayor re: Transfer of Funds – CPC Lake and Pond Restoration \$234,000
- Atty. John Keilty on behalf of 535 Lowell Street, LLC, re: Request for Amendment to Zoning Ordinance
- Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 13-2012; Jonathan Silva, 258 Newbury Street, Unit C
- Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 18-2015; Samuel Guwor, 55R Walnut Street
- Atty. John Keilty on behalf of Albanian Boston Community, Inc., re: 26 Howley Street; Response to Motion P408-23
- Carole Saslaw, Peabody Fire Prevention Bureau, re: Motion P310-21 Aggregate Blasting Complaints
- Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 24-2019; Davinn Cheat, 145 Summit Street
- Frank Rossetti of Pontoon Boats of MA, Inc., re: Special Permit application
- Saint Bishop, Inc., 598 Lowell Street, re: Special Permit application
- Andrew Levin, Senior Planner, re: Proposed Zoning Map Amendment – 10-12 Munroe Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

DMC Auto, LLC, 258 Newbury Street, Unit C

CLASS 2 MOTOR VEHICLE LICENSE: (New)

Lofa Autobody, LLC, 55R Walnut Street

TAXI DRIVER LICENSE:

Shane Kieran – License 1

John Marley – License 2

BLOCK PARTY:

31 Donna Street – July 8, 2023

5-8 Glen Drive – July 15, 2023

Page Street – August 5, 2023

Rockdale Avenue from Lynn to Woodlawn – August 5, 2023