REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 26, 2025

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

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 Julie K. Daigle.

Salute to the American Flag.

COUNCILLOR DAIGLE – 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.

P326-25 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of June 12, 2025.
(Unanimous)

(MAYOR BETTENCOURT AND MS. SANDRA HOWLAND APPEARED TO SPEAK ON BEHALF OF ITEM 7-B)

P327-25 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding various appointments/re-appointments.
(Unanimous)

P328-25 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Sandra Howland, 3 Curtis Street, Peabody, MA, as Water Superintendent for a 2-year term to expire on 12/31/2026.
(Carried 11-0)

P329-25 COUNCILLOR GAMACHE - MOVE TO approve the following re-appointments, as submitted by His Honor the Mayor, under date of June 4, 2025:

NAME:	POSITION:	TERM TO EXPIRE:
Mary Martin 18 Conant Road Lynn, MA 01904	City Auditor	6/1/2028 (3-year term)
Joseph Gagnon 20 LeBlanc Drive Peabody, MA 01960	Planning Board	5/31/2028 (3-year term)
Matthew Genzale 17 Villa Lane Peabody, MA 01960	Planning Board	5/31/2028 (3-year term)
John Ford P.O. Box 4093 Peabody, MA 01960	Planning Board	5/31/2028 (3-year term)
Roy Simoes 17 LeBlanc Drive Peabody, MA 01960	Planning Board	5/31/2028 (3-year term)

(Carried 11-0)

HEARINGS

A public hearing was duly held on the application submitted by Asbury Lynnfield M, LLC, d/b/a Mercedes-Benz Lynnfield, 202 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. Greg Paonessa. No one appeared to speak in favor. No one appeared to speak in opposition.

P330-25 COUNCILLOR GAMACHE – MOVE TO approve the application submitted by Asbury Lynnfield M, LLC, d/b/a Mercedes-Benz Lynnfield, 202 Newbury Street, Peabody, MA, for the transfer of a Class 1 Motor Vehicle License at said 202 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on Zoning Amendment – Section 8 Floodplain Overlay District and Wetlands Conservancy District. Mr. Andrew Levin, Senior Planner, appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P331-25 COUNCILLOR GAMACHE – **BE IT ORDAINED** by the City Council of the City of Peabody as follows:

That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance - 2011, as amended, is hereby further amended as follows:

SECTION ONE: By amending Section 8 entitled Floodplain Overlay District and Wetlands Conservancy District.

SECTION TWO: By amending Section 8: Floodplain Overlay District and Wetlands Conservancy District as follows:

8.1 PURPOSES

Stated local purpose for flood resistant standards

The purpose of the Floodplain Overlay District and wetlands conservancy districts are:

A. Ensure public safety through reducing the threats to life and personal injury
B. Eliminate new hazards to emergency response officials
C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the and impact regions of the community beyond the site of flooding
E. Eliminate costs associated with the response and cleanup of flooding conditions
F. Reduce damage to public and private property resulting from flooding waters
G. To provide that lands subject to seasonal or periodic flooding, as described in this ordinance, shall not be used for residence or for other purposes when such use will endanger the health or safety of the occupants thereof or of the public generally
H. To minimize future flood damage by providing for protection and retention of existing water courses, water bodies and wetlands
I. To protect, preserve and maintain the water table and water recharge areas so as to preserve present and potential water supplies for the public health and safety; and
J. To protect the community from unreasonable danger of pollution to its waterways by the detrimental use and development of lands adjoining these waterways.

8.2 APPLICABILITY

Land falling within the flood overlay district and/or the wetlands conservancy district may be used to meet the lot area requirements for the district in which the remainder of the lot is located.

8.3 DEFINITIONS

For the purpose of this Section 8, the following definitions shall apply:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY is the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    i. By an approved state program as determined by the Secretary of the Interior or
    ii. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

a) Built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projection;
c) Designed to be self-propelled or permanently towable by a light duty truck; and
d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA is the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by the City from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

8.4 FLOODPLAIN OVERLAY DISTRICT USE REGULATIONS AND USE OF FEMA MAPS AND SUPPORTING STUDIES

A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Peabody designated as Zone A, AE, AH, AO, A99, V, or VE on the Essex County Flood Insurance Rate Map (FIRM) dated July 8, 2025, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated

herein by reference and are on file with the City Clerk, Planning Board, Building Department, and Conservation Commission.

B. **Floodway encroachment**. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

   In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's/City's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. Within A Zones, in the absence of FEMA BFE data and floodway data, the applicant shall obtain, utilizing base flood elevation and floodway data available from a Federal, State, or other source, and it shall be reviewed by the Building Inspector for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating non-residential structures to or above base flood level, and for prohibiting encroachments in floodways.

D. The City of Peabody hereby designates the position of Building Inspector to be the official floodplain administrator.

E. Permits are required for all proposed developments in the Floodplain Overlay District. The City requires a permit for all proposed construction or other non-structural activities in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

   The City of Peabody's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development, including structural and non-structural activities in the floodplain overlay district. The proponent must demonstrate that all necessary permits have been acquired whether permitted by right or by special permit within section 4.2 in the portions of districts so overlays must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

   (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
   (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
   (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
   (d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above-mentioned state regulations may only be granted in accordance with the required variance procedures of these state regulations.

F. Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(a) Such proposals minimize flood damage
(b) Public utilities and facilities are located & constructed so as to minimize or eliminate flood damage
(c) Adequate drainage is provided to reduce exposure to flood hazards
(d) When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

G. In the floodway, designated on the Flood Insurance Rate Map, the following shall apply:

(a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited.

H. In A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

I. In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream

- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
  Federal Emergency Management Agency, Region I

If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
  Federal Emergency Management Agency, Region I

8.5 VARIANCES

A. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district, and they do not require structures, fill, or storage of materials or equipment:

(a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

(b) Forestry and nursery uses
(c) Outdoor recreational uses, including fishing, boating, play areas, etc.
(d) Conservation of water, plants, wildlife
(e) Wildlife management areas, foot, bicycle, and/or horse paths
(f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises
(g) Buildings lawfully existing prior to the adoption of these provisions

B. If the State issues variances to the flood-resistant standards as found in the state building code, the City will use this text for local adoption:
   (a) The City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.
   (b) The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:
      (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
      (ii) such construction below the base flood level increases risks to life and property.
   (c) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

C. Variances to this Ordinance related to community compliance with the National Flood Insurance Program (NFIP) must meet the requirements set out by State law, and may only be granted if:
   (a) Good and sufficient cause and exceptional non-financial hardship exist;
   (b) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
   (c) the variance is the minimum action necessary to afford relief.

8.6 Abrogation and greater restriction section.
The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

8.7 Disclaimer of liability.
The degree of flood protection required by this Ordinance is considered reasonable but does not imply total flood protection.

8.8 Severability section.
If any section, provision or portion of this Ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the Ordinance shall be effective.

8.9 WETLANDS CONSERVANCY USE REGULATIONS

A. The wetlands conservancy district is hereby established as an overlay district, which is separate from the flood boundary district. For the purpose of the ordinance, the wetlands conservancy district shall be defined as including all lands generally shown on the accompanying zoning maps as referred to in section 3.2. The wetlands conservancy district includes all lands generally shown on the accompanying zoning maps, as referred to in Section 3.2 more particularly, the "City of Peabody, Mass. Wetlands Conservancy Map, 1" =

800'". These lands, adjacent to the City's important waterways, namely Ipswich River, Norris Brook, Proctor's Brook, Goldthwaite Brook, Tapley Brook and Strongwater Brook are subject to seasonal, periodic, or continuing flooding. The boundaries of the district are specifically described as all lands below the elevations shown on the following table, and in addition, any area within thirty (30) feet, measured horizontally, of the following waterways:

- Location (Elevation*)

Ipswich River

- Entire length in Peabody from Peabody-Danvers boundary upstream to Peabody-Middleton boundary (50.0-52.0)

Norris Brook

- Ipswich River to Russell Street (50.0)
- Russell Street to Lowell Street (53.5)
- Lowell Street to Mill Pond Dam (54.0)
- Mill Pond (58.5)
- Elginwood Pond (59.0)
- Crystal Lake (59.5)
- Upstream of Elginwood Pond from Crystal Drive to Pine Street (61.0)
- Upstream of Pine Street (63.0)
- Devil's Dishful Pond (88.5)
- Winona Reservoir (105.0)
- Suntaug Lake (121.5)

Proctor's Brook

- Upstream of dam between Crowninshield Street and Endicott Street (35.0)
- Endicott Street to culvert under the railroad right of way behind Municipal Light Plant on Warren Street Extension (35.5-40.0)
- Culvert under the railroad right of way behind Municipal Light Plant to culvert under the railroad right of way nearest Karelitz Road (40.5-43.5)
- Culvert under the railroad right of way nearest Karelitz Road to Garden Road (44.0-47.0)
- Upstream of twin 66-inch culverts adjacent to Proctor's Circle (49.0)
- Downing Road to Nancy Road (59.5-62.0)
- Nancy Road to Albert Road (63.0-64.0)
- Albert Road to Peabody Road (65.0-66.0)
- Peabody Road to US Route I-95 (66.5)
- Upstream culvert under US Route 1 (66.0)
- Upstream of first railroad culvert above US Route 1 (66.6)
- Upstream of culvert under Pine Street (72.9)

Unnamed Brook

- Upstream of Esquire Drive (55.0)

Goldthwaite Brook

- Flume Pond (37.3)

- Upstream of culvert under the railroad right of way above Flume Pond (45.0)
- Upstream of culvert under the railroad right of way nearest Summit Street (48.0)
- Upstream of Summit Street (64.0)
- Upstream of Corwin Street (80.0)
- Above Craigs Pond (88.0)
- Upstream of First Avenue (97.5)
- Upstream of spillway above First Avenue (99.0)

Tapley Brook

- Upstream of Washington Street (40.0)
- Sidney's Pond (52.0)
- Upstream of Cedar Grove Avenue (54.0)
- Lower Spring Road (64.0)
- Upper Spring Road (69.0)
- Brown's Pond (78.0)
- Bartholomew Pond (98.0)

Strongwater Brook

- Upstream of Clement Avenue (37.5)
- Meadow Pond (39.0)

* Elevations in feet above mean sea level (USGS) datum. When two (2) elevations are given, the lower elevation applies to the downstream end of the designated area while the higher elevation applies to the upstream end. The specific elevation for any land is determined by interpolation between the elevation figures shown on the basis of its relative distance in feet from the upstream and downstream ends.

B. Except as provided in paragraph "C" below, the following shall be prohibited within the wetlands conservancy district:

a. New buildings or structures, excepting herefrom the area upstream of the culvert under US Route 1 to the culvert under Pine Street;
b. Filling, dumping, excavation, removal or transfer of any earth material which will restrict or increase flood water flow or reduce the flood water storage capacity;
c. Dumping of trash, rubbish or other waste materials;
d. Storage of any material or equipment which is toxic or floatable.

C. Subject to the approval of the conservation commission, the following uses shall be permitted in a wetland conservancy district:

a. Land used for conservation of water, plants, and wildlife;
b. Recreation, including play areas, wildlife preserves, golf, boating, fishing, and hunting where otherwise legally permitted;
c. Grazing, farming, forestry and nurseries;
d. Proper operation and maintenance of dams and other water control structures, including temporary alteration of the water level for emergency purposes;
e. Any building existing may be repaired, rebuilt, modified or flood-proofed in a manner which would not increase ground coverage.

8.10 CONSTRUCTION OF USE REGULATIONS

In the event that there is a conflict between the use regulations contained in sections 8.4 through 8.8 and section 8.9, the most restrictive regulation shall prevail and control.

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

SECTION FOUR: This ordinance shall take effect as provided by law.
(Carried 11-0)

REPORTS OF COMMITTEE

Finance Committee
June 17, 2025; June 24, 2025; June 26, 2025

P332-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee sitting as the Committee of the Whole met on June 17th, recessed and met again on June 24th, recessed and met again earlier this evening on June 26th. All councillors were present at all three meetings. We were also joined at various times by other elected officials, including School Committee Members: Beverley Ann Griffin Dunne, Joe Amico, Jarrod Hochman, and Jon Swanson. We were also joined at times by Library Trustees: Anne Quinn, Katrina Vassallo, and Stacey Dolin. We were also joined at times by members of our state legislative delegation: Representative Walsh and Senator Lovely. Scheduling was complicated a bit this year with the Juneteenth federal holiday falling on June 19th, and June 24th aligning with the last day of classes. Taking these factors into account, the Education portion of the budget was considered prior to the City side of the budget. The City budget, including the school portion of the budget, was presented by His Honor the Mayor and the Director of Finance and the School Superintendent. The Auditor and the department heads or their designees were available to help address questions from the City Council, of which there were many. Through these meetings there were several late communications received. The following motion was made. (Report received)

P333-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE to receive, under suspension of the rules, the following late communications:

Late 1 – Michael Gingras, Finance Director, regarding Additional Information Social Services, Children's Museum
Late 2 – Paul V. LoGiudice, Skating Rink Manager, regarding Letter of Consideration
Late 3 – Peabody State Legislators, regarding State Aid to Peabody School District
Late 4 – Mayor Edward A. Bettencourt regarding Table of contents
Late 5 – Mayor Edward A. Bettencourt regarding Summary of Mayor's Proposed Fiscal '26 Budget
Late 6 – Elizabeth Mover, 12 Goodridge Street, regarding Massachusetts Department of Elementary and Secondary Education School Report Card
Late 7 – Beverley Ann Griffin Dunne, School Committee Member, regarding Essex North Shore Agricultural & Technical School Budget Report
Late 8 – Dr. Josh Vadala, Supt. of Schools, regarding Job Descriptions
Late 9 – Dr. Josh Vadala, Supt. of Schools, regarding School Committee Motion and Supporting Documentation
Late 10 – Kendra Patterson, 7 Lynch Street, regarding Deep Concern
Late 11 – Elizabeth Mover, 12 Goodridge Street, regarding Recent Budget Meeting Comments
Late 12 – Dr. Josh Vadala, Supt. of Schools, regarding Peabody's Dart District Presentation
(Unanimous)

P334-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – While the committee was not conducting a public hearing, several individuals sought to address the committee which was permitted. Towards the end of the June 17th meeting, the Mayor requested some additional time to consider with the School Committee feedback received during the meeting on the proposed school budget. A motion was made to return the budget proposal back to the School Committee; as chair, I ruled that motion in order. It is clear that the City Council does not have the authority to increase the school budget or allocate appropriations among accounts or place any restrictions on appropriations, however, I believe Mass General Laws 71, Section 34, broadly covered this action by the City Council. Section 34 is titled Support of Schools Appropriations and Recommendations. Under Section 34, the City Council is the appropriating body. Section 34 states, "The City or Town appropriating body may make non-binding monetary recommendations to increase or decrease certain items allocating such appropriations." The motion to return the budget proposal back to the School Committee was unanimously supported by the committee. This resulted in a School Committee meeting on June 23rd to consider such non-binding monetary recommendations. The result of that School Committee meeting was a motion included in late communication 9, which we just received a moment ago. On June 26th, the review of the school budget continued, led off by a presentation by the Superintendent of Schools. After the questions and debate that ensued, a motion was made to approve the total Education budget, which included the City's Education budget and the Essex North Shore Agricultural & Technical School Assessment. That motion was successful. On June 24th the City side of the budget was considered. This June 24th portion of the meeting went quite late, and a motion was made to continue the City Council business past 11:00 p.m., in accordance with Section 14(b) of the Rules and Orders of the City Council of the City of Peabody and that motion carried unanimously. During the meeting each major section of the City budget was considered individually. These were General Government; Public Safety; Public Services; Council on Aging; Human Services, excluding Council on Aging; Culture and Recreation; Debt Service; and Employee Benefits. The Council on Aging budget was voted separately from Human Services because of Councillor Melville's recusal. As each major section was considered and debated by councillors, ten motions were made to reduce specific line items: five of those motions were successful; five of those motions failed. Where the motions were successful, the impacted adjustments were made to the appropriate department and major section proposed total budget. Upon making these adjustments, each major section of the City budget was voted individually and all such motions passed. An aggregation of the individual motions for each major section of the budget is the full Fiscal 2026 budget for the City of Peabody. The following motion was made. (Report received)

P335-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody to approve and adopt the Fiscal Year 2026 City of Peabody Operating Budget, as submitted by His Honor the Mayor, and further amended by the City Council, in the amount of $207,868,341 as follows:

Total Personnel Services:	$156,605,786.00
Total Operating Expenses:	$ 51,262,555.00
	$207,868,341.00

(Carried 8-3; Councillor Turco, Councillor Peach, and Councillor Manning-Martin voting opposed)

P336-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – Budgets for the Water and Sewer Enterprise and Recreation Enterprise were presented by the City Auditor and reviewed by the committee. Councillors' questions regarding the enterprise were addressed by the administration and the enterprise staff. Motions were made to approve each enterprise individually and both motions passed. The following motion was made. (Report received)

P337-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Section 53F ½ of Chapter 44 of the Massachusetts General Laws the City Council of the City of Peabody approve and adopt the Fiscal Year 2026 Water & Sewer Enterprise Budget, as submitted by His Honor the Mayor, in the amount of $21,961,000 as follows:

Total Personnel Services:	$ 4,732,414.00
Total Operating Expenses:	$17,228,586.00
	$21,961,000.00

(Carried 11-0)

P338-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Section 53F ½ of Chapter 44 of the Massachusetts General Laws the City Council of the City of Peabody approve and adopt the Fiscal Year 2026 Recreation Enterprise Budget, which includes the McVann O'Keefe Memorial Skating Rink and Meadow Golf Course Budgets, as submitted by His Honor the Mayor, in the amount of $2,961,000 as follows:

Total Personnel Services:	$1,408,187.00
Total Operating Expenses:	$1,552,813.00
	$2,961,000.00

(Carried 11-0)

P339-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – I'd like to thank the Mayor and his staff for the presentation and the preparation that went into the budget and how it was presented. I'd specifically like to thank the Director of Finance, Mr. Gingras, and the Auditor, Ms. Martin, for their clear understanding of the details and highly professional support of this process. I know from experience that councillors typically come away believing they were provided with thorough answers to their questions, and we are very fortunate to have you in your respective positions. There were six other items on our agenda. The first was a transfer request needed to adjust various Fiscal 2025 budget payroll and expense accounts between departments along with free cash to balance and close Fiscal '25 operating budget. Similar transfers were requested to close out the enterprises for Fiscal 2025. This request was presented by the Director of Finance and resulted in a motion by Councillor Gamache. That motion was passed by a 10 to zero vote. (Report received)

P340-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 29, 2025:

FROM: City Budget, Enterprise Funds, Free Cash		**TO:**	
City Budget -Payroll Accounts (Various Funding Accounts)	$258,900.00	Departments Payroll Accounts (Various Payroll Accounts)	$1,423,900.00
City Budget -Expense Accounts (Various Funding Accounts)	390,500.00	Department Expenses (Various Expense Accounts)	1,185,500.00
Unreserved Fund Balance (Free Cash)	1,960,000.00		
(See Attached List) Total From:	$2,609,400.00	(See Attached List) Total To:	$ 2,609,400.00

(Carried 11-0)

P341-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a request to accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, which allows for property tax liability reduction in exchange for volunteer services from persons over age 60. This was presented to the committee by Mr. Gingras and the Mayor. There were a number of questions on this that were addressed by the Mayor, and there was a successful motion made by Councillor Rossignoll, and this was a very lengthy motion that was made by Councillor Rossignoll. We have the text available on the record from the committee meeting so, therefore, I am going to abbreviate the motion made by Councillor Rossignoll. The following motion was made. (Report received)

P342-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO adopt Chapter 59, Section 5K, of the Massachusetts General Laws allowing Property tax liability reduced in exchange for volunteer services; persons over age 60, as read in committee.
(Carried 11-0)

P343-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – We need to circle back to Item C. I neglected to capture two additional transfers there. Again, these motions were made by Councillor Gould. They were supported unanimously. The following motion was made. (Report received)

P344-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 29, 2025:

FROM:		**TO:**	
Recreation Enterprise: (See Detailed List)			
Various Funding Accounts	$48,000.00	Various Payroll & Expense Accounts	$48,000.00
Water Sewer Enterprise: (See Detailed List)			
Various Funding Accounts	$686,000.00	Various Expense Accounts	$686,000.00

(Carried 11-0)

P345-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was a CPC transfer request. This was presented by the Director of Finance and the Mayor. The following motion was made. (Report received)

P346-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 20, 2025:

FROM:		**TO:**	
270-0000-33021 Community Preservation Act Open Space	$100,000.00	270-01811-58562-2025-517 Community Preservation Act George Peabody Legacy Park	$100,000.00
270-0000-33011 Community Preservation Act Unreserved Fund Balance	$100,000.00	270-0000-33021 Community Preservation Act Open Space	$100,000.00
270-00000-33022 CPC – Historic Preservation	$5,000.00	270-1811-58563-2025-00-0384 CPC – Preservation Leather History Records	$5,000.00

(Carried 11-0)

P347-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – The final three items on the agenda were routine cable fund transfers that we, the Council, deal with either quarterly or on an annual basis. These were presented to us individually by the Director of Finance, Mr. Gingras. Each of these passed the committee unanimously. The following motions were made. (Report received)

P348-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 20, 2025:

FROM:		**TO:**	
Receipts Reserved Cable Fund		Cable Fund Expense	
270-0000-33017	$194,803.91	270-0000-53007	$194,803.91

(Carried 11-0)

P349-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve, the following transfer, as submitted by His Honor the Mayor, under date of May 20, 2025:

FROM:		**TO:**	
Receipts Reserved Cable Fund		Cable Fund Expense	
Quarter 1 2025			
270-0000-33017	$12,445.58	270-0000-53007	$12,445.58
270-0000-33017	$2,765.68	270-0000-53007	$2,765.68
	$15,211.26		$15,211.26

(Carried 11-0)

P350-25 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 30, 2025:

FROM:		**TO:**	
Receipts Reserved Cable Fund		Cable Fund Expense	
270-0000-33017	$120,000.00	270-0000-53007	$120,000.00

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P351-25 COUNCILLOR TURCO – MOVE TO refer the discussion of adding a quarterly fee for water billing, as well as a final read fee, and a review of all current fees for water billing to the Finance Committee and invite Mr. Will Paulitz, Director of Public Services; Ms. Mary Martin, City Auditor; Mr. Mike Gingras, Finance Director; and Ms. Janice Survilas, Water Billing.
(Unanimous)

P352-25 COUNCILLOR TURCO – MOVE TO request an update from the Social Services Department on the department activities and include any overdose numbers for the City of Peabody in that presentation and refer to the Human Services Committee
(Unanimous)

P353-25 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Thomas St. Pierre, Building Commissioner, Transfer of Special Permit 6-2017; Asbury Lynnfield M, LLC, 202 Newbury Street, subject to all papers being in order.
(Unanimous)

P354-25 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-A Taxi Driver License - John Marley - License 16, subject to all papers being in order.
(Unanimous)

P355-25 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Banner - Care Dimensions, 75 Sylvan Street, Danvers, subject to all papers being in order.
(Unanimous)

{10-A Poll Worker Compensation}
P356-25 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 18-20, Paragraph 15, entitled "Schedule of Compensation for Part-Time Positions" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P357-25 COUNCILLOR HIGGINS – MOVE TO request that the Public Services Department re-paint the crosswalks at the intersection of Lake Street and Lowell Street.
(Unanimous)

{75 Fairview Avenue}
P358-25 COUNCILLOR WELTON – 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)

P359-25 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication form His Honor the Mayor regarding Update to Credit Analysis, prepared by Moody's Ratings.
(Unanimous)

P360-25 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Lisa Greene, Clerk to the Community Preservation Committee, regarding CPC Annual Report to City Council for 2024.
(Unanimous)

P361-25 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C the special event application submitted by the Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street with the following conditions:

CONDITIONS:

1. That the applicant's representative, Juliana Rosario, make herself known to the Peabody Police detail officer as the point of contact for the Azorean Brotherhood of the Holy Ghost should any issues arise; and that as the representative of the Azorean Brotherhood of the Holy Ghost, Ms. Rosario will address any such complaint in a timely fashion;
2. That the stage be oriented in such a way and that the volume be set to minimize noise impact on residential and business neighbors;
3. All entertainment shall promptly cease at 11:00 p.m. on July 18th and July 19th and 10:00 p.m. on July 20th;

4. Before the event, a Fire Department inspection shall be required for the use of temporary tents and the outdoor cooking operation; and
5. The property owner must provide an adequate number of covered receptacles to allow for the storage of garbage and rubbish in a manner so as not to attract pests or create nuisances for abutters.

(Unanimous)

P362-25 COUNCILLOR MCGINN – MOVE TO amend Section 19-94 "Parking prohibited on certain streets" of the Code of the City of Peabody to add Aborn Street northwesterly side from the utility pole on the easterly side of the curb cut for 84 Aborn Street to a point 33 feet westerly from such utility pole and that this order be advertised as read.
(Unanimous)

P363-25 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Curt Bellavance, Dir., Community Development and Planning, regarding Peabody Independence Greenway Bikeway Extension – Easements and refer to the Legal Affairs Committee.
(Unanimous)

P364-25 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-C Block Party - 15 Brentwood Dr. to 20 Brentwood Dr. - July 26, 2025, subject to all papers being in order.
(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 9:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 1, 2025
RETURNED BY HIS HONOR THE MAYOR, JULY 1, 2025

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

COMMUNICATIONS:
His Honor the Mayor re: Update to Credit Analysis, prepared by Moody's Ratings
His Honor the Mayor re: Various re-appointments
Thomas St. Pierre, Building Commissioner, Transfer of Special Permit 6-2017; Asbury Lynnfield M, LLC, 202 Newbury Street (ITEM 4-A)

Lisa Greene, Clerk to the Community Preservation Committee, re: CPC Annual Report to City Council for 2024
Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, re: Special Event application
Curt Bellavance, Dir., Community Development and Planning, re: Peabody Independence Greenway Bikeway Extension - Easements

Taxi Driver License:

John Marley – License 16

Banner:

Care Dimensions, 75 Sylvan Street, Danvers

Block Party:

15 Brentwood Dr. to 20 Brentwood Dr. – July 26, 2025