REGULAR MEETING OF THE PEABODY CITY COUNCIL
JULY 11, 2024

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

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 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.

P341-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Special Meeting of June 20, 2024, and the Regular Meeting of June 27, 2024.
(Unanimous)

P342-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appointment under date of July 1, 2024.
(Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 7-B.)

P343-24 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Jaclyn Ciardi, 38 Exchange Street, Lynn, MA, as Recreation Supervisor for a one-year term to expire 12/31/2024.
(Carried 11-0)

HEARINGS

(COUNCIL PRESIDENT PEACH STEPPED DOWN FROM THE CHAIR AND COUNCILLOR MANNING-MARTIN ASSUMED THE CHAIR.)

A public hearing was duly held on the application submitted by Cris Guerrero, 120 Dedham Boulevard, Dedham, MA. Ms. Cris Guerrero and Ms. Maria Guerrero appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P344-24 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Cris Guerrero, 120 Dedham Boulevard, Dedham, MA, for a Special Permit to allow the use of the space as a laundromat at 118-120 Central 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. Hours of operation will be Monday through Friday from 6:00 a.m. to 8:00 p.m.; Saturday and Sunday from 7:00 a.m. to 6:00 p.m.

(Carried 11-0)

(COUNCILLOR MANNING-MARTIN STEPPED DOWN FROM THE CHAIR AND COUNCIL PRESIDENT PEACH ASSUMED THE CHAIR)

A public hearing was duly held on the application submitted by McGovern Auto Group Corp. Services, Inc., 777 Washington Street, Newton, MA. Attorney David Ankeles appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P345-24 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, late communication Item 4 from David A. Mackwell, Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, regarding 64-70 Andover Street-colored exhibits.
(Unanimous)

P346-24 COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that the application filed by McGovern Auto Group Corp. Services, Inc., 777 Washington Street, Newton, MA, for a Special Permit to allow automotive sales, sale of tires or other motor vehicle accessories and the storage of undamaged and operable vehicles and automotive repairs, provided all work is carried on inside a building at 64 and 70 Andover Street, Danvers, MA, **(Lot 029, Parcel 001, 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. Per the Town of Danvers Planning Board approval "Posted" April 26, 2024:
    - i) Prior to issuance of a Building Permit this Special Permit Decision shall be recorded at the Southern Essex Registry of Deeds;
    - ii) The applicant will satisfy all the comments in the Danvers Engineering Division memorandum dated April 5, 2024;
    - iii) The applicant will satisfy all the comments in the Danvers Electric Division memorandum dated April 16, 2024;
    - iv) The applicant will provide schematic renderings with the exterior colors and materials of the third unnamed car dealership building to be reviewed by Planning staff;
    - v) The applicant must submit a sign application for all the proposed signage on the site to be reviewed and approved by Planning staff;
    - vi) If there any changes to the approved plans, the Use, or the conditions on premises, planning staff will review. If deemed a major change by staff, the applicant will have to apply for a modification to application to the Special Permit; and
2. Any abutting wetlands will be delineated before any work commences at that the buffer trees be planted within Brooksby Farm, subject to their approval, if necessary.

(Carried 11-0)

Industrial & Community Development Committee
July 11, 2024

P347-24 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – There was a lively discussion tonight about changing the zoning regulation by adding a special permit multifamily in the GB zoning district. There were a number of instances where GB is throughout the City. Mr. Bellavance and Mr. Keilty have met several times to try to hammer out some language that would be acceptable by the Council. Most councillors thought that the concept was good but did not want to change the zoning amendment throughout the City. There was a commentary to not move forward on the amendment, and the attorney withdrew. The following motion was made. (Report received)

P348-24 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the Zoning Amendment request filed by Atty. John Keilty on behalf of Lynnfield Street Holdings, LLC, to Amend Section 4.2.1 Residential under Schedule of Use Regulations by adding by Special Permit "Multi-family" in the GB Zoning District; Add a new Section 6.17 Special Regulations entitled "Multi-family dwellings" in the GB Zoning District be allowed to be withdrawn, without prejudice. (Carried 11-0)

REPORTS OF COMMITTEE

Ad Hoc Committee on Energy Efficiency and Renewable Energy
July 11, 2024

P349-24 COUNCILLOR MCGINN – Reporting for the Ad Hoc Committee on Energy Efficiency and Renewable Energy – The Ad Hoc Committee on Energy Efficiency and Renewable Energy met earlier this evening. Present for the committee were Councillors: Gould, Higgins, and myself as chair. Also present were Councillors: Peach, Daigle, Manning-Martin, and Turco. We had one item on the agenda, which was an update on Peabody's Green Community program participation, and that was presented to us by the Director of Community Development, Mr. Bellavance. He recapped that the City had submitted the application into the State in December of 2023 by the deadline and that the formal Green Community status was granted in April of 2024. Along with that approval came a $271,500 designation grant and Mr. Bellavance explained the plan to spend that money. An assessment of city-owned buildings has been conducted, and his department has been working along with facilities and National Grid on heating issues, and with PMLP on lighting issues. He has worked with Director of Facilities, Mr. Hafey, to prioritize the weatherization list that was developed. Certain buildings were lower priority because of the large expanse and uncertainty of the future use of the building. Examples of that would be the current police station and the current high school. To give an example of one of the buildings that they do plan to move forward on is the weatherization work to be done at City Hall. That estimated cost in total will be about $54,000 and of that, approximately $34,000 will be funded by National Grid and the remaining $20,000 will come from the Green Communities Fund. They are looking at projects for lighting at the senior center. They believe there's going to be a good payback on that work. And they are trying to maximize the benefit of working with the grant funding available from National Grid. They're also looking at heat pumps, potentially, for some of the buildings. They, overall, have detailed this out and will submit the grant spending plan next week to the State that needs to authorize the spending. Work in the schools will take advantage of the summer break and will take place over the summer and, as estimated, will result in savings of $25,000. Because this initial designation grant will not be spent fully by September, the City of Peabody will miss the September competitive grant round under the Green Communities Program, but we should have the money spent and should be in position to reapply in the spring round, which takes place in the March/April time frame. Councillor Gould wanted to acknowledge that Ron and Sudie Smoller were present at the meeting. The Mayor added comments that Community Development would continue to head up this effort working in conjunction with the Facilities Department, and we asked that Mr. Bellavance come back periodically to provide progress reports. I plan as chairman to coordinate with him on the frequency of those updates to the council. This item will stay in committee ongoing for the purpose of receiving those periodic updates. (Report received)

Legal Affairs Committee
July 11, 2024

P350-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – Legal Affairs met earlier this evening. In attendance was Councillor Daigle, Councillor Higgins, Councillor Melville, Councillor Turco, as well as all other councillors. We had one item on the agenda. It was Casco Road. As we all know, and as we discussed at length earlier, there is some significant and troubling safety concerns regarding that entrance. I know a number of councillors feel that way, and that was expressed during the subcommittee meeting. The following motion was made. (Report received)

P351-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 3 from James P. Lamanna, Assistant City Solicitor, City of Lynn, regarding Casco Road/Lynnfield Street - Lynn/Peabody Line – Proposed Regulations.
(Unanimous)

P352-24 COUNCILLOR ROSSIGNOLL – Reporting for the Legal Affairs Committee – Regarding Late 3 that was a memo sent from the City of Lynn regarding the ability this Council has with putting restrictions on that dangerous intersection. So, where this was a late communication and Attorney Conn just got it, more or less, at 2:00 p.m. this afternoon -- even though this has been a topic of discussion for two years and there was a meeting back in April between the two mayors -- this was just brought forward today. So, Attorney Conn will be looking into the legality of this memo and any possible proceedings that we may have to do moving forward. The second motion that was brought out of subcommittee was to continue to move forward, unless Attorney Conn has to come back and have us change gears. The following motion was made. (Report received)

P353-24 COUNCILLOR ROSSIGNOLL– Reporting for the Legal affairs Committee – MOVE TO draft and advertise an ordinance amendment to Section 19-31 "Streets on which left turns prohibited" by adding Casco Road entering Lynnfield Street and Lynnfield Street entering Casco Road.
(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P354-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 Utility Contractor's License – Tufts Construction Inc., 100 Tremont Street, Everett, MA, subject to all papers being in order.
(Unanimous)

P355-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 Utility Contractor's License – Robles Excavating Inc., 5 Canal Street, Danvers, MA, subject to all papers being in order.
(Unanimous)

P356-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 5 Block Party – 21-28 Margin Terrace to 3-6 Adams Avenue – August 31, 2024, subject to all papers being in order.
(Unanimous)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING MOTION)

P357-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Martino Grill, LLC, 58 Pulaski Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P358-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-B Taxi Driver License, Rex Kent – License 6, subject to all papers being in order.
(Unanimous)

P359-24 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Block Party, subject to all papers being in order:

28, 30 and 31 Donna Street - August 17th
5-8 Glen Drive - July 27th
(Unanimous)

{10-A - Assistant Director of Facilities}
P360-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 2 entitled Administration and Section 18-21 entitled "Schedule of Compensation for Full Time Positions Not Subject to Collective Bargaining" of the Code of the City of Peabody be adopted as advertised.
(Carried 10-1; Councillor Manning-Martin opposed)

{10-B - Assistant Clerk of Elections}
P361-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 2 entitled Administration and Section 18-21 entitled "Schedule of Compensation for Full Time Positions Not Subject to Collective Bargaining" of the Code of the City of Peabody be adopted as advertised.
(Carried 11-0)

{10-C - Assistant City Auditor}
P362-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 11 entitled Finance and Section 18-21 entitled "Schedule of Compensation for Full Time Positions Not Subject to Collective Bargaining" of the Code of the City of Peabody be adopted as advertised.
(Carried 10-1; Councillor Manning-Martin opposed)

{10-D}
P363-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 23, Section 16, under Article II Police Department entitled "Establishment and Composition" of the Code of the City of Peabody be adopted as advertised.
(Carried 11-0)

{10-E}
P364-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody 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.
(Carried 11-0)

P365-24 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; $120,000. (Unanimous)

P366-24 COUNCILLOR MCGINN – MOVE TO approve, under suspension of the rules, the following transfer, as submitted by His Honor the Mayor, under date of June 8, 2024:

FROM:		**TO:**	
Receipts Reserved Cable Fund 270-0000-33017 (Carried 11-0)	$120,000.00	Cable Fund Expense 270-0000-53007	$120,000.00

P367-24 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Cynthia Bramberg, 7 Ledgewood Way #11; Eva Musgrave, 202 Brooksby Village Drive, Suite 130; Clyde Forsey, 14 Ellsworth Road; Patricia Kassing, 303 Brooksby Village Drive, Suite 606; Sheila Romo, 101 Brooksby Village Drive, Suite 407; and Marietta Sheehan, 202 Brooksby Village Drive, Suite 523, regarding Official Petition to Council Members, Peabody, MA, and forward to the Police Department.
(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 9:10 p.m.

SUBMITTED TO HIS HONOR THE JULY 16, 2024
RETURNED BY HIS HONOR THE JULY 16, 2024

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

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; $120,000
His Honor the Mayor re: Appointment under date of July 1, 2024
Cynthia Bramberg, 7 Ledgewood Way #11, Eva Musgrave, 202 Brooksby Village Drive, Suite 130, Clyde Forsey, 14 Ellsworth Road, Patricia Kassing, 303 Brooksby Village Drive, Suite 606, Sheila Romo, 101 Brooksby Village Drive, Suite 407, Marietta Sheehan, 202 Brooksby Village Drive, Suite 523, re: Official Petition to Council Members, Peabody, MA

Martino Grill, LLC, 58 Pulaski Street, re: Special Permit application

BLOCK PARTY:

28, 30 and 31 Donna Street – August 17th

5-8 Glen Drive – July 27th

TAXI DRIVER LICENSE:

Rex Kent – License 6