

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 22, 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.

P368-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of July 11, 2024.
(Unanimous)

HEARINGS

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING HEARING 4-A.)

A public hearing was duly held on the application submitted by Martino Grill, LLC, 58 Pulaski Street, Peabody, MA. Atty. John Keilty and Mr. Frank Martino appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P369-24 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Martino Grill, LLC, 58 Pulaski Street, Peabody, MA, for a Special Permit to allow a restaurant with indoor/outdoor service over 3,000 S.F. in the Mill Overlay District (MOD), 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 Health Department, the applicant must submit a revised Integrated Pest Management Plan that incorporates the outside dining area; and
 2. The hours of outdoor dining are limited to 10:00 p.m.
- (Carried 9-0; Councillor Daigle recused; Councillor Melville absent)

REPORTS OF COMMITTEE

MOTIONS, ORDERS AND RESOLUTIONS

P370-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from Andrew Levin, Senior Planner, regarding Affordable Homes Act and refer to the Industrial & Community Development Committee and invite State Representative Sally Kearns, State Representative Thomas Walsh, State Senator Joan Lovely, and Atty. Donald Conn to attend said committee meeting.
(Unanimous)

P371-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner Request - Care Dimensions - 75 Sylvan Street, subject to all papers being in order.
(Unanimous)

P372-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-C Use of the Wiggan Auditorium - St. Vasilios Greek Orthodox Church - 5 Paleologos Street, subject to all papers being in order.
(Unanimous)

P373-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 9-D Entertainment License (New) El Fogón de La Rubia, 76 Walnut Street, and set up a public hearing.
(Unanimous)

P374-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that State Representative Sally Kearns, State Representative Thomas Walsh, and State Senator Joan Lovely appear before the Industrial & Community Development Committee to provide an update on council Motion P95-24 made on February 22, 2024:

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

P375-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that a representative from Republic Services appear before the City Council regarding Motion P832-23 made on December 14, 2023:

“P832-23 COUNCILLOR ROSSIGNOLL – MOVE TO request that a representative from Republic Services appear before the City Council and that the Health Department provide a history of fines that have been issued or pending. (Carried 11-0)”
(Unanimous)

P376-24 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Mayor and/or Health Department issue fines to Republic Services every time they miss a neighborhood trash pick-up.
(Unanimous)

P377-24 COUNCILLOR WELTON – 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 41-1999; Nicole Maniatis, 145A Summit Street, Unit 8, subject to all papers being in order.
(Unanimous)

P378-24 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Thomas St. Pierre, Building Commissioner, regarding Transfer of Special Permit 13-2017; Jamie Ring, 141 Summit Street, subject to all papers being in order.
(Unanimous)

P379-24 COUNCILLOR WELTON – MOVE TO schedule a public hearing to discuss the traffic issues at the Casco Road/Lynnfield Street intersection and request that His Honor the Mayor, Chief Griffin, Captain Richards, Atty. Conn, and Director of Public Services Will Paulitz attend.

(Unanimous)

P380-24 COUNCILLOR WELTON – MOVE TO schedule a Municipal Safety Committee meeting to discuss the intersection of Lynn Street and Bartholomew Street and invite the Police Department and the Public Services Department to attend.

(Unanimous)

P381-24 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Allyson M. Danforth, City Clerk, regarding 2024 State Primary Warrant for September 3, 2024.

(Unanimous)

P382-24 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Janie Dretler, Dept. of Revenue, Division of Local Services, regarding Hotels Tax Information; Response to Motion P279-24.

(Unanimous)

P383-24 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 2 from Councillor David Gamache regarding Car carrier Land Rover and refer to the Building Commissioner, Thomas St. Pierre.

(Unanimous)

{10-C Nancy Avenue}

P384-24 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 entitled Motor Vehicles and Traffic of the Code of the City of Peabody be adopted as advertised and read.

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

P385-24 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; \$198,808.78 and refer to the Finance Committee.

(Unanimous)

P386-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfers of Funds - Various (Final Fiscal 2024) and refer to the Finance Committee.

(Unanimous)

P387-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-B Class 2 Motor Vehicle License (Transfer) Xpress Motor Group, Inc., 98 Foster Street, and refer to the City Solicitor for a legal opinion regarding the applicant's invalid social security number.

(Unanimous)

{10-A Article IV Parking}

P388-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 entitled Motor Vehicles and Traffic of the Code of the City of Peabody be adopted as advertised and read.

(Carried 10-0; Councillor Melville absent)

P389-24 COUNCILLOR MCGINN – MOVE TO establish the annual cost of an employee parking pass in the Peabody City Code Section 19-108.3 at \$100.
(Unanimous)

P390-24 COUNCILLOR MCGINN – MOVE TO establish that all fees referenced in the Peabody City Code which are to be in amounts established by City Council resolution be set at the amount of each such fee which existed in the Peabody City Code prior to April 11,2024, unless such fee has been modified by City Council resolution. And, further MOVE TO establish that all fees referenced in the Peabody City Code which are to be in amounts established by City Council resolution be posted in the City Clerk's office.
(Unanimous)

{10-B Munroe Street}

P391-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19, Article VI, entitled One Way Streets of the Code of the City of Peabody be adopted as advertised and read.
(Carried 10-0; Councillor Melville absent)

P392-24 COUNCILLOR MCGINN – MOVE TO request that the Public Services Department post all signs required to properly implement the recently adopted One Way Streets ordinance change regarding Munroe Street
(Unanimous)

P393-24 COUNCILLOR MCGINN – MOVE TO request that the Building Department send a communication to local businesses regarding the recently adopted One Way Streets ordinance change on Munroe Street.
(Unanimous)

P394-24 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Special Permit application - Public Safety Building/Headquarters, 6 Allen's Lane, and set up a public hearing.
(Unanimous)

P395-24 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Andrew Levin, Senior Planner, regarding 6 Allen's Lane - Site plan application.
(Unanimous)

P396-24 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Veteran's Agent take the necessary steps in order for the City of Peabody to become a Purple Heart Community and annually honor Purple Heart recipients on August 7th of each year.
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

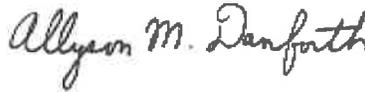
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE AUGUST 28, 2024
RETURNED BY HIS HONOR THE AUGUST 28, 2024



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

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$198,808.78

His Honor the Mayor re: Transfers of Funds – Various (Final Fiscal 2024)

His Honor the Mayor re: Special Permit application – Public Safety Building/Headquarters, 6 Allen's Lane
Janie Dretler, Dept. of Revenue, Division of Local Services, re: Hotels Tax Information; Response to
Motion P279-24

Andrew Levin, Senior Planner, re: 6 Allens Lane – Site plan application

Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 41-1999; Nicole Maniatis, 145A
Summit Street, Unit 8

Thomas St. Pierre, Building Commissioner, re: Transfer of Special Permit 13-2017; Jamie Ring, 141
Summit Street

Allyson M. Danforth, City Clerk, re: 2024 State Primary Warrant for September 3, 2024

BANNER REQUEST:

Care Dimensions, 75 Sylvan Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Xpress Motor Group, Inc., 98 Foster Street

USE OF THE WIGGIN AUDITORIUM:

St. Vasilios Greek Orthodox Church, 5 Paleologos Street

ENTERTAINMENT LICENSE: (New)

El Fogon de La Rubia, 76 Walnut Street