

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 12, 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.

P397-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of August 22, 2024.
(Unanimous)

(LIFESCOUT PATRICK STANTON, TROOP 59, APPEARED BEFORE THE COUNCIL TO SPEAK ABOUT HIS COMMUNITY SERVICE PROJECT AT SPRINGS POND.)

P398-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various appointments/reappointments.
(Unanimous)

(MAYOR BETTENCOURT AND MR. MARTIN GOLDSWORTHY APPEARED TO SPEAK REGARDING ITEM 7-B.)

P399-24 COUNCILLOR MCGINN – MOVE TO approve the appointment of Martin Goldsworthy, 5 Florence Road, Peabody, MA, to the Cemetery Commission (Regular Position) for a two-year term to expire 12/31/2025. (Carried 11-0)

P400-24 COUNCILLOR GAMACHE – MOVE TO approve, under suspension of the rules, the following appointments/reappointments Item 7-B, as submitted by His Honor the Mayor, under date of September 4, 2024:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Lisa Greene 13 Johnson Avenue Peabody, MA 01960	Cultural Council	10/31/2026 2-year term
Julie Murphy 5 Herbert Avenue Peabody, MA 01960	Cultural Council	10/31/2026 2-year term
Kelly Lomasney 13 Raymond Circle Peabody, MA 01960	Cultural Council	10/31/2026 2-year term
Kelly Bloom 36 Catherine Drive Peabody, MA 01960	Cultural Council	10/31/2026 2-year term

Tara Lejeune 669 Lowell Street Peabody, MA 01960	Cultural Council	10/31/2026 2-year term
Kelly Rydzewski 17 Orchard Street Peabody, MA 01960	Cultural Council	10/31/2026 2-year term
Barry Osborne 3 Calas Circle Peabody, MA 01960	Board of Appeals	12/31/2025 1-year term
Chris Gilbert 55 Granite Road Peabody, MA 01960 (Carried 11-0)	Board of Appeals	12/31/2025 1-year term

HEARINGS

A public hearing was duly held on the application submitted by City of Peabody, 6 Allen’s Lane, Peabody, MA. Mayor Bettencourt appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P401-24 COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by City of Peabody, 24 Lowell Street, Peabody, MA, for a Special Permit to allow use of municipal police and fire stations in the R1-A and IL Zoning Districts at 6 Allen’s Lane, Peabody, MA, as filed in accordance with Sections 4.2.3, 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. Subject to the approval of the Conservation Commission.
(Carried 11-0)

(COUNCIL PRESIDENT PEACH STEPPED DOWN FROM THE CHAIR AND COUNCILLOR MANNING-MARTIN ASSUMED THE CHAIR FOR HEARING 4-B.)

A public hearing was duly held on the application submitted by El Fogon de La Rubia, LLC, 76 Walnut Street, Peabody, MA. Ms. Rosalba Montes de Oca appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P402-24 COUNCILLOR PEACH – MOVE TO approve the application submitted by El Fogon de La Rubia, LLC, 76 Walnut Street, Peabody, MA, for an Entertainment License for the use of non-live entertainment, specifically television, and live entertainment, specifically karaoke and DJ, at said 76 Walnut Street, Peabody, MA, subject to all papers being in order and with the following conditions:

CONDITIONS:

1. There is only one amplifier allowed during live entertainment and one musician for live entertainment;
2. The non-live hours will be Monday through Thursday from 7:00 a.m. to 9:00 p.m.; and Friday through Sunday from 7:00 a.m. to 11:00 p.m.; and
3. The live entertainment hours will be restricted to Friday and Saturday from 6:00 p.m. to 11:00 p.m., and Sunday from 7:00 a.m. to 8:00 p.m., or as approved by the Mayor's office.

(Carried 11-0)

REPORTS OF COMMITTEE**Public Services Committee****September 12, 2024**

P403-24 COUNCILLOR TURCO – Reporting for the Public Services Committee – Tonight we had a Public Services subcommittee. The subject matter at hand was the project at Mountain Terrace and Granite Road, Granite Road Extension, which came to completion roughly two years ago. All councillors were present. Mr. Delp, one of the residents who took lead on advocating for the neighborhood when it initially flooded -- well, I guess over decades of flooding -- spoke to the council via audio recording. That audio recording was received in written form by the clerk, and I believe that's Late 1. The following motion was made. (Report received)

P404-24 COUNCILLOR TURCO – Reporting for the Public Services Committee – MOVE TO receive, under suspension of the rules, late communication Item 1 from William Delp, 13 Granite Road, regarding William Delps presentation for council subcommittee.

(Unanimous)

P405-24 COUNCILLOR TURCO – Reporting for the Public Services Committee – In that audio recording, Mr. Delp had several suggestions to repairing some issues with the construction project. Of those were mainly boring into the current vault in the street, as well as, maybe, putting a Y into the exit pipe for the vault, and putting a storm drain in at a lower level to catch the water. The issue with the vault, as you recall, is that it was an inch or two or three higher than the street, so it does not perform as expected. Mr. Paulitz addressed some of Mr. Delp's concerns. He was reluctant to say that he would cut into the vault as he was concerned about the structural integrity of the vault. He recently did make a site visit in response to Councillor Rossignoll's question two days ago, and I believe he also said maybe a month ago prior to that, to investigate the issue. So, it's all relatively new since Mr. Paulitz had become DPS Director. Councillor Gamache had a plethora of questions for Mr. Paulitz; all very, very good questions about the construction project itself and exactly what went wrong and why it went wrong with some possible resolutions. I believe Mr. Paulitz will investigate those presented by Councillor Gamache, as well as those presented by Mr. Delp. And lastly, Councillor Gould spoke just to give Mr. Delp an opportunity to respond to the presentation given by Mr. Paulitz. I neglected to mention Councillor Welton introduced the issue to the Council at the beginning. With that, we decided to leave that issue until the end of October, early November. It's staying in committee until that point to give Mr. Paulitz sufficient time to investigate possible solutions to the problem. (Report received)

Finance Committee**September 12, 2024**

P406-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee of the City Council met earlier this evening. Present for the committee were Councillors: Gamache, Gould, Manning-Martin, Turco, and myself as chair. Two items on the agenda. The first item was a transfer of funds from various accounts to balance out the Fiscal 2024 budget. This was presented by the Director of Finance, Mr. Gingras, who did assure us that this will be the final Fiscal 2024 transfer. The following motion was made. (Report received)

P407-24 COUNCILLOR MGINN – Reporting for the Finance Committee – MOVE TO approve, under suspension of the rules, the following transfers, as submitted by His Honor the Mayor, under date of August 13, 2024:

FROM:

Various Department Accounts
(See Attached List -) \$247,010.00

Golf Grounds- Health Insurance
440-06995-51615 \$16,000.00

Golf Grounds- CIP
440-06995-51110 \$57,700.00

Total \$73,700.00

FROM:

Sewer -Salaries
460-04400-51110 \$202,000.00

Sewer- Outside Services
460-04400-53125 \$37,200.00

Water-Salaries
460-4420-51110 \$187,500.00

Current Revenue –
Water Charges
460-0000-42111 \$469,500.29

Total \$896,200.29
(Carried 11-0)

TO:

Various Department Accounts
(See Attached List-) \$247,010.00

Skating Rink- Salaries
440-06990-51110 \$16,000.00

Skating Rink - PT Wages
440-06990-51120 \$9,800.00

Skating Rink - Water
440-06990-52211 \$6,500.00

Skating Rink- Supplies/Repairs
440-06990-54301 \$16,500.00

Golf Club House - Cart Lease
440-06998-52416 \$1,900.00

Golf Club House - Administration
440-06998-54230 \$23,000.00

Total \$73,700.00

TO:

Water- Utility Software
460-0000-58306 \$90,790.29

Water- Electricity
460-04420-52114 \$75,200.00

Water- Outside Services
460-04420-53125 \$336,000.00

Water- Materials & Supply
460-04420-54217 \$175,000.00

Water- Chemicals
460-04420-54846 \$219,210.00

Total \$896,200.29

P408-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The next item on the agenda was transfer of funds Cable Fund Expense, in the amount of \$198,808.78. This was presented to us by the Director of Finance, Mr. Gingras. This is, as you all know, a routine matter -- quarterly transfer -- and this is the Comcast fee of 5 percent for the April to June period. It's transferring over to Peabody Access Television. The following motion was made. (Report received)

P409-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 12, 2024:

<u>FROM:</u>		<u>TO:</u>	
Receipts Reserved Cable Fund		Cable Fund Expense	
270-0000-33017	\$198,808.78	270-0000-53007	\$198,808.78
(Carried 11-0)			

MOTIONS, ORDERS AND RESOLUTIONS

P410-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, the following late communications, and refer to the Special Meeting on September 17, 2024:

Late 2 Mayor Bettencourt regarding City of Lynn- Casco Road
Late 3 Councillor Jon Turco regarding MGL Chapter 85 Section 2
(Unanimous)

P411-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-B Junk Dealer License (2024 Renewal) Kay Jewelers #1244, 210 Andover Street, subject to all papers being in order.
(Unanimous)

P412-24 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-C Utility Contractors License, subject to all papers being in order:

Tim Zanelli Excavating, LLC, 16 Industrial Way, Atkinson, NH
Stockwood Excavation, LLC, 31 Pleasant Valley Road, Amesbury
(Unanimous)

P413-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-A communication from Elizabeth A. Lashway, Assist. City Solicitor, regarding Motion P222-24 regarding Non-live entertainment licenses and refer to the Legal Affairs Committee.
(Unanimous)

P414-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Curt Bellavance, Dir., Community Development and Planning, regarding Section 3A Zoning Amendment and refer to the Industrial & Community Development Committee.
(Unanimous)

P415-24 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Casco Road/Lynnfield Street Intersection and refer to the Special Meeting on Tuesday September 17, 2024.
(Unanimous)

P416-24 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Block Party, subject to all papers being in order:

17 Batchelder Ave. to 30 Batchelder Ave. -September 20, 2024
33 Benevento Circle to 48 Benevento Circle -September 21, 2024

(Unanimous)

P417-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfers of Funds - School Health- Salaries \$31,098.84; Police Dispatch Salaries - \$60,866.25; Police Dispatch OT - \$34,146.88 and refer to the Finance Committee.

(Unanimous)

P418-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of Funds - Retained Earnings - Projects PFAS Removal \$250,000 and refer to the Finance Committee.

(Unanimous)

P419-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Class 2 Motor Vehicle License (Transfer) PK Motor Cars, Inc., 195 Washington Street, and set up a public hearing.

(Unanimous)

P420-24 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO amend, draft, and advertise Section 19-141 “One-way streets enumerated,” by deleting #16 “Fulton Street southerly from Tremont Street to Walnut Street during the period April 1 to November 30, inclusive, each year.”

(Unanimous)

P421-24 COUNCILLOR GOULD – MOVE TO refer the traffic issues at the intersection of Howley Street and Walnut Street to the Municipal Safety Committee.

(Unanimous)

P422-24 COUNCILLOR GOULD – MOVE TO amend, draft, and advertise Section 19-93 “Restricted parking - Generally” by adding “Gardner Road: both sides, beginning at the intersection of Gardner Street and running in a northerly direction for 130 feet.”

(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 8:35 p.m.

SUBMITTED TO HIS HONOR THE SEPTEMBER 17, 2024
RETURNED BY HIS HONOR THE SEPTEMBER 17, 2024



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

COMMUNICATIONS:

His Honor the Mayor re: Transfers of Funds – School Health – Salaries \$31,098.84
Police Dispatch Salaries - \$60,866.25
Police Dispatch OT - \$34,146.88

His Honor the Mayor re: Various appointments/reappointments

His Honor the Mayor re: Casco Road/Lynnfield Street Intersection

His Honor the Mayor re: Transfer of Funds – Retained Earnings – Projects PFAS Removal \$250,000

Elizabeth A. Lashway, Assist. City Solicitor, re: Motion P222-24 regarding non-live entertainment licenses

Curt Bellavance, Dir., Community Development and Planning, re: Section 3A Zoning Amendment

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

PK Motor Cars, Inc., 195 Washington Street

JUNK DEALERS LICENSE: (2024 Renewal)

Kay Jewelers #1244, 210 Andover Street

UTILITY CONTRACTORS LICENSE:

Tim Zanelli Excavating, LLC, 16 Industrial Way, Atkinson, NH

Stockwood Excavation, LLC, 31 Pleasant Valley Road, Amesbury

BLOCK PARTY:

17 Batchelder Ave. to 30 Batchelder Ave. – September 20, 2024

33 Benevento Circle to 48 Benevento Circle – September 21, 2024