

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 6, 2017

PRESENT COUNCILLORS: MANNING-MARTIN, GARABEDIAN, GRAVEL, TURCO, GOULD, MCGINN, WALSH, MOUTSOULAS, SINEWITZ, AND SASLAW

ABSENT COUNCILLORS: CHAREST

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Joel D. Saslaw.

Salute to the American Flag.

P212-17 COUNCILLOR GRAVEL – MOVE TO receive and approve the minutes from the regular meeting of March 23, 2017. (Unanimous)

COUNCILLOR SASLAW - 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.

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-F)

P213-17 COUNCILLOR GRAVEL – MOVE TO receive and approve, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Appoint Stephen Patten, Veterans Agent, as Special Municipal Employee. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Charest absent)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-E)

P214-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Request to declare an emergency condition; Coolidge Avenue Water Treatment Plant. (Unanimous)

P215-17 COUNCILLOR MCGINN – MOVE THAT WHEREAS in the opinion of the City Council of the City of Peabody, an extreme emergency exists, which affects the health, safety, and welfare of the citizens of the City of Peabody caused by a fire at the Coolidge Avenue Water Treatment Plant, such that normal public bidding procedures ought be dispensed with so repairs to this building may be expedited; THEREFORE be it ordered by the City Council of the City of Peabody that it will waive local ordinance provisions, and that the City Purchasing Agent is authorized to secure a waiver of requirements of Chapter 30, Section 39M, and Chapter 149, Section 44, of Mass. General Laws with regard to advertising of bids for remedial repairs to the Coolidge Avenue Water Treatment Plant described above, and that such contracts, as necessary to conduct such repairs, be awarded after consideration of competitive quotations, and approval of the mayor. (Carried 10-0; Councillor Charest absent)

HEARINGS

P216-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Arthur Athas, 26 Lynnfield Street, regarding Opposed to Entertainment License amendment; Wardhurst Restaurant and to refer to the public hearing. (Unanimous)

P217-17 COUNCILLOR MCGINN - MOVE TO continue the public hearing on the application from Wardhurst Restaurant, 31 Lynnfield Street, regarding applicant's request to amend its Entertainment License to obtain an opinion from the Legal Department as to the necessity for the applicant to apply simultaneously for a Special Permit to alter or extend a pre-existing nonconforming use pursuant to Section 1.5.1 of the Zoning Ordinance. On the motion to be noted for the record, the applicant was contacted by the City Clerk and assents to the continuance. (Unanimous)

A public hearing was duly held on the application from Leony Ferreira, 133 Walnut Street, Malden, MA. Appearing to speak on behalf of the application was Mr. Leony Ferreira and Mr. William Demoree. No one appeared to speak in favor. No one appeared to speak in opposition.

P218-17 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Leony Ferreira, 133 Walnut Street, Malden, MA, for a Special Permit to operate a catering business at 297 Lynn 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) That a food establishment permit be obtained by the Health Department.
(Carried 10-0; Councillor Charest absent)

A public hearing was duly held on the application from North American Self Storage Group, LLC, 3595 Cadillac Avenue, Costa Mesa, CA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. Russ Colvan. Mr. Ray Hendrickson, CEO of Christian Book Distributors, appeared to speak in favor. Mr. Dean Boucher, 124 Summit Street, Peabody, MA; and Ms. Natalia Barbosa, 130 Summit Street, Peabody, MA, appeared to speak in opposition.

P219-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Michael T. & Jill A. Fitzgerald, 126 Summit Street, regarding Opposed to Special Permit at 137 Summit Street. (Unanimous)

P220-17 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from North American Self Storage Group, LLC, 3595 Cadillac Avenue, Costa Mesa, CA, for a Special Permit to operate a self-service storage facility with no outdoor storage at 137 Summit 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) Business hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday; and
- 2) Construction hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday; Saturday from 9:00 a.m. to 6:00 p.m.; and no Sunday or holiday hours.

(Carried 10-0; Councillor Charest absent)

A public hearing was duly held on the application from BTM Investments, LLC, Thomas McMillan, Manager, 27 Water Street, Wakefield, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides, Mr. Steve Lomasney and Mr. Thomas McMillan. No one appeared to speak in favor. Ms. Linda Belanger, 278 Newbury Street, Lot 42, Peabody, MA; Ms. Janet Mackinnon, 278 Newbury Street, Lot 34, Peabody, MA; Mr. Peter Bakula, 278 Newbury Street, Lot 51, Peabody, MA; Ms. Zenayda Sanchez, 278 Newbury Street, Lot 69, Peabody, MA; and Mr. Barry Bilicki, 278 Newbury Street, Lot 21, Peabody, MA, appeared to speak in opposition.

P221-17 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. Steve Lomasney, 274 Newbury Street, regarding receipt of paid real estate tax bill. (Unanimous)

P222-17 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from BTI Investments, LLC, Thomas McMillan, Manager, 27 Water Street, Wakefield, MA, for a Special Permit to amend/revise the site plan approved with Special Permit 7 of 2017 for property at 274 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 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) No outdoor construction on Saturday; only in-door construction allowed;
- 2) A fence will be constructed around the entire perimeter of the property;
- 3) A Special Permit transfer will require a public hearing;
- 4) Lighting on any signs will be turned off after hours; and
- 5) Item 12-D Construction Hours of Operation on the Special Permit application shall reflect "Monday through Friday."

(Carried 9-1; Councillor Manning-Martin opposed; Councillor Charest absent)

REPORTS OF COMMITTEE

**INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
APRIL 6, 2017**

P223-17 COUNCILLOR SINEWITZ – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development met earlier this evening. It was a full council, except for Councillor Charest. Item A on the agenda was the proposed zoning amendment for the parking requirements in the downtown and that was left in committee. The mayor had some changes that he wanted to bring forth in a few weeks so that's staying in committee and that was unanimously supported. Item B was a proposed zoning amendment on the medical marijuana facilities. There were some good questions and answering going on. The subcommittee made one motion that passed four to one that we send the proposed zoning amendment for medical marijuana facilities to the Planning Board. (Report received)

P223A-17 COUNCILLOR SINEWITZ – Reporting for the Industrial & Community Development Committee – MOVE, under suspension of the rules, to receive the communication from the VGR Law Firm, 1400 Hancock Street, Quincy, MA regarding the proposed medical marijuana dispensary zoning amendment. (Received)

P224-17 COUNCILLOR SINEWITZ – Reporting for the Industrial & Community Development Committee – MOVE TO refer to the Planning Board the language put forward by His Honor the Mayor in the Mayor's November 10th, 2016, communication to the City Council of the City of Peabody regarding changes to the Zoning Ordinance regarding medical marijuana facilities. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Charest absent)

P225-17 COUNCILLOR SINEWITZ – Reporting for the Industrial & Community Development Committee – Next was Item C the billboard moratorium. There were two motions made and both passed unanimously five to zero. (Report received)

P226-17 COUNCILLOR SINEWITZ – Reporting for the Industrial & Community Development Committee – MOVE TO request that the City Solicitor prepare language to move forward with a permanent billboard moratorium. (Carried 10-0; Councillor Charest absent)

Farm Truck Driver	1	12.00
Zamboni Driver/Laborer	2	13.00
	3	14.00
	4	15.00
	5	16.00
Recreation Supervisor	1	14.00
	2	14.50
	3	15.00
	4	15.50
	5	16.00
Recreation SPED Director/ Program Director	1	18.00
	2	19.00
	3	20.00
	4	21.00
Recreation SPED Staff/ Rec Specialist	1	12.00
	2	12.50
	3	13.00
	4	13.50
	5	14.00
Tennis Instructor	1	13.50
	2	14.00
	3	14.50
	4	15.00
	5	15.50
Game Official Non-certified	1	17.00
Game Official Certified	1	25.00
Library Aides	1	13.00
	2	13.50
	3	14.00
	4	14.50
	5	15.00
	6	15.50
	7	16.00
	8	16.50
	9	17.00
Library Pages	1	11.00
	2	11.50
	3	12.00
	4	12.50
	5	13.00

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

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 10-0; Councillor Charest absent)

P231-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The second item on the agenda was the Municipal Modernization Act to allow for the application of bond premiums. Basically this is to allow any premiums that are paid in advance against a bond to be utilized to actually reduce the bond themselves. So discussion was had and the following motion was made. (Report received)

P232-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT each prior order of the City Council that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20, of the General Laws, as most recently amended by the Municipal Modernization Act, so-called, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied. (Carried 10-0; Councillor Charest absent)

P233-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The next item on the agenda was a request to set up a revolving fund for Tillies Farm in an effort to create a situation much like we have at Brooksby Farm, in terms of the ability to bring in funds and utilize funds. That motion was made and approved unanimously. (Report received)

P234-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT a revolving fund be established for Tillies Farm Department #6640 under the direction of the Director of Parks, Recreation & Forestry. In accordance with the provisions set forth in Chapter 44, Section 53E ½, all revenue and receipts generated through Tillies Farm activities shall be credited to the Tillies Farm Revolving Fund and all allowable expenses relating to the cost of operating Tillies Farm shall be expended from that fund. (Carried 10-0; Councillor Charest absent)

P235-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Next on the agenda there was a request from the Peabody Municipal Light Commission for a salary increase in the amount of \$1,100. A motion was made to deny that request and that motion passed on a vote of three to two so that was denied. (Report received)

P235A-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO deny the request from the Peabody Light Commission requesting to increase the salary of the members from \$4,000.00 to \$5,100.00. (Carried 10-0, 1 absent)

P236-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a request made by Retirement Board to change the local option for retirement allowance to widows of disabled public employees. The discussion being that we have not really kept pace with that through the Retirement Board and it does not impact city funds but basically is representative from the retirement system. The following motion was made. (Report received)

P237-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO adopt and approve local option, Chapter 139 of the Acts of 2012, which authorizes an annual allowance at the rate of \$12,000.00 per year to the survivors of accidental disability retirees, who were found to be incapacitated for further duty by reason of injuries sustained while in the performance of his/her duties, and whom at that time of retirement did not have the option to provide for a surviving spouse. Further, this allowance is to be paid from funds under control of the Peabody Retirement Board (not from the City of Peabody) and to be effective July 1, 2017. Said allowance is a local option and has been included in the legislation as part of the Acts of 2012 approved by the Governor and State Legislature. (Carried 10-0; Councillor Charest absent)

MOTIONS, ORDERS AND RESOLUTIONS

P238-17 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Clerk provide the City Council with a list of all current Special Municipal Employees in the City of Peabody. (Unanimous)

P239-17 COUNCILLOR TURCO – MOVE TO request that the Public Services Department paint the crosswalks from Greenwood Road along Lynn Street across to the Brown School. (Unanimous)

P240-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from ALV Corporation, 11 Green Street, Danvers, regarding Special Permit application and to set up a public hearing. (Unanimous)

P241-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from David Terenzoni, Director, Public Services Department, regarding Completed Council motion P888-16. (Unanimous)

P242-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Attorney Michael Smerczynski, City Solicitor, regarding Peabody Crossing dismissal. (Unanimous)

P243-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Deanne Healey, President/CEO, Peabody Chamber of Commerce, regarding In favor of reduction of parking ratio in B-C District and to refer to the Industrial & Community Development Committee. (Unanimous)

P244-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Deanne Healey, President/CEO, Peabody Chamber of Commerce, regarding Proposed Zoning Amendment; Reduction to Parking Requirements in the B-C Zoning District and to refer to the Industrial & Community Development Committee. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P245-17 COUNCILLOR GRAVEL - MOVE TO receive and approve a communication from His Honor the Mayor, under date of March 29, 2017, regarding the following Various reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Julie Picardi 22 Benevento Circle Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2018 Two-Year Term
Albert Talarico 157 Marble Street Stoneham, MA 02180	Inspector of Buildings/ Building Commissioner	12/31/2017 (One-Year Term)
Brian Grant 10 South Street Peabody, MA 01960	Superintendent of Parks, Recreation & Forestry	12/31/2017 One Year Term
Stephen Patten 4 Clinton Road Peabody, MA 01960	Veteran's Agent	12/31/2017 (One-Year Term)
Shawn Mahoney 46 Shore Drive Peabody, MA 01960 (Carried 10-0; Councillor Charest absent)	Wire Inspector	12/31/2017 (One-Year Term)

P246-17 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds regarding the Police budget and to refer to the Finance Committee. (Unanimous)

P247-17 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds regarding the Fire budget and to refer to the Finance Committee. (Unanimous)

P248-17 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Sale of general obligation bonds and to refer to the Finance Committee. (Unanimous)

P249-17 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding 143 Lynnfield Street; update to Administrative Consent Order. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P250-17 COUNCILLOR GRAVEL – MOVE TO receive and approve a communication from Captain Scott Richards, Police Department, regarding Road closure plan regarding USGA Senior Open at Salem Country Club. (Unanimous)

P251-17 COUNCILLOR GRAVEL – MOVE TO receive a communication from Attorney John R. Keilty, 40 Lowell Street, regarding Notice of remand to City Council; Outdoor Ad Concepts, 41 Newbury Street, and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P252-17 COUNCILLOR WALSH – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2017), subject to all papers being in order:

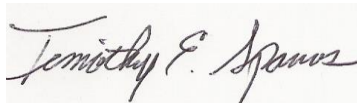
Long's Jewelers, 35 Cross Street
Game Stop 6409, 210 Andover Street
Game Stop 664, 300 Andover Street
(Unanimous)

P253-17 COUNCILLOR WALSH – MOVE TO receive and approve Taxicab License (Transfer) Tri City Services, 55R Walnut Street, License 43, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 14, 2017
RETURNED BY HIS HONOR THE MAYOR, APRIL 14, 2017



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Various re-appointments under date of March 29, 2017
His Honor the Mayor re: Transfer of funds regarding the Police budget
His Honor the Mayor re: Transfer of funds regarding the Fire budget
His Honor the Mayor re: Sale of general obligation bonds
His Honor the Mayor re: Request to declare an emergency condition; Coolidge Avenue Water Treatment Plant
His Honor the Mayor re: Appoint Stephen Patten, Veterans Agent as Special Municipal Employee
His Honor the Mayor re: 143 Lynnfield Street; update to Administrative Consent Order
Michael T. & Jill A. Fitzgerald, 126 Summit St re: Opposed to Special Permit at 137 Summit Street
Arthur Athas, 26 Lynnfield Street re: Opposed to Entertainment License amendment; Wardhurst Restaurant
David Terenzoni, Director, Public Services Department re: Completed Council motion P888-16
Atty. Michael Smerczynski, City Solicitor re: Peabody Crossing dismissal

Atty. John R. Keilty, 40 Lowell Street, re: Notice of remand to City Council; Outdoor Ad Concepts, 41 Newbury Street

Capt. Scott Richards, Police Department re: Road closure plan regarding USGA Senior Open at Salem Country Club

Deanne Healey, President/CEO, Peabody Chamber of Commerce re: In favor of reduction of parking ration in B-C District

JUNK DEALER LICENSE: (Renewal for 2017)

Long's Jewelers, 35 Cross Street

Game Stop 6409, 210 Andover Street

Game Stop 664, 300 Andover Street

TAXICAB LICENSE: (Transfer)

Tri City Services, 55R Walnut Street – License 43