

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 12, 2016

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

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Peter M. McGinn.

Salute to the American Flag.

P312-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 5, 2016. (Unanimous)

COUNCILLOR MCGINN - 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.

HEARINGS

P313-16 COUNCILLOR WALSH – MOVE, under suspension of the rules, to move to item 10A Unfinished Business; the Mayor's Veto Message concerning the Special Permit application approval for Onyx Renewable Energy, 201 Warren Street Extension. (Unanimous)

P314-16 COUNCILLOR CHAREST – MOVE THAT in accordance with Section 9 of the City Charter to sustain the Mayor's Veto Message with regards to City Council motion P191-16; Special Permit application approval from Onyx Renewable Partners for property at 201 Warren Street Extension, Peabody, MA to install ground-mounted photovoltaic solar panels.
(MAYORS VETO MESSAGE WAS SUSTAINED 11-0 – SPECIAL PERMIT APPLICATION IS DENIED)

RECONSIDERATION BY COUNCILLOR GRAVEL – Immediate reconsideration hoping same shall not prevail. (Failed 11-0)

The public hearing notices was duly read with regards to the Special Permit application from the Salem Country Club, 133 Forest Street, Peabody, MA. Attorney William Sheehan, representing the Salem Country Club appeared.

P315-16 COUNCILLOR GRAVEL – MOVE TO allow the Salem Country Club, 133 Forest Street, Peabody, MA to withdraw their Special Permit application without prejudice. (Unanimous)

A public hearing was duly held on the Special Permit application from CPR Auto Finishing, Inc., 23 Upton Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Celso Paulo Ribeiro, 22 Collins Street #1, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P316-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from CPR Auto Finishing, Inc., 23 Upton Street, Peabody, MA for a Special Permit to allow for an auto body shop at said 23 Upton Street, Peabody, MA as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved subject to 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.

CONDITIONS:

- 1) Plans for a spray booth must be submitted to the Fire Department and Building Inspector in accordance with fire safety code 527 CMR 1 and Chapter 143 of the Massachusetts General Laws prior to the issuance of an occupancy permit. (Carried 11-0)

A public hearing was duly held on the request to amend the Zoning Ordinance by Group 1 Auto, 252 Andover Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides, 246 Andover Street, Peabody, MA. No one appeared to speak in favor were the following: Mayor Edward A. Bteencourt, Jr.; Edward Gates, 11 Mt. Pleasant Drive, Peabody, MA; Charles Kaldes, 4 Richartson Road; William Cataldo, 6 Stuart Road, Peabody, MA; Carmela Henry, 2 Richartson Road; Patricia Nizwantowski, 1 Richartson Road; Sandy Haskell, 6 Richartson Road; Appearing to speak in opposition was Mr. Russell Donovan, 12 Quail Road, Peabody, MA. Councillor Michael V. Garabedian recused himself because of a conflict of interest and vacated the City Council chambers.

P317-16 COUNCILLOR WALSH – MOVE, under suspension of the rules, to receive the zoning recommendation from the Peabody Planning Board relative to the request from Group 1 Auto to amend the use table in the R-1A Zone. (Unanimous)

P318-16 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the following amendment to Section 4.2.5, Use Tables, of the Zoning Ordinance of the City of Peabody be adopted as amended and read:

SECTION ONE: That the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011 and amended through December 11, 2015 is hereby further amended as follows:

By adding a new use to Section 4.2.5 under the column marked Districts, the following use shall be a permitted use by Special Permit from the City Council:

4.2.5 Business**R-1A**

Automotive storage of undamaged and operable vehicles limited to parcels of three (3) or more acres of previously undeveloped land. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel.

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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, 1 Absent; Councillor Garabedian)

P319-16 COUNCILLOR TURCO – MOVE THAT the public hearing with regards to the Special Permit application from Celco Partnership d/b/a Verizon Wireless for property at 38 Coolidge Avenue be continued to Thursday evening, May 26, 2016. (Unanimous)

A public hearing was duly held on the Special Permit application from 535 Lowell St Peabody, LLC., 535 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Ann Sobolewski, Posternak, Blankstein and Lund, 800 Boylston Street, Boston, MA. Mr. Brian Dundon, R.J. O'Connell & Associates, 80 Montvale Avenue, Stoneham, MA; Mr. Alfred Yebba, Yebba Realty Ventures, 321 Columbus Avenue, Boston, MA; Appearing to speak in favor was Ms. Rhonda Zero, 7 Larrabee Terrace; Mayor Edward A. Bettencourt, Jr. and Mr. Russell Donovan, 12 Quail Road, Peabody, MA. Appearing to speak in opposition was Attorney Thomas Delaney, 27 Congress Street, Salem, MA. Appearing to speak on behalf of the City of Peabody was Ms. Karen Conard, Director of Community Development.

P320-16 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive the site plan that was previously submitted at the time that Dunkin Donuts was first constructed at 527 Lowell Street indicated traffic patterns on Lowell Street in that general vicinity. (Unanimous)

P321-16 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from 535 Lowell St Peabody, LLC, c/o Yebba Realty Ventures, 321 Columbus Avenue, Boston, MA for a Special Permit to alter an existing, non-conforming building, by demolishing 25,000 SF of an existing structure and constructing a new free standing structure of 30,300 + SF that complies with applicable setback requirements with associated parking and landscape improvements at 525 Lowell Street, Peabody, MA as filed in accordance with Sections 1.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons.

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. The Development Impact Report dated March 23, 2016 prepared by RJ O'Connell & Associates, Inc. is made a part of the record as reasons for approval.

Approval is additionally granted for a waiver of landscape buffers as outlined in Section 10 of the Peabody Zoning Ordinance, specifically, Section 10.4 (A), Section 10.5.3 (1), and Section 10.5.3 (2), Section 10.7 (C). Specific landscape waivers are outlined in the development impact report submitted by RJ O'Connell & Associates, Inc., dated March 23, 2016.

The use of the property will be a shopping center comprised of mixed uses including but not limited to indoor recreation, retail, pharmacy, bank, office, and a barber shop which are allowed uses in the BR Zoning District. The plan entitled "Site Plan for Redevelopment of 535 Lowell Street, Prepared by RJ O'Connell & Associates, Inc., dated March 22, 2016" shall be the plan of record. (Carried 11-0)

P322-16 COUNCILLOR GOULD – MOVE THAT the Special Permit application from Maria Torres for property at 10 Lowell Street to operate a catering business be further recessed to Thursday evening, May 26, 2016. (Unanimous)

REPORTS OF COMMITTEE

HUMAN SERVICES COMMITTEE MAY 12, 2016

P323-16 COUNCILLOR SINEWITZ – Reporting for the Human Services Committee – The Human Services Committee met earlier this evening. We had full committee membership as well as all other Councillors in attendance. The first item on the agenda was a motion by Councillor Walsh regarding having our senior center open on Saturday mornings on a rotating basis with other senior centers. Carolyn Wynn, Director, Council on Aging, spoke this evening, and stated that roughly it would cost in the neighborhood of \$44,000.00 per year. She did say that she was going to put a survey out in the Tips and Topics Newsletter and that we're going to wait to hear from that survey to get an idea if there is a need or a want to do this. Move to receive this as a report of progress. (Unanimously carried 9-0; Councillors Moutsoulas and Garabedian absent).

P324-16 COUNCILLOR SINEWITZ – Reporting for the Human Services Committee – The second item on the agenda was moving the Revolutionary War Monument located at the Northshore Mall to 2 Washington Street. The Veterans Council came out and spoke for it. The Veteran's Agent was here and his concern was that he would prefer to see a second monument there as opposed to moving it. There was a motion that came out of committee. (Report of progress)

P325-16 COUNCILLOR SINEWITZ – Reporting for the Human Services Committee – MOVE TO request that the Department of Public Services investigate the feasibility of moving the existing Revolutionary War Monument and flag pole located at the Northshore Mall to 2 Washington Street and to report their findings to the City Council. (Unanimously carried 9-0; Councillors Moutsoulas and Garabedian absent).

P326-16 COUNCILLOR SINEWITZ – Reporting for the Human Services Committee – The next item on the agenda was a motion made by Councillor Manning-Martin to move the Women’s Veterans Monument located in front of City Hall over to the adjacent area where all other veterans are recognized and I have to commend Councillor Manning-Martin for doing a fabulous job on this and stating her position and there was a motion unanimously supporting that motion to move the monument. (Report of progress)

P327-16 COUNCILLOR SINEWITZ – Reporting for the Human Services Committee – MOVE TO request that the Women’s Veterans Monument be moved over to the adjacent area where all other veterans are recognized. (Unanimously carried 9-0; Councillors Moutsoulas and Garabedian absent).

FINANCE COMMITTEE
MAY 12, 2016

P328-16 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The first item discussed was the transfer of Cemetery Sale of Lots & Graves to Cemetery Capital in the amount of \$54,700.00 for repairs to the office and chapel, a new flag pole to be installed in the veteran’s sections of Cedar Grove Cemetery along with contract mowing, trimming and tree services. The transfer was unanimously approved in committee.

P329-16 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of April 13, 2016 as follows:

<u>FROM</u>	<u>TO</u>
Cemetery Sale of Lots & Graves - \$54,700.00	Cemetery-Capital - \$54,700.00
270-33006	300-04910
(Carried 7-0; Councillors Moutsoulas, Manning-Martin, Turco and Garabedian absent)	

P330-16 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The second item discussed was a request for funding from the City Clerk to purchase a new copy machine to be all inclusive as a copier, scanner, fax, and enable staff to print from personal computers through the city’s IT network. The transfer was unanimously approved in committee. (Report of progress)

P331-16 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of April 13, 2016 as follows:

<u>FROM</u>	<u>TO</u>
Unreserved Fund Balance - \$20,000.00	City Clerk Copy Machine-Capital Equipment
100-0000-35901	\$20,000.00 - 300-09421-58857
(Carried 7-0; Councillors Moutsoulas, Manning-Martin, Turco and Garabedian absent)	

P332-16 COUNCILLOR GOULD – MOVE, under suspension of the rules, to receive item 8-F from Firefighter John Soares requesting approval to collect donations in the public way for the Fire Department’s annual boot drive. (Unanimous)

P333-16 COUNCILLOR GOULD – MOVE TO grant the Peabody Fire Department a one day exemption from the requirements of Section 26-15 of the City Code entitled “Solicitation of Donations Upon the Public Ways” and allow the Peabody Fire Department to support the Muscular Dystrophy Association in a “boot drive” project on Friday, August 26th, 2016, from the stated hours of 8:00 a.m. to 7:00 p.m. at various intersections they deem safe and responsible throughout the city. (Unanimous)

DRUG EDUCATION AND AWARENESS COMMITTEE
MAY 12, 2016

P334-16 COUNCILLOR SASLAW – Reporting for the Drug Education and Awareness Committee – This evening the committee to discuss the drug awareness issue. Committee members present were Councillors Charest and Manning-Martin. There were a couple of motions discussed; one from Councillor Walsh and two co-motions with Councillors Walsh, Gould and Moutsoulas. The Healthy Peabody Collaborative was invited to discuss the City's efforts on the local level to combat the opioid crisis. In addition we also want to find out about creating a list of organizations, agencies and facilities that might be available to residents for substance abuse relief. Joining us and giving us a presentation was Sandra Drover, the outreach coordinator for Health Peabody Collaborative and also the director, Sara Grinnell, of the Healthy Peabody Collaborative. They gave us a presentation how HPC first started back in 2004 when the City was highlighted on the national platform regarding drug use in our community. Under the former administration of Mayor Michael Bonfanti, the HPC was created. Since that time we have also been called upon a shining example on many levels for the work that they have done. (Councillor Saslaw read the HPC's mission statement). They do have a facebook page if anyone is interested. We did talk about funding which is a precarious situation from the State Department of Public Health and the federal government. The HPC works with the youth of our community, with our schools, and have provided videos to get their message out. Capt. Scott Wlasuk from the Peabody Police Department also appeared before the committee and discussed the police department's efforts on battling the opioid crises. There were no motions that came out committee but HPC will be back shortly. They are putting together a brochure with the various agencies and once that is completed they will be invited back to promote awareness. The matter was held in committee. (Report of progress)

MOTIONS, ORDERS AND RESOLUTIONS

P335-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the berm at 172 Winona Street. (Unanimous)

P336-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the berm and re-seed at 2 Pinecrest Avenue. (Unanimous)

P337-16 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department place a children sign at 10 Longstreet, at the corner of Longstreet Road and Page Street. (Unanimous)

P338-16 COUNCILLOR CHAREST – MOVE TO request that the Park, Recreation and Forestry Department trim the tree limbs closest to the batting cages at the James Street Park. (Unanimous)

P339-16 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-C, communication from Attorney Michael Smerczynski, City Solicitor, relative to status report regarding litigation over billboards. (Unanimous)

P340-16 COUNCILLOR SASLAW – MOVE, under suspension of the rules to receive item 8-G, communication from Chief Thomas Griffin, Police Department, relative to the Salem Country Club's U.S. Senior Open Championship in 2017 and be referred to the Special Permit filing. (Unanimous)

P341-16 COUNCILLOR SASLAW – MOVE, under suspension of the rules to receive item 8-I, communication from Sharon Cameron, Director, Human Services Department, relative to the Salem Country Club's U.S. Senior Open Championship in 2017 and be referred to the Special Permit filing. (Unanimous)

P342-16 COUNCILLOR GOULD (Co-Motion with Councillor McGinn) – MOVE TO request that the Public Services Department repair the water main shut off that was buried under the new cement sidewalk at 23 Clement Avenue. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P343-16 COUCILLOR WALSH – MOVE TO receive the communication from His Honor the Mayor submitting appointments to the Board of Registrars and City Auditor. (Unanimous)

P344-16 COUNCILLOR WALSH – MOVE TO approve the following appointments as submitted by His Honor the Mayor under date of May 5, 2016:

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Joel R. Brenner 5 Alexander Street Peabody, MA	Board of Registrars	June 1, 2019 Three year term
Audrey S. Gordon 17 Pine Street Peabody, MA	Board of Registrars	June 1, 2019 Three year term
Mary C. Martin 18 Conant Road Lynn, MA	City Auditor	June 1, 2019 Three year term

(Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P345-16 COUNCILLOR GOULD – MOVE TO receive the communication from John Dunn, Scoutmaster, Troop 59, submitting notice of an Eagle Scout award. (Unanimous)

P346-16 COUNCILLOR GOULD – MOVE TO receive the communication from Christopher Tighe, Veterans Agent, submitting the Memorial Day event schedule for May 30th. (Unanimous)

P347-16 COUNCILLOR GOULD – MOVE TO receive the communication from Chief Thomas Griffin, Police Department, submitting letters of thanks. (Unanimous)

P348-16 COUNCILLOR GOULD – MOVE TO receive the communication from David Terenzoni, Acting Director of Public Services, regarding completed Council motion requests. (Unanimous)

P349-16 COUNCILLOR WALSH – MOVE TO receive the communication from Attorney Michael Smerczynski, City Solicitor, submitting a legal opinion relative to whether a City Councillor must take a pay raise and be referred to the Legal Affairs Committee. (Unanimous)

P350-16 COUNCILLOR WALSH – MOVE TO receive the communication from Sharon Cameron, Director, Human Services Department, relative to inspections of supermarket and convenience stores and to send a letter of thanks for said response. (Unanimous)

P351-16 COUNCILLOR GOULD – MOVE TO receive the communication from Sharon Cameron, Director, Human Services Department, relative to potential ban on the display of tobacco and smoking paraphernalia in store fronts near school zones. (Unanimous)

P352-16 COUNCILLOR GOULD – MOVE TO receive the communication from Sharon Cameron, Director, Human Services Department, relative to Special Permit comments regarding the application from Verizon Wireless at 38 Coolidge Avenue and be referred to the public hearing. (Unanimous)

P353-16 COUNCILLOR GOULD – MOVE TO receive the communication from Sharon Cameron, Director, Human Services Department, relative to a special permit memo for CPR Auto Finishing, 23 Upton Street and be referred to the special permit file. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P354-16 COUNCILLOR GOULD – MOVE TO receive and approve the following renewals of Junk Dealer Licenses for 2016:

Ginger's Closet Consignment Shop, 101 Lynn Street
Timely Treasures, 58 Pulaski Street (Unanimous)

P355-16 COUNCILLOR GOULD – MOVE TO receive and approve the following renewals of Entertainment Licenses for 2016:

Burton's Grill of Peabody, LLC, 210 Andover Street
Azorean Brotherhood of the Divine Holy Ghost, Inc., 20 Howley Street
The Cheesecake Factory, 210 Andover Street (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 18, 2016
RETURNED BY HIS HONOR THE MAYOR, MAY 18, 2016

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Various Re-appointments

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

John Dunn, Troop 59, re: Eagle Scout

Chris Tighe, Veterans Services, re: Memorial Day Events

Michael Smerczynski, City Solicitor, re: Status regarding billboards

Patrick M. Ambrose, Danvers Chief of Police, re: Letter of thanks

David Terenzoni, Acting Director of Public Services, re: Council Motion

John Soares, Firefighter, re: boot drive

Thomas Griffin, Chief of Police, re: Us Senior Open

Planning Board re: Zoning recommendation; storage of undamaged and operable motor vehicles in the R-1A Zone (SEE ITEM 8-A)

Attorney Michael Smerczynski, City Solicitor re: Legal opinion; City Council pay salary adjustment

Sharon Cameron, Director, Human Services Department re: Supermarket and convenience store inspections

Sharon Cameron, Director, Human Services Department re: Display of tobacco and smoking paraphernalia in store fronts

Sharon Cameron, Director, Human Services Department re: Special Permit application; Salem Country Club, 133 Forest Street (SEE ITEM 8-C)

Sharon Cameron, Director, Human Services Department re: Special Permit application; Verizon, 38 Coolidge Avenue (SEE ITEM 8-D)

Sharon Cameron, Director, Human Services Department re: Special Permit application; CPR Auto Finishing (SEE ITEM 8-B)

PRESENTATION PETITIONS/MEMORIALS/REMONSTRANCE'S

Junk Dealer License (Renewal for 2016)

Gingers Closet Consignment Shop, 101 Lynn Street

Entertainment License (Renewal 2016)

Burttons Grill LLC, 210 Andover Street

Azorean Brotherhood of the Divine Holy Ghost Inc., 20 Howley Street

The Cheesecake Factory, 210 Andover Street