

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 5, 2017

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

ABSENT COUNCILLORS: GRAVEL AND MOUTSOULAS

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.

P01-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of December 8, 2016. (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.

HEARINGS

P02-17 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from, Peabody Auto Collision, 9B Rear Caller Street, Peabody, MA, until Thursday, January 26, 2017. (Unanimous)

A public hearing was duly held on the application from Healthy Pet, 999 Broadway, Saugus, MA. Appearing to speak on behalf of the application was Mr. Robert Mellace. No one appeared to speak in favor. No one appeared to speak in opposition.

P03-17 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the application from Healthy Pet, 999 Broadway, Saugus, MA, for a Special Permit to operate a retail pet supply store at 635-637 Lowell 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 reason:

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.
(Carried 9-0; Councillor Gravel and Councillor Moutsoulas absent)

(COUNCIL PRESIDENT SASLAW STEPPED DOWN AND COUNCILLOR GARABEDIAN ASSUMED THE CHAIR FOR THE FOLLOWING TWO HEARINGS)

A public hearing was duly held on the application from CLT Newbury, LLC, d/b/a Green Tea, 126 Newbury Street, Peabody, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P04-17 COUNCILLOR SASLAW – MOVE TO approve the application from CLT Newbury, LLC, d/b/a Green Tea, 126 Newbury Street, Peabody, MA, for an amendment to an Entertainment License to allow for non-live entertainment, specifically satellite radio, television, CD player, and live entertainment, specifically karaoke, DJ, and live music, at said 126 Newbury Street, Peabody, MA.
(Carried 9-0; Councillor Gravel and Councillor Moutsoulas absent)

A public hearing was duly held on the application from Phalanx Properties, LLC, Michael G. Markos, 241 Newbury Street, Peabody, MA. Attorney Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P05-17 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Phalanx Properties, LLC, Michael G. Markos, 241 Newbury Street, Danvers, MA, for a Special Permit to amend/revise the site plan approved with Special Permit #5 of 2016 at 154 Newbury Street (A), 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 reason:

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.
(Carried 9-0; Councillor Gravel and Councillor Moutsoulas absent)

(COUNCIL PRESIDENT SASLAW ASSUMED THE CHAIR)

A public hearing was duly held on the application from Thodori Londi, President, Ted & Victoria Londi, Inc., 515 Lowell Street, Peabody, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P06-17 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Thodori Londi, President, Ted & Victoria Londi, Inc., 515 Lowell Street, Peabody, MA, for a Special Permit to operate a fast food restaurant specializing in roast beef, pizza, salad, etc., at 515 Lowell 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 reason:

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.
(Carried 9-0; Councillor Gravel and Councillor Moutsoulas absent)

A public hearing was duly held on the application from Animal Umbrella, Inc., Annamarie Taylor, 66 Hemenway Road, Framingham, MA. Attorney Charles Martins and Annamarie Taylor appeared to speak on behalf of the application. Mr. Robert Marcotte, 19 Bourbon Street, Unit 95, Peabody, MA; Ms. Beverly Alba, 244 Winthrop Shore Drive, Winthrop, MA; and Ms. Wendy Vernava, 4 Jersey Street, Marblehead, MA, appeared to speak in favor. No one appeared to speak in opposition.

P07-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Sharon Cameron, Director, Health and Human Services Department, regarding Animal Umbrella, 150-R Main Street. (Unanimous)

P08-17 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Animal Umbrella, Inc., Annamarie Taylor, 66 Hemenway Road, Framingham, MA, for a Special Permit to maintain a cat only shelter with overnight boarding for adoption at 150-R Main 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 reason 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. The applicant, Animal Umbrella, Inc., shall maintain its license in good standing with the Massachusetts Department of Agricultural Resources as an "Approved Shelter and Rescue Organization" for "in-state" animal rescue and adoptions;
 2. The shelter shall be operated and maintained to ensure that sanitation standards throughout the building remain high so as not to pose risk to the food establishments in the building;
 3. Any interior areas used to board animals must have floors and walls constructed of impervious, easily-cleanable materials and maintained in a sanitary condition;
 4. Exterior grounds must be maintained in a sanitary condition;
 5. The applicant must ensure that solid wastes are properly stored and disposed of in such a manner as to prevent the attraction of pests and the development of nuisance odors;
 6. The applicant must develop written policies and procedures for responding to nuisance complaints pertaining to odor and noise;
 7. The applicant must develop written policies and procedures for sanitizing kennel/boarding areas and equipment, and for storing pet food in a manner so as not to attract pests;
 8. The applicant must maintain documentation demonstrating that all animals are properly vaccinated as a condition of enrollment;
 9. The applicant should develop a written training and orientation procedure to ensure that all volunteer staff are knowledgeable about proper handling of animals and maintaining proper sanitation standards;
 10. The applicant shall provide information about emergency staffing plans in the event that volunteers are not available while animals are in residence;
 11. A maximum of 60 cats shall be at the property at any given time;
 12. Hours of operation shall be 8AM to 6PM (or to 8PM on an exception basis), 7 days per week; and
 13. All interior modifications shall not impair or obstruct the sprinkler or fire alarm system.
- (Carried 9-0; Councillor Gravel and Councillor Moutsoulas absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P09-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding L.Fine Building, 2 Corwin Street – Council motion P886-16. (Unanimous)

P10-17 COUNCILLOR TURCO – MOVE TO reschedule the 2 Corwin Street matter to the Municipal Safety Committee set for Thursday, January 26, 2017, and invite our state delegation of Representative Walsh, Senator Lovely, and Representative Speliotis to attend said meeting. (Unanimous)

P11-17 COUNCILLOR TURCO – MOVE TO request that the Public Services Department provide the City Council with a new estimate of the cost to provide city sewer to Farm Avenue. (Unanimous)

P12-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Attorney Michael Smerczynski, City Solicitor, regarding Empire Design and Development vs. City of Peabody. (Unanimous)

P13-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Lissette Gonzalez, 149 Washington Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P14-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-O communication from Beverly Financial Services, LLC, 10 Crowninshield Street, regarding Site plan. (Unanimous)

P15-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-P communication from Mass State Lottery Commission regarding Keno License application; Peabody Market, 36 Foster Street. (Unanimous)

P16-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-F communication from Joe DaSilva, Peabody Fire Alarm, regarding Andover/Esquire signal detected. (Unanimous)

P17-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-A communication from Department of Public Services regarding Completed Council motions. (Unanimous)

P18-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-G communication from Roy Simoes, Peabody Municipal Light Plant, regarding Motion P841-16. (Unanimous)

P19-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-N communication from Group 1 Automotive, Inc., 0 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P20-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-D communication from Attorney Michael Smerczynski, City Solicitor, regarding Aggregate Industries fine matter and to request that the City Solicitor provide a clarification regarding same. (Unanimous)

P21-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Timothy Spanos, City Clerk, regarding Abutter mailing lists. (Unanimous)

P22-17 COUNCILLOR MANNING-MARTIN – MOVE THE question. (Carried 9-0; Councillor Gravel and Councillor Moutsoulas)

P23-17 COUNCILLOR SINEWITZ – MOVE TO change the policy that all Special Permit and License applicants are responsible for paying the postage at the time of filing their application for all abutter notification. (Carried 6-3; Councillor Gould, Councillor McGinn, and Councillor Walsh opposed; Councillor Gravel and Councillor Moutsoulas absent)

P24-17 COUNCILLOR SINEWITZ – MOVE TO request that the City Council President set up an Executive Session for an update from the City Solicitor regarding the status of any outstanding lawsuits. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P25-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from His Honor the Mayor regarding Public Employee Retirement Administration Commission regarding Fiscal Year 2018 appropriation. (Unanimous)

P26-17 COUNCILLOR WALSH – MOVE TO receive a communication from Massachusetts School Building Authority regarding 2016 SOI status. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P27-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Todd and Lisa Buckley, Colton Buckley Foundation, regarding Letter of thanks. (Unanimous)

P28-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letters of thanks. (Unanimous)

P29-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Travis Wojcik, 23 Carlton Street, regarding Central St/Sparrow Lane intersection and to refer to the Municipal Safety Committee. (Unanimous)

P30-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Representative Thomas Walsh regarding State revenue update. (Unanimous)

P31-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Mass Development regarding Revenue bond hearing, Bridgewell, Inc. (Unanimous)

P32-17 COUNCILLOR WALSH – MOVE TO receive a communication from Herb Chambers of Lynnfield, Inc., 202 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P33-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from BTI Investments, LLC, 274 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P34-17 COUNCILLOR GOULD – MOVE TO receive and approve the following Use of the Wiggin Auditorium, subject to all papers being in order:

All City Chorus – February 14, 2017
Peabody High School Vocal Music – 1/17; 1/18/2017
(Unanimous)

P35-17 COUNCILLOR GOULD – MOVE TO receive and approve the following Class 1 Motor Vehicle License (Renewal for 2017), subject to all papers being in order:

Jaguar Land Rover Peabody, 247 Newbury Street
Mini of Peabody, 209 Andover Street
Acura of Peabody, 233 Andover Street
BMW of Peabody, 221 Andover Street
(Unanimous)

P36-17 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2017), subject to all papers being in order:

Adpro Motorsports, Inc., 15 Spring Street
American Auto Export, 484 Lowell Street, Suite 1B4
Auto Transporters of New England, 55 Rear Lynnfield Street
Car Craft, 258 Newbury Street
JRM Auto Sales, 80 Newbury Street
Legacy Auto Sales, Inc., 92 Foster Street
Motor Worx, 258 Newbury Street
Northshore Automotive, 100 Birney Street
Peabody Auto Clinic, Inc., 3R Birney Street
The Pioneer Garage, 77 Walnut Street, Building 7
Spofford Automotive, LLC, 55R Walnut Street
Tremont Auto Sales, Inc., 97 ½ Tremont Street
Tri City Services, Inc., 55R Walnut Street
Walnut Street Auto Sales Corp., 55/57 Walnut Street
(Unanimous)

P37-17 COUNCILLOR GARABEDIAN – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2017) Gurrisi Brothers Auto & Trucks Sales & Salvage, 0 Corwin Street, subject to all papers being in order. (Unanimous)

P38-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve the following Entertainment License (Renewal for 2017), subject to all papers being in order:

AOH Division 11, 58 Lowell Street
 Bonkers, 535 Lowell Street
 Brothers Kouzina, 25 Newbury Street
 Buddah's Tavern, 144-146 Washington Street
 Cheesecake Factory, 210 Andover Street
 Club Luis de Camoes, 10 Collins Street
 D & R Roadhouse Pub, 55 Pulaski Street
 Greg's Lounge, 50 Walnut Street
 Italian American Citizens Club, 7 Blaney Avenue
 Outback Steakhouse, 300 Andover Street
 Pellana Steakhouse, 9R Sylvan Street
 Portuguese American War Vets Post 1, 103 Tremont Street
 St. Michael's Polish American Society, 15 Endicott Street
 Smokey Bones Bar & Fire Grill, 210 Andover Street
 Su Chang's, 373 Lowell Street
 Trackside Bar & Grill, LLC, 30 Warren Street
 VFW Post 1011, 20 Stevens Street
 (Unanimous)

P39-17 COUNCILLOR GOULD –MOVE TO receive and approve the following General Licenses (Renewal for 2017), subject to all papers being in order:

Innholder License – Spring Hill Suites Boston-Peabody, 43 Newbury Street
 Innholder License – Extended Stay America #9666, 200 Jubilee Drive
 Limousine License – Tri City Services, 55R Walnut Street
 Limousine License – Michael's Limousine Co., Inc., 161 Lynn Street
 Limousine License – Road House Limousine, 55 Pulaski Street
 Lodging House License – Northfield Properties, LLC, 65 Main Street
 Lodging House License – Northfield Properties, LLC, 2 Main Street
 Taxi Cab License – Tri City Services, Inc., 55 R Walnut Street
 (Unanimous)

P40-17 COUNCILLOR GOULD – MOVE TO receive the following applications for Entertainment License (Transfer), and schedule a public hearing:

Ilyria, Inc., 59 Walnut Street
 Not Your Average Joes, 210 Andover Street
 (Unanimous)

P41-17 COUNCILLOR GOULD – MOVE TO receive the application for Class 2 Motor Vehicle License – Herb Chambers Sprinter of Peabody, 202 Newbury Street, and to set up a public hearing.
 (Unanimous)

P42-17 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver Licenses (Renewal for 2017), subject to all papers being in order:

Jeffrey Morrison – License 63
 Ken Wright – License 64
 (Unanimous)

P43-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive the application for transfer of a Limousine License, Licenses 203 and 205, from Michael's Limousine Co., Inc., 161 Lynn Street and request a clarification of the description of "custom coach as outlined in their license conditons."
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 12, 2017
RETURNED BY HIS HONOR THE MAYOR, JANUARY 12, 2017



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: L.Fine Building, 2 Corwin Street – Council motion P886-16
His Honor the Mayor re: Public Employee Retirement Administration Commission re: Fiscal Year 2018 appropriation
His Honor the Mayor re: Massachusetts School Building Authority re: 2016 SOI status
Department of Public Services re: Completed Council motions
Todd and Lisa Buckley, Colton Buckley Foundation re: Letter of thanks
Chief Thomas Griffin, Police Department re: Letters of thanks
Attorney Michael Smerczynski, City Solicitor re: Aggregate Industries fine matter
Attorney Michael Smerczynski, City Solicitor re: Empire Design and Development vs. City of Peabody
Joe DaSilva, Peabody Fire Alarm re: Andover/Esquire signal detected
Roy Simoes, Peabody Municipal Light Plant re: Motion P841-16
Travis Wojcik, 23 Carlton Street re: Central St/Sparrow Ln intersection
Representative Thomas P. Walsh re: State revenue update
Mass Development re: Revenue bond hearing, Bridgewell, Inc.
Herb Chambers of Lynnfield, Inc., 202 Newbury Street re: Special Permit application
BTD Investments LLC, 274 Newbury Street re: Special Permit application
Lissette Gonzalez, 149 Washington Street re: Special Permit application
Group 1 Automotive, Inc., 0 Andover Street re: Special Permit application
Beverly Financial Services, LLC, 10 Crowninshield Street re: Site plan
Mass State Lottery Commission re: Keno License application; Peabody Market, 36 Foster Street
Timothy Spanos, City Clerk re: Abutter mailing costs

USE OF THE WIGGIN AUDITORIUM:

All City Chorus – February 14, 2017
Peabody High School Vocal Music – 1/17; 1/18/2017

CLASS 1 MOTOR VEHICLE LICENSE: (Renewal for 2017)

Jaguar Land Rover Peabody, 247 Newbury Street
Mini of Peabody, 209 Andover Street
Acura of Peabody, 233 Andover Street
BMW of Peabody, 221 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2017)

Adpro Motorsports, Inc., 15 Spring Street
American Auto Export, 484 Lowell Street, Suite 1B4
Auto Transporters of New England, 55 Rear Lynnfield Street
Car Craft, 258 Newbury Street
JRM Auto Sales, 80 Newbury Street
Legacy Auto Sales, Inc., 92 Foster Street
Motor Worx, 258 Newbury Street
Northshore Automotive, 100 Birney Street
Peabody Auto Clinic, Inc., 3R Birney Street
The Pioneer Garage, 77 Walnut Street, Building 7

Spofford Automotive, LLC, 55R Walnut Street
 Tremont Auto Sales, Inc., 97 ½ Tremont Street
 Tri City Services, Inc., 55R Walnut Street
 Walnut Street Auto Sales Corp., 55/57 Walnut Street
CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2017)
 Gurrisi Brothers Auto & Truck Sales & Salvage, 0 Corwin Street
ENTERTAINMENT LICENSE: (Renewal for 2017)
 AOH Division 11, 58 Lowell Street
 Bonkers, 535 Lowell Street
 Brothers Kouzina, 25 Newbury Street
 Buddah's Tavern, 144-146 Washington Street
 Cheesecake Factory, 210 Andover Street
 Club Luis de Camoes, 10 Collins Street
 D & R Roadhouse Pub, 55 Pulaski Street
 Greg's Lounge, 50 Walnut Street
 Italian American Citizens Club, 7 Blaney Avenue
 Outback Steakhouse, 300 Andover Street
 Pellana Steakhouse, 9R Sylvan Street
 Portuguese American War Vets Post 1, 103 Tremont Street
 St. Michael's Polish American Society, 15 Endicott Street
 Smokey Bones Bar & Fire Grill, 210 Andover Street
 Su Chang's, 373 Lowell Street
 Trackside Bar & Grill, LLC, 30 Warren Street
 VFW Post 1011, 20 Stevens Street
GENERAL LICENSES: (Renewal for 2017)
 Innholder License – Spring Hill Suites Boston-Peabody, 43 Newbury Street
 Innholder License – Extended Stay America #9666, 200 Jubilee Drive
 Limousine License – Tri City Services, 55R Walnut Street
 Limousine License – Michael's Limousine Co., Inc., 161 Lynn Street
 Limousine License – Road House Limousine, 55 Pulaski Street
 Lodging House License – Northfield Properties, LLC, 65 Main Street
 Lodging House License – Northfield Properties, LLC, 2 Main Street
 Taxi Cab License – Tri City Services, Inc., 55 R Walnut Street
ENTERTAINMENT LICENSE: (Transfer)
 Ilyria, Inc., 59 Walnut Street
 Not Your Average Joes, 210 Andover Street
CLASS 1 MOTOR VEHICLE LICENSE:
 Herb Chambers Sprinter of Peabody, 202 Newbury Street
LIMOUSINE/TAXICAB DRIVER LICENSE:
 Jeffrey Morrison – License 63
 Ken Wright – License 64
LIMOUSINE LICENSE: (Transfer)
 Michael's Limousine Co. Inc., 161 Lynn Street – License 203 & 205