

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 11, 2018

PRESENT COUNCILLORS: O'NEILL, MCGINN, GOULD, SASLAW, MOUTSOULAS, MANNING-MARTIN, ROSSIGNOLL, TURCO, MELVILLE, AND CHAREST

ABSENT COUNCILLORS: GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Edward R. Charest.

Ms. Caroline "Lola" Busta, 44 Pulaski Street, led the City Council in the Salute to the American Flag.

P01-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of December 14, 2017. (Unanimous)

COUNCILLOR CHAREST – 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

A public hearing was duly held on the application submitted by Korvachei Hernandez and Daniel Melo, 79 Foster Street, Peabody, MA. Attorney Athan Vontzalides appeared to speak on behalf of the application. Mr. Pat Todisco, 28 Jennifer Lane, Peabody, MA, and Attorney James Mears on behalf of Terrence Murphy, 80 Foster Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P02-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney Athan Vontzalides regarding Revised Site Plan; 79 Foster Street. (Unanimous)

P03-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Korvachei Hernandez and Daniel Melo, 79 Foster Street, Peabody, MA, for a Special Permit to operate an automotive repair shop, including the sale of tires, at said 79 Foster 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. All business, except for the sale of tires that are in stock, shall be conducted at the site/facility by appointment only;
2. All customer vehicles that are dropped off for service appointments shall be immediately brought inside the building. All customer vehicles related to the sales of tires that are in stock shall utilize parking on the premises in the front of the building and be moved promptly inside the building;
3. All employee vehicles shall be parked in the interior of the building;
4. There shall be no overnight parking on the exterior the building;
5. "No Parking, signage shall be placed on the driveway side of the building;
6. The "driveway agreement" (referenced Essex Superior Court Agreement for Judgment dated January 17, 1985) shall be strictly adhered to;
7. The site shall not be used as an inspection station or to conduct testing for issuance of inspection stickers;
8. In accordance with the application, delivery of auto parts and tires and other supplies shall be via a van or other similar small truck;
9. There shall be no outside storage of tires or other materials;

10. In accordance with the application, the hours of operation shall be Monday through Saturday, 8:00 a.m. to 6:00 p.m.;
 11. In accordance with the application, there will be no auto body work or auto body painting on the premises;
 12. In accordance with the application, there will be no dumpster or trash or recycling materials or similar debris stored outside the building; and
 13. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.
- (Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application submitted by Vivian Tran, 5 Waterwheel Lane, Saugus, MA. Ms. Vivian Tran appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P04-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Sharon Cameron, Director, Health Department, regarding Special Permit application; 79 Lynnfield Street. (Unanimous)

P05-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Vivian Tran, 5 Waterwheel Lane, Saugus, MA, for a Special Permit to operate a nail salon at 79 Lynnfield 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. Salon must be built and operated in accordance with 240 CMR 2 and 240 CMR3. Salon must have proper ventilation system designed and installed to prevent migration of nuisance odors or other air quality issues to adjacent businesses and environment;
 2. In accordance with the application, the business hours of operation shall be Monday through Friday 9:30 a.m. to 7:30 p.m., Saturday 9:30 to 7:00 p.m., and Sunday 11:00 a.m. to 6:00 p.m.; and
 3. Alleged violations of Special Permit conditions may result in a show cause hearing at the City Council.
- (Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application submitted by CEVA Logistics, Samuel Granito, 88 Black Falcon Avenue, South Boston, MA. Attorney Craig Tateronis, Mr. Dave Harrison, and Mr. Samuel Granito appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P06-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Sharon Cameron, Director, Health Department, regarding Special Permit; 5A Fifth Street. (Unanimous)

P07-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 4 from Samuel Granito, CEVA Logistics, regarding Special Permit; 5A Fifth Street. (Unanimous)

P08-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 5 from Sharon Cameron, Director, Health Department, regarding Special Permit; 5A Fifth Street. (Unanimous)

P09-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 6 from Dave Harrison, Peabody WR Properties, LLC, regarding Traffic Report; Special Permit; 5A Fifth Street. (Unanimous)

P10-18 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from CEVA Logistics, Samuel Granito, 88 Black Falcon Avenue, South Boston, MA, for a Special Permit to operate a truck terminal at 5A Fifth Street, Peabody, MA, as filed in accordance with Sections 4.2.6, 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. The applicant will provide Sharon Cameron, Director, Health Department, with a 24-hour hazardous material contact number;
2. The applicant will provide the Peabody Fire Department with a 24-hour hazardous material contact number,
3. Hours of operation shall be Monday through Friday 5:00 a.m. to 11:00 p.m., Saturday 6:00 a.m. to 3:00 p.m., and Sunday 10:00 a.m. to 2:00 p.m.; and
4. Construction hours shall be Monday through Saturday 7:00 a.m. to 3:30 p.m.

(Carried 10-0; Councillor Gravel absent)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE
JANUARY 11, 2018

P11-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, late communication Item 7 from Michael J. Gingras, Director of Finance, regarding Transfer of funds; FY 2018 Legal Budget; \$245,815.00. (Unanimous)

P12-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – MOVE TO approve, under suspension of the rules, the following transfer, as submitted by Michael J. Gingras, Director of Finance, under date of January 9, 2018:

FROM:

TO:

Budgeted Reserve	\$166,615.43	FY 2018 Legal Budget	\$166,615.43
100-1320-57410		100-1510-53114	

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

P13-18 COUNCILLOR CHAREST – MOVE TO approve, under suspension of the rules, the following transfer, as submitted by Michael J. Gingras, Director of Finance, under date of January 9, 2018:

FROM:

TO:

Budgeted Reserve	\$79,200.00	FY 2018 Legal Budget	\$79,200.00
100-1320-57410		100-1510-53114	

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

MOTIONS, ORDERS AND RESOLUTIONS

P14-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Gino Dalosio, 16 Bresnahan Street, regarding Letter and petition requesting to make Bresnahan Street one way and to refer to the Municipal Safety Committee. (Unanimous)

P15-18 COUNCILLOR SASLAW – MOVE TO refer the matter of banners and A-frame signs to the Industrial & Community Development Committee. (Unanimous)

P16-18 COUNCILLOR SASLAW – MOVE TO request that the City Clerk reach out to surrounding communities, such as Malden, Everett, Revere, Beverly, and Salem to see what their ordinances are regarding Banners and A-frame signs. (Unanimous)

P17-18 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department replace the "Stop" sign on Nickerson Road. (Unanimous)

P18-18 COUNCILLOR MOUTSOULAS – MOVE TO request a handicapped sign for 40 Tremont Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

P19-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Marci Loeber, One Technology Drive, regarding Special Permit application and to set up a public hearing. (Unanimous)

P20-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department and JRM provide an estimate of cost for covered recycling containers and trash containers. (Unanimous)

P21-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department provide a copy of the recently renewed contract with JRM to the City Council. (Unanimous)

P22-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the broken guardrail on Bartholomew Street at Bartholomew Pond. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P23-18 COUNCILLOR GOULD – MOVE TO receive a communication from Deputy Chief Martin Cohan, Police Department, regarding Taxi license issues/requirements and to refer to the Ad Hoc Committee on Taxis & Limousines. (Unanimous)

P24-18 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Director, Public Services Department, regarding Completed motion P780-17. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P25-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2018), subject to all papers being in order:

Adpro Motorsports, Inc., 15 Spring Street
 Auto Graphics & Sales, 220B Newbury Street
 C & C Auto, 180 Newbury Street
 D & D Auto Sales, 36B Walnut Street
 Elite Motor Cars, 93 Lynn Street
 King Motors, Inc., 1R Newbury Street, Suite 101
 Legacy Auto Sales, Inc., 92 Foster Street
 Mike's Auto Sales, 100 Birney Street
 Northshore Automotive, 100 Birney Street, Unit 7
 Oasis Auto & Truck Center, 7 ½ Mason Street
 Palmetto Motor Sales, 98 Foster Street

The Pioneer Garage, 77 Walnut Street
 Tri City Services, Inc., 55R Walnut Street
 (Unanimous)

P26-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Class 3 Motor Vehicle License (Renewal for 2018), subject to all papers being in order:

Gurrissi Brothers Auto & Truck Sales & Salvage LLC d/b/a
 Lion Auto Parts, 0 Corwin Street
 (Unanimous)

P27-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Entertainment License (Renewal for 2018), subject to all papers being in order:

Brodie's Pub, 10 ½ Lowell Street
 Burton's Grill of Peabody, 210 Andover Street
 Club Luis de Camoes, 10 Collins Street
 D & R Roadhouse Pub, 55 Pulaski Street
 Jade's Restaurant LLC, 4 Bourbon Street
 Legal Sea Foods, 210 Andover Street
 Oliveira's Steak House, 72-74 Walnut Street
 Paddy Kellys, 154 Washington Street
 Pellana Restaurant LLC, 9 Rear Sylvan Street
 Portuguese American War Vets Post 1, 103 Tremont Street
 (Unanimous)

P28-18 COUNCILLOR GOULD – MOVE TO receive and approve the following General License (Renewal for 2018), subject to all papers being in order:

Limousine License - Michael's Limousine Co., Inc., 161 Lynn Street
 Limousine License - Road House Limousine, 55 Pulaski Street
 Limousine License - Tri City Services, Inc., 55 R Walnut Street
 Taxi Cab License – Tri City Services, Inc., 55R Walnut Street
 (Unanimous)

P29-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxicab License Transfer – Sunshine Car Service, LLC, 153 Newbury Street – License #38, subject to all papers being in order.
 (Unanimous)

P30-18 COUNCILLOR GOULD – MOVE TO receive and approve Limousine License Transfer, Michael's Limousine Co., Inc., 161 Lynn Street - Licenses 206, 207 & 208, subject to all papers being in order.
 (Unanimous)

P31-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Limousine/Taxi Driver License, subject to all papers being in order:

Leeann Ward – License 48
 Robert Smith – License 49
 (Unanimous)

P32-18 COUNCILLOR GOULD – MOVE TO receive Entertainment License (Amendment) Family Entertainment Group, LLC, d/b/a Bonkers, 535 Lowell Street, and to set up a public hearing.
 (Unanimous)

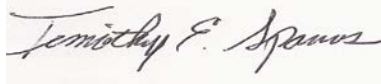
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 16, 2018

RETURNED BY HIS HONOR THE MAYOR, JANUARY 16, 2018

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Deputy Chief Martin Cohan, Police Department re: Taxi license issues/requirements

David Terenzoni, Director, Public Services Department re: Completed motion P780-17

Marci Loeber, One Technology Drive re: Special permit application

Gino Daloisio, 16 Bresnahan Street re: Letter and petition requesting to make Bresnahan Street one way

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2018)

Adpro Motorsports, Inc., 15 Spring Street

Auto Graphics & Sales, 220B Newbury Street

C & C Auto, 180 Newbury Street

D & D Auto Sales, 36B Walnut Street

Elite Motor Cars, 93 Lynn Street

King Motors, Inc., 1R Newbury Street, Suite 101

Legacy Auto Sales, Inc., 92 Foster Street

Mike's Auto Sales, 100 Birney Street

Northshore Automotive, 100 Birney Street, Unit 7

Oasis Auto & Truck Center, 7 ½ Mason Street

Palmetto Motor Sales, 98 Foster Street

The Pioneer Garage, 77 Walnut Street

Tri City Services, Inc., 55R Walnut Street

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2018)

Gurrisi Brothers Auto & Truck Sales & Salvage LLC d/b/a

Lion Auto Parts, 0 Corwin Street

ENTERTAINMENT LICENSE: (Renewal for 2018)

Brodie's Pub, 10 ½ Lowell Street

Burton's Grill of Peabody, 210 Andover Street

Club Luis de Camoes, 10 Collins Street

D & R Roadhouse Pub, 55 Pulaski Street

Jade's Restaurant LLC, 4 Bourbon Street

Legal Sea Foods, 210 Andover Street

Oliveira's Steak House, 72-74 Walnut Street

Paddy Kellys, 154 Washington Street

Pellana Restaurant LLC, 9 Rear Sylvan Street

Portuguese American War Vets Post 1, 103 Tremont Street

Wardhurst Restaurant, 31 Lynnfield Street

GENERAL LICENSES: (Renewal for 2018)

Limousine License - Michael's Limousine Co., Inc., 161 Lynn Street

Limousine License - Road House Limousine, 55 Pulaski Street

Limousine License - Tri City Services, Inc., 55 R Walnut Street

Taxi Cab License – Tri City Services, Inc., 55R Walnut Street

TAXICAB LICENSE TRANSFER:

Sunshine Car Service LLC, 153 Newbury Street – License #38

LIMOUSINE LICENSE TRANSFER:

Michael's Limousine Co., Inc., 161 Lynn Street

Licenses 206, 207 & 208

LIMOUSINE/TAXI DRIVER LICENSE:

Leeann Ward – License 48

Robert Smith – License 49

ENTERTAINMENT LICENSE: (Amendment)

Family Entertainment Group LLC d/b/a Bonkers, 535 Lowell Street