

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 23, 2020

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

ABSENT COUNCILLORS: SASLAW AND MOUTSOULAS

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Thomas J. Rossignoll.

Salute to the American Flag.

P30-20 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 9, 2020. (Unanimous)

COUNCILLOR ROSSIGNOLL – 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.

(Mr. Robert Labossiere, Director of Public Services Department, appeared to speak regarding preparations for the snow season and the status of the sidewalk plows.)

P31-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Joseph Scanlon, School Business Manager, regarding Response to Motion P854-19; 2019-2020 School Bus Routes. (Unanimous)

HEARINGS

A public hearing was duly held on the application filed by James Grieco, 11 Corey Drive, Peabody, MA. Mr. James Grieco appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P32-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. William Tracia, 47 Bay State Road, regarding 160 Lynn Street. (Unanimous)

P33-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, late communication Item 2 from Fire Department regarding Departmental response; 160 Lynn Street. (Unanimous)

P34-20 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application filed by James Grieco, 11 Corey Drive, Peabody, MA, for a Special Permit requesting to amend Special Permit 27-2012, specifically amending condition #1 changing the hours of operation to 10:00 a.m. to 10:00 p.m. seven days a week, and condition #4 and #5 to allow the applicant to prepare pizza and submarine sandwiches on premises at 160 Lynn 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 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 trash to be removed from the business on a nightly basis;
2. Per the Health Department, Plan review with Health Department required before renovation. Owner must renovate in compliance with Federal Food Code or receive a variance from Board of Health before a permit to operate can be granted; and

3. That all the parking restrictions on Lynn Street and surrounding neighborhoods be complied with. Failure of the petitioner, its employees, or customers to adhere to the parking restrictions set forth herein, both on Lynn Street and in the surrounding neighborhoods, including the Brown School entrance, shall constitute a violation of the terms of the Special Permit.

(Carried 9-0; Councillor Saslaw and Councillor Moutsoulas absent)

A public hearing was duly held on the application filed by MCR Peabody Tenant, LLC d/b/a Springhill Suites Boston Peabody, 43 Newbury Street, Peabody, MA. Atty. Trish Farnsworth and Mr. Jonah Wright appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P35-20 COUNCILLOR MANNING-MARTIN – MOVE TO approve the application filed by MCR Peabody Tenant, LLC d/b/a Springhill Suites Boston Peabody, 43 Newbury Street, Peabody, MA, for an Innholders License at said 43 Newbury Street, Peabody, MA, subject to all papers being in order. (Unanimous)

REPORTS OF COMMITTEE

Joint Ad Hoc City Council/School Committee January 22, 2020

P36-20 COUNCILLOR CHAREST – Reporting for the Joint Ad Hoc City Council/School Committee – We had a meeting of the Joint Ad Hoc City Council/School Committee on Wednesday, January 22nd and present was myself, Councillor Gould, Councillor Turco, Councillor Welton, and Councillor Rossignoll was present, as well as School Committee Andrew Arnotis. I thought it was a great meeting. It was more of a round-table discussion. We discussed things that were on the table from last year and obviously some new things that we'd be looking at this year. The premise was that the schools support the city, the city council supporting the programs of the schools. We did talk about the start times that was on the table from last year and redistricting, which is I think going to start the conversation with the School Committee. We also talked about CTE. We also talked about the possibility of setting up an alumnae group and Councillor Welton said that he is going to assist Andrew Arnotis on information that they could use on that. We also talked about understanding and recognizing the kids on the bikes going down Washington Street, Lynn Street the way they are. The schools have asked the city whatever we can do to help enforce the safety of the way the kids are riding. We all got calls from parents and residents in the city. We'll probably have another meeting in six weeks, seven weeks. We're looking to have them periodically throughout the year to keep the schools and the city much more connected with information. One of the other things we talked about was the developments that are going on throughout the city and making sure the school department is well aware of projects that will certainly influx the school children in the city. (Report received)

Human Services Committee January 23, 2020

P37-20 COUNCILLOR MANNING-MARTIN – Reporting for the Human Services Committee – The Human Services Committee met this evening prior to this meeting with myself as chair joined by Councillor Charest, Councillor Gould, Councillor Melville, and sitting in for Councillor Moutsoulas was Councillor Rossignoll. We had several guests with us this evening at that meeting. We had Mr. Howard Caras, who is the author of legislation that is put forward by Representative Speliotis, with respect to House Bill H. 1565 and House Bill H. 1566 and those bills are about healthcare proxy and the efforts to digitize them so that the documents can follow with the patient wherever they go on-line electronically and also with respect to the healthcare proxy for individuals to understand what decisions they're making and their competency to allow the proxy to make that determination. So Mr. Caras did present on that. We had Representative Speliotis' aide Mike Searles who reported that the bill has been introduced and it is now sitting in the judiciary committee to be heard sometime in the near future. Resident Stuart Lazares also spoke in favor of moving these bills forward. The following motion was made by Councillor Rossignoll. (Report received)

P38-20 COUNCILLOR MANNING-MARTIN – Reporting for the Human Services Committee – MOVE THAT the City Council support House Bill H. 1565 and House Bill H. 1566 and send to our state delegation, as such changes are paramount to effective healthcare to digitize this information moving forward. (Carried 9-0; Councillor Saslaw and Councillor Moutsoulas absent)

P38A-20 COUNCILLOR MANNING-MARTIN – Reporting for the Human Services Committee – We also had our Veterans Agent Steve Patten join us this evening. First off, he thanked the generous anonymous donors who donated the new vehicle for our veterans to use in his program. Captain Patten awarded an impromptu selfless service award to the anonymous donors for helping out their fellow citizens. So that is a report of progress from Mr. Patten on the donation. We also had report of progress from Mr. Patten reminding us as he did last year -- and this really has become a priority for the council to support this request from the Veterans office -- for new, larger office space for the veterans office to relocate it so that they can have privacy in order to service the veterans in a manner that's conducive to their needs. Right now there's one really small office with no waiting area and the types of conversations that the veterans need to have in order to get services from the Veterans office and agent is very sensitive information and they need more privacy. Quite frankly, if you haven't been in the Veterans office, I suggest you stop in and you'll see what they're talking about. It's way too tight for even two people let alone have veterans in there signing up for services and exchanging personal, traumatic conversations and information. So the council is going to support that request 100 percent and we're going to prioritize that moving forward this year. So that is a report of progress on the needs the Veterans office. Lastly the following motion was made by Councillor Melville, as presented by Mr. Patten. (Report received)

P39-20 COUNCILLOR MANNING-MARTIN – Reporting for the Human Services Committee – MOVE TO accept the provisions of Chapter 60, Section 3F, as outlined in Chapter 141 of the Acts of 2016 an act relative to housing, operations, military service, and enrichment, establishing a municipal veterans assistance fund and to request that the Finance Director review the above and report back to the council how the fund will be implemented and administered.
(Carried 9-0; Councillor Saslaw and Councillor Moutsoulas absent)

Industrial & Community Development Committee **January 23, 2020**

P40-20 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met earlier this evening with myself as chair, Councillor Charest, Councillor McGinn, Councillor Melville, and Councillor O'Neill. We met in discussion of the commercial kitchen amendment to our Zoning Ordinance. Present was Community Development Director Mr. Curt Bellavance who had worked on this and came up with new language for our commercial kitchens. The following motion was made by Councillor McGinn. (Report received)

P41-20 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO refer to the Planning Board the proposed Zoning Ordinance regarding commercial kitchens, as submitted by Community Development, and changing the BC from by-right to Special Permit in Section 2.
(Carried 9-0; Councillor Saslaw and Councillor Moutsoulas absent)

MOTIONS, ORDERS AND RESOLUTIONS

P42-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-E communication from Dara Chhim, 96 Lynn Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P43-20 COUNCILLOR CHAREST – MOVE TO request that MassHighway replace the sign as you're entering 128 south on-ramp to indicate that there is a merging lane. The sign was taken down by an accident. (Unanimous)

P44-20 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Albert Talarico, Bldg. Commissioner, re: Special Permit Transfer 4-1981; Sonia Claudino of Wellness and Aesthetics With Sonia, 484 Lowell Street, Suite LL-D5, subject to all papers being in order. (Unanimous)

P45-20 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Robert Labossiere, Dir., Public Services, re: Council Motion P849-19. (Unanimous)

P46-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Councillor Turco regarding Proposed trash receptacles ordinance and to request that Health Director Sharon Cameron and Public Services Director Robert Labossiere appear before the Industrial & Community Development Committee to discuss same. (Unanimous)

P47-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-F communication from LCI Management c/o Eric Loiacana, 151 Andover Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P48-20 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – Bunker Gear; \$100,000.00 and refer to the Finance Committee. (Unanimous)

P49-20 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds – Equipment Sidewalk Plows; \$104,000.00 and refer to the Finance Committee. (Unanimous)

P50-20 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, late communication Item 5 from Fire Department regarding Departmental response; 43 Newbury Street. (Unanimous)

P51-20 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Taxi Driver License, subject to all papers being in order:

Michael Pacialli – License 53
Robert Rust – License 54

(Unanimous)

P52-20 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Use of the Wiggin Auditorium – Peabody High School Vocal Music – February 12, 2020, subject to all papers being in order. (Unanimous)

P53-20 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-C Class 2 Motor Vehicle License (2020 Renewal), subject to all papers being in order:

Boyd Cycles, 25 Walnut Street
222 Newbury Motors, 222 Newbury Street
(Unanimous)

P54-20 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Entertainment License (2020 Renewal), subject to all papers being in order:

Cheesecake Factory, 210 Andover Street
Holiday Inn Peabody, 1 Newbury Street
Jade's Restaurant, 4 Bourbon Street

(Unanimous)

P55-20 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-E General License (2020 Renewal) Lodging House – Skalkos Brothers Realty, 14 Foster Street, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P56-20 COUNCILLOR MCGINN – MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding Presidential Primary Warrant for March 3, 2020. (Unanimous)

P57-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Eva Quinlan/Caring Choice Transportation, Inc., 119 Rear Foster Street, Building 3, Unit 1, regarding Special Permit application and set up a public hearing. (Unanimous)

P58-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Verizon – Petition No. 1A3Z9KS for #6 Park Street and refer to the Peabody Municipal Light Plant for an alternative solution. (Unanimous)

P59-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Planning Board regarding 2020 Planning Board Officer Elections. (Unanimous)

P60-20 COUNCILLOR MCGINN – MOVE TO receive Entertainment License (New) from Brothers Restaurant, 11 Main Street, and set up a public hearing. (Unanimous)

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 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 28, 2020
RETURNED BY HIS HONOR THE MAYOR, JANUARY 28, 2020

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Transfer of Funds – Bunker Gear; \$100,000.00
- His Honor the Mayor re: Transfer of Funds – Equipment Sidewalk Plows; \$104,000.00
- Joseph Scanlon, School Business Manager, re: Response to Motion P854-19; 2019-2020 School Bus Routes
- Albert Talarico, Bldg. Commissioner, re: Special Permit Transfer 4-1981; Sonia Claudino of Wellness and Aesthetics With Sonia, 484 Lowell Street, Suite LL-D5
- Robert Labossiere, Dir., Public Services, re: Council Motion P849-19
- Timothy E. Spanos, City Clerk, re: Presidential Primary Warrant for March 3, 2020
- Dara Chhim, 96 Lynn Street, re: Special Permit application
- LCI Management c/o Eric Loiacana, 151 Andover Street, re: Special Permit application
- Eva Quinlan/Caring Choice Transportation, Inc., 119 Rear Foster Street, Building 3, Unit 1, re: Special Permit application
- Verizon - Petition No. 1A3Z9KS for #6 Park Street
- Planning Board re: 2020 Planning Board Officer Elections

TAXI DRIVER LICENSE:

- Michael Pacialli – License 53
- Robert Rust – License 54

USE OF THE WIGGIN AUDITORIUM:

Peabody High School Vocal Music – February 12, 2020

CLASS 2 MOTOR VEHICLE LICENSE: (2020 Renewal)

Boyd Cycles, 25 Walnut Street

ENTERTAINMENT LICENSE: (2020 Renewal)

Cheesecake Factory, 210 Andover Street

Holiday Inn Peabody, 1 Newbury Street

Jade's Restaurant, 4 Bourbon Street

GENERAL LICENSES: (2020 Renewal)

Lodging House-Skalkos Brothers Realty, 14 Foster Street

ENTERTAINMENT LICENSE: (New)

Brothers Restaurant, 11 Main Street