

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 24, 2019

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

ABSENT COUNCILLORS: None

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Jon G. Turco.

Salute to the American Flag.

P31-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 10, 2019. (Unanimous)

COUNCILLOR TURCO – OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND IS BEING TAPED BY PEABODY ACCESS TV, AND IS ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

(MAYOR BETTENCOURT, MS. JEANETTE MCGINN, AND MR. ROBERT MORESCHI APPEARED TO SPEAK REGARDING ITEM 7-C)

P32-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Various Appointments under date of January 18, 2019. (Unanimous)

(COUNCILLOR MCGINN RECUSED HIMSELF FROM THE FOLLOWING ITEM)

P33-19 COUNCILLOR GRAVEL – MOVE TO approve the following appointments, as submitted by His Honor the Mayor, under date of January 18, 2019:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Jeanette McGinn 8 Park Street Peabody, MA 01960	Park Commission	12/31/2019 (One-Year Term)
Robert Moreschi 5 Jennings Circle Peabody, MA 01960 (Carried 10-0; Councillor McGinn absent)	Park Commission	12/31/2021 (3-Year Term)

HEARINGS

P34-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Atty. Jon Aieta, 28 State Street, Suite 802, Boston, regarding Transfer of Entertainment License, Spire Hospitality, LLC, d/b/a Holiday Inn, request to continue. (Unanimous)

P35-19 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the application from Spire Hospitality, LLC, d/b/a Peabody Holiday Inn, 1 Newbury Street, Peabody. (Unanimous)

A public hearing was duly held on the application submitted by Adelpia Seafoods d/b/a Seawitch Restaurant, 203 Newbury Street. Mr. Angelo Hasiotis appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P36-19 COUNCILLOR SASLAW – MOVE TO approve the application from Adelpia Seafoods d/b/a Seawitch Restaurant, 203 Newbury Street, Peabody, MA, for the transfer of an Entertainment License for the use of televisions and internet music at said 203 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application submitted by Giovanni Recupero, Jr. c/o Mike's Custom Autobody, Inc. d/b/a Mike's Auto Sales, 100 Birney Street, Units A1 & A2. Mr. Giovanni Recupero and Mr. Augustus LaFace appeared to speak on behalf of the application. Mr. John Karamas, 14 Sandra Road, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P37-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 2 from Mr. John Karamas, 14 Sandra Road, regarding Birney Foster Condominium Original By-laws. (Unanimous)

P38-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from Public Services Department regarding Departmental Response; 100 Birney Street, Units A1 and A2. (Unanimous)

P39-19 COUNCILLOR MCGINN – MOVE TO approve the Class 2 Motor Vehicle License, as submitted by Giovanni Recupero, Jr. c/o Mike's Custom Autobody, Inc. d/b/a Mike's Auto Sales, 100 Birney Street, Units A1 & A2, with the following conditions and subject to all papers being in order:

CONDITIONS:

1. Limit of two (2) unregistered motor vehicles on the premises at any one time for sale or not sale, sold or not sold; and
2. Hours of operation shall be Monday through Saturday 7:00 a.m. to 6:00 p.m.

(Carried 11-0)

A public hearing was duly held on the application submitted by AAA Northeast, 110 Royal Little Drive, Providence, RI. Atty. John Keilty and Mr. John Nardolillo appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P40-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 4 from Atty. John Keilty on behalf of AAA Northeast, 7 Lakeland Park Drive, regarding Photograph. (Unanimous)

P41-19 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from John R. Galvin, CEO & President, AAA Northeast, 110 Royal Little Drive, Providence, RI, for a Special Permit to convert the existing structure from a machine shop to a trucking terminal with truck repair and maintenance services with no outdoor storage at 7 Lakeland Park Drive, Peabody, MA, as filed in accordance with Sections 6.6.4(B), 6.1, 11, 12, and 15.7 of the Peabody Zoning Ordinance be denied for the following reasons:

REASONS FOR DENIAL:

1. There is no local desirable need for a trucking terminal at that location;
2. I do believe that will it exacerbate trucking and vehicle traffic congestion and lead to further vehicle issues; and
3. Could lead to further illegal motor vehicle activity in the area, i.e., "vehicles cutting through the Mobil Mart on a regular basis."

(Motion to Deny Carried 11-0)

REPORTS OF COMMITTEE

**Ad Hoc Committee on Taxis & Limousines/Ride Shares
January 24, 2019**

P42-19 COUNCILLOR SASLAW – Reporting for the Ad Hoc Committee on Taxis & Limousines/Ride Shares – Earlier this evening we had a meeting of the subcommittee on Taxis & Limousines/Ride Shares; Present on the committee was Councillor Manning-Martin, Councillor Charest, myself, and all other members of the City Council, except for our good friend Councillor Gravel. We had Deputy Chief Marty Cohan in attendance and Marty basically outlined the issue of cab companies that weren't licensed picking up at mainly the Northshore Mall. This had been carried over from last year. They drafted some

language and the language that has been drafted will be advertised as an ordinance. To summarize the ordinance, what we're going to do is allow any cab company with a regional dispatch center, who is in an abutting community, the opportunity to have two cars registered with the City of Peabody and once registered and paying the fee outlined in the ordinance they will then go the police department to get an inspection and a decal to put on their vehicle to identify them as operating under the ordinance. In addition, we changed fine structure. We are going to go with a general penalty, which would make the first offense \$300, the second offense \$300, and the third offense is revocation. The committee voted unanimously to advertise and adopt. (Report received)

P43-19 COUNCILLOR SASLAW – MOVE TO advertise the draft ordinance for Section 30-37 “Vehicles for Hire” ordinance with the changes recommended by the City Council. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P44-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Atty. John Keilty on behalf of William Skouras, 59-61 Walnut Street, Peabody. (Unanimous)

P45-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-H communication from Stacey Bernson, Asst. Dir., Community Development, regarding Special Permit – William Skouras, 59-61 Walnut Street, Convert the first floor restaurant/tavern to eight (8) units. (Unanimous)

P46-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from Atty. David Ankeles, 246 Andover Street, regarding Phytotherapy, Inc.; Transportation Impact Assessment. (Unanimous)

P47-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-G communication from “In the Game” Family Entertainment Group, LLC, 535 Lowell Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P48-19 COUNCILLOR SASLAW – MOVE TO request that Peabody Police Department Traffic Division look at increasing the enforcement at 5 corners on Lake Street in West Peabody where vehicles are running “Stop” signs. (Unanimous)

P49-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-B communication from Captain Scott Richards, Police Dept., regarding Council Motion P623-18; Summit Street. (Unanimous)

P50-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-E communication from BigTopWorks, LLC, Northshore Mall, 210 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P51-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-A communication from Robert Labossiere, Dir., Public Services Dept., regarding Council Motions: P816-16, P782-18, P876-18, P877-18. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P52-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Appropriation – Ride Share Transportation Enhancement Trust; Traffic control; 4 fixed and one portable radar board \$17,734.60 and refer to the Finance Committee. (Unanimous)

P53-19 COUNCILLOR GRAVEL – MOVE TO receive and approve the following reappointments, as submitted from His Honor the Mayor, under date of January 14, 2019, with the exception of Gary Bua to the Community Development Authority:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Kevin Kelly 8 Ohio Street Wilmington, MA 01887	Asst. Director Public Services	12/31/2019 (One-Year Term)
Michael Garabedian 39 Murray Street Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2020 (2-Year Term)
Julie Picardi 22 Benevento Circle Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2020 (2-Year Term)
Dr. Leigh Mansberger 20 Moody Lane W. Newbury, MA 01985	Board of Health	2/1/2022 (3-Year Term)
Debra S. MacGregor 18 Benevento Circle Peabody, MA 01960	Business Liaison	12/31/2019 (One-Year Term)
Thomas Pappas 173 Winona Street Peabody, MA 01960	Cable Commission	12/31/2021 (3-Year Term)
David Titelbaum 112 Lowell Street, #2 Peabody, MA 01960	Cable Commission	12/31/2021 (3-Year Term)
Christopher Morphis 14 Kittredge Street Peabody, MA 01960	City Collector	12/31/2019 (One-Year Term)
Nicholas Avgarinos, M.D. 8 Morgan Drive Danvers, MA 01923	City Physician	12/31/2019 (One-Year Term)
Julie Daigle 21 Fay Avenue Peabody, MA 01960	City Treasurer	12/31/2019 (One-Year Term)
William Woods One Briarwood Road Peabody, MA 01960	Community Development Authority	12/31/2019 (One-Year Term)
Curt Bellavance 12 Mary Rose Way Peabody, MA 01960	Community Development Director	12/31/2021 (3-Year Term)
Erica Barrett 16 Cedar Grove Avenue Peabody, MA 01960	Commission on Disability	12/31/2019 (One-Year Term)

Karen Cahill 7 Norfolk Avenue Peabody, MA 01960	Commission on Disability	12/31/2020 (2-Year Term)
Thomas Gould 9 Abington Avenue Peabody, MA 01960	Commission on Disability	12/31/2020 (2-Year Term)
Anthony Porcello 16 Crowninshield Street, #210 Peabody, MA 01960	Commission on Disability	12/31/2020 (2-Year Term)
Ted Neary 54 Linden Road Peabody, MA 01960	Community Preservation Committee (Alternate/Housing)	3/14/2020 (One-Year Term)
Corinne Pramas 16 Charles Street Peabody, MA 01960	Community Preservation Committee (Alternate/Planning)	3/14/2020 (One-Year Term)
Deborah Ryan 13 Olsen Road Peabody, MA 01960	Community Preservation Committee (Alternate/General)	3/14/2020 (One-Year Term)
Jeff Shmase 30 Dexter Street Peabody, MA 01960	Community Preservation Committee (Alternate/General)	12/31/2019 (One-Year Term)
Jennifer Davis 50 Lewis Street, #502 East Boston, MA 02113	Director of Parks & Recreation	12/31/2019 (One-Year Term)
Joanne Roden 27 Calumet Street Peabody, MA 01960	Brooksby Farm Manager	12/31/2019 (One-Year Term)
Paul Foukas 40 Spencer Street Lynn, MA 01905	Gas & Plumbing Inspector	12/31/2019 (One-Year Term)
Michael Bonfanti 7 Dana Road Peabody, MA 0196	Historical Commission (Alternate Member)	12/31/2019 (One-Year Term)
Cheryl Millard 148C Shore Drive Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2019 (One-Year Term)
Beth Brennan-O'Donnell 12 Ethel Avenue Peabody, MA 01960	Human Resources Director	12/31/2019 (One-Year Term)
Albert Talarico 157 Marble Street Stoneham, MA 02180	Inspector of Buildings	12/31/2019 (One-Year Term)
Daniel Doucette 3 Essex Green Lane Peabody, MA 01960	Purchasing Agent	12/31/2019 (One-Year Term)

Brian Grant 10 South Street Peabody, MA 01960	Superintendent of Parks	12/31/2019 (One-Year Term)
Stephen Patton 4 Clinton Road Peabody, MA 01960	Veteran's Agent	12/31/2019 (One-Year Term)
Shawn Mahoney 11 Ethel Avenue Peabody, MA 01960	Wire Inspector	12/31/2019 (One-Year Term)
Joy Wallace 14 Carell Road Peabody, MA 01960 (Carried 11-0)	Park Commission	12/31/2023 (5-Year Term)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P54-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-A Class 1 Motor Vehicle License (2019 Renewal) Flagship Motorcars Commercial Vans, 202 Newbury Street, subject to all papers being in order. (Unanimous)

P55-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Class 2 Motor Vehicle License (2019 Renewal), subject to all papers being in order:

Adpro Motorsports, 15 Spring Street
JRM Auto Sales, 80 Newbury Street
North Shore Automotive, 100 Birney Street
Spofford Automotive, 55R Walnut Street
(Unanimous)

P56-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-C Class 3 Motor Vehicle License (2019 Renewal) Naises Auto Salvage, 0 Corwin Street, subject to all papers being in order. (Unanimous)

P57-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-D Entertainment License (2019 Renewal), subject to all papers being in order:

Buddha's Tavern, 144-146 Washington Street
Gallo Nero Pizzeria and Bistro, 89 Main Street
Green Tea, 126 Newbury Street
Kelley Square Pub, II, 135 Washington Street
Pellana Restaurant, 9R Sylvan Street
Stonewood Tavern, 139 Lynnfield Street
(Unanimous)

P58-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding 2019 Municipal Election Calendar. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P59-19 COUNCILLOR MOUTSOULAS – NOTICE OF RECONSIDERATION filed in accordance with Section 11 of the City Council's Rules & Regulations regarding Motion P04-19, Special Permit application, William Skouras, 59-61 Walnut Street. (Carried 10-1; Councillor McGinn opposed)

P60-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from William Skouras, R170 Lynn Street, Peabody, MA, for a Special Permit to convert the first floor restaurant/tavern to eight (8) lodging house units at 59-61 Walnut 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 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 8-3; Councillor O'Neill, Councillor McGinn, and Councillor Rossignoll opposed)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 1, 2019
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 1 2019


 ATTEST _____
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appropriation – Ride Share Transportation Enhancement Trust; Traffic control; 4 fixed and one portable radar board \$17,734.60

His Honor the Mayor re: Various Re-appointments under date of January 14, 2019

His Honor the Mayor re: Various Appointments under date of January 18, 2019

Robert Labossiere, Dir., Public Services Dept., re: Council Motions: P816-18, P782-18, P876-18, P877-18

Captain Scott Richards, Police Dept., re: Council Motion P623-18; Summit Street

Timothy E. Spanos, City Clerk, re: 2019 Municipal Election Calendar

Atty. David Ankeles, 246 Andover Street, re: Phytotherapy, Inc.; Transportation Impact Assessment

BigTopWorks, LLP, Northshore Mall, 210 Andover Street, re: Special Permit application

Atty. John Keilty, on behalf of William Skouras, 40 Lowell Street, re: 59-61 Walnut Street, Peabody

"In the Game" Family Entertainment Group, LLC, 535 Lowell Street, re: Special Permit application

Stacey Bernson, Asst. Dir, Community Development, re: Special Permit – William Skouras, 59-61 Walnut Street, Convert the first floor restaurant/tavern to eight (8) units

CLASS 1 MOTOR VEHICLE LICENSE: (2019 Renewal)

Flagship Motorcars Commercial Vans, 202 Newbury Street

CLASS 2 MOTOR VEHICLE LICENSE: (2019 Renewal)

Adpro Motorsports, 15 Spring Street

JRM Auto Sales, 80 Newbury Street

North Shore Automotive, 100 Birney Street

Spofford Automotive, 55R Walnut Street

CLASS 3 MOTOR VEHICLE LICENSE: (2019 Renewal)

Naises Auto Salvage, 0 Corwin Street

ENTERTAINMENT LICENSE: (2019 Renewal)

Buddha's Tavern, 144-146 Washington Street

Gallo Nero Pizzeria and Bistro, 89 Main Street

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