

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 16, 2017

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

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, Joel D. Saslaw.

Salute to the American Flag.

P95-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 26, 2017. (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

A public hearing was duly held on the application from Holly Leonard, 58 Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney David L'Esperance, 25 Story Avenue, Newburyport, MA and Ms. Holly Leonard. No one appeared to speak in favor. Mr. Paul Giandello, 46 Holten Street, Peabody, MA; and Mr. Chase Jaeger, 11 Priscilla Road, Swampscott, MA, appeared to speak in opposition.

P96-17 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Holly Leonard, 58 Pulaski Street, Peabody, MA, for a Special Permit to allow for indoor recreation at 56 Pulaski 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 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.

CONDITION:

1. Hours of operation are 5:00 a.m. to 8:30 p.m. Monday through Friday and 8:30 to 10:30 a.m. Saturday (Carried 10-1; Councillor Turco opposed)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
February 16, 2017

P97-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee - The Legal Affairs Committee met with Councillor Garabedian, Councillor Gravel, Councillor Moutsoulas, Councillor McGinn, and myself for the Committee; and also present were Councillor Manning-Martin, Councillor Turco, Councillor Gould, Councillor Sinewitz, and Councillor Charest; so we were all present. We had three items before us. (Report received)

P98-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO accept Sections 193 and 194 of Chapter 218 of the Acts of 2016 amending Chapter 90 of the Massachusetts General Laws by adding sections 17C and 18B, and to amend the Code of the City of Peabody by adding Section 19-47 (a.) The city-wide speed limit on any public way inside a thickly settled or business district in the City of Peabody that is not a state highway shall be 25 mph, and, (b.) The City Council and Mayor may

establish safety zones on or near any way in the City of Peabody, which is not a state highway, establishing a speed limit of 20 mph, all in accordance with regulations promulgated by the Massachusetts Department of Transportation. (Carried 11-0)

P99-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – The second issue before us was the issue of marijuana establishments and there were two motions. (Report received)

P100-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody that pursuant to §50 of the City Charter contained within the Code of the City of Peabody, that said section reproduced in its entirety below, the following measure shall be submitted to a vote of the registered voters of the city for adoption or rejection at the next general city election scheduled for Tuesday, November 7, 2017:

“Shall the City of Peabody adopt, and shall the Peabody City Council and Mayor be authorized to adopt, the following amendment to the City of Peabody REVISED ZONING ORDINANCE (as Adopted April 28, 2011 and as further Amended to date):

A. An amendment to the said Zoning Ordinance adding as Section 6.13 the following:

6.13 Marijuana Establishments Forbidden

The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

(Carried 11-0)

P101-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – The next motion was made by Councillor Gravel, on behalf of Councillor Manning-Martin, regarding the language of the West Bridgewater Special Town Meeting. Basically this is creating language that we would advertise regarding a zoning amendment creating a moratorium on the retail sale of marijuana. (Report received)

P102-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO request that His Honor the Mayor create language for a Zoning Amendment creating a moratorium on the retail sale of marijuana. (Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P103-17 COUNCILLOR GRAVEL – MOVE TO request that the Purchasing Agent and the Director of Facilities appear before the Finance Committee to provide the City Council with an update on the status of the improvements to the Wiggin Auditorium. (Unanimous)

P104-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Proposed revision to schedule of compensation ordinance regarding State minimum wage rates and to refer to the Finance Committee. (Unanimous)

P105-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Municipal Light Commissioners regarding Request for salary increase and to refer to the Finance Committee. (Unanimous)

P106-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Employees of PMLP regarding PMLP Commissioners request for salary increase and to refer to the Finance Committee. (Unanimous)

P107-17 COUNCILLOR GRAVEL – MOVE TO request that His Honor the Mayor provide the City Council with an update on the status of the Administrative Consent Order requirements at the L Fine property. (Unanimous)

P108-17 COUNCILLOR GOULD – MOVE TO request that the Peabody Municipal Light Plant replace a streetlight at the corner of Abington Avenue and Colonial Road. (Unanimous)

P109-17 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 2 from Mr. and Mrs. Kane, 5 Sparrow Lane, and to request that the Public Services Department be notified to be careful not to place snowbanks in front of 5 Sparrow Lane. (Unanimous)

P110-17 COUNCILLOR WALSH – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Recent State referendum legalizing recreational marijuana. (Unanimous)

P111-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-C communication from Kerri Amor, 58 Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P112-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 9-A Junk Dealers License (New) – Friendly Farm Antiques, LLC, 58 Pulaski Street, and to set up a public hearing. (Unanimous)

P113-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-D communication from Annie Chau, 141 Summit Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P114-17 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department consider installing a guardrail on the corner of 245 Lowell Street and Regal Terrace. (Unanimous)

P115-17 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department install a berm at 20 Samoset Road. (Unanimous)

P116-17 COUNCILLOR SINEWITZ – MOVE TO request a status update from Peter Cronan, Director, Municipal Golf Course, regarding several motion requests from November 10, 2016. (Unanimous)

November 10, 2016

P798-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with information on the golf card program. (Unanimous)

P799-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan research surrounding golf courses (Gannon, Sagamore, Beverly Golf & Tennis) and any other relevant golf courses, for the types of memberships that are offered, such as junior memberships. (Unanimous)

P800-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with the current greens fees and cart fees from competing golf courses. (Unanimous)

P801-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan submit a recommendation to the City Council on how to increase income at the golf course by \$75,000 to \$140,000. (Unanimous)

P802-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan conduct a survey of other cities that have municipal courses regarding whether or not they offer liquor licenses and, if so, whether they hire a third party to manage that liquor license. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P117-17 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; Kunal Jhaveri, 484 Lowell Street. (Unanimous)

P117A-17 COUNCILLOR GARABEDIAN – MOVE TO approve the transfer of Special Permit 4-1981 to Kunal Jhaveri for property at 484 Lowell Street, Peabody, MA. (Unanimous)

P118-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P119-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2017) Naises Auto Salvage, 0 Corwin Street, subject to all papers being in order. (Unanimous)

P120-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Innholder License (Renewal for 2017) Hampton Inn Boston/Peabody, 59 Newbury Street, subject to all papers being in order. (Unanimous)

P121-17 COUNCILLOR GRAVEL –MOVE TO receive and approve the following Entertainment License (Renewal for 2017), subject to all papers being in order:

Gallo Nero Pizzeria and Bistro, 89 Main Street
The Wardhurst, 31 Lynnfield Street
(Unanimous)

P122-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxi/Limousine License - Michael Bloomberg – License 69, subject to all papers being in order. (Unanimous)

P123-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxicab License (Transfer) Sunshine Car Service, LLC, 153 Newbury Street, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 23, 2017
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 23, 2017



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Recent State referendum legalizing recreational marijuana

His Honor the Mayor re: Proposed revision to schedule of compensation ordinance regarding State minimum wage rates

Albert Talarico, Building Inspector re: Transfer of Special Permit 4-1981; Kunal Jhaveri, 484 Lowell Street

Planning Board re: Minutes and agenda

Kerri Amor, 58 Walnut Street re: Special Permit application

Annie Chau, 141 Summit Street re: Special Permit application

Municipal Light Commissioners re: Request for salary increase

JUNK DEALER LICENSE: (New)

Friendly Farm Antiques, LLC, 58 Pulaski Street

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2017)

Naises Auto Salvage, 0 Corwin Street

INNHOLDER LICENSE: (Renewal for 2017)

Hampton Inn Boston/Peabody, 59 Newbury Street

ENTERTAINMENT LICENSE: (Renewal for 2017)

Gallo Nero Pizzeria and Bistro, 89 Main Street

The Wardhurst, 31 Lynnfield Street

TAXI/LIMOUSINE DRIVER LICENSE:

Michael Bloomberg – License 69

TAXICAB LICENSE: (Transfer)

Sunshine Car Service, LLC, 153 Newbury Street