

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 28, 2019

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

ABSENT COUNCILLORS: SASLAW

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.

P133-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of February 14, 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.

(COUNCIL PRESIDENT TURCO WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: ERIN KIDD, COUNCILLOR AT LARGE (MELVILLE); SARAH BRATT, WARD 2 COUNCILLOR; JACK WOODS, COUNCILLOR AT LARGE (ROSSIGNOLL); WILLIAM MANNING, COUNCILLOR AT LARGE (MANNING-MARTIN); SYDNEE LEBLANC, WARD 5 COUNCILLOR; CLAUDIO ROCHA, COUNCILLOR AT LARGE (GOULD); AND ANDREW LANGLEY (CITY CLERK))

HEARINGS

A public hearing was duly held on the application submitted Spire Hospitality, LLC, d/b/a Peabody Holiday Inn, 1 Newbury Street, Peabody, MA. Atty. Jon Aieta and Ms. Karina Tejada appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P134-19 COUNCILLOR MELVILLE – MOVE TO approve the application submitted by Spire Hospitality, LLC, d/b/a Peabody Holiday Inn, 1 Newbury Street, Peabody, MA, for the transfer of an Entertainment License for the use of televisions, stereo, radio and live entertainment, including DJ and live music, at said 1 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the application submitted Spire Hospitality, LLC, d/b/a Peabody Holiday Inn, 1 Newbury Street, Peabody, MA. Atty. Jon Aieta and Ms. Karina Tejada appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P135-19 COUNCILLOR MELVILLE – MOVE TO approve the application submitted by Spire Hospitality, LLC, d/b/a Peabody Holiday Inn, 1 Newbury Street, Peabody, MA, for the transfer of an Innholders License at said 1 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the application submitted by Paul McGinnity, 13R Main, LLC, 13R Main Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Paul McGinnity. No one appeared to speak in favor. No one appeared to speak in opposition.

P136-19 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Paul McGinnity, 13R Main, LLC, 13R Main Street, Peabody, MA, for a Special Permit to allow the sales and storage of beauty supplies in the lower level at 13R Main 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 10-0; Councillor Saslaw absent)

A public hearing was duly held on the application submitted by Boyd Cycles, 25A Walnut Street, Peabody, MA. Mr. Ron Boyd appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Terrence Vaughan, 8 Walnut Street, Apt. 317, Peabody, MA, appeared to speak in opposition.

P137-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 1 from Joel R. Whitman, 27 Walnut Street Realty, LLC, re: Boyd Cycle/Ron Boyd.
(Unanimous)

P138-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 2 from Joel R. Whitman, 27 Walnut Street Realty, LLC, re: Dept of Public Services.
(Unanimous)

P139-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 3 Petition from Senior Citizens Living in Downtown Peabody, re: Boyd Cycles.
(Unanimous)

P140-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Boyd Cycles, 25A Walnut Street, Peabody, MA, for a Special Permit to allow for the sale of motorcycles at 25A Walnut 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. That there is a maximum of eight (8) motorcycles for sale at any given time.
(Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the application submitted by Boyd Cycles, 25A Walnut Street, Peabody, MA. Mr. Ron Boyd appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P141-19 COUNCILLOR MOUTSOULAS – MOVE TO approve the Class 3 Motor Vehicle License application submitted by Boyd Cycles, 25A Walnut Street, Peabody, MA, for a maximum of eight (8) motorcycles, subject to all papers being in order.
(Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the application submitted by Ruggiero Family Memorial Home, Inc., 971 Saratoga Street, East Boston, MA. Atty. Athan Vontzalides appeared to speak on behalf of the application. Ms. Laurie Coleman, 578 Lowell Street, Peabody, MA; and Mr. Pat Todisco, 28 Jennifer Lane, Peabody, MA, appeared to speak in favor. Mr. Joseph Pavao, 34 Elmwood Circle, Peabody, MA; and Mr. Kevin Donovan, 151 Rear Main Street, Peabody, MA, appeared to speak in opposition.

P142-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 4 from Kevin Donovan, Peabody Municipal Federal Credit Union, 12 Chestnut Street, Peabody, MA, regarding Special Permit request for Ruggiero Family Memorial Home, Inc.
(Unanimous)

P143-19 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Ruggiero Family Memorial Home, Inc., 971 Saratoga Street, East Boston, MA, for a Special Permit seeking to use the basement and first floor of the existing building as a funeral establishment and to allow the 2nd floor residential apartment to remain at 10 Chestnut 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. With respect to parking and funeral processions, the applicant agrees that:
 - a. Complementary valet parking will be provided at all wakes and/or services;
 - b. Unless permission has been obtained from private parking lot owner, funeral home establishment employees will make it known to individuals attending services that parking in private parking lots, including but not limited to the parking lot at 12 Chestnut Street, is not permitted. Vehicular access and egress from such private parking lots shall not be blocked;
 - c. Parking for the residential use shall be accommodated on the property;
 - d. Except in cases where vehicles are needed for services the following morning, limousine, van and hearse shall not be parked on the property overnight;
 - e. A paid Peabody Police escort will be provided at all funerals to assist in the formation of vehicular funeral processions and to mitigate funeral procession vehicular traffic flow interference with normal traffic circulation on adjacent streets;
 2. All deliveries will be accommodated on the property and all dumpster and other waste pickups will be accommodated on the property;
 3. The proposed dumpster should be enclosed to ensure no trash or debris will blow into Goldthwaite Brook. All outside work is subject to 310 CMR 10 and Chapter 32 of local wetlands ordinance;
 4. The applicant understands and agrees that:
 - a. As required by zoning section 5.2.2, "The Peabody Downtown Design Standards - Main Street Subdistrict" will apply;
 - b. The property is located in The National Register of Historic Places Peabody Civic Center Historic District and the applicant will consent to all exterior renovations being reviewed and approved by the Peabody Historical Commission;
 - c. No apparatus, including but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from adjacent streets and/or properties;
 - d. No window air conditioners or similar apparatus shall be installed in the windows of the structure and all HVAC equipment will be installed such that it is not visible or screened from sight from adjacent streets and/or properties;
 - e. The applicant agrees that the project shall be subject to construction review and subject to the recommendations of the Construction Review Committee;
 - f. Landscaping shall be maintained in accordance with zoning sections 5.2.8 and 10.5.3 C 2);
 5. All sewer discharge generated from the proposed funeral home shall comply with the City of Peabody's Sewer Use Regulations dated January 23, 1969, as amended through January 28, 1998; and
 6. Business hours of operation are 7:00 a.m. to 10:00 p.m. Monday through Sunday.
- (Carried 10-0; Councillor Saslaw absent)

REPORTS OF COMMITTEE

Public Services Committee **February 28, 2019**

P144-19 COUNCILLOR CHAREST – Reporting for the Public Services Committee – Tonight we had the Public Services subcommittee meeting. Present at the meeting was myself, Councillor Moutsoulas, Councillor O'Neill, Councillor Rossignoll, Councillor Manning-Martin, Councillor Gould, Councillor Turco and Councillor McGinn. We had three subjects on the agenda. The first one by Councillor Turco was a discussion about block parties and whether residents could possibly pick up their own barrels at DPW. There was a lot of discussion going back and forth. The DPW is going to come back with some ideas on the pickup of barrels, instead of workers delivering to the houses. That is a report of progress. Next was an outstanding presentation by Mr. Delp on the flooding issues in his neighborhood. Also present was the Williams family. It was a very enlightening presentation about what they've been doing on their own. Robert Labossiere, Director of DPW, was here to speak about some future work that's going to be done. There is a capital request coming before the council on March 21 regarding this issue. The third discussion I brought up was about having a portal on the city web site for residents to be able to report areas of difficulty with snow removal. If a neighborhood's streets weren't done properly or missed, they would be able to go on the portal and report it and the director on duty can see it in real-time and be able to get vehicles out there. That will be helpful for some councillors who are not able to get a phone call, if they're away or their phones are not working. I know my phone doesn't always receive calls when I'm at work because it's a cement building; so I'll be able to utilize this function. (Report received)

P145-19 COUNCILLOR CHAREST – Reporting for the Public Services Committee – MOVE TO receive, under suspension of the rules, late communication Item 5 from Councillor Joel Saslaw regarding Public Services Subcommittee Meeting; Block parties. (Unanimous)

Committee of the Whole **February 28, 2019**

P146-19 COUNCILLOR TURCO – Reporting for the Committee of the Whole – The Committee of the Whole was held regarding the mayor's salary. The mayor had submitted a request to the council stating that he does not desire or would not like to receive a salary increase and we obliged him with the following motion by Councillor McGinn. (Report received)

P147-19 COUNCILLOR TURCO – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Review of the salary of the Mayor (Section 2-13). (Unanimous)

P148-19 COUNCILLOR TURCO – Reporting for the Committee of the Whole – MOVE THAT the Mayor's salary remain the same, as outlined in Section 2-13 of the City Code (\$120,000.00). (Carried 9-0; Councillor Moutsoulas and Councillor Saslaw absent)

Finance Committee **February 28, 2019**

P149-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee, which started promptly at 7:15. Present for the Committee were myself as chair, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll; and for one part of the meeting we asked Councillor Turco to stand in for Councillor Manning-Martin who had to recuse herself due to a family relationship on the subject matter. All other councillors, except Councillor Saslaw, were in attendance. The topics of discussion for the evening were the transfers of funds for police and for fire. These are in response to settlement of contracts and the issuance of retro pay to bring the contracts in line. The first vote that was taken was pertaining to the police department and the following motion was made. (Report received)

P150-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 6, 2019:

<u>FROM:</u>		<u>TO:</u>	
Salary Reserve 100-1320-51925	\$105,000.00	Police Salaries 100-2100-51110	\$105,000.00
Budgetary Reserve 100-1320-57410	<u>\$275,000.00</u> \$380,000.00	Police Overtime 100-2100-51130	<u>\$275,000.00</u> \$380,000.00

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

P151-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The second topic of discussion was as it pertained to the fire salaries; likewise their contract has been settled and this money is required to fund the portion of the contract that is required for this year. The following motion was made. (Report received)

P152-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 6, 2019:

<u>FROM:</u>		<u>TO:</u>	
Salary Reserve 100-1320-51925	\$195,000.00	Fire Salaries 100-2200-51110	\$220,000.00
Budgetary Reserve 100-1320-57410	<u>\$210,000.00</u> \$405,000.00	Fire Overtime 100-2100-51130	<u>\$185,000.00</u> \$405,000.00

(Carried 8-0; Councillor Moutsoulas, Councillor Manning-Martin, and Councillor Saslaw absent)

MOTIONS, ORDERS AND RESOLUTIONS

P153-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the Rules, Item 9-D Class 2 Motor Vehicle License (Amendment) Walnut Street Auto Sales, 55 Walnut Street, and set up a public hearing. (Unanimous)

P154-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, the following Item 9-E Class 2 Motor Vehicle License (New) and set up a public hearing:

Boyd Cycles, 25 Walnut Street
Detour Cars, LLC, 41 Newbury Street
(Unanimous)

(COUNCILLOR MELVILLE INFORMED THE CITY COUNCIL OF THE REGIONAL OPEN MEETING LAW TRAINING THAT IS BEING PROVIDED BY THE ATTORNEY GENERAL'S OFFICE ON TUESDAY, APRIL 9TH IN THE WIGGIN AUDITORIUM FROM 5:30-7:30 P.M.)

P155-19 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-A Entertainment License (2019 Renewal) – In the Game, 535 Lowell Street, subject to all papers being in order. (Unanimous)

P156-19 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Junk Dealers License (2019 Renewal) – ecoATM, LLC, 210 Andover Street, subject to all papers being in order. (Unanimous)

P157-19 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-C Class 2 Motor Vehicle License (2019 Renewal) – Tri State Auto Sales, 248 Newbury Street, subject to all papers being in order. (Unanimous)

P158-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor, regarding Resolution for state action to combat nip bottle litter. (Unanimous)

P159-19 COUNCILLOR MCGINN – RESOLUTION IN SUPPORT FOR STATE ACTION TO COMBAT NIP BOTTLE LITTER.

WHEREAS, the growing prevalence of “nip” bottles as loose litter on our streets and sidewalks and in our parks and other open spaces contributes to the flow of trash in our waterways, rivers, and ocean; and

WHEREAS, this form of litter additionally detracts from the public’s enjoyment and diminishes the quality of life in our communities;

WHEREAS, the Commonwealth has seen tremendous success in the elimination of other forms of bottle and can littering through the adoption of M.G.L. Chapter 94, Sections 321-327, also called the Bottle Bill;

THEREFORE, We, the City Council and Mayor of Peabody, do request of the legislature and Governor of the Commonwealth that they take action in 2019 to amend M.G.L. Chapter 94 and all other regulations or law thereunder regarding the redemption of empty bottles and containers in order to extend the law to include “nip” bottles or any other small bottle of spirit, liqueur, or other alcoholic beverage, typically of 50 ml. intended to comprise an individual serving
(Carried 8-0; Councillor Melville, Councillor Moutsoulas and Councillor Saslaw absent)

P160-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Sequoia Builders, Inc., 58 Forest Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P161-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Curt Bellavance, Dir., Community Development, regarding Proposed Zoning Amendment: Residential Overlay District. (Unanimous)

P162-19 COUNCILLOR GOULD – MOVE TO refer the Proposed Zoning Amendment: Residential Overlay District to the Committee of the Whole and request that Curt Bellavance, Dir., Community Development, attend said meeting. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A}

P163-19 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 30 “Vehicles for Hire” of the Code of the City of Peabody be adopted as advertised and read.

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

P164-19 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor and the Community Development Department provide the City Council with a rental audio system for the Wiggin Auditorium for public meetings, if the current system is not repaired within two weeks.

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

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 5, 2019
RETURNED BY HIS HONOR THE MAYOR, MARCH 5, 2019

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Review of the salary of the Mayor (Section 2-13)
His Honor the Mayor re: Resolution for state action to combat nip bottle litter
Sequoia Builders, Inc., 58 Foster Street, re: Special Permit application
Curt Bellavance, Dir., Community Development re: Proposed Zoning Amendment: Residential Overlay District

ENTERTAINMENT LICENSE: (2019 Renewal)

In the Game, 535 Lowell Street

JUNK DEALERS LICENSE: (2019 Renewal)

ecoATM, LLC, 210 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (2019 Renewal)

Tri State Auto Sales, 248 Newbury Street

CLASS 2 MOTOR VEHICLE LICENSE: (Amendment)

Walnut Street Auto Sales, 55 Walnut Street

CLASS 2 MOTOR VEHICLE LICENSE: (New)

Boyd Cycles, 25 Walnut Street

Detour Cars, LLC, 41 Newbury Street