

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 8, 2018

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

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 Edward R. Charest.

Mr. Larry Levitt led the City Council in the Salute to the American Flag.

P151-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of February 22, 2018. (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.

(COUNCIL PRESIDENT CHAREST WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: SARAH BUCKLEY, COUNCILLOR AT LARGE (GOULD); KATIE DUPONT, COUNCILLOR AT LARGE (MANNING-MARTIN); AND JOSHUA CORREIA, (CITY CLERK))

HEARINGS

None.

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
MARCH 8, 2018

P152-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Tonight in Industrial & Community Development we had full attendance by all subcommittee members. It was attended by myself, Councillor Melville, Councillor McGinn, Councillor Rossignoll, and Councillor Turco. Also in attendance with very valuable input was Councillor Manning-Martin and Councillor O'Neill. The first item we kept in committee, which was the covered recycling containers and other issues related to recycling. We're waiting for Mr. Peter Gamache to come back to us at a future date. Second was a presentation by counselor Jack Keilty to change the "Uses" column under Section 4.2.5 in the I-L district. After much debate by fellow councillors there was a motion by Councillor Turco, which failed five to nothing, to approve that we move forward, as a recommendation of the subcommittee. Also, there was another presentation by attorney Keilty regarding Section 6.11.2 A - "Applicability" to delete the word "15" in the last sentence in Section A and replace it with the word "30" and after much discussion that would have been something the council wasn't in favor of so we voted five to nothing not in favor of advancing that within the full committee. (Report received)

HUMAN SERVICES COMMITTEE
MARCH 8, 2018

P153-18 COUNCILLOR MANNING-MARTIN – Reporting for the Human Services Committee – The Human Services Committee consisting of myself as chair, Councillor Melville, Councillor Moutsoulas, Councillor O'Neill, and Councillor Rossignoll met this evening. We also had a full complement of the council; so I appreciate everybody joining us and participating. We had two items on the agenda and one was pest issues in Ward 1. Sharon Cameron, the director of public health, was kind enough to join us and give us an overview of the issues and why there is an infestation of rats in what we thought was Ward 1, but she educated it is across the city and that it's a national issue; it's not just a Peabody issue. She was very informative. We also had a gentleman from A-1 Exterminators that gave a presentation on it as well. It is a public health problem since rats can transmit disease to humans. She gave us quite an education on how to deal with bating, trapping, disinfecting. And what is of particular to note is when our constituents call us with these complaints -- us meaning the Councillors -- we, of course, call the

appropriate authorities to address it and her department is very proactive and goes right out to those neighborhoods, but what constituents need to know is that you, in particular, need to contact the public health department with the city so that they can intake it properly and that they can follow up. They will come out to the home, they'll check the area, they'll trap or bait if necessary, but they do need that personal contact because it's protocol that they follow up with you. So if you do contact us, we of course will refer it to them, but you need to do so as well so that it will be followed according to protocol. What was interesting to learn was that there are a lot of nuisance conditions that you may not be aware of and you might be causing them, which would be excessive trash, compost bins, bird feeders, and vegetable gardens. I mean, I have a bird feeder and a vegetable garden and I'm not so sure I'm going to keep that bird feeder. I had no idea. So these are things we need to educate ourselves on and maintain them. Also, you need to pick up pet waste because it attracts rats. There has been an increase across the street and nationwide with the warm weather and everything else. So, there is a lot within our control. The department of public health has been very proactive in addressing this. They're also putting together an RFP for a regional integrated pest management system and from that we're hoping as a council to get from then a template for our ordinance language on how we can improve our ordinances and tighten them on businesses, construction, to get ordinance recommendations to rodent-proof moving forward whatever our ordinances if possible. So, it was a very informative meeting. I really appreciate Sharon Cameron and her department for coming forward tonight. They've done a great job. That was one item. The second item was about the recent Census regarding the doubling of Peabody's poverty level. We had another lengthy discussion on that. That is such a complex issue that we reached out to Laura MacNeil of NSCAP, who's an expert in that area, and she was kind enough to give us an overview of again what is a national issue and not necessarily just an issue confined to Peabody. She went over a lot of interesting data. The recession was behind it, employment rates are behind it, loss of manufacturing jobs. There are all these, kind of, moving parts to what is causing that number. But what was interesting is she said that the poverty level in Peabody didn't increase because people are moving in to Peabody, it's rather that Peabody residents who are already here are entering the poverty level. So, we as council, when we move forward when we think about taxes and transportation and affordable housing, those are the things that we need to keep in mind when subjects come to our desk. We're the policy board for the city and we need to keep those things in mind. So, there was quite an interesting discussion, we learned a lot, but it is very complex. I appreciate Laura MacNeil for coming forward. NSCAP does such a great job. So, it was very educational. (Report of progress).

FINANCE COMMITTEE
MARCH 8, 2018

P154-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening the Finance Committee met after the other lengthy meetings. In attendance this evening on behalf of the Finance Committee were myself, Councillor Gould, Councillor Manning, Councillor McGinn, and Councillor Turco, as well as a full complement of all the other councillors here. We had three items on the agenda. The first item was a transfer of funds under the date of February 15th, 2018, regarding the fire overtime budget. The issue at hand was the fire department, due to sick time usage as well as injuries and retirements, is requiring additional overtime staff just about every shift resulting in the requirement for us to fund the overtime budget to the tune of an additional \$450,000. The request was made by the mayor through the fire chief and the following motion was approved by the committee. (Report received)

P155-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 15, 2018:

FROM:

TO:

Unreserved Fund Balance \$450,000.00
100-0000-35901

Fire Budget \$450,000.00
100-2200-51130

(Carried 10-0; Councillor Saslaw absent)

P156-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next two items on the agenda this evening for the Finance Committee were specific to the schools and a request by the School Committee and the mayor for us to submit statements of interest on behalf of first the Welch School and second the Center School. The statement of interest process, as was explained this evening, is a

necessary step in the School Building Authority's requirement, if we are to seek funding from the School Building Authority to offset the costs for the city to the tune of 56.14 percent. So annually we typically submit a statement of interest for our highest priority needs and hope that we get selected by the School Building Authority for reimbursement. This year the highest priority need was identified as the Welch School and secondarily by the Center School. The Welch School is for repairs, while the Center School is for potential replacement. There's no guarantee from the SBA that they will approve the statements of interest, but again it's necessary for us to submit them, in order to be considered. As a result of that, we have to take a vote on each of the statements of interest, which we did in subcommittee, and those were both approved in subcommittee. (Report received)

P157-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY: Having convened in an open meeting on March 8, 2018, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 8, 2018, for the Welch School, located at 50 Swampscott Avenue, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category (s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is Priority #5, "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility."

The specific objective of this SOI is to partner with the MSBA for building repair at the Welch School, including conversion of this all electrically heated school to natural gas, replacement of the existing, obsolete and no longer serviceable HVAC system and controls and replacement of windows and exterior doors throughout the school.

And...The City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.
(Carried 10-0; Councillor Saslaw absent)

P158-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY: Having convened in an open meeting on March 8, 2018, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 8, 2018, for the Center School located at 18 Irving Street, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category (s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selection is Priority #7, "Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements".

The specific objective of this SOI is to partner with the MSBA in a feasibility study for the replacement of the Center School. The educational deficits of the Center School are articulated in the Center School SOI and include the need for gym space, cafeteria space, food service servery and kitchen space, much needed upgrades to classrooms, meeting rooms, electrical, plumbing and HVAC systems.

And...The City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.
(Carried 10-0; Councillor Saslaw absent)

P159-18 COUNCILLOR GRAVEL- Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding 2018 Massachusetts Park Association’s “Peter C. O’Brien Humanitarian Award” presented to Jen Davis, Director, Parks, Recreation & Forestry Department. (Unanimous)

P160-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Communication from Melissa Teixeira, Chairwoman, Essex North Shore Agricultural & Technical High School relative to survey for recruitment and selection process for new Superintendent-Director. (Unanimous)

P161-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, late communication Item 3 from His Honor the Mayor regarding Presentation at Peabody Senior Center on property tax exemptions. (Unanimous)

P162- 18 COUNCILLOR GRAVEL - Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, late communication Item 4 from His Honor the Mayor regarding Competitive bids for bonds and notes and to refer to the Finance Committee. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P163-18 COUNCILLOR O’NEILL - MOVE TO refer to the Human Services Committee the issue of increased coyote sightings in Ward 6 and other areas of the city. (Unanimous)

P164-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request meeting regarding recreational marijuana and to refer to the Legal Affairs Committee. (Unanimous)

P165-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Joanne F. Campo, Deputy General Counsel, Office of Consumer Affairs and Business Regulation, regarding Recent Audit of Dealerships; Lemon Law Sticker Audit and to refer to the Legal Affairs Committee. (Unanimous)

P166-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner Request – North Shore Community Action Programs – April 9th-April 23rd, 2018, subject to all papers being in order. (Unanimous)

P167-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-C Use of the Wiggin Auditorium – North Shore Community Action Programs – June 14, 2018, subject to all papers being in order. (Unanimous)

P168-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-D Junk Dealers License (Renewal for 2018) Bill’s Salem Music & Fofos, 136 Main Street, subject to all papers being in order. (Unanimous)

P169-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department replace the berm on the left side of Roland Road from Abington Avenue to Colonial Road and to also repair the grass that the plow tore up. (Unanimous)

P170-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Parks, Recreation & Forestry Department remove the tree at 4 Roland Road, which appears to be dead. (Unanimous)

P171-18 COUNCILLOR GOULD (Co-motion with Councillor Turco) – MOVE to request that the Public Services Department repave the sidewalk at the back entrance to St. Ann’s parking lot on the Lynn Street side of Columbia Boulevard from the opening of the parking to the grass strip on the sidewalk. (Unanimous)

(Emergency Preamble - Carried 10-0; Councillor Saslaw absent)

(Motion to adopt - Carried 10-0; Councillor Saslaw absent)

P172-18 COUNCILLOR GOULD (Co-motion with Councillor Turco) – MOVE TO request that the Public Services Department repair the grass in front of 255 Lynnfield Street that was torn up by a plow. (Unanimous)

P173-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Parks, Recreation & Forestry Department remove the tree at 9 Jefferson Road, which appears to be dead. (Unanimous)

P174-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-C communication from Curt Bellavance, Director, Community Development, regarding Site Plan Review; 99 Margin Street (Bishop Fenwick). (Unanimous)

P175-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from Lucia DelNegro, Conservation Commission, regarding 59-61 Walnut Street. (Unanimous)

P176-18 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department repair all the potholes in the city. (Unanimous)

(COUNCILLOR GOULD REMINDED EVERYONE OF THE ST. PATRICK'S DAY ROAST TO BENEFIT HAVEN FROM HAVEN ON SATURDAY, MARCH 17TH IN THE WIGGIN AUDITORIUM.)

P177-18 COUNCILLOR MANNING-MARTIN – MOVE TO refer a communication from Stacey Bernson, Asst. Director of Community Development regarding Zoning Amendment – Section 6.11.2 A of the Inclusionary Zoning Ordinance previously received by the City Council on February 22, 2018, to the Human Services Committee. (Unanimous)

(COUNCILLOR ROSSIGNOLL “THE COMMUNITY ADVISORY BOARD WILL BE HOLDING A FUNDRAISER FOR THE PEABODY HIGH SCHOOL STUDENT HEALTH CENTER WITH COMEDIAN GARY GULMAN, WHO WILL BE PERFORMING, ON THURSDAY, APRIL 26, 2018, AT THE PEABODY VETERANS MEMORIAL HIGH SCHOOL. TICKETS ARE ON SALE AT GARY GULMAN'S WEB SITE OR YOU CAN GO THROUGH THE PEABODY STUDENT HEALTH CENTER.)

P178-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from David Terenzoni, Director, Public Services Dept., regarding Council Motion P861-17, P860-17, P22-18. (Unanimous)

P179-18 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Armando Vranari, ALB Realty, 484 Lowell Street, Unit 1B-1; Special Permit 4-1981, subject to all papers being in order. (Unanimous)

P180-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-F communication from Michael Smerczynski, City Solicitor, regarding Bell Atlantic Mobile, etc., d/b/a Verizon Wireless vs. The City of Peabody; Notice of Docket Entry. (Unanimous)

P181-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-G communication from Timothy E. Spanos, City Clerk, regarding Motion P129-18 Special Permit application dated 2015 and submitted by SKJ Realty Limited Partnership, 3 Technology Drive, and to refer to the public hearing. (Unanimous)

P182-18 COUNCILLOR TURCO – MOVE TO request that Sharon Cameron, Director, Health Department, submit to the City Council proposed zoning language regarding a requirement for a pest management plan to be submitted with all new construction applications and blasting permits. (Unanimous)

P183-18 COUNCILLOR TURCO – MOVE TO request that Sharon Cameron, Director, Health Department, attend the next meeting of the Industrial & Community Development Committee to discuss

covered trash receptacles, as they pertain to the Health Department, and to present potential zoning language for a city ordinance requiring such covered receptacles. (Unanimous)

P184-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Chapter 90 local transportation aid funding for Fiscal Year 2019 and to refer to the Finance Committee. (Unanimous)

P185-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-H communication from William C. Aylward, Chairman, Peabody Municipal Light Plant, regarding Request the Peabody City Council's support and assistance to increase the salary of the Commissioners and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P186-18 COUNCILLOR TURCO – MOVE TO receive a communication from David Terenzoni, Director, Public Services Dept., regarding Council Motion P99-18. (Unanimous)

P187-18 COUNCILLOR TURCO – MOVE TO receive, a communication from Essex Green Residential Condominium Board of Trustees regarding Thank you; Security street lighting on Essex Green Drive. (Unanimous)

P188-18 COUNCILLOR TURCO – MOVE TO receive a communication from Timothy E. Spanos, City Clerk, regarding Release of Executive Session Minutes dated June 22, 2017, and October 12, 2017. (Unanimous)

P189-18 COUNCILLOR O'NEILL – MOVE TO receive a communication from Lisa Young, Regional Manager of Land and Environment, Aggregate Industries Northeast Region, regarding Aggregate Industries 2017 Annual Report and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P190-18 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

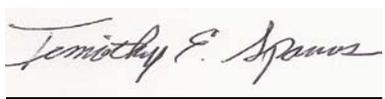
- Marc Birmingham – License 54
 - Joseph Staten – License 55
 - Robert Flaherty – License 56
- (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:05 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 12, 2018
RETURNED BY HIS HONOR THE MAYOR, MARCH 12, 2018

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Request meeting regarding recreational marijuana

His Honor the Mayor re: Chapter 90 local transportation aid funding for Fiscal Year 2019

David Terenzoni, Director, Public Services Dept., regarding Council Motion P99-18

David Terenzoni, Director, Public Services Dept., regarding Council Motion P861-17, P860-17, P22-18

Curt Bellavance, Director, Community Development, regarding Site Plan Review: 99 Margin Street (Bishop Fenwick)

Lucia DelNegro, Conservation Commission, regarding 59-61 Walnut Street

Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Armando Vranari, ALB Realty, 484 Lowell Street, Unit 1B-1; Special Permit 4-1981

Michael Smerczynski, City Solicitor, regarding Bell Atlantic Mobile, etc., d/b/a Verizon Wireless vs. The City of Peabody; Notice of Docket Entry

Timothy E. Spanos, City Clerk, regarding Motion P129-18 Special Permit application dated 2015 and submitted by SKJ Realty Limited Partnership, 3 Technology Drive

William C. Aylward, Chairman, Peabody Municipal Light Plant, regarding Request the Peabody City Council's support and assistance to increase the salary of the Commissioners

Lisa Young, Regional Manager of Land and Environment, Aggregate Industries Northeast Region, regarding Aggregate Industries 2017 Annual Report

Essex Green Residential Condominium Board of Trustees regarding Thank you; Securing street lighting on Essex Green Drive

Joanne F. Campo, Deputy General Counsel, Office of Consumer Affairs and Business Regulation, regarding Recent Audit of Dealerships; Lemon Law Sticker Audit

Timothy E. Spanos, City Clerk, regarding Release of Executive Session Minutes dated June 22, 2017, and October 12, 2017

BANNER REQUEST:

North Shore Community Action Programs – April 9th—April 23rd, 2018

TAXI/LIMOUSINE DRIVER'S LICENSE:

Marc Birmingham – License 54

Joseph Staten – License 55

Robert Flaherty – License 56

USE OF THE WIGGIN AUDITORIUM:

North Shore Community Action Programs – June 14, 2018

JUNK DEALERS LICENSE: (Renewal for 2018)

Bill's Salem Music & Fofos, 136 Main Street