

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 9, 2017

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

ABSENT COUNCILLORS: GRAVEL

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.

P149-27 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of February 23, 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 Petition No. 1A1YF7S submitted by Verizon of New England, 385 Myles Standish Boulevard, Taunton, MA. Appearing to speak on behalf of the application was Mr. William Wallace. No one appeared to speak in favor. No one appeared to speak in opposition.

P150-17 COUNCILLOR MCGINN – MOVE TO approve Petition No. 1A1YF7S submitted by Verizon of New England, 385 Myles Standish Boulevard, Taunton, MA, to install one new mid span pole (T. 1 ½/E.1-50) on the southeasterly side of Little's Lane in front of 6 Little's Lane, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application from Friendly Farms Antiques, LLC, 58 Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Tim Saari. No one appeared to speak in favor. No one appeared to speak in opposition.

P151-17 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Friendly Farms Antiques, LLC, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License at said 58 Pulaski Street, Peabody, MA, with the Hours of Operation being 10:00 a.m. to 5:00 p.m., and subject to all papers being in order.
(Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application from Kerri Amor, 14 Milton Road, Danvers, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Ms. Kerri Amor. No one appeared to speak in favor. No one appeared to speak in opposition.

P152-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-M communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo, 58 Walnut Street. (Unanimous)

P153-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 1 from Fire Department regarding Special Permit memo, 58 Walnut Street. (Unanimous)

P154-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney John Keilty regarding Site plan, 58 Walnut Street. (Unanimous)

P155-17 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Kerri Amor, 14 Milton Road, Danvers, MA, for a Special Permit to operate a Kennel, Dog Day Care and Spa at 58 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 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) The Peabody Fire Department requires a monitored, up-to-date fire alarm system to occupy the premises; and
- 2) Subject to the following conditions outlined by the Board of Health:
 - a. Facility must be of sufficient size and design as to allow an animal to stand, sit, lie down, turn around, and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food, water bowls, equipment, or other animals.
 - b. Any interior areas used to board animals must have floors and walls constructed of impervious, easily-cleanable materials and maintained in a sanitary condition.
 - c. Exterior grounds must be maintained in a sanitary condition.
 - d. Applicant must ensure that solid wastes are properly stored and disposed of in such a manner as to prevent the attraction of pests and the development of nuisance odors.
 - e. Applicant must develop written policies and procedures for responding to nuisance complaints pertaining to odor and noise.
 - f. Applicant must develop written policies and procedures for sanitizing kennel/boarding areas and equipment, and for storing pet food in a manner so as not to attract pests.
 - g. Applicant must maintain documentation demonstrating that all animals are properly vaccinated as a condition of enrollment.
 - h. Applicant must develop a written training and orientation procedure to ensure that all staff are knowledgeable about properly handling animals and maintaining proper sanitation standards.

(Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application from Annie Chau, 89 Empire Street, Lynn, MA. Appearing to speak on behalf of the application was Ms. Annie Chau. No one appeared to speak in favor. No one appeared to speak in opposition.

P156-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Fire Department regarding Special Permit memo, 141 Summit Street. (Unanimous)

P157-17 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Annie Chau, 89 Empire Street, Lynn, MA, for a Special Permit to allow for a full service cosmetology salon and spa at 141 Summit 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 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) The Peabody Fire Department requires a monitored, up-to-date fire alarm system to occupy the premises;
- 2) A proper ventilation system shall be installed subject to the satisfaction of the Building Commissioner and Director of Human Services; and
- 3) Additional information on specific types of services to be offered shall be submitted to the Board of Health for review. Certain activities such as micropigmentation, hydrotherapies, etc. may require permitting by the Peabody Board of Health. Other activities such as cosmetology, massage, etc. shall require state permits.

(Carried 10-0, Councillor Gravel absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P158-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 4 from His Honor the Mayor regarding L Fine property, 143 Lynnfield Street. (Unanimous)

P158A-17 **MATTER OF THE RECORD** - SCHOOL COMMITTEE MEMBER BEVERLEY ANN GRIFFIN DUNNE APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING THE COUNCIL PRESIDENT'S APPOINTMENT OF COUNCILLOR EDWARD CHAREST TO THE HIGGINS SCHOOL BUILDING COMMITTEE.

P159-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Statements of Interest: Brown School, Center School, Burke School, and Welch School and to refer to the Finance Committee. (Unanimous)

P160-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-B Entertainment License (Amendment) – The Wardhurst Restaurant, 31 Lynnfield Street, and to set up a public hearing. (Unanimous)

P161-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-J communication from BTD Investments, LLC, 274 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P162-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-L communication from Baystate Window Fashions, Inc., 86 Tremont Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P163-17 COUNCILLOR CHAREST – MOVE TO request that the Park, Recreation & Forestry Department install a sign regarding dog waste pickup on a tree closest to the fence running along the row of rear Perkins and to also consider placing a dog waste station. (Unanimous)

(MR. TRAVIS WOJCIK APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-D)

P164-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve the appointment of Travis Wojcik, 20 Margin Street, Apartment 20, Peabody, MA, to the Conservation Commission (Alternate Member) for a two-year term to expire 09/30/2017. (Carried 10-0; Councillor Gravel absent)

P165-17 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from The Progeria Research Foundation, 200 Lake Street, regarding Banner, subject to all papers being in order. (Unanimous)

P166-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-H communication from Lisa Young, Director of Land & Development, Aggregate Industries, regarding 2016 annual report and to refer to the Committee of the Whole. (Unanimous)

P167-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-C communication from Dr. William Lupini, Superintendent-Director, Essex North Shore A & T School District regarding Council motion regarding health insurance costs. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P168-17 COUNCILLOR TURCO – MOVE TO receive a communication from His Honor the Mayor regarding Accept Chapter 44, Section 20, of the Municipal Modernization Act allow for the application of bond premium to pay projects costs and to refer to the Finance Committee. (Unanimous)

P169-17 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Establish an ordinance creating a departmental revolving fund for Tillies' Farm and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P170-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Donna Jansky, Vice-Commander, Peabody Veterans Council, regarding Memorial Day activities on May 29, 2017. (Unanimous)

P171-17 COUNCILLOR WALSH – MOVE TO receive a communication from Planning Board regarding Agenda and minutes. (Unanimous)

P172-17 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from James Freeman, Retirement Board Pension Administrator, regarding Local option for an increase of allowance to widows of disabled public employees as permitted by MGL Chapter 32, S. 101 and to refer to the Finance Committee. (Unanimous)

P173-17 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Glenn Trueira, Manager, Light Plant, regarding 2016 collective bargaining agreement and to refer to the Finance Committee. (Unanimous)

P174-17 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Glenn Trueira, Manager, Light Plant, regarding In response to Kevin Collins' February 16th email and to refer to the Finance Committee. (Unanimous)

P175-17 COUNCILLOR TURCO – MOVE TO receive a communication from Leony Ferreira, 297 Lynn Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P176-17 COUNCILLOR TURCO – MOVE TO receive a communication from North American Self Storage Group, LLC, 137 Summit Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P177-17 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following Utility Contractors License, subject to all papers being in order:

Larkin & Larkin Development Corporation, 709 Lowell Street, Methuen
Jonquill Construction Co., Inc., 9 Access Road, Beverly
(Unanimous)

P178-17 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Edward Beardsell – License 70
Roger Davis – License 72
(Unanimous)

P179-17 COUNCILLOR GARABEDIAN –MOVE TO receive and approve Junk Dealer License (Renewal for 2017) Bill's Salem Music & Fofos, 136 Main Street, subject to all papers being in order. (Unanimous)

P180-17 COUNCILLOR GARABEDIAN – MOVE TO receive and approve Taxicab License Transfer - Sunshine Car Service, LLC, 153 Newbury Street – License 36, 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 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 16, 2017
RETURNED BY HIS HONOR THE MAYOR, MARCH 16, 2017


 ATTEST _____
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Accept Chapter 44, Section 20 of the Municipal Modernization Act allow for the application of bond premium to pay project costs

His Honor the Mayor re: Establish an ordinance creating a departmental revolving fund for Tillies' Farm

His Honor the Mayor re: Statements of Interest: Brown School, Center School, Burke School and Welch School

His Honor the Mayor re: Appointment of Travis Wojcik to the Conservation Commission as an Alternate Member

The Progeria Research Foundation, 200 Lake Street re: Banner

Donna Jansky, Vice-Commander, Peabody Veterans Council re: Memorial Day activities on May 29, 2017

Dr. William Lupini, Superintendent-Director, Essex North Shore A & T School District re: Council motion regarding health insurance costs

Planning Board re: Agenda and minutes

James Freeman, Retirement Board Pension Administrator re: Local option for an increase of allowance to widows of disabled public employee as permitted by MGL Chapter 32, S. 101

Glenn Trueira, Manager, Light Plant re: 2016 collective bargaining agreement

Glenn Trueira, Manager, Light Plant re: In response to Kevin Collin's February 16th email.

Lisa Young, Director of Land & Development, Aggregate Industries re: 2016 annual report

Leony Ferreira, 297 Lynn Street re: Special permit application

BTD Investments, LLC, 274 Newbury Street re: Special permit application

North American Self Storage Group, LLC, 137 Summit Street re: Special Permit application

Baystate Window Fashions, Inc., for 86 Tremont Street re: Special Permit application

Sharon Cameron, Director, Human Services Committee re: Special Permit memo, 58 Walnut Street

UTILITY CONTRACTORS LICENSE:

Larkin & Larkin Development Corporation, 709 Lowell Street, Methuen

Jonquill Construction Co., Inc., 9 Access Road, Beverly

ENTERTAINMENT LICENSE: (Amendment)

The Wardhurst Restaurant, 31 Lynnfield Street

TAXI/LIMO/SINE DRIVER LICENSE:

Edward Beardsell – License 70

Roger Davis – License 72

JUNK DEALER LICENSE: (Renewal for 2017)

Bill's Salem Music & Fofos, 136 Main Street

TAXICAB LICENSE: (Transfer)

Sunshine Car Service, LLC, 153 Newbury Street - License 36