

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 22, 2018

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

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 Edward R. Charest.

Dr. Herb Levine led the City Council in the Salute to the American Flag.

P191-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of March 8, 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.

HEARINGS

A public hearing was duly held on the application submitted by Brian D. Kelly, Trustee of 155 Andover Street Realty Trust, 151 Andover Street, Peabody, MA. Attorney Athan Vontzalides and Mr. Brian Kelly appeared to speak on behalf of the application. No one appeared to speak in favor. Ms. Leandra LeClerc, 9 Northfield Road, Peabody, MA, appeared to speak in opposition.

P192-18 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Leandra LeClerc, 9 Northfield Road, Peabody, regarding 151 Andover Street; Photographs. (Unanimous)

P193-18 COUNCILLOR MOUTSOULAS – MOVE THAT the Special Permit application submitted by Brian D. Kelly, Trustee of 155 Andover Street Realty Trust, 151 Andover Street, Peabody, MA, be allowed to be withdrawn without prejudice. (Unanimous)

P194-18 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from John R. Keilty on behalf of 795 Jubilee Drive, LLC, 0 Fifth Street, regarding Request to continue until Thursday, April 5, 2018. (Unanimous)

A public hearing was duly held on the application submitted by SKJ Realty Limited Partnership, 5 High Ridge Road, Topsfield, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P195-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Albert Talarico, Building Commissioner, regarding 3 Technology Drive; storage of vehicles; violation notice. (Unanimous)

P196-18 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from SKJ Realty Limited Partnership, 5 High Ridge Road, Topsfield, MA, for a Special Permit requesting to store undamaged and operable vehicles owned and operated by Kelly Automotive Group, Inc., within the fenced-in area shown on a site plan at 3 Technology Drive, 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. There shall be no loading or unloading of vehicles on Technology Drive;
2. The hours of loading and unloading shall be from 7:00 a.m. to 6:00 p.m.; and
3. All fines currently assessed up to and including March 22nd, 2018, shall be paid in full prior to the Special Permit taking effect for a total amount of \$6,200.

(Carried 10-1; Councillor Manning-Martin opposed)

A public hearing was duly held on the application submitted by Tesla, Inc., c/o Attorney David Ankeles, 246 Andover Street, Peabody, MA. Attorney David Ankeles appeared to speak on behalf of the application. Mayor Bettencourt appeared to speak on behalf of the City. Mr. Mark Whiting, Northshore Mall Manager, appeared to speak in favor. No one appeared to speak in opposition.

P197-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 4 from Diane Zukas, 4 Bristol Road, Peabody, MA, regarding Special Permit; Tesla, Inc. (Unanimous)

P198-18 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Tesla, Inc., c/o Attorney David Ankeles, 246 Andover Street, Peabody, MA, for a Special Permit requesting to operate an automobile dealership including sales, rentals, sales of accessories, service, and other uses generally associated with a new car dealership at 210 Andover 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:

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 11-0)

A public hearing was duly held on the application submitted by Farhad & Farid, Inc., c/o Rezzaqul Chowdhury, President, 139 Lynnfield Street, Suite 100, Peabody, MA. Attorney Thomas Truax appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA and Ms. Methuen Jalil, 124 Lynnfield Street, Peabody, MA, appeared to speak in opposition.

P199-18 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Farhad & Farid, Inc., c/o Rezzaqul Chowdhury, President, 139 Lynnfield Street, Suite 100, Peabody, MA, for a Special Permit requesting to amend Special Permit 14-2016, condition #11, to allow “Keno to go,” and further to amend condition #3 regarding landscaping at said 139 Lynnfield 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 amended 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:

3. Shrubs will be placed **contiguously** along the Lynnfield Street property line of 139 Lynnfield Street in an effort to block the headlights; and
11. No Keno at this location **with the exception of KENO-To-Go**.

(Carried 9-2; Councillor Manning-Martin and Councillor Gravel opposed)

A public hearing was duly held on the application submitted by Lofa Auto Body, c/o Festus Kromah, Jr., 29 Dungeon Avenue, Lynn, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P200-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Sharon Cameron, Director, Health Department, regarding Various departmental responses and to refer to the public hearings. (Unanimous)

P201-18 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Lofa Auto Body, c/o Festus Kromah, Jr., 29 Dungeon Avenue, Lynn, MA, for a Special Permit requesting to operate an autobody repair and paint shop with all work inside the premises at 55R 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. Per the Health Department, applicant must ensure that workshop and paint booths are properly ventilated to prevent nuisance odors; and
2. Per the Fire Department, spray booth shall be in compliance with 527 CMR 1, Chapter 43: Spraying, dipping, and coating using flammable or combustible materials.

(Carried 11-0)

P202-18 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the application from William Skouras, 59-61 Walnut Street, Peabody, MA, until Thursday, April 26, 2018. (Unanimous)

REPORTS OF COMMITTEE

AD HOC COMMITTEE ON TAXIS & LIMOUSINES

MARCH 22, 2018

P203-18 COUNCILLOR MOUTSOULAS – Reporting for the Ad Hoc Committee on Taxis & Limousines – The Ad Hoc Committee on Taxis met this evening. On the committee was Councillor Joel Saslaw and Councillor Anne Manning-Martin. We had Deputy Chief Martin Cohan come in front of us to explain some of the problems that the taxi companies were having. Out of the meeting came the following motion. (Report received)

P204-18 COUNCILLOR MOUTSOULAS – MOVE TO hold in committee and request that the City Solicitor provide the City Council an opinion on the enforcement of taxis and limousines and a review on updating the entire ordinance. (Unanimous)

MUNICIPAL SAFETY COMMITTEE

MARCH 22, 2018

P205-18 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – Tonight we had a meeting of the Municipal Safety committee attended by committee members: Gould, Manning-Martin, Melville, and Turco. Also in attendance were Councillor O'Neill, Councillor Rossignoll, Councillor McGinn and Councillor Melville. We had one item on the agenda, which was a petition requesting making Bresnahan Street one way from Washington Street to Parsons Street. At the meeting Captain Scott Richards first explained to us that this particular piece of roadway is under the authority of the Peabody Housing Authority, so in actuality we would not be able to make the request to change, but he did go on to tell us that there was no crash data to support making it a one-way street. We then heard from two residents -- one pro, one con -- and then we heard from the Peabody Housing Authority director Anne

Marie Burns and she expressed the fact that she'd be happy to work with the residents of both Parsons and Bresnahan Street regarding signage. There was some agreement that there were some issues regarding parking and signage and that they would be happy to work with the residents so the following motion was made. (Report received)

P206-18 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – MOVE TO request that that Public Services Department and the Police Department evaluate the current signage at Bresnahan Street and Parsons Street. (Unanimous)

FINANCE COMMITTEE
MARCH 22, 2018

P207-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. The Committee consisted of myself as chair, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Turco; all other councillors were present at the time. There were two items on the agenda for the evening. The first item on the agenda was a review of the salary of the Director of Public Services, as presented in a letter to us by His Honor the Mayor. The plea that he made was that it's important for us to hire a properly trained, properly experienced public works director and that in order for to us to do that we need to reconsider our current maximum salary offering. As a result of the discussion, the following motion was made. (Report received)

P208-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 5 from His Honor the Mayor regarding Position Description (draft) and Salary comparisons regarding Position of Director of Public Services. (Unanimous)

P209-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve an increase in the maximum salary offered for the position of Director of Public Services in the amount of \$135,000 and advertise. (Carried 11-0)

P210-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – A second motion was made, as it pertained to the job description which was presented to us. Councillor Anne Manning-Martin made a great point in terms of wanting to make sure that a minimum requirement was a bachelor's degree; so the draft job description presented to us will be amended to require a bachelor's degree and to allow for additional experience to compensate for a preferred master's degree. (Report received)

P211-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO request that His Honor the Mayor amend the draft job description for the position of Director of Public Services to reflect that a bachelor's degree is required and that "additional experience" can compensate for the "preferred master's degree." (Carried 11-0)

P212-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - A third motion was made in regard to the Public Services Department with regard to the salary structure of the Assistant Director of Public Services. The Mayor felt that the maximum salary amount for the assistant director would need to be adjusted and raised to an amount of \$95,000 and the following motion was made and approved. (Report received)

P213-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve an increase in the maximum salary offered for the position of Assistant Director of Public Services in the amount of \$95,000 and advertise. (Carried 11-0)

P214-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The second item on the agenda this evening was a request by members of the Light Commission for the city council's support and assistance to increase the salary of the Electrical Light Commissioners. It was explained again that the impact of their salary increase is fully absorbed by the electrical light. It was explained that at least initially the impact on the pension plan is absorbed by the Electric Light Commission, as is the impact of the health benefits. There was a lot of discussion around the issue. This would be a vote to request a home-rule petition for the increase of the salary of the commissioners with city support in the amount of

\$1,100, which is raising their salary from \$4,000 to \$5,100. The state ultimately decides upon this. A vote was taken and the vote passed on a measure of four to one. (Report received)

P215-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the Peabody City Council send a home-rule petition to the state legislature supporting a raise for the Peabody Municipal Light Commissioners from \$4,000 to \$5,100. (Carried 9-2; Councillor O’Neill and Councillor Manning-Martin opposed)

MOTIONS, ORDERS AND RESOLUTIONS

P216-18 COUNCILLOR O’NEILL – MOVE TO request that David Terenzoni, Director of Public Services, provide an update to the residents as soon as possible as to when the water issue in Wards 5 and 6 will be fully resolved and also request that Mr. Terenzoni appear at the next council meeting to discuss the water issue status and provide the last three water test results, if this issue is not resolved by then. (Unanimous)

P217-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Granite Coast Brewing Company, 77 Main Street, Unit B, regarding Special Permit application and to set up a public hearing. (Unanimous)

P218-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item H communication from Licensing Board regarding Request for an ordinance to prohibit customers bringing in alcoholic beverages into an establishment for consumption (BYOB) and to refer to the Legal Affairs Committee. (Unanimous)

P219-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-C Lodging House License (Renewal for 2018) Northfield Properties, LLC, d/b/a 65 Main Street and 2, 4, 6 Little’s Lane, LLC, subject to all papers being in order. (Unanimous)

P220-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-E Use of the Wiggin Auditorium – Dance with Dena, 59 Main Street, March 29, 2018, subject to all papers being in order. (Unanimous)

P221-18 COUNCILLOR MCGINN – MOVE to amend Ordinance Section 19-81 to rescind the handicapped parking at 16 Swampscott Avenue. (Unanimous)

P222-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department move the "Stop" sign at the corner of Newcastle Road at Seneca Road from behind the tree to in front of the tree at 43 Newcastle Road. (Unanimous)

P223-18 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO repair the grass that was dug up by our plows at 7 James Street. (Unanimous)

P224-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the MassDOT, through the Police Department, initiate a delay in the traffic lights at the intersection of Loris Road and Andover Street. (Unanimous)

P225-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department contact MassDOT and request that they fill the potholes under the Route 1 underpass on Lowell Street by the Speedway gas station. (Unanimous)

P226-18 COUNCILLOR SASLAW – MOVE THAT the City Clerk provide a report of all used car lots that also provide auto repair services. (Unanimous)

P227-18 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Curt Bellavance, Director, Community Development, regarding Council Motion P126-18; affordable housing stock and to refer to a joint meeting of the Human Services Committee and the Industrial & Community Development Committee. (Unanimous)

P228-18 COUNCILLOR MANNING-MARTIN – MOVE TO refer to the Ad Hoc Committee on Drug Education & Awareness the idea of a long- drive competition up at The Meadows in memory of Firefighter Dan Pimenta and to set up a meeting at the end of April. (Unanimous)

P229-18 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-D Junk Dealers License (Renewal for 2018) Martoni & James, 215 Newbury Street, #206, subject to all papers being in order. (Unanimous)

P230-18 COUNCILLOR ROSSIGNOLL (Co-motion with Councillor Turco) – MOVE TO set up a meeting of the Joint Ad Hoc City Council/School Committee to discuss the 10 percent Community Preservation Act requirement. (Unanimous)

P231-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Vachagan Hakobyan, 145-A Summit Street; Special Permit 2-2008 and to refer to the public hearing. (Unanimous)

P232-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Atty. Charles Martins on behalf of 91 Lynnfield Street Peabody, LLC, 91 Lynnfield Street, regarding Proposed amendment to the Zoning Map of the City of Peabody, specifically realigning the BN Zone to the property line and to refer to the Planning Board. (Unanimous)

P233-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication form Vachagan Hakobyan, 145-A Summit Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P234-18 COUNCILLOR TURCO – MOVE TO request that Councillor Saslaw convene a meeting of the Ad Hoc Committee on Crystal Lake so that we can discuss two issues that were mentioned earlier in the Salem News this week: One regarding possible violations at the dump at 50 Farm Avenue and the second was possible sediment being released into Elginwood Wood. (Unanimous)

P235-18 COUNCILLOR GRAVEL – MOVE TO request that David Terenzoni, Director, Public Services Department, provide an update to the City Council at the next council meeting to address the issue of water pressure up in west Peabody in and around the Ward 5 Route 1 area. (Unanimous)

P236-18 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-C communication from Chief Griffin, Police Department, regarding Letters of thanks. (Unanimous)

P237-18 COUNCILLOR CHAREST – MOVE THAT an ordinance be drafted and advertised to install a "Stop" sign at the corner of Felton Street and Baldwin Street. (Unanimous)

P238-18 COUNCILLOR CHAREST – MOVE TO request that Peabody Access Television place a banner over the screen during City Council meetings to denote a regular meeting from a subcommittee meeting. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P239-18 COUNCILLOR MCGINN – MOVE TO receive Item 8-F communication from Bourbon Street Mini Storage, LLC, 3 Bourbon Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P240-18 COUNCILLOR MCGINN – MOVE TO receive Entertainment License (Transfer) Zhu's Asian Cuisine, 5 Central Street, and to set up a public hearing. (Unanimous)

P241-18 COUNCILLOR MCGINN – MOVE TO receive and approve Taxi/Limousine Drivers License – Betsy R. McNaughton – License 57, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A Salary of the Mayor}

P242-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 2-13 – Salary of the Mayor of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillor Moutsoulas and Councillor Turco absent)

{Item 10-B Zero Emission Vehicle Charging Stations}

P243-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 – Motor Vehicles and Traffic of the Code of the City of Peabody by adding a new Section 19-118 entitled Zero Emission Vehicle Charging Stations be adopted as advertised and read. (Carried 9-0; Councillor Moutsoulas and Councillor Turco absent)

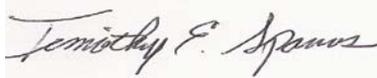
P244-18 COUNCILLOR MCGINN – MOVE TO receive late communication Item from Sharon Cameron, Health Department, regarding Scope of Services – North Shore Shared Public Health Services Program; pest related issues. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 26, 2018

RETURNED BY HIS HONOR THE MAYOR, MARCH 26, 2018

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Curt Bellavance, Director, Community Development, regarding Council Motion P126-18; affordable housing stock

Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Vachagan Hakobyan, 145A Summit Street; Special Permit 2-2008

Chief Griffin, Police Department, regarding Letters of thanks

Atty. Charles Martins on behalf of 91 Lynnfield Street Peabody, LLC, 91 Lynnfield Street, regarding Proposed amendment to the Zoning Map of the City of Peabody, specifically realigning the BN Zone to the property line

Vachagan Hakobyan, 145-A Summit Street, regarding Special Permit application

Bourbon Street Mini Storage, LLC, 3 Bourbon Street, regarding Special Permit application (Amendment)

Granite Coast Brewing Company, 77 Main Street, Unit B, regarding Special Permit application

Licensing Board regarding Request for an ordinance to prohibit customers bringing in alcoholic beverages into an establishment for consumption (BYOB)

Sharon Cameron, Director, Health Department, regarding Various departmental responses

ENTERTAINMENT LICENSE:

Zwu's Asian Cuisine, 5 Central Street

TAXI/LIMOUSINE DRIVER'S LICENSE:

Betsy R. McNaughton – License 57

LODGING HOUSE LICENSE: (Renewal for 2018)

Northfield Properties, LLC, d/b/a 65 Main Street and 2, 4, 6 Little's Lane, LLC

JUNK DEALERS LICENSE: (Renewal for 2018)

Martoni & James, 215 Newbury Street #206

USE OF THE WIGGIN AUDITORIUM:

Dance with Dena, 59 Main Street, March 29, 2018