

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 23, 2017

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

ABSENT COUNCILLORS: SINEWITZ

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.

P181-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of March 9, 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 Baystate Window Fashions, Inc., 93 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Lisa Berman. Attorney Charles Martins, on behalf of Mr. Stephen Kalivas, appeared to speak in favor. No one appeared to speak in opposition.

P182-17 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Baystate Window Fashions, Inc., 93 Main Street, Peabody, MA for a Special Permit to continue a non-conforming business use, specifically, a window treatment business and to install an awning sign at 86 Tremont Street, Peabody, MA as filed in accordance with Sections 1.5.1, 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. Hours of operation shall be 8:00 a.m. to 5:00 p.m. Monday through Saturday. (Carried 10-0, 1 absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
March 23, 2017

P183-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – We had a Legal Affairs Committee meeting earlier this evening. Committee members present were Councillor Garabedian, Councillor Gravel, Councillor Moutsoulas and Councillor McGinn; and in addition to that Councillor Manning-Martin, Councillor Gould, Councillor Turco and Councillor Charest were present as well. We had one item before us and that was a request by our Police Chief Thomas Griffin to adopt his language request for an ordinance regarding the public consumption of marijuana and marijuana products. It's a request by the police chief so that we can prohibit public consumption of marijuana. (Report received)

P184-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO draft and advertise an ordinance regarding prohibiting the public consumption of marijuana or marijuana concentrate. (Carried 10-0; Councillor Sinewitz absent)

FINANCE COMMITTEE
MARCH 23, 2017

P185-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening a meeting of the Finance Committee was convened. In attendance at the meeting were Councillor Gould, Councillor Manning-Martin, Councillor McGinn, Councillor Turco, and I was acting as Chairman; also at the committee were Councillor Charest, Councillor Walsh, Councillor Garabedian, and Councillor Gould. There were two topics on the agenda. The first topic that we took up was regarding the Wiggin auditorium, both the renovation of the ceiling and the auditorium itself, as well the sound and AV system, something that we've all wanted to have done for a long time. We had a report of progress from Mr. Healey, who is our director of buildings, and he gave us an update, in terms of where we stand. Another Finance Committee will be scheduled for the second meeting in April and we will get a full update on the report back from the consultants as to what the recommendations are and then we'll be able to know what the pricing will be. Once we have the pricing we did ask that it be looked at as complete versus what we are willing to bite off. We did discuss the possibility of going to CPC for additional funds, if needed. That was a report of progress on that particular item. The second item on the agenda was statements of interest, which the mayor had requested on behalf of the School Committee based on a School Committee vote. There were specifically four schools in discussion. The schools were the Brown, which is really a plan to address an overcrowding issue by reopening the Kiley School and doing the renovations necessary to do that; the Burke, the Center, and the Welch. After discussion and understanding on the part of the council, a motion was made that the four statements of interest be submitted to the MSBA and that the submissions be in accord with the reading that was provided, with the exception that the dates be changed on the submissions to reflect this evening's date of March 23rd, 2017, and that it is the City Council of the city of Peabody, not the School Committee, in accordance with the charter that is making the request. And there was also a request to position the priorities being the Brown/Kiley, which is the overcrowding issue, first; the Welch second; the Burke third; and the Center, fourth. (Report received)

P186-17 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 23, 2017, 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 as **Priority #1** the Accelerated Repair Statement of Interest Form dated March 23, 2017, for the **Brown School, located at 150 Lynn 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 selected is Priority #2, "Elimination of existing severe overcrowding."

The specific objective of the SOI is to partner with the MSBA for a solution to correct the overcrowding problem that exists at the Brown School and throughout the district elementary schools.

The solution may have multiple options which may include the renovation of an existing facility not currently being used as a 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 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

P187-17 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 23, 2017, 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 as **Priority #2** the Statement of Interest Form dated March 23, 2017, 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 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

P188-17 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 23, 2017, 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 as **Priority #3** the Statement of Interest Form dated March 23, 2017, for the **Burke School, located at 127 Birch 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 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 to replace obsolete unit ventilators, cabinet heaters and gym and cafeteria air handling units with modern HVAC equipment and controls. In addition, this SOI includes the restoration of casework along the classroom window walls interfacing with the new unit ventilators. The preliminary design for the unit ventilator and control portion of this work has already been accomplished and part of our successful Green Repair work. Repair of the heating distribution system and controls is necessary as HV equipment at the Burke has reached the end of its useful life.

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 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

P189-17 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 23, 2017, 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, as **Priority #4**, the Statement of Interest Form dated March 23, 2017, 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 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

MOTIONS, ORDERS AND RESOLUTIONS

P190-17 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Turco) – MOVE TO request that the Building Commissioner put all Special Permits with hours of operation, etc., on the City of Peabody website. (Unanimous)

P191-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-G communication from Timothy E. Spanos, City Clerk, regarding Release of executive session minutes. (Unanimous)

P192-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Michael Gingras, Director of Finance, regarding Golf course motions and to refer to the Ad Hoc Committee Municipal Golf Course/Skating Rink. (Unanimous)

P193-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Neil E. Boudreau, MassDOT, regarding Approval for heavy commercial vehicle exclusion over 2 ½ tons; Bartholomew Street entire length. (Unanimous)

P193A-17 COUNCILLOR TURCO – MOVE TO receive the ordinance amending **Section 19-27 “Exclusion of heavy and commercial vehicles on certain streets; exceptions.”** Bartholomew Street, either direction for its entire length (vehicles with a carrying capacity over 2 ½ tons, and request to advertise the same. (Unanimous)

P194-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Update of Administrative Consent Order for 143 Lynnfield Street. (Unanimous)

P195-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Discontinuance of MBTA but stop on Lynn Street opposite Spring Pond Road. (Unanimous)

P196-17 COUNCILLOR WALSH (Co-motion with Councillor Charest) – MOVE TO request that the Public Services Department stripe the new pavement on Allens Lane where it connects with Perkins Street in front of the police station. (Unanimous)

P197-17 COUNCILLOR WALSH – MOVE TO refer to the Municipal Safety Committee the issue of right turns on red. (Unanimous)

P198-17 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department clean out the catch basins from Proctor Street at Su Chang's up to the property line of the North Shore Mall and also at Essex Center Drive behind the Shaw's plaza. (Unanimous)

P199-17 COUNCILLOR CHAREST – MOVE TO request that the City Clerk letter send a letter of condolence to the Toscano Family and the Watertown Fire Department on behalf of the City Council. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P200-17 COUNCILLOR WALSH – MOVE TO receive a communication from Mass State Lottery Commission regarding Keno to Go License; Market & Liquor Store, 117 Newbury Street. (Unanimous)

P201-17 COUNCILLOR GRAVEL – MOVE TO receive and approve a communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer; SP 4-1981 to North Shore Landscape & Sealcoating, 484 Lowell Street, subject to all papers being in order. (Unanimous)

P202-17 COUNCILLOR WALSH – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Moratorium on retail sales of recreational marijuana and to refer to the Legal Affairs Committee. (Unanimous)

P203-17 COUNCILLOR WALSH – MOVE TO receive a communication from Public Services Department regarding Completed Council motions. (Unanimous)

P204-17 COUNCILLOR MCGINN – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P205-17 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Use of the Wiggin Auditorium, subject to all papers being in order:

North Shore Community Action Program – June 13, 2017
Dance with Dena – March 30, 2017
(Unanimous)

P206-17 COUNCILLOR WALSH – MOVE TO receive Class Motor Vehicle License (Transfer) AGA Auto Sales, Inc. d/b/a Prestige Auto Sales, 288 Newbury Street, and to set up a public hearing. (Unanimous)

P207-17 COUNCILLOR MCGINN – MOVE TO receive Junk Dealer License (New) Alchemy Collectibles, 40 Lowell Street, Suite 12, and to set up a public hearing. (Unanimous)

P208-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2017), subject to all papers being in order:

Martoni & James, 215 Newbury Street, #206
Best Buy Mobile #1957, 210 Andover Street, W117
Newbury Comics, 210 Andover Street
Precision Estate Sales, LLC, 26 Howley Street
Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street
(Unanimous)

P209-17 COUNCILLOR GRAVEL – MOVE TO receive Entertainment License (Amendment) Bertucci's Restaurant Corp., 15 Newbury Street, and to set up a public hearing. (Unanimous)

P210-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxi/Limousine Driver License – Alan Marchesini - License 73, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P211-17 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19 Motor Vehicles and Traffic of the City Code; Adding a new Section 19-47, 25 mph speed limit in thickly settled areas or business district of the City of Peabody be adopted as advertised and read. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 29, 2017
RETURNED BY HIS HONOR THE MAYOR, MARCH 29, 2017



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Mass State Lottery Commission re: Keno to Go License; Market & Liquor Store, 117 Newbury Street
Albert Talarico, Building Inspector re: Special Permit Transfer: SP 4-1981 to North Shore Landscape & Sealcoating, 484 Lowell Street

Atty. Michael Smerczynski, City Solicitor, re: Moratorium on retail sales of recreational marijuana
Neil E. Boudreau, Mass DOT re: Approval for heavy commercial vehicle exclusion over 2 ½ tons;
Bartholomew Street entire length

Public Services Department re: Completed Council motions

Planning Board re: Minutes and agenda

Timothy E. Spanos, City Clerk re: Release of executive session minutes

Michael Gingras, Director of Finance re: Golf course motions

USE OF THE WIGGIN AUDITORIUM:

North Shore Community Action Program – June 13, 2017

Dance with Dena – March 30, 2017

CLASS MOTOR VEHICLE LICENSE: (Transfer)

AGA Auto Sales, Inc. d/b/a Prestige Auto Sales, 288 Newbury Street

JUNK DEALER LICENSE: (New)

Alchemy Collectibles, 40 Lowell Street, Suite 12

JUNK DEALER LICENSE: (Renewal for 2017)

Martoni & James, 215 Newbury Street, #206

Best Buy Mobile #1957, 210 Andover Street, W117

Newbury Comics, 210 Andover Street

Precision Estate Sales, LLC, 26 Howley Street

Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street

ENTERTAINMENT LICENSE: (Amendment)

Bertucci's Restaurant Corp., 15 Newbury Street

TAXI/LIMOUSINE DRIVER LICENSE:

Alan Marchesini – License 73