

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**APRIL 18, 2019**

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

ABSENT COUNCILLORS: ROSSIGNOLL

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.

P248-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of March 28, 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.

**HEARINGS**

P249-19 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Mr. Peter Mihalakis, 136 Newbury Street, regarding Request to continue public hearing until Thursday, May 9, 2019. (Unanimous)

A public hearing was duly held on the application submitted by Improtex Auto, Inc. c/o Elchin Nadirov d/b/a Prestige Auto Sales, 288 Newbury Street, Peabody, MA. Mr. Elchin Nadirov and Mr. Alex Rudy appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P250-19 COUNCILLOR SASLAW – MOVE TO approve the application submitted by Improtex Auto, Inc. c/o Elchin Nadirov d/b/a Prestige Auto Sales, 288 Newbury Street, Peabody, MA, requesting the transfer of a Class 2 Motor Vehicle License at said 288 Newbury Street, Peabody, MA, subject to all papers being in order and with the following conditions:

**CONDITIONS:**

1. That the Outstanding real estate tax bill in the amount of \$280.56 will be paid and proof of that payment will be provided to the City Clerk;
2. There will be no parking in space number 9 on the parking plan; and
3. No rope, chain, or any other impediment will be erected to cut off access to Route 1 at the curb cut.

(Carried 10-0; Councillor Rossignoll absent)

**REPORTS OF COMMITTEE**

None.

**MOTIONS, ORDERS AND RESOLUTIONS**

P251-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Massachusetts State Lottery Commission regarding Keno license application; Zwu's Asian Cuisine, 5 Central Street. (Unanimous)

P252-19 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install a "Not a throughway" sign for Connolly Terrace at the intersection with Dark Lane. (Unanimous)

P253-19 COUNCILLOR MOUTSOULAS (Co-motion with Councillor Gould) – MOVE TO send a communication to Mr. Steve Patten, Veteran's Agent, regarding Thank-you for helping a former Peabody veteran. (Unanimous)

P254-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 25-2018; JDT Group, LLC, 0 Newbury Street, and refer to the City Solicitor for review and an opinion on how to proceed with regard to impact on any state regulatory requirements and how this item would impact the host agreement. (Unanimous)

P255-19 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Sharon Cameron, Dir., Health Department, regarding Aggregate Industries 2018 Annual Report and refer to the Committee of the Whole. (Unanimous)

P256-19 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Cassiola, 82 Birch Street, regarding Request to purchase city-owned land; 0 Birch Street, Map 004, Lot 051A and refer to the Legal Affairs Committee. (Unanimous)

P257-19 COUNCILLOR MCGINN (Co-motion with Councillor Gravel) – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Tannery I Apartments, 18 Crowninshield Street, regarding Request for support/approval for commitment of \$750,000 from Inclusionary Zoning Funds; Transfer of funds – Community Preservation Community Housing; \$950,000.00 and refer to the Finance Committee. (Unanimous)

P258-19 COUNCILLOR MCGINN (Co-motion with Councillor Turco) – MOVE TO receive, under suspension of the rules, Item 8-C communication from Jennifer Davis, Dir., Park Department, regarding Response to Motion P237-19. (Unanimous)

P259-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Michael Smerczynski, City Solicitor, regarding Cellco Partnership, d/b/a Verizon Wireless vs. The City of Peabody, et al, regarding Memorandum of Decision Granting Plaintiff's Renewed Motion for Summary Judgment and refer to Executive Session. (Unanimous)

P260-19 COUNCILLOR MCGINN (Co-motion with Councillor Turco) – MOVE TO receive, under suspension of the rules, Item 8-G communication from Atty. John Keilty on behalf of Peabody Living, LLC, 234 Bartholomew Street, regarding Easement request and refer to the Legal Affairs Committee. (Unanimous)

{Item 10-D 12 Carlton Street}

P261-19 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-81 "Parking Prohibited – Handicap Zone" of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Rossignoll absent)

{Item 10-E 50 Aborn Street}

P262-19 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-81 "Parking Prohibited – Handicap Zone" of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Rossignoll absent)

P263-19 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Melville) – MOVE TO invite our Veteran's Agent Steve Patten to come to a meeting of the Human Services Committee so that we can be apprised of the work that the Veteran's Office is doing, the possibility of purchasing a second van, obtaining additional office space for the Veteran's Office, and reviewing a tax write-off for veterans. (Unanimous)

P264-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Phalanx Properties, LLC, Michael G. Markos, Manager, 41 Newbury Street, regarding Special Permit application and set up a public hearing for May 23, 2019. (Unanimous)

P265-19 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-J communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; Jared Bingham d/b/a Communications R US, 484 Lowell Street. (Unanimous)

P266-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 9-D Class II Motor Vehicle License (New) Detour Cars, LLC, 41 Newbury Street, and set up a public hearing for Thursday, May 23, 2019. (Unanimous)

P267-19 COUNCILLOR SASLAW – MOVE TO request “No parking” signs for both sides of Lakeland Park Drive, and that an ordinance be drafted and advertised on the same. (Unanimous)

P268-19 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department restripe the hash marks on Lowell Street from Jennifer Lane to Forest Street to show a single lane for vehicles. (Unanimous)

P269-19 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department, after the roadwork is finished on Lowell Street, stripe hash marks on Lowell Street eastbound before the intersection with King Street/Endicott Street to denote a single lane for vehicles. (Unanimous)

{Item 10-A}

P270-19 COUNCILLOR CHAREST – BE IT ORDERED that \$4,650,000 is appropriated to pay costs of the following projects, including the payment of any costs incidental or related thereto:

Wilson Square Design Water Lines	90,000
Water Systems Improvements	600,000
Stormwater Drainage Upgrades	200,000
City Hall – Upgrades Partitions/Doors/Electric/Plumbing	85,000
River Walk	162,000
Fire Station Rehab-Kitchen/Floors, etc.	75,000
Elginwood Dam Repairs	25,000
Library Roof Repairs	250,000
Fire – New Engine	750,000
DPS – Backhoe	114,000
International Dump	185,000
1 Ton Dump/Plow	55,000
Police Cruisers	200,000
Park Pickup	44,000
Golf Pickup	44,000
Library Van	28,000
City Hall – Mechanical Upgrades	15,000
Voting Machines	115,000
Brown’s Pond Fountain/Dock	45,000
Public Safety Microwave/Radio System	530,000
Computer Hardware	30,000
Computer Software/GIS	80,000
Center School Feasibility	50,000
Burke Ground Level Flooring	200,000
South Gym Floor	12,500
Truck with Plow	50,500
Van	28,000
Text Book Adoption – PVMHS/Higgins	212,000
Phone System Upgrade – School	210,000
Custodial Equipment	15,000
School Security – Cameras/Locks Doors/Hardware	150,000

And that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority; that the Treasurer, Mayor and any other City official is authorized to take actions necessary or convenient to carry out the purposes of this Order; that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that this Order be adopted as advertised and read.

(Carried 10-0; Councillor Rossignoll absent)

P271-19 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Charter Review Committee regarding Report of the Charter Review Committee; March 2019 and refer to the Charter Review Committee sitting as a Committee of the Whole. (Unanimous)

{Item 10-B}

P272-19 COUNCILLOR GRAVEL – BE IT ORDERED that \$28,612,500 is appropriated for the purpose of financing the construction and planning of water treatment plant improvements including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as amended; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$28,612,500 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as amended; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that this Order be adopted as advertised and read.

(Carried 10-0; Councillor Rossignoll absent)

{Item 10-C}

P273-19 COUNCILLOR GRAVEL – BE IT ORDERED that \$9,519,770 is appropriated for the purpose of financing water system improvements including water transmission main and pump stations including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St.1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$9,519,770 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as amended; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that this Order be adopted as advertised and read.

(Carried 10-0; Councillor Rossignoll absent)

P274-19 COUNCILLOR GRAVEL – MOVE TO request that the Community Development Department, through its director Curt Bellavance, provide the City Council with a list of city-owned properties for disposition. I would like to know the property location, the time that it was acquired, and its current status, in terms of disposition. (Unanimous)

#### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

Previously received.

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P275-19 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxi/Limousine Driver's License: Scott M. Middleton – License 1, subject to all papers being in order. (Unanimous)

P276-19 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealers Licenses (2019 Renewal), subject to all papers being in order:

Charland Appliance Center, 15 Spring Street  
Long's Jewelers, Ltd., 35 Cross Street  
(Unanimous)

P277-19 COUNCILLOR GRAVEL – MOVE TO receive and approve Utility Contractor's License: C.J. Doherty, Inc., 41 Locust Street, Medford, subject to all papers being in order. (Unanimous)

P278-19 COUNCILLOR GRAVEL – MOVE TO receive Class II Motor Vehicle License (New) Detour Cars, LLC, 41 Newbury Street, and set up a public hearing. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P279-19 COUNCILLOR TURCO – MOVE TO request that the Finance Director Michael Gingras appear before the Finance Committee at the next scheduled meeting to update the City Council on the progress of the upcoming budget. (Unanimous)

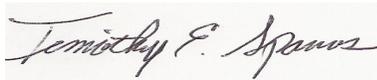
P280-19 COUNCILLOR MCGINN – MOVE TO receive late communication Item 2 from Charter Review Committee regarding Charter Review Committee Meeting Minutes dated March 26, 2019, and refer to the Committee of the Whole. (Unanimous)

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 23, 2019  
RETURNED BY HIS HONOR THE MAYOR, APRIL 23, 2019

ATTEST



(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Tannery I Apartments, 18 Crowninshield Street, re: Request for support/approval for commitment of \$750,000 from Inclusionary Zoning Funds; Transfer of funds – Community Preservation Community Housing; \$950,000.00

Albert Talarico, Bldg. Commissioner, re: Transfer of Special Permit 25-2018; JDT Group, LLC, 0 Newbury Street

Sharon Cameron, Dir., Health Department, re: Aggregate Industries 2018 Annual Report

Jennifer Davis, Dir., Park Department, re: Response to Motion P237-19

Michael Smerczynski, City Solicitor, re: Cellco Partnership, d/b/a Verizon Wireless vs. The City of Peabody, et al, re: Memorandum of Decision Granting Plaintiff's Renewed Motion for Summary Judgment Charter Review Committee regarding Report of the Charter Review Committee; March 2019

Massachusetts State Lottery Commission re: Keno license application; Zwu's Asian Cuisine, 5 Central Street

Atty. John Keilty on behalf of Peabody Living, LLC, 234 Bartholomew Street, re: Easement request Phalanx Properties, LLC, Michael G. Markos, Manager, 41 Newbury Street, re: Special Permit application Andrew Cacciola, 82 Birch Street, re: Request to purchase city-owned land; 0 Birch Street, Map 004, Lot 051A

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 4-1981; Jared Bingham d/b/a Communications R US, 484 Lowell Street

**TAXI/LIMOUSINE DRIVER'S LICENSE:**

Scott M. Middleton – License 1

**JUNK DEALERS LICENSE:** (2019 Renewal)

Charland Appliance Center, 15 Spring Street

Long's Jewelers, Ltd., 35 Cross Street

**UTILITY CONTRACTOR'S LICENSE:**

C.J. Doherty, Inc., 41 Locust Street, Medford

**CLASS 2 MOTOR VEHICLE LICENSE:**

Detour Cars, LLC, 41 Newbury Street