

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MAY 9, 2019**

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

ABSENT COUNCILLORS: MANNING-MARTIN

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.

P300-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of April 18, 2019, and the regular meeting of April 25, 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**

A public hearing was duly held on the application submitted by Bheveshkumar Patel, 65 Central Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P301-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Bheveshkumar Patel c/o DJ Smoke Shop, Inc., 65 Central Street, Peabody, MA, for a Special Permit to allow for the retail sales of tobacco products and related accessories at 118 Central 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 reason 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 hours of operation shall be Monday through Sunday from 9:00 a.m. to 9:00 p.m.;
2. No smoking paraphernalia shall be displayed in the front window;
3. Per Health Department, Applicant has permit for adult only retail tobacco store under the name "Town Smoke Shop" and must submit application with new name; and
4. Per Health Department, Applicant must construct appropriate safeguards to ensure no entry to store of anyone under 21 years of age.

(Carried 10-0; Councillor Manning-Martin absent)

A public hearing was duly held on the application submitted by Grecian Diner and Tavern, Inc., 136 Newbury Street, Peabody, MA. Mr. Peter Mihalakis appeared to speak on behalf of the application. Mr. Kevin Raiche, 41 Pine Street, Lot 47, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P302-19 COUNCILLOR SASLAW – MOVE TO approve the Entertainment License submitted by Grecian Diner and Tavern, Inc., 136 Newbury Street, Peabody, MA, for the use of non-live entertainment, specifically television, CD player, DVD player, radio, and digital internet jukebox and live entertainment, specifically DJ and live entertainment in the form of live music at said 136 Newbury Street, Peabody, MA, with the following conditions:

**CONDITIONS:**

1. The hours of non-live entertainment will be Monday through Saturday from 6:00 a.m. to 12:30 a.m.;
2. Any live entertainment will cease at midnight;
3. Live entertainment will consist of up to a three-piece band with one vocalist;
4. All doors are to remain closed during live entertainment; and
5. Live entertainment will be allowed a maximum of two nights per month and may only be held on a Friday or Saturday night.

(Carried 10-0; Councillor Manning-Martin absent)

**REPORTS OF COMMITTEE****Ad Hoc Golf Course Committee****May 7, 2019**

P303-19 COUNCILLOR MCGINN – Reporting for the Ad Hoc Golf Course Committee – The Ad Hoc Committee on Municipal Golf Course and Skating Rink met on May 7th; present for the committee were Councillor Rossignoll, Councillor Melville, and myself as chairperson. Also present was Councillor O'Neill. Also in attendance were Peter Cronan, the clubhouse manager; Jean Quigley, the assistant clubhouse manager; Eric Still, the golf superintendent; Glenn Pergamo, assistant golf superintendent; Jen Davis, director of Parks, Recreation & Forestry; and Mike Gingras, director of Finance & Administration. There was a single agenda item, which was the presentation of an operational review of the golf course conducted by Niblick Golf. The presentation was made by Tim Gordon of Niblick Golf. Mr. Gordon has 40 years of experience in the business and has evaluated over 100 golf courses, primarily in New England. A competitive analysis was conducted and found that The Meadow performs well versus the competition and is at or near capacity without major discounting or membership programs. An operational review found that, first, there is strong correlation between golf playable hours and the number of rounds played annually. This correlation supports that when the number of rounds annually are down, it is truly a function of the weather and not a softening of demand for Peabody's municipal course. The rate strategy was found to be correct. It is believed that offering memberships would be dilutive to financial performance. Revenues from greens fees and carts are strong. Department expenses, both clubhouse and grounds, are in line with expectations. The Meadow at Peabody is consistently driving EBITDA -- earnings before interest, taxes and depreciation and amortization -- in excess of 30 percent, which is considered an excellent financial performance for a golf course. Retirement of the bond debt after Fiscal Year 20 will be a major milestone. In Fiscal 21 and beyond the operation should be able to self-fund future capital expenses. Committee discussion regarding the findings focused on future capital needs of the course. The consensus of the committee, as supported by comments from the golf course staff and the Director of Finance, was that the clubhouse and course could wait until after the bond debt is retired to address any capital needs, without having an adverse effect on operations. Various short-term course innovations under consideration were mentioned by Mr. Cronan. These include potential changes to golf carts that add more technology as the next cart lease is negotiated. These technologies include GPS and potentially other entertainment features, as well as the ability to regulate carts to keep them on the cart paths in wet conditions. Also, the course is experimenting with fling golf, which is a lacrosse-like game that has appeal to younger people. The course, as currently utilized to interact with area schools, was highlighted. The idea of expanding this to possible internships related to plant science and/or turf grass management, which is an integral part of the golf course management, are under consideration. Mr. Gingras confirmed that, given the limited available funds through Fiscal Year 20, any capital planning for future years, for example, cart path improvements, irrigation system upgrades, etc., or changes to the clubhouse, should be addressed with in-house staff and the committee encouraged that direction. (Report received)

P303A-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, a communication from Niblick Golf regarding The Meadow at Peabody Operational Review. (Unanimous)

**Legal Affairs Committee**  
**May 9, 2019**

P304-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met on May 9th earlier this evening; present for the committee were Councillor Gould, Councillor Gravel, Councillor Melville, Councillor O'Neill and myself as chairperson. Also present were Councillor Turco, Councillor Charest, and Councillor Rossignoll. There were two items on the agenda. The first was a matter of an application from Andrew Cassiola, 82 Birch Street, regarding a request to purchase city-owned land at 0 Birch Street, Map 4, Lot 51A. There were a number of late communications that were received, as well as one item from tonight's package, which pertained to this matter. The first was a recommendation from Community Development to sell the property. Another one indicated that another party is interested in the acquisition of this property. There were two additional department and/or PMLP inputs on this matter; both supportive of selling the property. And there was information from the assessor's office and the treasurer's office that raised some questions about the status of the property at the registry of deeds. Based on the information that we have before us it was discussed and the following motion was made. (Report received)

P305-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 1 from Jason Darosa, 9 Villa Lane, regarding Request to purchase city-owned land; 0 Birch Street, Map 4, Parcel 51A, and to refer to the Legal Affairs Committee. (Unanimous)

P306-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 2 from Peabody Municipal Light Plant, regarding 0 Birch Street, Map 4, Parcel 51A, and to refer to the Legal Affairs Committee. (Unanimous)

P307-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 3 from Robert Labossiere, Dir., Public Services Department, regarding Birch Street, Map 4, Parcel 51A, and to refer to the Legal Affairs Committee. (Unanimous)

P308-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO request that the City Solicitor provide the City Council with a legal opinion to clarify ownership of the property known as 82R Birch Street, Map 4, Parcel 51A, as to whether the city has clear title to the property, which is subject to an application for the sale of this city-owned land. (Unanimous)

P309-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – As the information before us was further analyzed, Councillor Rossignoll noticed that there was some discrepancy in the lot reference, which lead to a motion by Councillor Melville. (Report received)

P310-19 COUNCILLOR MCGINN - Reporting for the Legal Affairs Committee - MOVE TO send the request for purchase of city-owned land back to the city departments for comment and clarification on 82R Birch Street, Map 4, Parcel 51A. (Unanimous)

P311-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – Item B on the agenda was the easement request from Peabody Living, LLC, 234 Bartholomew Street. That matter was represented before us by Attorney Keilty. There was some background information provided by Attorney Keilty and as to why this action is recommended. There was also some background information presented by Councillor Turco as this is in Ward 1. After reviewing the information that was before us, there was a motion made by Councillor Gould. (Report received)

P312-19 COUNCILLOR MCGINN - Reporting for the Legal Affairs Committee - MOVE TO accept the grant of easement by Peabody Living, LLC, 234 Bartholomew Street, and to authorize His Honor the Mayor to execute any and all documents necessary to complete the transaction. (Unanimous)

**Finance Committee**  
**May 9, 2019**

P313-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. Sitting on behalf of the committee was myself as chair, Councillor Gould, Councillor McGinn, Councillor Rossignoll, and acting in place of Councillor Manning-Martin was Councillor Melville. All other councillors were present and available for discussion. The topic on the agenda was a request that was made by Council President Turco to have the Finance Director and/or the Mayor come before us and give us a status update on the budget process. The Finance Director, as well as the Mayor, provided information to the committee regarding certain issues of projected overrun in the existing budget, as well as projected increases for the coming fiscal year. He indicated they are making all efforts available to see if they can shorten the amount of increase being requested, as well as address some of the shortfalls. There were no motions in the committee at the time. We did request that we get a status of appropriations from the Finance Director, as it pertained to where we stood at the end of June so that should be arriving to us either June 2nd or 3rd. I did ask that it be presented in an Excel format so that we can work with it versus paper, which is kind of difficult to work with when it comes to that report. It was also agreed that the council is ready, willing and able to meet on numerous occasions to go line by line, detail by detail to help make a good and fair budget judgment in plenty of time for the fiscal year-end. (Report of progress)

**MOTIONS, ORDERS AND RESOLUTIONS**

P314-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from George Skarlatos, 15 Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P315-19 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 9-C Banner Request – St. Vasilios Church, 5 Paleologos Street, subject to all papers being in order. (Unanimous)

P316-19 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Michael Smerczynski, City Solicitor, regarding Legal opinion: P254-19 – Medical marijuana facility Special Permit. (Unanimous)

P317-19 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Atty. John Keilty on behalf of A. Chara Development, LLC, regarding Withdrawal of Special Permit transfer request. (Unanimous)

P318-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Planning Board regarding City Council's request to televise Planning Board meetings. (Unanimous)

P319-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Ramzi Elshrafi, 139 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P320-19 COUNCILLOR MCGINN -MOVE TO receive, under suspension of the rules, Item 8-J communication from Curt T. Bellavance, Dir., Community Development, regarding City-owned property identified as 0 Birch Street and to refer to the Legal Affairs Committee. (Unanimous)

P321-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 4 from His Honor the Mayor regarding Tannery I, 18 Crowninshield Street, regarding Dam Transfer Agreement, Deed and Easement and to refer to the Legal Affairs Committee. (Unanimous)

P322-19 COUNCILLOR MCGINN – MOVE TO request that Sharon Cameron, Dir., Health Department, appear before the Industrial & Community Development Committee to provide an update on the proposed ordinance regarding rodent control. (Unanimous)

P323-19 COUNCILLOR GRAVEL – MOVE TO request that the City Clerk send a communication on behalf of the City Council to the Planning Board in response to their communication dated April 30, 2019, (Item 8-C) stating that at its meeting the City Council discussed the issues associated with asking the Planning Board to move their location to a televised environment so that all citizens be privileged to know and understand what's happening at their Planning Board, as well as councillors. (Carried 10-0; Councillor Manning-Martin absent)

P324-19 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-H communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 1-2007; Boston Sports Club, 190-194 Newbury Street, subject to all papers being in order. (Unanimous)

P325-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-I communication from Community Development and Planning Department regarding Special Permit application – 41 Newbury Street and to refer to the public hearing. (Unanimous)

P328-19 COUNCILLOR CHAREST – MOVE TO request that Captain Richards, Police Department, provide an opinion on the "No parking" signs on Irving Street by the Center School. There are signs up there now that are attached to trees that I don't believe are properly placed and the School Department and Police Department would like to be able to enforce it. (Unanimous)

P329-19 COUNCILLOR CHAREST – MOVE TO request that the City Clerk update the City Council regarding the sign for the Fred Berry Council Room. (Unanimous)

P330-19 COUNCILLOR CHAREST – MOVE TO request that Captain Richards, Police Department, provide the City Council with an update on the following Motion P624-19 and provide a recommendation of what they can do to enforce that and if it a legal stop:

*"P624-18 COUNCILLOR CHAREST – MOVE TO request that Captain Richards contact MassDOT regarding the traffic flow on Lowell Street for cars heading eastbound that are entering Route 128 North and Route 128 South. Cars that are heading eastbound on Lowell Street get into the turn lane for Route 128 North prematurely and are driving through the stop line. I would request that the word "stop" be painted at the stop line. Also, if a solid line can be painted between the lane for cars getting onto Route 128 North and cars that are continuing to travel on Lowell Street eastbound to downtown. (Unanimous)"*

(Unanimous)

P331-19 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that the Peabody Municipal Light Plant replace the two sodium streetlights on the access road that runs from Forest Street to the Center School, as a matter of safety. (Unanimous)

P332-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-A communication from Curt T. Bellavance, Dir., Community Development, regarding Housing Production Plan – update/feedback and to refer to the Industrial & Community Development Committee. (Unanimous)

P333-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-G communication from Captain Scott Richards, Police Dept., regarding Heavy Commercial Vehicle Exclusion ordinance; Gardner Street and to refer to the Municipal Safety Committee. (Unanimous)

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

P334-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds – Out-of-District Tuition \$846,452.00; Contracted Services – Homeless/Foster Transportation \$315,210.00 and to refer to the Finance Committee. (Unanimous)

P335-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds – CPC – Park & Play Spaces Restoration Projects – FY19 \$198,000.00 and to refer to the Finance Committee. (Unanimous)

P336-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Ordinance Amendment – Chapter 12 Fire Protection and Prevention, Article III Fire Department, Section 12-41 regarding the staffing levels within the Peabody Fire Department and to refer to the Finance Committee. (Unanimous)

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

Previously received.

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P337-19 COUNCILLOR MELVILLE – MOVE TO receive and approve the following Junk Dealers License (2019 Renewal) Kay Jewelers, Inc., 210 Andover Street, subject to all papers being in order. (Unanimous)

P338-19 COUNCILLOR MELVILLE – MOVE TO receive and approve the following Taxi/Limousine Driver License – Stephen Plunkett – License 3, subject to all papers being in order. (Unanimous)

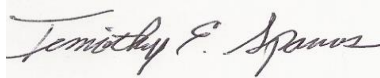
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 14, 2019  
RETURNED BY HIS HONOR THE MAYOR, MAY 14, 2019

ATTEST



(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds – Out-of-District Tuition \$846,452.00; Contracted Services – Homeless/Foster Transportation \$315,210.00

His Honor the Mayor re: Transfer of funds – CPC – Park & Play Spaces Restoration Projects – FY19 \$198,000.00

His Honor the Mayor re: Ordinance Amendment – Chapter 12 Fire Protection and Prevention, Article III Fire Department, Section 12-41 regarding the staffing levels within the Peabody Fire Department

Curt T. Bellavance, Dir., Community Development re: Housing Production Plan – update/feedback

Michael Smerczynski, City Solicitor, re: Legal opinion: P254-19 – Medical marijuana facility Special Permit Planning Board, re: City Council's request to televise Planning Board meetings

George Skarlatos, 15 Walnut Street, re: Special Permit application

Atty. John Keilty on behalf of A. Chara Development, LLC, re: Withdrawal of Special Permit transfer request

Ramzi Elshrafi, 139 Lynnfield Street, re: Special Permit application

Captain Scott Richards, Police Dept., re: Heavy Commercial Vehicle Exclusion ordinance; Gardner Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 1-2007; Boston Sports Club, 190-194 Newbury Street

Community Development and Planning Department re: Special Permit application – 41 Newbury Street

Curt T. Bellavance, Dir., Community Development, re: City-owned property identified as 0 Birch Street

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

Kay Jewelers, Inc., 210 Andover Street

**TAXI/LIMOUSINE DRIVER LICENSE:**

Stephen Plunkett – License 3

**BANNER REQUEST:**

St. Vasilios Church, 5 Paleologos Street