

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 10, 2018

PRESENT COUNCILLORS: O'NEILL, MCGINN, GOULD, SASLAW, MANNING-MARTIN, MOUTSOULAS, 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.

City Clerk Timothy Spanos led the City Council in the Salute to the American Flag.

P342-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of April 26, 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 Rebel Restaurants, Inc., d/b/a Tony C's Sports Bar and Grill, 210 Andover Street, Peabody, MA. Attorney Ann Marie Johnene and Christopher London appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P343-18 COUNCILLOR CHAREST – MOVE TO approve the application submitted by Rebel Restaurants, Inc., d/b/a Tony C's Sports Bar and Grill, 210 Andover Street, Peabody, MA, requesting an Entertainment License, specifically television, CD and DVD player, electronic jukebox, and digital internet music at said 210 Andover Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

(MR. STEPHEN MCGOLDRICK AND MS. MARILYN CONTREAS OF THE EDWARD J. COLLINS, JR., CENTER FOR PUBLIC MANAGEMENT AT UMASS BOSTON APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING THE CHARTER REVIEW PROCESS.)

P344-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. Stephen McGoldrick regarding UMass Boston Booklet titled "Helping Government Work Better." (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
MAY 10, 2018

P345-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – This evening there was a meeting of the Legal Affairs Committee. Present at the committee were members Councillor Gould, Councillor Gravel, Councillor Moutsoulas, and Councillor O'Neill, and all other councillors were present. There were two items on the agenda. The first item was the Mayor's recommendation to pursue a Zoning Amendment banning recreational marijuana business uses in the city. There were comments made by the mayor laying out his rationale for opposition to recreational marijuana, there were also comments provided by the general public on both sides of the issue, and that was followed by a healthy discourse on the issue by the committee. The following motion was made by Councillor Gravel and supported unanimously. (Report received)

P346-18 COUNCILLOR GRAVEL – Reporting for the Legal Affairs Committee – MOVE under Section 15.10 of the Zoning Ordinance to initiate an amendment to said Zoning Ordinance to ban recreational marijuana business uses in the city and incorporate by reference the exact language of the amendment approved by the Planning Board by its communication to this council dated November 8, 2017, which is: To recommend that the City Council adopt the proposed zoning amendment to the Zoning Ordinance under date of April 28, 2011, and amended through July 18, 2017, is hereby further amended as follows:

And to schedule a hearing upon same and through the clerk to properly advertise the amendment and further require the City Clerk to communicate this amendment to the Planning Board within 14 days of the vote hereon, in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws.

By repealing Section 6.14 entitled Temporary Moratorium on the Sale and Distribution of Recreational Marijuana:

SECTION ONE:

And adding a new Section 6.14 as follows:

6.14 Marijuana Establishments Prohibited

The operation of any marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related facility, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 9-1; Councillor Saslaw opposed; Councillor Moutsoulas absent)

P347-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The second item on the agenda was Recent audit of dealerships regarding the Lemon Law sticker audit. There were representatives from two of the dealerships that appeared to comment that had received letters. There was a motion from Councillor Gould, which was passed unanimously. (Report received)

P348-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive and approve the recommendations from Assistant City Solicitor Buckley in the communication dated May 10, 2018, regarding Lemon Law program. (Unanimous)

**FINANCE COMMITTEE
MAY 10, 2018**

P349-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. It was attended by myself as the chair, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Turco; all others councillors were present to participate. At the meeting there was one agenda item, which was a request from the mayor to have the City Council authorize the use of up to \$7 million of insurance proceeds relating to the Coolidge Water Treatment Plant and the water treatment fire: \$6 million for construction and rehabilitation of the Coolidge Water Treatment Plant and \$1 million as partial payment towards our MWRA water obligation. This money will be allowed to be used as received from the insurance company. (Report received)

P350-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 26, 2018:

FROM:

Insurance Proceeds Coolidge Fire \$7,000,000.00
260-00000-35604-0000-00-00-00-4420

TO:

Coolidge Ave. Water Treatment Plant
Const. and Rehab. Of Plant \$6,000,000.00

MWRA Water Obligation \$1,000,000.00

(Carried 10-0; Councillor Moutsoulas absent)

MOTIONS, ORDERS AND RESOLUTIONS

P351-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (Lakeshore Dental) and to set up a public hearing. (Unanimous)

P352-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-C communication from MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (A Mom's Village) and to set up a public hearing. (Unanimous)

P353-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-D communication from MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (Edible Arrangement) and to set up a public hearing. (Unanimous)

P354-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the ordinance for the handicapped signs at 32 Union Street and 53 Harris Street be rescinded. (Unanimous)

(COUNCILLOR GOULD: "I'D LIKE TO REMIND EVERYONE THAT THEY CAN STILL PURCHASE TICKETS ON-LINE AT PEABODYFOUNDATION.ORG FOR THE GEORGE PEABODY LEGACY AWARD, WHICH WILL BE PRESENTED ON THURSDAY, MAY 17, 2018.)

P355-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department replace the curbing at the corner of Helen Drive and Goodale Street. (Unanimous)

P356-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department repaint the crosswalks between Lieutenant Ross Park and West Church. (Unanimous)

P357-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department repaint the crosswalks at the intersection of Johnson Street and Lowell Street. (Unanimous)

P358-18 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Chairman of the Peabody Planning Board inform the City Council of whether they received notice of the proposed development at Sagamore Spring Golf Club in Lynnfield, to request that he reach out to his counterpart in the Town of Lynnfield to open the lines of communication so that our Planning Board can be updated regularly regarding the proposed development, and to further request that the Planning Board forward all updates to the City Council. (Unanimous)

P359-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Verizon grant of location petitions and request for Executive Session. (Unanimous)

P360-18 COUNCILLOR TURCO – MOVE TO request that City Council President Charest set an Executive Session meeting. (Unanimous)

P361-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Update regarding Administrative Consent Order for 143 Lynnfield Street. (Unanimous)

P362-18 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Pamela Hernandez and Joseph Rock, 160 Lynn Street; Special Permit 8-1992. (Unanimous)

P363-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the sidewalks at 13 Blair Terrace and 3 Columbia Boulevard. (Unanimous)

P364-18 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Mony Sim, 80 Gardner Street, regarding Recently denied claim for damages to automobile and to refer to the City Auditor for reconsideration. (Unanimous)

P365-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds regarding Golf course and to refer to the Finance Committee. (Unanimous)

P366-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds regarding Brooksby Farm and to refer to the Finance Committee. (Unanimous)

P367-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds regarding CPA Open Space/CPA Housing and to refer to the Finance Committee. (Unanimous)

P368-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Request Municipal Vote authorizing reimbursement obligations in association with MasssDevelopment Brownfield Assessment Recoverable Grant/Resolution in Support of the Site Assessment of 24 Caller Street and to refer to the Finance Committee. (Unanimous)

P369-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Ordinance Amendment Section 28-16 entitled “Sewer and Water Rates” and to refer to the Finance Committee. (Unanimous)

P370-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Transfer of funds regarding Cemetery – Capital Equipment and to refer to the Finance Committee. (Unanimous)

P371-18 COUNCILLOR GRAVEL – MOVE TO request that His Honor the Mayor advise the City Council as to whether or not he would entertain a request for proposal from the Edward J. Collins, Jr., Center for Public Management on the issue of charter reform. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P372-18 COUNCILLOR GRAVEL – MOVE TO receive a communication from David Terenzoni, Director, Public Services Dept., regarding Council motion P139-18, P172-18, P223-18. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P373-18 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealers License (Renewal for 2018), subject to all papers being in order:

Newbury Comics, 210 Andover Street
Golden Link, 515 Lowell Street
(Unanimous)

P374-18 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxi/Limousine Driver’s License – Luis A. Dume – License 60, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A}

P375-18 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-126 – Obedience to Isolated Stop Signs of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillor Saslaw and Councillor Moutsoulas absent)

{Item 10-B}

P376-18 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-96.2 – Fifteen Minute Zones Designated Monday through Sunday of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillor Gould and Councillor Moutsoulas absent)

P377-18 COUNCILLOR CHAREST – MOVE TO request a “Stop” sign on Fairmount Road at Buttonwood Lane, and that an ordinance be drafted and advertised on the same. (Unanimous)

P378-18 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department replace the existing "Stop" sign at the intersection of Buttonwood Lane and Barrett Road. (Unanimous)

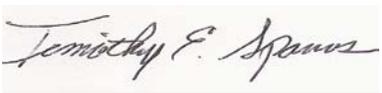
P379-18 COUNCILLOR CHAREST – MOVE TO request that the Peabody Municipal Light Plant remove the tandem pole on Fairmount Road next to the "Stop" sign. (Unanimous)

P380-18 COUNCILLOR CHAREST – MOVE TO request that the Building Commissioner provide a recommendation to the City Council regarding changing Section 27-36 of the City Code to reflect that new housing developments require "concrete sidewalks and granite curbing," as opposed to "concrete like sidewalks." (Unanimous)

P381-18 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department paint “hashmarks” on Lowell Street westbound before Forest Street to prohibit vehicles from queuing in two lanes before the Forest Street intersection. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:35 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 15, 2018
RETURNED BY HIS HONOR THE MAYOR, MAY 15, 2018

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Transfer of funds regarding Golf course
- His Honor the Mayor re: Transfers of funds regarding Brooksby Farm
- His Honor the Mayor re: Transfers of funds regarding CPA Open Space/CPA Housing
- His Honor the Mayor re: Update regarding Administrative Consent Order for 143 Lynnfield Street
- His Honor the Mayor re: Request Municipal Vote authorizing reimbursement obligations in association with MassDevelopment Brownfield Assessment Recoverable Grant/Resolution in Support of the Site Assessment of 24 Caller Street
- His Honor the Mayor re: Ordinance Amendment Section 28-16 entitled “Sewer and Water Rates”
- His Honor the Mayor re: Transfer of funds regarding Cemetery – Capital Equipment
- David Terenzoni, Director, Public Services Dept., regarding Council motion P139-18, P172-18, P223-18
- MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (Lakeshore Dental)
- MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (A Mom’s Village)
- MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application (Edible Arrangement)
- Mony Sim, 80 Gardner Street, regarding Recently denied claim for damages to automobile
- Albert Talarico, Building Commissioner, regarding Special Permit Transfer; Pamela Hernandez and Joseph Rock, 160 Lynn Street; Special Permit 8-1992

JUNK DEALERS LICENSE: (Renewal for 2018)

- Newbury Comics, 210 Andover Street
- Golden Link, 515 Lowell Street

TAXI/LIMOUSINE DRIVER’S LICENSE:

- Luis A. Dume – License 60