

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 23, 2019

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

ABSENT COUNCILLORS: GRAVEL

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.

P339-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 9, 2019. (Unanimous)

COUNCILLOR TURCO – 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 Special Permit application from Ramzi Elshrafi c/o Ramzi's Roast Beef, 139 Lynnfield Street, Peabody, MA. Mr. Ramzi Elshrafi appeared to speak on behalf of the petition. No one appeared to speak in favor. No one appeared to speak in opposition. For the record, Councillor Turco vacated the chair as Council President and Councillor Manning-Martin was selected Chair Pro Tem.

P340-19 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Ramzi Elshrafi c/o Ramzi's Roast Beef, 172 Hancock Street, Stoneham, MA, for a Special Permit seeking to allow for outdoor patio seating at 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:

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 10-0; Councillor Gravel absent)

A public hearing was duly held on the Special Permit application from George Skarlatos, 82 Bowditch Avenue, Peabody, MA, for property at 15 Walnut Street, Peabody, MA. Ms. Demetra Skarlatos appeared to speak on behalf of the petition. No one appeared to speak in favor. No one appeared to speak in opposition.

P341-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Joel R. Whitman, owner of property at 15 Walnut Street, regarding Special Permit; Skarlatos Painting, 15 Walnut Street. (Unanimous)

P342-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Skarlatos Painting, 82 Bowditch Avenue Peabody, MA, for a Special Permit seeking to allow for the office and shop of a contractor for a painting business at 15 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:

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 10-0; Councillor Gravel absent)

P343-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Atty. Athan Vontzalides, 246 Andover Street, Peabody, MA, submitting a letter of withdrawal with regard to both the Special Permit application and Class 2 Motor Vehicle License application from Phalanx Properties, LLC, 41 Newbury Street, Peabody, MA. (Unanimous)

P344-19 COUNCILLOR SASLAW – MOVE TO approve and grant permission to Phalanx Properties, LLC, for property at 41 Newbury Street to withdraw, without prejudice, their Special Permit application and Class 2 Motor Vehicle License application. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE

MAY 16, 2019

P345-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met on May 16th; present at the committee were Councillor Gould, Councillor Melville, Councillor O'Neill and myself as chairperson. In attendance for the city were City Solicitor Smerczynski and Community Development Director Bellavance. Also in attendance for Winn Development were Adam Stein, Matthew Curtin and Attorney Ankeles. Those three individuals are here this evening as well. There was a single item on the agenda, which was the Tannery I, 18 Crowninshield Street, item regarding a dam transfer agreement, deed, and easement. The City Solicitor provided an explanation of both documents and why it would be beneficial both to the City and Winn Development to enter into these agreements. Committee members confirmed with the City Solicitor that there would be no up-front cost to the city. It was further confirmed that the Department of Public Services is supportive of the agreements as a means of providing flood mitigation in the area and DPS will support the ongoing operation and maintenance of the dam. There were comments made by each councillor supportive of the initiative. Councillor Gould made the following motion. (Report received)

P346-19 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO authorize the City to accept the Dam Parcel, as defined in the Dam Transfer Agreement, and Easement, as defined in the Easement document, and to authorize His Honor the Mayor to execute all documents necessary to complete the grants. (Carried 10-0; Councillor Gravel absent)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

MAY 23, 2019

P347-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met this evening to discuss a single use plastic bag ban here in the City of Peabody. We had a number of people from Green Peabody here lead by co-chairs Bryan Howcroft and Rita Cavicchio. They spoke about the current condition, which was very enlightening. There were in-depth questions asked of Green Peabody by my fellow councillors. We heard from Health Director Sharon Cameron. She spoke about the process of implementing a single use plastic bag ban, the pros and cons; more pros than cons. We also heard from Community Development Director Curt Bellavance. He spoke about the statistics for and against; more for than against. We had a motion by Councillor McGinn to have the Community Development Director Curt Bellavance and Health Director Sharon Cameron draft an ordinance to implement a plastic bag ban and report back to the subcommittee for review. We also were able to enthusiastically solicit educational help from Green Peabody. They've offered to start tomorrow morning -- but I told them to just hold on a little bit -- to provide educational training throughout the city. The motion passed five to nothing in subcommittee. (Report received)

P348-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO recommend that the Director of Health & Human Services, Sharon Cameron, and the Director of Community Development & Planning, Curt Bellavance, coordinate on draft language for an ordinance

to consider a plastic bag ban and that said language be forwarded back to the Industrial & Community Development Committee for further consideration. (Carried 10-0; Councillor Gravel absent)

COMMITTEE OF THE WHOLE
MAY 23, 2019

P349-19 COUNCILLOR TURCO – Reporting for the Committee of the Whole – Prior to this evening’s regular meeting, the Committee of the Whole voted, by motion of Councillor McGinn, to enter into Executive Session for the purpose of discussing pending litigation with regards to AAA Northeast vs. City of Peabody. The matter was held in executive session for further litigation. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P350-19 COUNCILLOR MELVILLE – Matter of the Record: Point of information to the public regarding the upcoming Memorial Day calendar events from Steve Patten, the Veteran’s Agent:

Friday, May 24th, starting at 9:00 a.m. at Cedar Grove, Oak Grove, Harmony Grove, and Monumental cemeteries, the flagging of the veteran’s graves.

Saturday, May 25th, starting at 9:00 a.m. at Puritan Lawn and Saint Mary’s Cemeteries, the flagging of all veteran’s graves.

Sunday, May 26th, starting at 8:15 a.m. there is a Mass at St. Adelaide’s Church.

Monday, May 27th, the memorial ceremony will begin at Cedar Grove Cemetery at 9:30 a.m. followed by the parade at 11:00 a.m. (Unanimous)

P351-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Fire – Vehicle Replacement; \$41,000 and to refer to the Finance Committee. (Unanimous)

P352-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Building Department – New Permit Fee schedule and to refer to the Finance Committee. (Unanimous)

P353-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Peabody Main Streets, 22 Foster Street, regarding Act to Promote Housing Choices (House Bill No. 3507). (Unanimous)

P354-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Hatim Laalami, 119R Foster Street, Building #3, regarding Special Permit application and to set up a public hearing. (Unanimous)

P355-19 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-C Use of the Wiggin Auditorium - Citizens Inn, 81 Main Street – June 26, 2019, subject to all papers being in order. (Unanimous)

P356-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Department of Community Development relative to a meeting notice of May 30th regarding the North River Resiliency, Canal Wall, and Riverwalk Project. (Unanimous)

P357-19 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Public Services Department repair the roadway on Stockton Road at Penn Road. (Unanimous)

P358-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-E communication from James W. Freeman, Pension Administrator, Peabody Retirement Board, with regards to notice of a vote by the Retirement Board on a cost of living adjustment increase. (Unanimous)

P359-19 COUNCILLOR MANNING-MARTIN – MOVE TO direct the Peabody Police Department and Public Services Department to make a comprehensive review of all traffic and parking control signage for compliance with ordinances and to recommend any changes that might improve traffic flow and public safety with particular attention being paid to any signage posted without Council approval and corresponding ordinances. (Unanimous)

P360-19 COUNCILLOR MANNING-MARTIN – MOVE TO request the Department of Public Services take a look at the possibility and cost feasibility of putting netting around our culverts to capture all of our plastic bottles, plastic straws and other debris that get in our streams and waterways and try and capture them before it gets into the ocean and that was discussed earlier this evening. (Unanimous)

P361-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from MassDOT Highway Division relative to a notice of resurfacing and related work along a section of Route One in Peabody and Danvers. (Unanimous)

P362-19 Matter of the record: COUNCILLOR SASLAW noted he is having a neighborhood meeting on Thursday, June 6th at the West Branch Library at 6:30 p.m. to discuss the proposed condominium development behind the former Latitudes, now called Boston Sports Clubs. (Unanimous)

P363-19 COUNCILLOR SASLAW (Co-motion with Councillor Charest) – MOVE TO request that MassDOT repair the potholes at the Route 128/Lowell Street overpass. (Unanimous)

P364-19 COUNCILLOR SASLAW – MOVE TO send a communication to Captain Scott Richards, Peabody Police Department, to request that a feasibility study be conducted for a no heavy truck route on Pine Street to be reported out at the next scheduled Municipal Safety Committee meeting on June 27, 2019. (Unanimous)

P365-19 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department Director Mr. Labossiere appear before the City Council and report back on the roadwork that was done on Goodale Street and the Jordan Acres area. The roads were ripped up last year and they are not back to where they need to be and to have a discussion as to whose responsibility it is to get that roadwork properly repaired. (Unanimous)

{Item 10-A Lakeland Park Drive}

P366-19 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-94 “Parking Prohibited on certain streets” of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Gravel absent)

P367-19 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department post the necessary “No Parking:” signs on Lakeland Park Drive, both sides, its entire length. (Unanimous)

P368-19 COUNCILLOR MANNING-MARTIN – Matter of the record: The City Council’s Drug Prevention Committee will be having its second annual Dan Pimenta fundraiser at the Meadow Peabody golf course on June 22nd at 6:00 p.m. There will be a long-drive competition, but we’ve also added a golf ball drop raffle and there will be a lot of prizes and raffles and a silent auction for a lot of sports memorabilia. I want to thank Councillor Gould and Treadwell’s for again providing ice cream for folks and I would thank Councillor Melville for once again scooping ice cream this year. Thank you to Metro Bowl for once again sponsoring the after party with pizza and appetizers and there will be more raffles and prizes as well. (Unanimous)

P369-19 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Peabody Fire Relief Association, Lt. Stephen Pellegrini, Local 925, regarding Memorial Sunday services on June 9th. (Unanimous)

P370-19 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, Item 9-E Block Party for Bay State Road and Lakeshore Road on July 3rd, subject to all papers being in order. (Unanimous)

P371-19 COUNCILLOR CHAREST – Matter of the record: MOVE TO thank the City Clerk, Tim Spanos, for completing the sign work for the Fred Berry Council Room, and to also thank the Public Services Department for their pothole repair work on the roads this year, which has been a very difficult year with all the rain we have been having. Also last Wednesday we had a neighborhood meeting with regards to Emerson Park, an area down by the Higgins, and Scouting Way to incorporate what we envision to be for outdoor recreation. It was the first meeting in gathering information with more meetings to come. (Unanimous)

P372-19 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the sidewalk at 28 Abington Avenue. (Unanimous)

P373-19 COUNCILLOR GOULD (Co-motion with Councillor McGinn) – MOVE TO have May Street re-swept by the Public Services Department. (Unanimous)

P374-19 COUNCILLOR GOULD (Co-motion with Councillor Saslaw) – MOVE TO request that the Public Services Department repair the potholes on Ellis Street and Henry Terrace. (Unanimous)

P375-19 COUNCILLOR GOULD (Co-motion with Councillor McGinn) – MOVE TO have the Public Services Department investigate the sidewalk and tree at 1 Glen Road and possibly repair the sidewalk or have the tree removed. (Unanimous)

P376-19 COUNCILLOR GOULD – MOVE TO have the Director of Parks and Recreation meet with the Council’s Public Services Committee to discuss trash removal and recycling policies in our parks. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P377-19 COUNCILLOR MELVILLE – MOVE TO receive and approve Junk Dealers License (Renewal for 2019) Elite Design & Consign, 101 Lynn Street, subject to all papers being in order. (Unanimous)

P378-19 COUNCILLOR MELVILLE – MOVE TO receive and approve Taxi/Limousine Driver License for Dana McPhee – License No. 5, subject to all papers being in order. (Unanimous)

P379-19 COUNCILLOR MELVILLE – MOVE TO receive Class 2 Motor Vehicle License (Amendment) D & D Auto Sales & Repair, 36 Walnut Street, and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 29, 2019

RETURNED BY HIS HONOR THE MAYOR, MAY 29, 2019

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – Fire – Vehicle Replacement; \$41,000

His Honor the Mayor re: Building Department - New Permit Fee schedule

Peabody Fire Relief Association re: Memorial Sunday on June 9th

MassDOT Highway Division re: Peabody Danvers – Resurfacing & related work (including 6 bridges) along a section of Route 1

Peabody Main Street, 22 Foster Street, re: Act to Promote Housing Choices (House Bill No. 3507)

Hatim Laalami, 119R Foster Street, re: Special Permit application

James W. Freeman, Pension Administrator, Peabody Retirement Board, re: PERAC Memorandum #5/2019

Joel R. Whitman, 27 Walnut Realty, LLC, re: Special Permit; Skarlatos Painting, 15 Walnut Street

JUNK DEALERS LICENSE: (2019 Renewal)

Elite Design & Consign, 101 Lynn Street

TAXI/LIMOUSINE DRIVER LICENSE:

Dana McPhee – License 5

USE OF THE WIGGIN AUDITORIUM

Citizens Inn, 81 Main Street – June 26, 2019

CLASS 2 MOTOR VEHICLE LICENSE: (Amendment)

D & D Auto Sales and Repair, 36 Walnut Street

BLOCK PARTY:

Baystate Road and Lakeshore Road – July 3, 2019