

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 24, 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.

Ms. Cheryl Millard led the City Council in the Salute to the American Flag.

P382-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 10, 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 East Boston Savings Bank, 67 Prospect Street, Peabody, MA. Attorney Theodore Regnante and Mr. appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P383-18 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the Special Permit application from East Boston Savings Bank, 67 Prospect Street, Peabody, MA, until Thursday, June 14, 2018. (Unanimous)

A public hearing was duly held on the application submitted by MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA. Mr. Dan Hester, Ms. Stephanie Keohan, and Ms. Cindy Solomon appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P384-18 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application from MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA, for a Special Permit requesting to locate a women's physical fitness facility and child enrichment center; the operator to be A Mom's Village, LLC, who will occupy a portion of the former T.J. Maxx space at 635-637 Lowell 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:

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 11-0)

A public hearing was duly held on the application submitted by MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA. Mr. Dan Hester appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P385-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Andrew Levin, City Planner, Community Development Dept., regarding Various Special Permit Application Comments. (Unanimous)

P386-18 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application from MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA, for a Special Permit requesting to locate an office of a dentist; the operator to be Lakeshore Dental, who will occupy 2,150 square foot of a portion of the former T.J. Maxx space at 635-637 Lowell 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 condition:

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.

CONDITION:

1. All loading and unloading for this business will be done at the rear dock of the property.
(Carried 11-0)

A public hearing was duly held on the application submitted by MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA. Mr. Dan Hester and Mr. Nick Dalleva appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P387-18 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application from MEC Peabody Associates Limited Partnership, 33 Boylston Street, Chestnut Hill, MA, for a Special Permit requesting to locate a business that serves food for off-premises consumption; the operator to be Edible Arrangement, who will occupy 1,600 square feet of a portion of the former T.J. Maxx space at 635-637 Lowell 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 condition:

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.

CONDITION:

1. All loading and unloading for this business will be done at the rear dock of the property.
(Carried 11-0)

REPORTS OF COMMITTEE

FINANCE COMMITTEE
MAY 24, 2018

P388-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. Sitting as the chair was myself, also present were Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Turco on behalf of the committee; all other councillors were also available for discussion and participated. The first item on the agenda was a transfer of funds regarding the golf course, specifically that was a request to have a consultant come in and do a review of the operation of the golf course and they provided us with a fixed fee bid of \$15,000 and the following motion was made and approved on a vote of four-to-one. (Report received)

P389-18 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:**TO:**

| | | | |
|--------------------------|-------------|-----------------------|-------------|
| Golf – Retained Earnings | \$15,000.00 | Professional Services | \$15,000.00 |
| 440-0000-31101 | | 440-6998-53010 | |

(Carried 9-2; Councillor Saslaw and Councillor Manning-Martin opposed)

P390-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The next item on the agenda was a transfer of funds regarding Brooksby Farm. There were actually two items that were looking for a transfer request. First item was a transfer request from the farm revolving account, which is in the amount of \$38,000 to be broken up into two portions: The part-time wages in the amount of \$22,000 and overtime wages in the amount of \$16,000. That motion was approved unanimously. (Report received)

P391-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 18, 2018:

FROM:**TO:**

| | | | |
|-------------------------|-------------|--------------------------|-------------|
| Brooksby Farm Revolving | \$38,000.00 | Brooksby Part-Time Wages | \$22,000.00 |
| 260-00000-35603 | | 100-06620-51120 | |
| | | Brooksby Overtime | |
| | | 100-06620-51130 | \$16,000.00 |

(Carried 11-0)

P392-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The next Brooksby Farm item request was to move amount of \$64,000 from their revolving account to capital equipment for the purposes of purchasing a new 2014 Chevy 4500 Refrigeration Truck, which would allow the wholesale group to transport the food materials to the various sites. That motion was approved unanimously. (Report received)

P393-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 18, 2018:

FROM:**TO:**

| | | | |
|-------------------------|-------------|------------------------------------|-------------|
| Brooksby Farm Revolving | \$64,000.00 | Capital Equipment | \$64,000.00 |
| 260-00000-35603 | | 300-09421-58506-2018-00-00-00-6620 | |

(Carried 11-0)

P394-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The next item on the agenda had to do with transfers of funds from the Community Preservation Act. The first transfer that was requested was a request to move \$11,000 from the Community Preservation Act open space to Community Preservation Act Peabody Dog Park. After some discussion the motion was made and approved unanimously. (Report received)

P395-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 18, 2018:

FROM:**TO:**

| | | | |
|----------------------------|-------------|----------------------------|-------------|
| Community Preservation Act | \$11,000.00 | Community Preservation Act | \$11,000.00 |
| Open Space | | Peabody Dog Park | |
| 270-0000-33021 | | 270-01811-58562-2018-0375 | |

(Carried 11-0)

P396-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next item in that request, which had some questions that could not be answered, was to move an amount of \$19,600 from the Community Preservation Act housing fund to create a Community Development housing production plan. There was a number of questions so the following motion was made. (Report received)

P397-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO defer action regarding a request by His Honor the Mayor regarding transfer funds Community Preservation Act Community Development Housing Production Plan to the next Finance Committee and to request that the Director of Community Development provide the City Council information, as requested at this subcommittee, as to how this housing production plan can be done internally or if it can be done internally, as well as the content of the plan and its purpose. (Carried 11-0)

P398-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The last item on the agenda that we took up this evening was a motion for a capital request moving some funds to capital equipment within the Cemetery Department from Cemetery Sale of Lots & Graves. Basically, the request was \$65,000 from the sale of lots and graves to capital equipment. The request was made by the superintendent of cemeteries. The funds are requested for a new Toro mower, utility dumpster, jackhammer and some other repairs/renovations. There was no real discussion on the issue because everybody understood exactly what it was that they were looking for and the following motion was made and unanimously supported. (Report received)

P399-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of May 4, 2018:

FROM:

TO:

Cemetery Sale of Lots & Graves \$65,000.00
270-33006
(Carried 11-0)

Cemetery – Capital Equipment \$65,000.00
300-04910

P400-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The last item on the agenda was a request by His Honor the Mayor regarding a Municipal Vote authorizing reimbursement obligations in association with MassDevelopment Brownfield Assessment Recoverable Grant/Resolution in Support of the Site Assessment of 24 Caller Street and that was deferred to another Finance Committee meeting. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P401-18 COUNCILLOR O'NEILL – MOVE TO request that the Public Services Department repair the damaged curb at the corner of 2 Antrim Road and Anne Drive. (Unanimous)

P402-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request to Special Permit applicants for Medical Marijuana Facilities regarding Host Fee Agreement. (Unanimous)

P403-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-B communication from Adam Buckley, Assistant City Solicitor, regarding Legal opinion; Motion P204-18 and refer to the Ad Hoc Committee on Taxis & Limousines. (Unanimous)

P404-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-C communication from Atty. John Keilty on behalf of Touma & Elias Realty Group, 3, 5, and 7 Central Street, regarding Request to turn portion of North Central Street into a two-way street and refer to the Municipal Safety Committee. (Unanimous)

P405-18 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 9-C Banner Request – St. Vasilios Greek Orthodox Church, 5 Paleologos Street, subject to all papers being in order. (Unanimous)

P406-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Update regarding Administrative Consent Order for 143 Lynnfield Street. (Unanimous)

P407-18 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Junk Dealers License, subject to all papers being in order:

Alchemy Collectibles, 40 Lowell Street, Suite 12
 Elite Design & Consign, 101 Lynn Street
 Ginger's Closet, 101 Lynn Street
 (Unanimous)

P408-18 COUNCILLOR TURCO – MOVE TO receive under suspension of the rules, the following Petitions and refer to Executive Session, as submitted by Cellco Partnership d/b/a Verizon Wireless regarding Request for pole locations at the following locations:

- 1) Existing pole located at the northwest intersection of Lynn and County Street; vicinity of 91 Lynn Street
 - 2) New pole located at the northwest intersection of Lowell and Birch Street; vicinity of 747 Lowell Street
 - 3) New pole located on Dearborn Road at Newbury Street
 - 4) New pole located on Forest Street at Newbury Street
 - 5) New pole located on Foster Street; vicinity of 101 Foster Street
 - 6) New pole located on Lynn Street; vicinity of 24 Lynn Street
 - 7) New pole located on Lynn Street; vicinity of 168 Lynn Street
 - 8) New pole located on Hingston Street at Washington Street; vicinity of 250 Washington Street
 - 9) New pole located on Pulaski Street at the corner of North Central Street
 - 10) New pole located on Essex Center Drive; across from U.S. Post Office
 - 11) New pole located on Essex Green Drive; vicinity of Essex Green at Peabody
 - 12) New pole located on First Avenue (5) at Centennial Drive
 - 13) New pole located on King Street; vicinity of 15 King Street
 - 14) New pole located on Margaret Road at the corner of 66 Lynn Street
- (Unanimous)

P409-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department replace the fence owned by the City of Peabody at the rear of 29 and 31 Griffin Road, which abuts McArthur Park. (Unanimous)

P410-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department place asphalt on the unfinished sidewalk at 9 Sarah's Way on the left side of the house. (Unanimous)

P411-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 9-B Block Party – LeBlanc Drive – June 16, 2018, subject to all papers being in order. (Unanimous)

P412-18 COUNCILLOR GRAVEL (Co-motion with Councillor Turco) – MOVE TO request that the Park, Recreation & Forestry Department investigate the corner of Lynnfield Street and Casco Road where there is a dead tree and find out whether the tree is owned by the City of Peabody or the City of Lynn. If the tree is owned by the City of Peabody, please remove the tree. If the tree is owned by the City of Lynn, please contact the City of Lynn and request that they remove it. (Unanimous)

P413-18 COUNCILLOR GRAVEL – MOVE TO request that the Community Development Department update the City Council on the time frame for the repairs to the Frank L. Wiggin Auditorium. If additional funds are required, we would like to put in an application through the Community Preservation Act. (Unanimous)

(COUNCILLOR TURCO: "There will be a neighborhood meeting with the developers of the proposed subdivision Stonegate off Lynnfield Street in South Peabody on Thursday, May 31st at 6:00 p.m. at Metro Bowl on Foster Street.")

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P414-18 COUNCILLOR GRAVEL – MOVE TO receive and approve Banner – City of Peabody/Peabody Main Streets, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P415-18 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Director, Public Services Dept., regarding Council Motions: P222-18, P268-18, P269-18, P270-18, P271-18, P272-18, P273-18. (Unanimous)

P416-18 COUNCILLOR GOULD – MOVE TO receive a communication from Back Bay Sign, 210 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P417-18 COUNCILLOR GOULD – MOVE TO receive a communication from State Rep. Thomas P. Walsh, regarding Route 128 North/Lowell Street sound barrier and needed repair; Motion P092-18. (Unanimous)

P418-18 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Thank-you letters. (Unanimous)

P419-18 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Community Preservation Committee regarding Request to appear July 12, 2018, to present outline of projects funded since 2002. (Unanimous)

P420-18 COUNCILLOR GOULD – MOVE TO receive a communication from Paul Donhauser, 58 Pulaski Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P421-18 COUNCILLOR GOULD – MOVE TO receive and approve, the following Utility Contractor's License, subject to all papers being in order:

Eustis Cable Enterprises, Ltd., 355 East Street, Brookfield, VT
MSR Utility Maintenance Corp., 209 Pleasant Street, Dunstable, MA
(Unanimous)

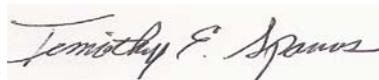
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, MAY 29, 2018
RETURNED BY HIS HONOR THE MAYOR, MAY 29, 2018

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Request to Special Permit applicants for Medical Marijuana Facilities regarding Host Fee Agreement

Banner request – City of Peabody/Peabody Main Streets

Update regarding Administrative Consent Order for 143 Lynnfield Street

David Terenzoni, Director, Public Services Dept., regarding Council Motions: P222-18, P268-18, P269-18, P270-18, P271-18, P272-18, P273-18

Adam Buckley, Assistant City Solicitor, regarding Legal opinion; Motion P204-18

Atty. John Keilty on behalf of Touma & Elias Realty Group, 3, 5 and 7 Central Street, regarding Request to turn portion of North Central Street into a two-way street

Back Bay Sign, 210 Andover Street, regarding Special Permit application

State Rep. Thomas P. Walsh, regarding Route 128 North/Lowell Street sound barrier and needed repair; Motion P092-18

Chief Thomas Griffin, Police Department, regarding Thank-you letters

Community Preservation Committee regarding Request to appear July 12, 2018, to present outline of projects funded since 2002

Andrew Levin, City Planner, Community Development Dept., regarding Various Special Permit Application Comments

Paul Donhauser, 58 Pulaski Street, regarding Special Permit application

JUNK DEALERS LICENSE: (Renewal for 2018)

Alchemy Collectibles, 40 Lowell Street, Suite 12

Elite Design & Consign, 101 Lynn Street

Ginger's Closet, 101 Lynn Street

BLOCK PARTY:

LeBlanc Drive – June 16th, 2018

BANNER:

St. Vasilios Greek Orthodox Church, 5 Paleologos Street

UTILITY CONTRACTOR'S LICENSE:

Eustis Cable Enterprises, Ltd., 355 East Street, Brookfield, VT

MSR Utility Maintenance Corp., 209 Pleasant Street, Dunstable, MA

PETITIONS:

Cellco Partnership d/b/a Verizon Wireless regarding Request for pole locations at the following locations (Hearings necessary):

- 1) Existing pole located at the northwest intersection of Lynn and County Street; vicinity of 91 Lynn Street
- 2) New pole located at the northwest intersection of Lowell and Birch Street; vicinity of 747 Lowell Street
- 3) New pole located on Dearborn Road at Newbury Street
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