

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 25, 2017

PRESENT COUNCILLORS: MANNING-MARTIN, GRAVEL, TURCO, GOULD, MCGINN, WALSH, MOUTSOULAS, CHAREST, SINEWITZ, AND SASLAW

ABSENT COUNCILLORS: GARABEDIAN

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Joel D. Saslaw.

Salute to the American Flag.

P342-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 11, 2017. (Unanimous)

COUNCILLOR SASLAW - 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 joint public hearing of the Peabody City Council and Peabody Planning Board was duly held on the Zoning Amendment – Medical Marijuana Treatment Facilities. Appearing to speak on behalf of the City was Mayor Bettencourt, Chairman Thomas Bettencourt, and Planning Board Member Gagnon. Mr. Christopher Barrett, Chairman of the Town of Lynnfield Board of Selectmen; Mr. David Sweeney, 43 Green Street, Lynnfield, MA; and Ms. Danielle Berdahn, 24 Green Street, Lynnfield, MA, appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P343-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding City of Peabody Zoning Maps 78, 88 and 97. (Unanimous)

P344-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Amendment to Zoning Amendment – Medical Marijuana Treatment Facilities. (Unanimous)

P345-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 3 from Christopher Barrett, Chair, Lynnfield Board of Selectmen, regarding Medical Marijuana Treatment Facilities. (Unanimous)

P346-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 4 from state Representative Bradley H. Jones, Jr., regarding Medical Marijuana Treatment Facilities. (Unanimous)

P347-17 COUNCILLOR SINEWITZ - MOVE TO recess the joint public hearing on Zoning Amendment - Medical Marijuana Treatment Facilities until the City Council receives a recommendation from the Planning Board. (Unanimous)

P348-17 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the Special Permit application from Nascimento Santos, 36 Tremont Street, Peabody, MA. (Unanimous)

A public hearing was duly held on the Special Permit application from Kaitlin Hanson, 5 Roland Road, Peabody, MA. Appearing to speak on behalf of the application was Ms. Kaitlin Hanson. No one appeared to speak in favor. No one appeared to speak in opposition.

P349-17 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the application from Kaitlin Hanson, 5 Roland Road, Peabody, MA, for a Special Permit to operate an organic spray tan business at 649 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 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 Garabedian absent)

P350-17 COUNCILLOR MCGINN – MOVE TO continue the public hearing on Zoning Amendment – Section 9.2.1 Central Business Parking Requirements until the City Council receives a recommendation from the Planning Board. (Unanimous)

P351-17 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 5 from Attorney John R. Keilty, 40 Lowell Street, on behalf of Outdoor Ad Concepts, LLC, regarding Request to continue Remand Hearing until Thursday, June 22, 2017. (Unanimous)

REPORTS OF COMMITTEE

HUMAN SERVICES COMMITTEE **MAY 25, 2017**

P352-17 COUNCILLOR GOULD – Reporting for the Human Services Committee – We had a very interesting and informative meeting. Councillor Walsh opened it up with why we were there and introduced Kristie DeLoreto, who is the chair of an organization based right here in Peabody: Allergy and Asthma Awareness. She gave us a snapshot of where we're at a society with allergies, specifically how it relates to the use of EpiPens. We were specifically there to try to get our arms around introducing EpiPens to our first responders and I think we made some headway. We had testimony from the Health Department's Sharon Cameron, Chief Pasdon, Chief Griffin, and Glen Timmons from Atlantic Ambulance. With Councillor Walsh's help, we have formed a small working group made up of the above that I had mentioned, along with any councillors that would like to participate. So it was a very active meeting and we're making headway on getting our arms around how to support the EpiPen being on the front line. (Report received)

LEGAL AFFAIRS COMMITTEE **MAY 25, 2017**

P353-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee - Tonight the Legal Affairs Committee met and we had a couple of items on the agenda. Members of the committee were Councillor Manning-Martin, Councillor Gravel, Councillor Moutsoulas, and Councillor McGinn; also present were Councillor Saslaw, Councillor Turco, and Councillor Charest. We had a discussion about the moratorium on billboards and how to proceed with a permanent moratorium, for lack of a better way to describe it. Our City Solicitor was present and gave us some advice basically saying that by removing the language in our current zoning that allows for billboards we would be creating a permanent moratorium. So out of that discussion came a motion by Councillor McGinn. (Report received)

P354-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO forward the proposed zoning amendment to the Peabody Planning Board to begin the zoning process relative to a permanent billboard moratorium as follows: That the Zoning Ordinance of the City of Peabody, as dated April 28, 2011, as amended, and submit to the Planning Board: Number 1, Repeal of Section 11.6 and all subsections titled "Billboards," and, 2, amend Section 11.6 prohibiting signs by adding two new subsections: Section L, "Any stationary or digital billboard," and Section M, "Any additional face to an existing billboard, billboard structure, or billboard monopole." (Carried 10-0; Councillor Garabedian absent)

P355-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee - The other item discussed was the issue of special municipal employees and it was decided to let that issue remain in committee to give people a chance to review the legislation regarding special municipal employees and then we'll have a discussion at a later date regarding that issue. (Report received)

P356-17 COUNCILLOR WALSH – MOVE TO receive, under suspension of the rules, late communication Item 6 from Councillor Manning-Martin regarding Information from Chapter 268A on special municipal employees and to refer to the Legal Affairs Committee. (Unanimous)

FINANCE COMMITTEE **MAY 25, 2017**

P357-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – A meeting of the Finance Committee was conducted this evening. Representing the Finance Committee were myself, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Turco; also present at the meeting were Councillor Moutsoulas, Councillor Charest, and Councillor Walsh. There were two items on the agenda. (Report received)

P358-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of May 3, 2017:

FROM:

City Clerk Part-Time Wages
100-1610-51120 - \$7,175.00

TO:

City Council Salaries
100-1110-51110 \$6,800.00
City Council Stipend
100-1110-51190 \$ 375.00

(Carried 10-0; Councillor Garabedian absent)

P359-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee - There were a number of park improvements, which were requested from the CPA funds, and, in order to fulfill those improvements and restoration projects, a motion was made by Councillor Gould. (Report received)

P360-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of May 3, 2017:

FROM:**TO:**

Community Preservation Act	Community Preservation Act		
Open Space Fund Balance	Open Space Expense		
270-0000-33021	\$205,000.00	270-01811-58562-2017-366	\$205,000.00
(Carried 10-0; Councillor Garabedian absent)			

P361-17 COUNCILLOR WALSH – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Lease Agreement for 27 Lowell Street. (Unanimous)

(MAYOR BETTENCOURT AND DR. HERB LEVINE APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-A.)

P362-17 COUNCILLOR MCGINN – MOVE TO authorize His Honor the Mayor to enter into and execute a Lease Agreement on behalf of the City of Peabody to lease property located at 27 Lowell Street, Peabody, MA, containing 6,000 square feet of useable office space, including parking lot in front of the property, for five years commencing on July 1, 2017. (Carried 7-3; Councillor Manning-Martin, Councillor Sinewitz, and Councillor Saslaw opposed; Councillor Garabedian absent)

MOTIONS, ORDERS AND RESOLUTIONS

P363-17 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Saslaw) – MOVE THAT a Show Cause hearing be scheduled on Special Permit 2-2014 for a billboard on property at 1 Rear Newbury Street to see if they've violated their Special Permit by changing it from digital billboard to a static billboard without coming before the City Council. (Unanimous).

P364-17 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Solicitor inform the City Council of what actions the City is taking and what position we are in to recoup the money that was granted for the 9 Main Street property through a CDA loan. (Unanimous)

P365-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from David Terenzoni, Director, Public Services Department, regarding Completed Council motion P196-17. (Unanimous)

P366-17 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-L Block Party Request – Julie Moran, Alexandra Street and Travis Terrace, July 4, 2017, subject to all papers being in order. (Unanimous)

P367-17 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the sidewalk at 3 Gemma Drive. (Unanimous)

(COUNCILLOR TURCO INFORMED THE PUBLIC THAT A NEIGHBORHOOD MEETING WILL BE HELD AT STONEWOOD TAVERN ON WEDNESDAY, JUNE 6TH, AT 6:00 P.M. REGARDING THE CONSTRUCTION OF 22 HOMES AT THE TOP OF RALPH ROAD)

P368-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Peterbuilt, LLC, Peter J. Castrichini – manager, 7 Raylen Avenue, Peabody, regarding Special Permit application and to set up a public hearing. (Unanimous)

P369-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer; 4-2001; Peterbuilt, LLC, Peter J. Castrichini, 168 Washington Street and to refer to the public hearing. (Unanimous)

P370-17 COUNCILLOR WALSH – MOVE TO refer to the Finance Committee the subject of our insurance coverage on municipal buildings and parks. (Unanimous)

P371-17 COUNCILLOR WALSH – MOVE TO receive, under suspension of the rules, Item 8-E communication from State Rep. Thomas Walsh regarding Municipal ballot legislation on marijuana and to refer to the Legal Affairs Committee. (Unanimous)

P372-17 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department and the Peabody Municipal Light Plant send a representative to Mount Vernon Street on the cemetery side to check out the wires and trees and offer an opinion on what should be done over there. (Unanimous)

P373-17 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install "No dumping" signs with fines clearly stated on the cemetery side of Mount Vernon Street. (Unanimous)

P374-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-J communication from Michael Smerczynski, City Solicitor, regarding Legal Opinion re: Solicit funds to replace gazebo. (Unanimous)

P375-17 COUNCILLOR CHAREST – MOVE (Co-motion with Councillor Saslaw) MOVE TO request that the Public Services Department repair the guardrail that's at the corner of Forest Street and Lowell Street and ask if we have any record of who damaged the guardrail and submit an insurance claim to them. (Unanimous)

P376-17 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department inform the City Council of the status of the repair at Lake Street and Lindauer Street, the status of the repair at 20 Samoset Road, and the status of the repair of the grass that was torn up on Manomet Road. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P377-17 COUNCILLOR WALSH – MOVE TO receive a communication from David Terenzoni, Director, Public Services Department, regarding Completed Council motions P177-17 and P239-17. (Unanimous)

P378-17 COUNCILLOR WALSH – MOVE TO receive a communication from Kenneth M. McCue, Social Studies Department Head, PVMHS, regarding Student Government Day thank you. (Unanimous)

P379-17 COUNCILLOR WALSH – MOVE TO receive a communication from Louis Marinello, 9 Elizabeth Lane, Peabody, regarding Special Permit application and to set up a public hearing. (Unanimous)

P380-17 COUNCILLOR WALSH – MOVE TO receive and approve a communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer; 11-2002; Laurie Hymanson, 484 Lowell Street, subject to all papers being in order. (Unanimous)

P381-17 COUNCILLOR WALSH – MOVE TO receive a communication from Peabody Veterans Council regarding Memorial Day Parade Orders. (Unanimous)

P382-17 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department repair the dip in the road at 614-616 Lowell Street. I believe the Water Department hired a contractor and that subcontractor needs to go back and fix it to alleviate the noise that is coming from large trucks. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P383-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxicab/Limousine Driver – Scott Middleton – License 3, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-N 16 Swampscott Avenue}

P384-17 COUNCILLOR GRAVEL - 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 Garabedian absent)

{Item 10-M Motor Vehicles and Traffic}

P385-17 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 "Motor Vehicles and Traffic" of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Garabedian absent)

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 1, 2017
RETURNED BY HIS HONOR THE MAYOR, JUNE 1, 2017



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Lease Agreement for 27 Lowell Street
David Terenzoni, Director, Public Services Department, re: Completed Council motion P196-17
David Terenzoni, Director, Public Services Department, re: Completed Council motions P177-17 and P239-17
Kenneth M. McCue, Social Studies Department Head, PVMHS, re: Student Government Day thank you
State Rep. Thomas Walsh re: Municipal ballot legislation on marijuana
Louis Marinello, 9 Elizabeth Lane, Peabody, re: Special Permit application
Peterbuilt, LLC, Peter J. Castrichini – manager, 7 Raylen Avenue, Peabody, re: Special Permit application
Albert Talarico, Building Commissioner, re: Special Permit transfer; 11-2002; Laurie Hymanson, 484 Lowell Street
Albert Talarico, Building Commissioner, re: Special Permit transfer; 4-2001; Peterbuilt LLC, Peter J. Castrichini, 168
Washington Street
Michael Smerczynski, City Solicitor, regarding Legal Opinion re: Solicit fund to replace gazebo
Peabody Veterans Council re: Memorial Day Parade Orders

BLOCK PARTY REQUEST:

Julie Moran, Alexandra Street and Travis Terrace, July 4, 2017

TAXICAB/LIMOUSINE DRIVER LICENSE:

Scott Middleton – License 3