

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 14, 2018

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

ABSENT COUNCILLORS: MANNING-MARTIN AND GRAVEL

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.

Salute to the American Flag.

P422-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 24, 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 Back Bay Sign, 65 I Industrial Way, Wilmington, MA. Mr. Jason Parillo appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P423-18 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Back Bay Sign, 65 I Industrial Way, Wilmington, MA, for a Special Permit seeking to install an exterior double sided electronic message board with interactive touch screen digital directory for the Northshore Mall at 210 Andover Street, Peabody, MA, as filed in accordance with Sections 11.4.8, 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 9-0; Councillor Manning-Martin and Councillor Gravel absent)

A public hearing was duly held on the application submitted by J & R, Inc. d/b/a Zwu's Asian Cuisine, 5 Central Street, Peabody, MA. Ms. Andrea Kor and Mr. Ryan Wu appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P424-18 COUNCILLOR MOUTSOULAS – MOVE TO approve the application submitted by J & R, Inc. d/b/a Zwu's Asian Cuisine, 5 Central Street, Peabody, MA, for the transfer of an Entertainment License for the use of non-live entertainment, specifically television, radio/internet music, CD and DVD player, and live entertainment to include karaoke, DJ, and live music at said 5 Central Peabody, Massachusetts, subject to all papers being in order with the following conditions:

CONDITIONS:

1. Hours of non-live entertainment from 7:00 a.m. to 11:00 p.m.;
2. Hours of live entertainment from 10:00 a.m. to 10:00 p.m.;
3. Maximum of 1 (one) piano and 2 (two) instruments; and

(Carried 9-0; Councillor Manning-Martin and Councillor Gravel absent)

A public hearing was duly held on the application submitted by Paul Donhauser c/o Essex County Brewing Co., LLC, 154 Ipswich Road, Boxford, MA. Mr. Paul Donhauser appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P425-18 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Paul Donhauser c/o Essex County Brewing Co., LLC, 154 Ipswich Road, Boxford, MA, for a Special Permit seeking to establish a brewery and brew pub at 58 Pulaski Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 4.2.6, 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. Per the Fire Department, Sprinkler and fire alarm systems inspection certificates must be current for certificate of occupancy. Any work performed on these systems shall require permits through fire prevention office;
2. The unpaid FY 2018 4th quarter taxes must be paid;
3. Per the Health Department, If food is to be served, applicant must conduct a plan review with the Health Department prior to start of construction. Applicant must construct and operate establishment so as to prevent occurrence of nuisance conditions, including odors and/or pests.

(Carried 8-0; Councillor Manning-Martin, Councillor Melville, and Councillor Gravel absent)

P426-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney Theodore Regnante on behalf of East Boston Savings Bank, regarding Request to withdraw without prejudice. (Carried 9-0; Councillor Manning-Martin and Councillor Gravel absent)

P427-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-L communication from Atty. David Ankeles on behalf of Phytotherapy, Inc., 25 Newbury Street, regarding Request to continue Special Permit hearing to June 28, 2018. (Unanimous)

P428-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-O communication from Atty. John Keilty on behalf of A. Chara Development, 0 Newbury Street, regarding Request to continue Special Permit hearing to June 28, 2018. (Unanimous)

REPORTS OF COMMITTEE

MUNICIPAL MARIJUANA COMMITTEE

JUNE 14, 2018

P429-18 COUNCILLOR SASLAW – Reporting for the Municipal Marijuana Committee – Earlier this evening we had a meeting of the Municipal Marijuana Committee. That meeting was to review the host agreements submitted by the two entities that are interested in opening a medical marijuana facility on Route 1. All councillors were present, except for Councillor Gravel. We had an open and frank discussion lead by myself and City Solicitor Smerczynski and we decided, upon a recommendation from Councillor McGinn, that rather than take their two host agreements we have asked that City Solicitor Smerczynski come up with a draft host agreement that best represents our interests and covers us. He will be making that draft along with input from Councillor Melville, Health Director Sharon Cameron, Chief Griffin, and whoever else they feel would be helpful. That document will be given to the City Council hopefully within a week and then we will meet again in subcommittee on June 28th to discuss that host agreement publicly and to also get agreement by the two applicants that they will agree to the agreement that has been drawn by the City Solicitor on behalf of the City Council. (Report received)

P430-18 COUNCILLOR SASLAW – Reporting for the Municipal Marijuana Committee – MOVE TO receive, under suspension of the rules, Item 8-K communication from Atty. David Ankeles on behalf of Phytotherapy, Inc., 25 Newbury Street, regarding Proposed Host Fee Agreement. (Unanimous)

P431-18 COUNCILLOR SASLAW – Reporting for the Municipal Marijuana Committee – MOVE TO receive, under suspension of the rules, Item 8-N communication from Atty. John Keilty on behalf of A. Chara Development, 0 Newbury Street, regarding Proposed Host Fee Agreement. (Unanimous)

COMMITTEE OF THE WHOLE
JUNE 14, 2018

P432-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – We went into Executive Session to vote to give the authority to the City Solicitor to engage in information sharing with Verizon relative to the lawsuit in the granting of locations and requests. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P433-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Shelbee L. Hundley, Regional Counsel, Aggregate Industries, regarding Proposed application from Lakeshore Dental and Edible Arrangement. (Unanimous)

P434-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Update regarding Essex North Shore Agricultural & Technical School District Superintendent-Director Search. (Unanimous)

P435-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding the following Various Appointments under date of June 8, 2018:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Debby Eskanazi One Sheffield Drive Peabody, MA 01960	Historical Commission	12/31/2021 (3-Year Term)
Michael J. Bonfanti 7 Dana Road Peabody, MA 01960 (Carried 9-0; Councillor Manning-Martin and Councillor Gravel absent)	Historical Commission (Alternate Position)	12/31/2018 (One-Year Term)

P436-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Proposed ordinance language “Schedule of Compensation”; Director of Public Services; Assistant Director of Public Services and to refer to the Finance Committee. (Unanimous)

P437-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Transfer of funds; Various Departments; \$782,955.00 and to refer to the Finance Committee. (Unanimous)

P438-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Transfers of funds under date of June 8, 2018, and to refer to the Finance Committee. (Unanimous)

P439-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Transfers of funds under date of June 8, 2018, and to refer to the Finance Committee. (Unanimous)

P440-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Mary Martin, City Auditor, regarding Response to Council Motion P364-18; Mony Sim, 80 Gardner Street. (Unanimous)

P441-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Jennifer Davis, Director, Park, Recreation & Forestry Dept., regarding Completed Council motions: P527-17, P705-17, P124-18, P170-18, P173-18, P316-18, P333-18. (Unanimous)

P442-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Chief Thomas Griffin, Police Department, regarding Thank-you letter. (Unanimous)

P443-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Barbara Previte, PMLP, re: Response to Council Motion P379-18; tandem pole on Fairmount Road. (Unanimous)

P444-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Lucia DelNegro, Conservation Commission, re: Response to Council Motion P315-18; request to purchase city-owned land at Map 73, Lot 207, and refer to the Legal Affairs Committee. (Unanimous)

P445-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Levin, City Planner, regarding Special Permit; Essex County Brewing Co., LLC, 58 Pulaski Street, and refer to the public hearing. (Unanimous)

P446-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-J communication from David Terenzoni, Director, Public Services, re: Council Motions: P262-18, P356-18, P357-18, P378-18. (Unanimous)

P447-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from City of Peabody, 485 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P448-18 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-P communication from Curt Bellavance, Director, Community Development Dept., regarding Request to appear to present the MVP Stakeholder Workshop Summary of Findings. (Unanimous)

P449-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request a handicapped sign for 72 North End Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

P450-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department adjust the "One-way" sign at 11 Rear Pound Lane, which is right outside of Wilson Square, that appears to be about 11 or 12 feet high on the telephone pole and bring it down to eye level or the proper height and to also place a "Right turn only" sign in front of 11 Pound Lane, which is across from the parking lot, to direct vehicles to go down Pound Lane and not come back up onto Route 114. (Unanimous)

P451-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Medicinal Marijuana Host Community Agreement Review. (Unanimous)

P452-18 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install "One way" signs at Paleologos Street and Central Street; Paleologos Street and Walnut Street; Center Street and Paleologos Street; and Union Street and Paleologos Street. (Unanimous)

P453-18 COUNCILLOR MOUTSOULAS – MOVE TO request that the ordinance for the handicapped parking sign at 27 North Central Street be rescinded. (Unanimous)

P454-18 COUNCILLOR ROSSIGNOLL – MOVE TO send a communication to Aggregate Industries requesting them to remind their drivers and patrons not to use Roosevelt Avenue as a cut-through, as there is a "No truck" ordinance for Roosevelt Avenue. (Unanimous)

P455-18 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Public Services Department repair the streetlight pole at 5 West Livingston Drive. (Unanimous)

P456-18 COUNCILLOR ROSSIGNOLL – MOVE TO request that the Public Services Department fix the cap of the fire hydrant at 20 Truman Road. (Unanimous)

P457-18 COUNCILLOR TURCO – MOVE TO amend Section 19-94 of the Peabody Zoning Ordinance entitled "Parking prohibited" and add the northerly side Veterans Memorial Drive before the intersection of Lynn Street to a point of 50 feet east of the entrance gate to the front parking lot of the property located at 200 Lynn Street and to advertise, as submitted. (Unanimous)

P458-18 COUNCILLOR TURCO (Co-motion with Councillor Gould) – MOVE TO request that the Public Services Department install 24-inch solar-powered flashing crosswalk signs at the crosswalk adjacent to the Brown School on Lynn Street. (Unanimous)

P459-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department paint the fire hydrant at 2 Quarry Terrace. (Unanimous)

P460-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from David Terenzoni, Director, Public Services Dept., re: Request streets be accepted as public ways and refer to the Public Services Committee. (Unanimous)

P461-18 COUNCILLOR TURCO – MOVE TO receive and approve Taxicab License (Transfer) Sunshine Car Service – License 39, subject to all papers being in order. (Unanimous)

P462-18 COUNCILLOR TURCO – MOVE TO receive and approve the following Block Party Request, subject to all papers being in order:

Half of Walcott Street and all of Farnham Avenue – August 4, 2018
 Pzegeo Circle – July 4, 2018
 Alexandra Street & Travis Terrace – July 4, 2018

(Unanimous)

{Item 10-A – Fairmount Road}

P463-18 COUNCILLOR TURCO – 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 7-0; Councillors: Saslaw, Moutsoulas, Manning-Martin and Gravel absent)

P464-18 COUNCILLOR TURCO – MOVE THAT that Public Services Department remove the Handicap sign at 32 Union Street; the ordinance was rescinded by Council motion on May 10, 2018.

(Carried 7-0; Councillors: Saslaw, Moutsoulas, Manning-Martin and Gravel absent)

P465-18 COUNCILLOR CHAREST (Co-motion with Councillor Saslaw) – MOVE TO request that the Public Services Department send a communication to National Grid to remind them that the concrete sidewalks that have been torn up on Lowell Street need to be replaced with concrete sidewalks.

(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P466-18 COUNCILLOR MCGINN – MOVE TO receive a communication from Captain Scott Richards, Police Department, re: Proposed Ordinance change for Section 19-36 "Safety Zones" and to refer to the Municipal Safety Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

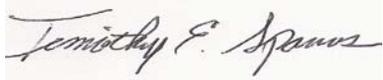
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 19, 2018

RETURNED BY HIS HONOR THE MAYOR, JUNE 19, 2018


 ATTEST _____
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Update regarding Essex North Shore Agricultural & Technical School District Superintendent-Director Search

His Honor the Mayor re: Medicinal Marijuana Host Community Agreement Review

His Honor the Mayor re: Various Appointments under date of June 8, 2018

His Honor the Mayor re: Proposed ordinance language "Schedule of Compensation"; Director of Public Services; Assistant Director of Public Services

His Honor the Mayor re: Transfer of funds; Various Departments; \$782,955.00

His Honor the Mayor re: Transfers of funds under date of June 8, 2018

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David Terenzoni, Director, Public Services Dept., re: Request streets be accepted as public ways

Mary Martin, City Auditor, re: Response to Council Motion P364-18; Mony Sim, 80 Gardner Street

Jennifer Davis, Director, Park, Recreation & Forestry Dept., re: Completed Council motions: P527-17, P705-17, P124-18, P170-18, P173-18, P316-18, P333-18

Chief Thomas Griffin, Police Department, re: Thank-you letter

Captain Scott Richards, Police Department, re: Proposed Ordinance change for Section 19-36 "Safety Zones"

Barbara Previte, PMLP, re: Response to Council Motion P379-18; tandem pole on Fairmount Road

Lucia DelNegro, Conservation Commission, re: Response to Council Motion P315-18; request to purchase city-owned land at Map 73, Lot 207

Shelbee L. Hundley, Regional Counsel, Aggregate Industries, re: Proposed application from Lakeshore Dental and Edible Arrangement

Andrew Levin, City Planner, re: Special Permit; Essex County Brewing Co., LLC, 58 Pulaski Street

David Terenzoni, Director, Public Services, re: Council Motions: P262-18, P356-18, P357-18, P378-18

Atty. David Ankeles on behalf of Phytotherapy, Inc., 25 Newbury Street, re: Proposed Host Fee Agreement

Atty. David Ankeles on behalf of Phytotherapy, Inc., 25 Newbury Street, re: Request to continue Special Permit hearing to June 28, 2018

City of Peabody, 485 Lowell Street, re: Special Permit application

Atty. John Keilty on behalf of A. Chara Development, 0 Newbury Street, re: Proposed Host Fee Agreement

Atty. John Keilty on behalf of A. Chara Development, 0 Newbury Street, re: Request to continue Special Permit hearing to June 28, 2018

Curt Bellavance, Director, Community Development Dept., re: Request to appear to present the MVP Stakeholder Workshop Summary of Findings

TAXICAB LICENSE: (Transfer)

Sunshine Car Service – License 39

BLOCK PARTY:

Half of Walcott Street and all of Farnham Avenue – August 4, 2018

Pzegeo Circle – July 4, 2018

Alexandra Street & Travis Terrace – July 4, 2018