

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JULY 12, 2018

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

ABSENT COUNCILLORS: MOUTSOULAS 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.

P518-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of June 28, 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

The City Council reconvened the recessed public hearing on the Petition submitted by Cellco Partnership d/b/a Verizon Wireless. Attorney Christopher Swiniarski and Mr. Stanley Usovicz, Verizon Governmental Affairs Regional Director, appeared to speak on behalf of the application. City Solicitor Michael Smerczynski appeared to speak on behalf of the City. Mr. Jon Swanson, 9 Welcome Street, Peabody, MA, appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P519-18 COUNCILLOR MCGINNN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney Christopher Swiniarski on behalf of Verizon Wireless, regarding Peabody Re-Walk 07/10/18 Site Information. (Unanimous)

P520-18 COUNCILLOR MCGINN – MOVE TO recess the public hearing on the Petition submitted by Cellco Partnership d/b/a Verizon Wireless until August 23, 2018. (Unanimous)

P521-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from Attorney John Keilty on behalf of William Skouras, regarding Request to continue public hearing until September 13, 2018. (Unanimous)

A public hearing was duly held on the application submitted by Francisco Burgos, 11 Ocean Avenue, Salem, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P522-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, late communication Item 3 from Mr. Francisco Burgos, 25 Farm Avenue, regarding Request to recess the public hearing until August 23, 2018. (Unanimous)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE
JULY 12, 2018

P523-18 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – We had three items on the agenda tonight. The first item was a proposed ordinance change for Section 19-36 for "Safety Zones." This is basically in regards to the fact that we did not have anything in the books for a vehicle that does not follow the direction of a police officer; so we have the recommendation of Sergeant Harkins proposing a new zoning ordinance with the major change being that there is now a violation schedule for a first offense of \$50 in a calendar year, second offense \$100 in a calendar year, third and subsequent offense in a calendar year \$150. This primarily is due to an issue at the Higgins Middle School drop-off. The motion carried five to zero. (Report received)

P524-18 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee – MOVE TO recommend approval of the following ordinance:

SECTION ONE: The Code of the City of Peabody adopted on January 9, 1986, and amended, is hereby further amended as follows:

That Section 19-36 entitled “**Driving Through Safety Zones Prohibited**” of the Code of the City of Peabody, Massachusetts, is hereby amended by deleting the following language:

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive the same over or through a safety zone.

AND INSERTING IN PLACE THEREOF THE FOLLOWING:

- a) It shall be unlawful for the driver of any vehicle, except on signal from a police officer, or in accordance with posted regulation(s), to drive same over or through a safety zone.
- b) A violation of subsection (a) shall be punishable by a fine in accordance with the following schedule:
 - i. First offense in a calendar year \$50.00
 - ii. Second offense in a calendar year \$100.00
 - iii. Third and subsequent offense in a calendar year \$150.00

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 8-0; Councillor Moutsoulas, Councillor Rossignoll, and Councillor Gravel absent)

P525-18 COUNCILLOR SASLAW – Reporting for the Municipal Safety Committee - The second item on the agenda tonight was a letter from a resident from 394 Lowell Street regarding posted speed limits. There was a concern that going west past Su Changs, when people come out of that hairpin turn, they seem to accelerate. The residents expressed concerns for safety; both the resident of 394 Lowell Street and 395 Lowell Street. Once again Sergeant Harkins explained that this road was exempt from the 25 miles per hour zone that was just recently passed at the state level due to the fact there was a MassDOT study done on this road and, if we were to undertake a new study, it would be from Lowell Street starting in downtown Peabody all the way to the Lynnfield line. The concern of the police department was that sometimes, if they do do a study, we might in turn end up with the speed limit going up, which is the last thing we want to happen. The speed limit is 40 miles per hour on this road. After much input by many fellow councillors it was agreed upon that Sergeant Harkins is going to speak to the traffic division and he will ask for greater patrol of this area and also it was requested that the speed monitoring trailer that they have that's mobile could be placed in the general vicinity of the area in question to help bring the traffic speed limit down. The last item on the agenda was a request for some streets changing direction on the street surrounding 3, 5, and 7 Central Street. Attorney Keilty presented us with some information request regarding Pound Lane/North Central Street and he took into consideration the request made by the councillors. We did not move on this. Attorney Keilty has agreed to come back with additional maps showing the requested signs so that the Councillors can see where the "right turn only," and painting on the roadway will be. Also, a request was made that any changes of the roadway conditions would not be done until after the properties are developed and not before and Attorney Keilty agreed to that and he also agreed to put this off until September and come back with the new and better maps that were requested by council members. (Report received)

LEGAL AFFAIRS COMMITTEE
JULY 12, 2018

P526-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening and present at the meeting were members Councillor Gould, Councillor O'Neill, and filling in for absent members were Councillor Rossignoll and Councillor Turco. Councillor Charest, Councillor Saslaw, Councillor Manning-Martin, and Councillor Melville also attended the meeting. We had one item on the agenda, which was a request by Peter Kutrubes of 2 Gilmore

Terrace to purchase city-owned land at map 73, lot 207. There was some debate on this issue and after the debate the following motion was made by Councillor O'Neill. (Report received)

P527-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, Item 8-D communication from Curt Bellavance, Dir., Community Development Dept., regarding City-owned property at rear Gilmore Terrace; Property ID: 073-207. (Unanimous)

P528-18 COUNCILLOR MCGINN – Reporting for the Legal Affairs Committee – MOVE TO deny the request by Peter Kutrubes, 2 Gilmore Terrace, regarding Request to purchase city-owned land at Map 73, Lot 207. (Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll, and Councillor Gravel absent)

FINANCE COMMITTEE
JULY 12, 2018

P529-18 COUNCILLOR MANNING-MARTIN – Reporting for the Finance Committee – I did sit in as chair of Finance this evening for Councillor Gravel, who was available this evening, and we had a couple of items that we discussed, one, being a municipal vote authorizing reimbursement obligations in association with Mass. Development Brownfield Assessment Recoverable Grant Resolution in support of the site assessment of 24 Caller Street. This had to do with improvements on the Riverwalk and advancements in that area. The following motion was made by Councillor Gould. (Report received)

P530-18 COUNCILLOR MANNING-MARTIN – Reporting for the Finance Committee – **RESOLUTION IN SUPPORT OF SITE ASSESSMENT OF 24 Caller Street, Peabody, MA.**

WHEREAS, the land located at 24 Caller Street (the “Site”) has become a public safety danger due to the real or perceived presence of oil or hazardous materials, and performance of a site assessment will facilitate redevelopment of the Site;

WHEREAS, the City of Peabody has been awarded a Brownfields recoverable grant in the amount of \$93,750.00 from MassDevelopment (the “Recoverable Grant”) for the assessment of the Site (the “Project”);

WHEREAS, the City of Peabody has agreed to repay the Recoverable Grant pursuant to the terms of the grant agreement;

NOW, THEREFORE, the City of Peabody City Council votes as follows:

If the Site or any portion thereof is sold, conveyed, gifted, demised, ground leased, or otherwise transferred, and as a result of said transfer, City of Peabody receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the Project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site transferred (the “Net Proceeds”), then Sponsor shall reimburse MassDevelopment the full amount of the Net Proceeds up to the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment (the “Disbursed Funds”).

Beginning in the fiscal year when any Economic Benefit to the Municipality (as hereinafter defined) is realized, the City of Peabody shall include in its annual budget a line item requiring payment to MassDevelopment of an amount equal to 15% of any Economic Benefit to the Municipality, until the earlier of: (i) full repayment of the Disbursed funds, (ii) the expiration of 30 years from the date on which the first Economic Benefit to the Municipality is realized, or (iii) if no redevelopment on the Site commences, the expiration of 30 years from the date of the Recoverable Grant.

For the purposes of this vote, “Economic Benefit to the Municipality” means any increase in the annual property tax and/or other municipal revenues for the Site (including but not limited to nonprofit PILOT revenue, local hotel- or restaurant-tax revenue, and new local revenues derived from municipally-owned redevelopment projects) attributable to development of the Site above the Baseline Value of the property (as hereinafter defined). The “Baseline Value” means the amount of property tax and related tax revenue assessed by the City of Peabody on the Site in the fiscal year of the execution of the agreement

governing the Recoverable Grant, such amount having been calculated by the municipality and determined to be \$290,600.

(Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll, and Councillor Gravel absent)

P531-18 COUNCILLOR MANNING-MARTIN – Reporting for the Finance Committee – We also had a little cleanup from a previous Finance Committee meeting whereas the Community Development Department provided us additional information with respect to a request for transfer from the Community Preservation Act from its housing line item to Community Development housing production plan in the amount of \$19,600 and the following motion was made by Councillor McGinn. (Report received)

P532-18 COUNCILLOR MANNING-MARTIN – Reporting from the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 18, 2018:

FROM:

Community Preservation Act \$19,600.00
Housing
270-0000-33023

TO:

Community Preservation Act \$19,600.00
Community Dev. Housing
Production Plan
270-01811-58564-2018-0318

(Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll, and Councillor Gravel absent)

COMMITTEE OF THE WHOLE
JULY 12, 2018

P533-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – The Committee of the Whole met this evening. Councillor O'Neill, Councillor McGinn, Councillor Gould, Councillor Saslaw, Councillor Manning-Martin, Councillor Turco, Councillor Rossignoll, Councillor Melville and I was present. We had a presentation by the Community Preservation Committee. They went over numerous projects that they had done in years past. They expressed the desire for programs to be brought to them for their consideration, especially for affordable housing. It was very enlightening meeting with a lot of information for us to go over and recognize their good work. It was expressed that anyone who had any questions on issues of preservation should seek out Mr. Schulze and I would encourage people to do that because he has a wealth of information. (Report received)

P534-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, late communication Item 4 from Community Preservation Committee regarding PowerPoint presentation. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P535-18 COUNCILLOR O'NEILL (Co-motion with Councillor Gould) – MOVE TO request that the Peabody Municipal Light Plant evaluate the installation of a light pole near 23 Pinewood Road. (Unanimous)

P536-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Debt Service Interest; \$92,000 and to refer to the Finance Committee. (Unanimous)

P537-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Timothy E. Spanos, City Clerk, regarding Compensation increase for election workers and to refer to the Finance Committee. (Unanimous)

P538-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Park, Recreation & Forestry Department trim a tree across the street from 15 Roland Road. (Unanimous)

P539-18 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that the Historical Commission reach out to the new owners of the old JB Thomas Hospital property on King Street to evaluate whether there is historic value for the cupola on the property. (Unanimous)

P540-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-C communication from Brendan Callahan, Conservation Commission, regarding Special Permit; 25 Farm Avenue, and to refer to the public hearing. (Unanimous)

P541-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-F communication from Andrew Levin, City Planner, Community Development Dept., regarding Site Plan Review; Circle Storage, LLC, 0 Newbury Street. (Unanimous)

P542-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-I communication from Andrew Levin, City Planner, Community Development Dept., regarding 25 Farm Avenue – Special Permit application and to refer to the public hearing. (Unanimous)

P543-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-K communication from Curt Bellavance, Dir., Community Development Dept., regarding Proposed Zoning Amendments: Multi-family Residential and to refer to the Industrial & Community Development Committee. (Unanimous)

P544-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Block Party – 27 Benevento Circle to 45 Benevento Circle, August 18, 2018, subject to all papers being in order. (Unanimous)

P545-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department replace the sidewalk at 47 Goodale Street and add a berm. (Unanimous)

P546-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Block Party – Buttonwood Lane between Rawding Road and Fitz Road, September 8, 2018, subject to all papers being in order. (Unanimous)

AD HOC COMMITTEE ON DRUG EDUCATION & AWARENESS

P547-18 COUNCILLOR MANNING-MARTIN – Reporting for the Ad Hoc Committee on Drug Education & Awareness – We held the long-drive competition to benefit the account of the Ad Hoc Committee on Drug Education & Awareness recently. We had a great event. We still have money coming in. I think we raised anywhere from \$5,500 to \$6,000 at the event; so it was very successful. We had a lot of fun. I want to thank my colleagues on the council, especially Councillor Gravel and Councillor Gould for their very generous sponsorships from Gravoc and Treadwell's. I wanted to also thank Councillor Melville and his wife Marianna who scooped ice cream the whole time. He did an excellent job, Councillor Gould, so if you're looking for any extra help this summer, he's very good at it. He also hit a 258-yard bomb into the wind in the rain; so he actually came in pretty close. He did not win, but he certainly was right up there. I would also like to thank Councillor McGinn and Councillor Saslaw for stopping by. Peter Cronan and his staff at the Meadow did a wonderful job. I'd like to thank my brother John for putting the laser lines down and marking the field so we could measure the drive distances. I also want to put a shout out again to extremely generous sponsors for this event, which is why we raised so much money: Planet Aid, Kouzin 7, LLC, the Peabody Police Department, Wellness Connection of Massachusetts, 795 Jubilee Drive, LLC, Gallo Nero Restaurant, Thriftco Printing, Attorney Jack Keilty, Metro Bowl through the Spare Time Tavern, and many others. The men's winner was Joe Marcinkowski at 285 yards. The senior winner was Johnny Boudreau at 236 yards. The women's winner was Jaclyn Corriveau at 194 yards. (Report received)

P548-18 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Director of Community Development & Planning provide the City Council with an update regarding the status of the sale of the Crowninshield property. (Unanimous)

P549-18 COUNCILLOR MANNING-MARTIN – MOVE THAT the City Council adopt the Mullin rule. (Failed 6-2; Councillor Manning-Martin and Councillor Saslaw in favor; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

P550-18 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 5 Block Party – Murphy Road at Bartholomew Street, Saturday, August 11, 2018, subject to all papers being in order. (Unanimous)

P551-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 6 from His Honor the Mayor regarding Update – Administrative Consent Order for 143 Lynnfield Street. (Unanimous)

P552-18 COUNCILLOR TURCO – MOVE TO request that the issue of rats in Ward 1 and around the city be referred to the Human Services Committee. (Unanimous)

P553-18 COUNCILLOR TURCO (Co-motion with Councillor Gould) – MOVE TO invite Mr. Jon Swanson, 9 Welcome Street, to appear before the Industrial & Community Development Committee to speak, along with members of Crown Castle, regarding upcoming issues the city may be facing with the telecommunications industry. (Unanimous)

P554-18 COUNCILLOR TURCO – MOVE TO recommend that His Honor the Mayor follow the lead of other cities and towns in their support of the United Steel Workers, who have been locked out by National Grid, and not allow outside contractors to do work within the City of Peabody, unless it is deemed an emergency situation by National Grid. (Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

P555-18 COUNCILLOR MELVILLE – MOVE TO request that His Honor the Mayor take advantage of an opportunity to join the regional Open Meeting Law training hosted by the Attorney General's Office for municipalities, which could take place in the Wiggin Auditorium, for all elected/appointed members of the City of Peabody. (Unanimous)

(COUNCILLOR CHAREST: "On Thursday, July 19th at 6:30 p.m. there will be a neighborhood meeting at the Smith Barn for the residents of the Brooksby Farm area regarding the issue of the water pressure.")

P556-18 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-H communication from William Cataldo, 6 Stuart Road, regarding 47 Plus Years of Extremely Low Water Pressure in the Brooksby Farm and Hog Hill areas. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P557-18 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Announcement of launch of new website: peabodybusiness.com. (Unanimous)

P558-18 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Letter in support of Community Preservation Act. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P559-18 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Dir., Public Services Dept., regarding Council Motion P169-18, P355-18, P411-18. (Unanimous)

P560-18 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Dir., Public Services Dept., regarding Council Motion P289-18, P450-18, P452-18, P453-18. (Unanimous)

P561-18 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; CVC Installations, 484 Lowell Street, Unit LL-C-4. (Unanimous)

P562-18 COUNCILLOR GOULD – MOVE TO receive a communication from Stacey Bernson, Asst. Director of Community Development & Planning, regarding Council Motion P397-18; Housing Production Plan. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A Safety Zones}

P563-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody than An Ordinance Amending Section 19-36 Driving Through Safety Zones Prohibited of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

{Item 10-B “Veterans Memorial Drive}

P564-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody than 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 8-0; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

{Item 10-C 72 Northend Street}

P565-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody than An Ordinance Amending Section 19-81 Parking Prohibited, Handicapped Zone of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

{Item 10-D}

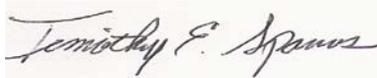
P566-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody than An Ordinance Amending Section 18-21 Rates of Compensation for Full-time Positions Not Subject to Collective Bargaining of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-0; Councillor Moutsoulas, Councillor Rossignoll and Councillor Gravel absent)

P567-18 COUNCILLOR SASLAW – MOVE TO receive late communication Item 7 from Mr. Francisco Burgos, 25 Farm Avenue, regarding Amended site plan. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 17, 2018
RETURNED BY HIS HONOR THE MAYOR, JULY 17, 2018

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – Debt Service Interest; \$92,000.00

His Honor the Mayor re: Announcement of launch of new website: peabodybusiness.com

His Honor the Mayor re: Letter in support of Community Preservation Act

David Terenzoni, Dir., Public Services Dept., regarding Council Motion P169-18, P355-18, P411-18

David Terenzoni, Dir., Public Services Dept., regarding Council Motion P289-18, P450-18, P452-18, P453-18

Brendan Callahan, Conservation Commission, regarding Special Permit; 25 Farm Avenue

Curt Bellavance, Dir., Community Development Dept., regarding City-owned property at rear Gilmore Terrace; Property ID: 073-207

Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; CVC Installations, 484 Lowell Street, Unit LL-C-4

Andrew Levin, City Planner, Community Development Dept., regarding Site Plan Review; Circle Storage, LLC, 0 Newbury Street

Timothy E. Spanos, City Clerk, regarding Compensation increase for election workers

William Cataldo, 6 Stuart Road, regarding 47 Plus Years of Extremely Low Water Pressure in the Brooksby Farm and Hog Hill areas

Andrew Levin, City Planner, Community Development Dept., regarding 25 Farm Avenue – Special Permit application

Stacey Bernson, Asst. Director of Community Development and Planning, regarding Council Motion P397-18; Housing Production Plan

Curt Bellavance, Dir., Community Development Dept., regarding Proposed Zoning Amendments: Multi-family Residential

BLOCK PARTY:

Buttonwood Lane between Rawding Road and Fitz Road, Sept. 8, 2018

27 Benevento Circle to 45 Benevento Circle, July 18, 2018