REGULAR MEETING OF THE PEABODY CITY COUNCIL AUGUST 23, 2018

PRESENT COUNCILLORS: O'NEILL, MCGINN, GOULD, SASLAW, MOUTSOULAS, MANNING-MARTIN, 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.

Mr. James Langley led the City Council in the Salute to the American Flag.

P568-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of July 12, 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 hearings on the Petitions submitted by Cellco Partnership d/b/a Verizon Wireless. Attorney Christopher Swiniarski appeared to speak on behalf of the application. City Solicitor Michael Smerczynski appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P569-18 COUNCILLOR MCGINN – MOVE TO recess the public hearings on the Petitions submitted by Cellco Partnership d/b/a Verizon Wireless until September 13, 2018. (Carried 6-0; Councillors present: Saslaw, Moutsoulas, Manning-Martin, Rossignoll and Gravel)

P570-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-O communication from Atty. Christopher Swiniarski on behalf of Verizon, and consider the revised petitions submitted by Cellco Partnership d/b/a Verizon Wireless of SC01, SC20, SC21, SC22, SC24, SC30, and SC51 as new petitions and set up public hearings. (Carried 11-0)

P571-18 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney John Keilty on behalf of William Skouras, regarding Request to continue public hearing until September 13, 2018. (Unanimous)

P572-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-P communication from Mr. Francisco Burgos, 25 Farm Avenue, regarding Request to recess the public hearing until September 27, 2018. (Unanimous)

P573-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Conservation Commission regarding Legal Notice; Violation Order, 25 Farm Avenue, and refer to the public hearing. (Unanimous)

REPORTS OF COMMITTEE

TAXIS & LIMOUSINE COMMITTEE AUGUST 23, 2018

P574-18 COUNCILLOR MOUTSOULAS – Reporting for the Taxis & Limousines Committee – The Taxis & Limousines Committee met earlier this evening and present at the committee was Councillor Saslaw and Councillor Manning. Councillor Manning was absent for part of the committee and Councillor Gould sat in her place. Out of that committee, Mr. Chairman, Deputy Chief Cohan explained the problem they're having with the taxicabs and the following motion was made. (Report received)

P575-18 COUNCILLOR MOUTSOULAS – Reporting for the Taxis & Limousines Committee – MOVE TO request Assistant City Solicitor Adam Buckley meet with Deputy Chief Cohan and draft an ordinance regarding the licensing of non-city taxicabs. (Unanimous)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE AUGUST 23, 2018

P576-18 COUNCILLOR GOULD - Reporting for the Industrial & Community Development Committee -The Industrial & Community Development Committee met tonight and in attendance was Councillor Melville, Councillor McGinn, Councillor Rossignoll, Councillor Turco, and Councillor Gravel pinch-hit for a couple of items and I want to acknowledge him. There were a number of items and a very in-depth discussion took place. We did not discuss the sale of Crowninshield Apartments. That was pulled prior to the meeting. Next was an update regarding the repairs to the Wiggin Auditorium. As you can see, there's scaffolding in certain areas. Councillor Gravel made a great point regarding what does the \$140,000 or \$130,000 get us beyond just repairs hoping there was more attention paid to the beautiful artwork inside. Mr. Bellavance said he would get back to us at our next meeting with an update on that. The update and review of the zoning maps and corresponding use tables was continued. Next was a proposed zoning amendment for filming and production companies. Mr. Bellavance updated us as to where that stood. There was some language that has to be worked on. Next was the proposed zoning amendment for defining artist studios and galleries and the districts that they're allowed. Mr. Bellavance will update us with changes in language. We also had almost an hour of discussion about the residential overlay proposal. Every councillor participated. There was some great discussion. As it turned out we had a motion by Councillor Turco for approval of the overlay as presented to us and that failed four to one. We then had a discussion about the kiosks for bike rentals at the south Peabody Greenway. Crystal Lake, and downtown. It looks like they're narrowing down a vendor called Zagster, which will be providing us with some bicycle kiosks. It was a great subcommittee meeting and I'm proud of my fellow Councillors for their in-depth discussion on all the issues. (Report received)

P577-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, Item 8-I communication from Curt Bellavance, Dir., Community Development Dept., regarding Proposed Zoning Amendment; Studio, motion picture and television filming. (Unanimous)

P578-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, Item 8-J communication from Curt Bellavance, Dir., Community Development Dept., regarding Proposed Zoning Amendment; Art Use. (Unanimous)

P579-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, Item 8-V communication from Andrew Levin, City Planner, Community Development Dept., regarding Bike share. (Unanimous)

P580-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO allow Multifamily Residential in the BR, BR1 and MH district by Special Permit. (Failed 6-5; Councillors in favor: Gould, Saslaw, Moutsoulas, Gravel, and Charest)

FINANCE COMMITTEE AUGUST 23, 2018

P581-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening we had a Finance Committee meeting. All of the Councillors were in attendance, both the committee members as well as the rest of the councillors. I appreciate that. There were two items the agenda. Item A, which was Compensation increase for election workers, was withdrawn for further consideration by the City Clerk's request. Item B was a transfer of funds to accommodate debt services and a list of the accounts totaling \$92,000 was submitted under the proposal and the following motion was made. (Report received)

P582-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of June 29, 2018:

FROM: TO:

Various Departments – Payroll/Expense Debt Service – Interest

(See Attached List) \$92,000.00 100-07000-59200 \$92,000.00

(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P583-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-A communication from Robert Labossiere, Dir., Public Services Dept., regarding Motions: P375-18, P488-18, P564-18. (Unanimous)

P584-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Robert Labossiere, Dir., Public Services Dept., regarding Motions: P462-18, P502-18, P503-18. (Unanimous)

P585-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Robert Labossiere, Dir., Public Services Dept., regarding Motion P401-18. (Unanimous)

P586-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Robert Labossiere, Dir., Public Services Dept., regarding Motion P469-17. (Unanimous)

P587-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Robert Labossiere, Dir., Public Services Dept., regarding Motions: P462-18, P502-18, P545-18, P565-18. (Unanimous)

P588-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-L communication from Troop 59, BSA, regarding Eagle Scout Adam Hoffman. (Unanimous)

P589-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-R communication from Aggregate Industries, 1715 Broadway, Saugus, regarding Prohibition of heavy commercial vehicles on Roosevelt Avenue; Motion P454-18. (Unanimous)

P590-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 9-E Petition – Peabody Municipal Light Plant regarding Petition 18-155 for Pinewood Road and to set up a public hearing. (Unanimous)

P591-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-T communication from Atty. John Keilty on behalf of Gary A. Nadeau, 167 Washington Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P592-18 COUNCILLOR MCGINN – MOVE TO request that Peabody Municipal Light Plant install a 250W sodium lamp fixture to be attached to pole 5 on Sewall Street to illuminate the city-owned parking lot at the corner of Sewall Street and Pierpont Street, as recommended by the Peabody Police Department. (Unanimous)

P593-18 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that Peabody Municipal Light Plant install a streetlight on a pole that exists at 5 Dartmouth Street. (Unanimous)

P594-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the sidewalk at 10 Sparrow Lane Extension, which is severely damaged causing a trip hazard. (Unanimous)

P595-18 COUNCILLOR GOULD (Co-motion with Councillor McGinn) – MOVE TO request that the Park, Recreation & Forestry Department install new lighting at O'Connor A ball field. (Unanimous)

P596-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the sidewalk at 30 Northend Street. (Unanimous)

P597-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the pavement that has been pushed up because of tree roots in front of 6 Lenox Road. (Unanimous)

P598-18 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Park, Recreation & Forestry Department trim a tree that is interfering with the visibility of the crosswalk light at the corner of Roycroft Road and Margin Street. (Unanimous)

P599-18 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Goochanathy, LLC, Scott A. McGregor-Manager, 212-216 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P600-18 COUNCILLOR SASLAW – MOVE TO request that the Park, Recreation & Forestry Department trim the tree that is blocking the "Dangerous Curve" sign at the corner of Goodale Terrace and Benevento Circle. (Unanimous)

P601-18 COUNCILLOR SASLAW – MOVE TO request that the Park, Recreation & Forestry Department remove the tree stumps in front of 22 Benevento Circle and 30 Benevento Circle. (Unanimous)

P602-18 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department install a "Slow dangerous curve" sign at 19 Goodale Street. (Unanimous)

P603-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-K communication from Steve Ferrante, 13 Gardner Street, regarding Immediate need for increased police presence on Gardner Street and refer to the Municipal Safety Committee. (Unanimous)

P604-18 COUNCILLOR MOUTSOULAS – MOVE TO request that the Police Department add extra patrols for truck traffic to Gardner Street and place the speed limit sign on Gardner Street for a couple of days. (Unanimous)

P605-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-M communication from Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Thank you. (Unanimous)

P606-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-S communication from AGA Foster, LLC & Ahmad Farhat, 45, 47 & 49 Tremont Street, regarding Site Plan Review. (Unanimous)

P607-18 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 9-B Block Party Request – 11 Margin Terrace-4 Adams Ave. – September 1, 2018, subject to all papers being in order. (Unanimous)

P608-18 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 9-C Lodging House License – W.J. Skouras Realty Trust, 59 Walnut Street, subject to all papers being in order, and refer to the public hearing. (Unanimous)

P609-18 COUNCILLOR MANNING-MARTIN – MOVE TO amend Section 14 of the Council Rules and add Section 14(B) "The City Council will not hear any new agenda items past 11:00 p.m. If agenda items remain after 11:00 p.m., the City Council may extend the meeting with a majority vote. A special meeting may be scheduled, or items may be deferred until the next meeting. The intent and purposes of this rule is to encourage a reasonable hour in which the council business is conducted and to protect against fatigue in discussing and deciding important city issues. (Per Section 25(B) of the City Council Rules, the matter is referred to the September 13, 2018, Regular Meeting.)

P610-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-F communication from Robert Langley, Dir. of Engineering, regarding 795 Jubilee Drive; Site Plan. (Unanimous)

P611-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-H communication from Jen Davis, Dir., Park, Recreation & Forestry Department, regarding Council Motion P412-18. (Unanimous)

{Item 10-B Lynch Street}

P612-18 COUNCILLOR TURCO - BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-95.1 Residents only allowed on certain streets – Daytime Hours of the Code of the City of Peabody be adopted as advertised and read. (Unanimous)

P613-18 COUNCILLOR TURCO – MOVE TO request that Captain Richards and Sergeant Harkins rewrite the ordinance regarding parking at Brown's Pond, specifically to allow parking on one side of the street. (Unanimous)

P614-18 COUNCILLOR TURCO – MOVE TO request that the Public Services Department install "Do Not Enter" signage on Lynnfield Street in accordance with Section 19-95.1 "Residents only allowed on certain streets - Daytime Hours" for the hours of 6:00 a.m. to 10:00 a.m. on Lynch Street, which is also known as Rear Lynnfield Street. (Unanimous)

P615-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Peabody Business & Community Guide. (Unanimous)

P616-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appropriation – Road Improvement Projects; \$1,252,654.00 and refer to the Finance Committee. (Unanimous)

P617-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds; Brooksby Farm Revolving; \$31,500.00 and refer to the Finance Committee. (Unanimous)

P618-17 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Request to enter into Lease Agreement; 2019 KME Custom Pumper and refer to the Finance Committee. (Unanimous)

P619-18 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department contact the owners of the land located on the corner of Sandra Road and John Road and across the street and request that the overgrowth on the sidewalks be removed. (Unanimous)

P620-18 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department repair the guardrails and footbridge and clean out the overgrowth in the city-owned parking lot behind 49 Lowell Street. (Unanimous)

P621-18 COUNCILLOR GRAVEL – MOVE TO request that the Director of Community Development submit to the Industrial & Community Development Committee a different plan for a multifamily residential overlay district that narrows and is more specific in conjunction with a map as to the intention of where that overlay district would be applied. (Unanimous)

(COUNCILLOR GRAVEL: "On Thursday, September 13, 2018 at 7:30 a.m. the Peabody Main Street Economic Development Committee, along with His Honor the Mayor, have invited developer, realtors, bankers, and building owners in the downtown area to participate in a presentation to see what they want to develop downtown, as well as a virtual tour of the downtown area. There will be a breakfast served and a presentation with the hope that we can get some interest from outside developers, in terms of what can happen to our properties and, kind of, invigorate the economic development of the downtown.")

P622-18 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-U communication from Atty. John Keilty on behalf of CenterCorp Retail Properties, Inc., 250 Andover Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P623-18 COUNCILLOR CHAREST – MOVE TO request that the Police Department look at the possibility of no parking on the curve from 102 to 108 Summit Street where houses are being built. (Unanimous)

P624-18 COUNCILLOR CHAREST – MOVE TO request that Captain Richards contact MassDOT regarding the traffic flow on Lowell Street for cars heading eastbound that are entering Route 128 North and Route 128 South. Cars that are heading eastbound on Lowell Street get into the turn lane for Route 128 North prematurely and are driving through the stop line. I would request that the word "stop" be painted at the stop line. Also, if a sold line can be painted between the lane for cars getting onto Route 128 North and cars that are continuing to travel on Lowell Street eastbound to downtown. (Unanimous)

P625-18 COUNCILLOR CHAREST – MOVE TO request that an ordinance be drafted and advertised regarding "No heavy trucks" on Perkins Street going from Lowell Street down to the police station and to refer to Captain Richards to review and submit to MassDOT for permitting. (Unanimous)

P626-18 COUNCILLOR CHAREST – MOVE TO request that the Peabody Municipal Light Plant investigate the streetlight pole on King Street at the old J.B. Thomas Hospital property. If the pole is a municipally-owned pole, please remove the streetlight as it is providing electricity and light to private property. (Unanimous)

P627-18 COUNCILLOR CHAREST – MOVE TO request that His Honor the Mayor replace the noisy fans that are on the balcony level of the Frank L. Wiggin Auditorium with quieter fans. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P628-18 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver's License, subject to all papers being in order:

John Marley – License 8
Rex Kent – License 9
Dana McPhee – License 10
Diegoelia Pacheco – License 12
Michael Paciulli – License 13
Jaime Mejia – License 14
John Shaw – License 16
Jackson Janvier – License 17
Hicham Chibani – License 18
Gary Ferguson – License 20
Kimberlee Kyslowsky – License 21
Dennis Giannias – License 22
Jason Cacciola – License 24
Stephen Roberts – License 25
(Unanimous)

P629-18 COUNCILLOR MCGINN – MOVE TO receive and approve Banner Request – St. Clare of Assisi Catholic Community, 32 Ellsworth Road, subject to all papers being in order. (Unanimous)

P630-18 COUNCILLOR MCGINN – MOVE TO receive a communication from Andrew Levin, Planner, regarding Site Plan Review; 47 Tremont Street. (Unanimous)

P631-18 COUNCILLOR MCGINN – MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding State Primary Warrant; September 4, 2018. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P632-18 COUNCILLOR MANNING-MARTIN – MOVE TO withdraw Notice of Reconsideration "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)." (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 30, 2018 RETURNED BY HIS HONOR THE MAYOR, AUGUST 30, 2018

ATTES'

(Timothy E. Spanos, City Clerk

COMMUNICATIONS:

His Honor the Mayor re: Peabody Business & Community Guide

His Honor the Mayor re: Appropriation – Road Improvement Projects; \$1,252,654.00

His Honor the Mayor re: Transfer of funds; Brooksby Farm Revolving; \$31,500.00

His Honor the Mayor re: Request to enter into Lease Agreement; 2019 KME Custom Pumper

Robert Labossiere, Dir., Public Services Dept., re: Motions: P375-18, P488-18, P564-18

Robert Labossiere, Dir., Public Services Dept., re: Motions: P462-18, P502-18, P503-18

Robert Labossiere, Dir., Public Services Dept., re: Motion P401-18

Robert Labossiere, Dir., Public Services Dept., re: Motion P469-17

Robert Labossiere, Dir., Public Services Dept., re: Motions: P462-18, P502-18, P545-18, P565-18

Robert Langley, Dir. of Engineering, re: 795 Jubilee Drive; Site Plan

Andrew Levin, Planner, re: Site Plan Review; 47 Tremont Street

Jen Davis, Dir., Parks, Recreation & Forestry Dept., re: Council Motion P412-18

Curt Bellavance, Dir., Community Development Dept., re: Proposed Zoning Amendment; Studio, motion picture and television filming

Curt Bellavance, Dir., Community Development Dept., re: Proposed Zoning Amendment; Art Use

Steve Ferrante, 13 Gardner Street, re: Immediate need for increased police presence on Gardner Street Troop 59, BSA, re: Eagle Scout Adam Hoffman

Peabody Municipal Light Plant, 201 Warren Street Extension, re: Thank you

Timothy E. Spanos, City Clerk, re: State Primary Warrant; September 4, 2018

Atty. Christopher Swiniarski on behalf of Verizon, re: Revised Grant of Location Petitions for Verizon Wireless

Francisco Burgos, 25 Farm Avenue, re: Request to continue public hearing

Goochanahy, LLC, Scott A. McGregor-Manager, 212-216 Newbury Street, regarding Special Permit application

Aggregate Industries, 1715 Broadway, Saugus, re: Prohibition of heavy commercial vehicles on Roosevelt Avenue; Motion P454-18

AGA Foster, LLC & Ahmad Farhat, 45, 47 & 49 Tremont Street, re: Site Plan Review

Atty. John Keilty on behalf of Gary A. Nadeau, 167 Washington Street, re: Special Permit application Atty. John Keilty on behalf of CenterCorp Retail Properties, Inc., 250 Andover Street, re: Special Permit

application

Andrew Levin, City Planner, Community Development Dept., re: Bike share

TAXI/LIMOUSINE DRIVER'S LICENSE:

John Marley – License 8
Rex Kent – License 9
Dana McPhee – License 10
Diegoelia Pacheco – License 12
Michael Paciulli – License 13
Jaime Mejia – License 14
John Shaw – License 16
Jackson Janvier – License 17
Hicham Chibani – License 18
Gary Ferguson – License 20
Kimberlee Kyslowsky – License 21
Dennis Giannias – License 22

Jason Cacciola - License 24

Stephen Roberts – License 25

BLOCK PARTY:

11 Margin Terrace-4 Adams Ave - September 1, 2018

LODGING HOUSE LICENSE:

W.J. Skouras Realty Trust, 59 Walnut Street

BANNER REQUEST:

St. Clare of Assisi Catholic Community, 32 Ellsworth Road

PETITION:

Peabody Municipal Light Plant re: Petition 18-155 for Pinewood Road