

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 15, 2016

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

ABSENT: COUNCILLOR: SINEWITZ

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Peter M. McGinn.

Salute to the American Flag.

P624-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of August 25, 2016. (Unanimous)

COUNCILLOR MCGINN - 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.

P625-16 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Various appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL REGARDING ITEM 7-D AND INTRODUCED MR. STEPHEN J. PATTEN, MS. LESLIE T. GEORGE, AND MR. PETER BENAVIDES.)

P626-16 COUNCILLOR GRAVEL - MOVE TO approve the appointment of Stephen J. Patten, 4 Clinton Road, Peabody, MA, as Veteran's Agent for a one-year term to expire 12/31/2017. (Carried 10-0; Councillor Sinewitz absent)

P627-16 COUNCILLOR MANNING-MARTIN - MOVE TO approve the appointment of Leslie T. George, MAA, 4D Hart Way, Salem, MA, as Assessor/Appraiser for a three-year term to expire 09/06/2018. (Carried 10-0; Councillor Sinewitz absent)

P628-16 COUNCILLOR GRAVEL - MOVE TO approve the appointment of Peter Benavides, 200 Lynnfield Street, Peabody, MA, as Network Administrator/Database Specialist for a one-year term to expire 12/31/2017. (Carried 10-0; Councillor Sinewitz absent)

(MAYOR BETTENCOURT INVITED THE PUBLIC TO THE NEW HIGGINS MIDDLE SCHOOL FOR A RIBBON CUTTING CEREMONY ON SATURDAY, SEPTEMBER 17TH AT 11:00 A.M. WITH AN OPEN HOUSE TO FOLLOW FROM 12:00 TO 2:00 P.M.)

HEARINGS

The City Council reconvened the recessed public hearing on the application from Christopher V. Catino, 29 Park Avenue, Wakefield, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P629-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Christopher V. Catino, 29 Park Avenue, Wakefield, MA, regarding Parking plan for 218-B Newbury Street. (Unanimous)

P630-16 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Christopher V. Catino, 29 Park Avenue, Wakefield, MA, for a Special Permit to allow for the sale of automobiles at 218-B Newbury, 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 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. A maximum of thirteen (13) vehicles for sale at any one time; and
 2. The parking plan will be attached as part of the Special Permit.
- (Carried 10-0; Councillor Sinewitz absent)

A public hearing was duly held on the application from Christopher Catino, LLC, d/b/a North Shore Auto Sales, 218-B Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Christopher Catino. No one appeared to speak in favor. No one appeared to speak in opposition.

P631-16 COUNCILLOR SASLAW – MOVE TO approve the application from Christopher Catino, LLC, d/b/a North Shore Auto Sales, for the transfer of a Class 2 Motor Vehicle License from 134 Newbury Street, Suite 1A, to 218-B Newbury Street, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Sinewitz absent)

A public hearing was duly held on the application from Extras for Creative Reuse, 58 Pulaski Street, Peabody, MA. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P632-16 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the application from Extras for Creative Reuse, 58 Pulaski Street, Peabody, MA, until Thursday, September 29, 2016.
(Unanimous)

A public hearing was duly held on the Special Permit application from Teresa Lunt, 9 Dobbs Road, Peabody, MA. Appearing to speak on behalf of the application was Ms. Teresa Lunt. No one appeared to speak in favor. Mr. Walter Adamson, on behalf of Mrs. Paula Halepakis of 10 Dobbs Road, Peabody, MA, appeared to speak in opposition.

P633-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Teresa Lunt, 9 Dobbs Road, Peabody, MA, for a Special Permit to continue use of basement of premises as a massage and energy healing business at said 10 Dobbs Road, Peabody, MA, as filed in accordance with Sections 1.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons 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. Hours of operation will be from 9:00 a.m. to 7:00 p.m.; and
 2. A maximum of three (3) vehicles, which will be parked in the driveway on the premises.
- (Carried 10-0; Councillor Sinewitz absent)

A public hearing was duly held on the Special Permit application from One Call Junk Haul, LLC, 2 First Avenue, Suite 104-1, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. Mr. William Toomey, 33 Abington Avenue, Peabody, MA; Mr. Michael Walor, 49 Pulaski Street, Peabody, MA; Mr. John Surman, 53 Pulaski Street, Peabody, MA; Ms. Caroline Busta, 44 Pulaski Street, Peabody, MA; Ms. Sarah Creighton, on behalf of Pinpoint Laser

Systems, 56 Pulaski Street, Peabody, MA; Mr. Michael Theriault, 45 Pulaski Street, Peabody, MA; Ms. Diane Theriault, 45 Pulaski Street, Peabody, MA; and Ms. Maureen Kenney Chiu, 45A Pulaski Street, Peabody, MA, appeared to speak in opposition.

P634-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 2 from Kathy Wells, 22 Westview Circle, Peabody, MA, regarding Letter in opposition; 56 Pulaski Street (Unanimous)

P635-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody **TO DENY** the application from One Call Junk Haul, LLC, 2 First Avenue, Suite 104-1, Peabody, MA, for a Special Permit to operate a recycling business provided all activities are carried on inside a building and allow for the overnight parking of commercial parking in an I-L zone at 56 Pulaski Street, Peabody, MA, as filed in accordance with Sections 4.2.6, 6.1, and 15.7 of the Peabody Zoning Ordinance based on the following reasons:

REASONS FOR DENIAL:

Does not meet the requirements of Section 6.1.2 of the Peabody Zoning Ordinance, specifically the use as presented does not meet a desirable local need, its design and appearance is injurious to the established and future character of the vicinity and the neighborhood, and it would not be harmonious with the general purpose and intent of the Zoning Ordinance of the City of Peabody.
(Carried 10-0; Councillor Sinewitz absent)

P636-16 COUNCILLOR MOUTSOULAS – MOVE THAT the application for a Junk Dealer License from One Call Junk Haul, LLC, 2 First Avenue, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P637-16 COUNCILLOR WALSH (Co-motion with Councillor Turco) – MOVE TO request that the Public Services Department place a "Stop" sign at the bottom of Gedney Drive at the intersection with Bartholomew Street. (Unanimous)

(COUNCILLOR MANNING-MARTIN INVITED THE CITY COUNCIL AND SCHOOL COMMITTEE MEMBERS TO PARTICIPATE IN THE THIRD ANNUAL COLTON BUCKLEY 5K TO BE HELD ON SUNDAY, NOVEMBER 13TH, FROM 10:00 A.M. TO 1:00 P.M. WITH REGISTRATION AT THE AOH)

P638-16 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department trim the tree limbs blocking the signs westbound on Lowell Street from Jennifer Lane down to the intersection of Forest Street and Lowell Street. (Unanimous)

P639-16 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department clean and trim the pathway from Irving Street to King Street that the kids use to get to the Higgins Middle School. (Unanimous)

P640-16 COUNICLLOR CHAREST – MOVE TO request that Fire Alarm check the timing on the traffic lights at the intersection of Route 114 and Violet Road. (Unanimous)

P641-16 COUNCILLOR CHAREST – MOVE TO request that the Police Department review the location of the "Dead End" sign at Buttonwood Lane and Wahtera Road and recommend a more appropriate location. (Unanimous)

P642-16 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit #16, The Big Y Foods, 635 Lowell Street, subject to all papers being in order. (Unanimous)

P643-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Attorney Athan Vontzalides, Counselor at Law, regarding Application for Site Plan Review; Detour Cars, LLC. (Unanimous)

P644-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-I communication from Sharon Cameron, Director of Health & Human Services, regarding Notice of revocation of tobacco and/or nicotine delivery product sales permit. (Unanimous)

P645-16 COUNCILLOR TURCO – MOVE TO request that the Police Department provide a status update regarding Motion P171-16. (Unanimous)

P171-16 COUNCILLOR TURCO – MOVE TO request that Captain Richards, Police Department, in conjunction with MassDOT, take the necessary steps to enforce the heavy truck restriction on Bartholomew Street. (Unanimous)

P646-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appropriation request for loan authorization for cost of dredging Crystal Lake. (Unanimous)

P647-16 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that the amount of Two Million Dollars (\$2,000,000.00) is appropriated to pay costs of dredging Crystal Lake, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under Chapter 44, Section 7(25) of the General Laws, or any other enabling authority; that the Mayor is authorized to take any other action necessary or convenient to carry out the purpose of this Bond Order; and that this Bond Order be advertised as read.

(Carried 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

P648-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appropriation requests for Community Preservation Acts and to refer to the Finance Committee. (Unanimous)

P649-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Approval of grant for repairs to Veterans Memorial High School. (Unanimous)

P650-16 COUNCILLOR GRAVEL – BE IT ORDERED that the City Council of the City of Peabody that the City appropriate the amount of Three Million One Hundred Thousand Dollars (\$3,100,000.00) for the purpose of paying costs of roof replacement of the Peabody Accelerated Repair Program, Peabody Veterans Memorial High School at 485 Lowell Street, Peabody, MA, 01960, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under MGL Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 54.79% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA, and that this Bond Order be advertised as read.

(Carried 9-0; Councillor Moutsoulas and Councillor Sinewitz absent)

P651-16 COUNCILLOR GRAVEL – MOVE TO request that the Council President put on the agenda for the October 27th Regular Meeting the public hearing for the Special Permit for the major event permitting for the USGA Senior Open. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P652-16 COUNCILLOR GOULD – MOVE TO receive a communication from Deanne Healey, Peabody Area Chamber of Commerce, Inc., regarding Update from Peabody Downtown Action Team. (Unanimous)

P653-16 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Marcia Atkinson, 3 Linden Road, regarding Letter to Police Officer. (Unanimous)

P654-16 COUNCILLOR CHAREST – MOVE TO receive a communication from David Terenzoni, Acting Director of Public Services, regarding Council motion P489-16, P495-16. (Unanimous)

P655-16 COUNCILLOR GOULD – MOVE TO receive a communication from Christopher Besse, MEMA PIO, regarding Emergency alerts to keep you safe. (Unanimous)

P656-16 COUNCILLOR GOULD – MOVE TO receive a communication from Bruce Nelson, Peabody Federation of Teachers, Local 1289, regarding Initiative. (Unanimous)

P657-16 COUNCILLOR WALSH – MOVE TO receive a communication from Group 1 Automotive, Inc., 0 Willowdale Avenue, regarding Special Permit application and to set up a public hearing. (Unanimous)

P658-16 COUNCILLOR GOULD – MOVE TO receive a communication from MMWEC regarding Simple cycle gas turbine project. (Unanimous)

P659-16 COUNCILLOR CHAREST – MOVE TO receive a communication from Attorney Athan Vontzalides, Counselor at Law, regarding Application for Site plan review; Group 1 Automotive, Inc., 0 Willowdale Ave. (Unanimous)

P660-16 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Charles Holden, 99 Lynnfield Street, regarding Withdrawal request for zoning change 99, 111, and 115 Lynnfield Street. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P661-16 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

Jen Brenco, 15 Harrison Avenue and Niki Nardone, 3 Madison Ave., September 17, 2016; rain date September 18, 2016 (Unanimous)

P662-16 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver's License, subject to all papers being in order:

Rosa St. Silva, License #40	David Drillis, License #41
Jackson Janvior, License #42	John Shaw, License #43
Kevin Parker, License #44	Marc Margossian, License #45
Richard Gill, License #46	Thomas Bartlett, License #47
Albert Marini, License #48	Andrew Orphanos, License # 49
Ryan Gilbert, License #50	Mellissa Vidinha, License #51

Mark R Adams, License #52 (Unanimous)

P663-16 COUNCILLOR TURCO – MOVE TO receive and approve the following Taxicab/Limousine (Transfer), subject to all papers being in order:

Michael's Limousine, 161 Lynn Street, #199
 Michael's Limousine, 161 Lynn Street, #200
 Michael's Limousine, 161 Lynn Street, #201
 Michael's Limousine, 161 Lynn Street, #202
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 6, 2016
 RETURNED BY HIS HONOR THE MAYOR, OCTOBER 6 2016



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appropriation request for loan authorization for cost of dredging Crystal Lake

His Honor the Mayor re: Appropriation requests for Community Preservation Acts

His Honor the Mayor re: Approval of grant for repairs to Veterans Memorial High School

His Honor the Mayor re: Various Appointments

Deanne Healey, Peabody Area Chamber of Commerce, Inc., re: Update from Peabody Downtown Action Team

Marcia Atkinson, 3 Linden Road, re: Letter to Police Officer

David Terenzoni, Acting Director of Public Services, Re: Council Motion P489-16, P495-16

Christopher Besse, MEMA PIO, re: Emergency alerts to keep you safe

Albert Talarico, Building Commissioner, re: Transfer Special Permit #16, The Big Y Foods, 635 Lowell Street

Bruce Nelson, Peabody Federation of Teachers Local 1289, re: Initiative Referendum on November ballot

Attorney Athan Vontzalides, Counselor at Law, re: Application for Site Plan Review Detour Cars, LLC

Sharon Cameron, Director of Health and Human Services, re: Notice of Revocation of Tobacco and/or Nicotine Delivery Product Sales Permit.

Group 1 Automotive, Inc., 0 Willowdale Ave, re: Special Permit Application

MMWEC re: Simple Cycle Gas Turbine Project (Entire Document on file in City Clerk's Office)

Attorney Athan Vontzalides, Counselor at Law re: Application for Site Plan Review Group 1 Automotive, Inc., 0 Willowdale Ave

Charles Holden, 99 Lynnfield Street, re: Withdrawal request for zoning change 99,111, and 115 Lynnfield Street

BLOCK PARTY:

Jen Brenco, 15 Harrison Ave., and Niki Nardone, 3 Madison Ave., September 17, 2016; rain date September 18, 2016

TAXI/LIMOUSINE DRIVER LICENSE:

Rosa St. Silva License #40

David Drillis License #41

Jackson Janvior License #42

John Shaw License #43

Kevin Parker License #44

Marc Margossian License #45

Richard Gill License #46

Thomas Bartlett License #47

Albert Marini License #48

Andrew Orphanos License # 49

Ryan Gilbert License #50

Mellissa Vidinha License #51

Mark R Adams License #52

TAXI/LIMOUSINE DRIVER LICENSE: (Transfer)

Michael's Limousine, 161 Lynn Street, #199

Michael's Limousine, 161 Lynn Street, #200

Michael's Limousine, 161 Lynn Street, #201

Michael's Limousine, 161 Lynn Street, #202