

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 28, 2017

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

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 Joel D. Saslaw.

Salute to the American Flag.

P618-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of September 14, 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.

(MAYOR BETTENCOURT AND MR. MATTHEW GENZALE APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-B)

P619-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various Appointments under date of September 20, 2017. (Unanimous)

P620-17 COUNCILLOR MCGINN – MOVE TO approve the appointment of Matthew Genzale, 3 Julie Circle, Peabody, MA, to the Planning Board (Alternate Position) for a five-year term to expire 05/31/2022. (Carried 11-0)

(MAYOR BETTENCOURT AND MR. GERRY KRUCZKOWSKI APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-B)

P621-17 COUNCILLOR MCGINN – MOVE TO approve the following appointments, as submitted by His Honor the Mayor, under date of September 20, 2017:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Gerry Kruczkowski 22A Colonial Road Peabody, MA 01960	Conservation Commission (Alternate Position)	09/30/2020 (2-Year Term)
Craig Welton 195 Lynn Street Peabody, MA 01960 (Carried 11-0)	Conservation Commission	09/30/2020 (3-Year Term)

P622-17 COUNCILLOR GOULD – MOVE TO send a letter of appreciation to Mr. Joel Whitman for his many years of service to the City of Peabody Conservation Commission. (Unanimous)

HEARINGS

A public hearing was duly held on the application from A Mom's Village, LLC, 635-637 Lowell Street, Peabody, MA. Mr. Daniel Hester, Ms. Stephanie Cohan, and Ms. Cynthia Solomon appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P623-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 1 from Fire Department regarding Special Permit application; A Mom's Village, LLC, 635-637 Lowell Street. (Unanimous)

P624-17 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the application from A Mom’s Village, LLC, 233 Haverhill Street, North Reading, MA, for a Special Permit to operate a women’s physical fitness facility and child enrichment center at 635-637 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 11-0)

P625-17 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from Attorney John R. Keilty on behalf of 795 Jubilee Drive, LLC, 0 Fifth Street, regarding Request to continue public hearing until October 12, 2017. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE SEPTEMBER 28, 2017

P626-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – Tonight the Legal Affairs Committee met. I think everyone was here in attendance at that meeting. There were several items on the agenda. One that was held in committee was Item A, which was the ordinance to allow the police department to permanently remove people who are intoxicated from participating in activities at public parks. We’re holding that because there’s more work that needs to be done on that. We also held for a future meeting the request for a license to enter/work in easement area of Cy Tenney Residences at 194 Rear Newbury Street. We had a discussion on Item B, which is the retail recreational marijuana ban, and a motion was made to refer the proposed language for an ordinance forbidding retail marijuana establishments to the Planning Board. (Report received)

P627-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO refer proposed Zoning Ordinance Amendment regarding Section 6.14 Marijuana Establishment Forbidden to the Planning Board. (Carried 11-0)

P628-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty on behalf of Cy Tenney Residences, LLC, regarding 194 Rear Newbury Street. (Unanimous)

P629-17 COUNCILLOR WALSH - MOVE TO receive, under suspension of the rules, Item 8-A communication from Michael T. Smerczynski, City Solicitor, regarding Legal Opinion; Recreational Marijuana. (Unanimous)

AD HOC COMMITTEE ON GOLF COURSE SEPTEMBER 28, 2017

P630-17 COUNCILLOR SINEWITZ – Reporting for the Ad Hoc Committee on Golf Course – We had some lively discussion on the golf course regarding refinancing bonds, evaluation studies of the golf course, how to improve revenues, talking about how to improve the food. There were two motions out of committee. (Report received)

P631-17 COUNCILLOR SINEWITZ - MOVE TO request that His Honor the Mayor research hiring an outside company to review golf course operations and make recommendations to the City Council.
(Carried 11-0)

P632-17 COUNCILLOR SINEWITZ – MOVE TO request that His Honor the Mayor and the Finance Director look at refinancing the remaining bond at the golf course over a 10-year period and present to the City Council accurate figures of what that’s going to mean, in terms of money; further to request

whether the city could pay off the debt of the golf course and then have the golf course pay back the city. (Carried 11-0)

PUBLIC SERVICES COMMITTEE
SEPTEMBER 28, 2017

P633-17 COUNCILLOR MANNING-MARTIN – Reporting for the Public Services Committee – The Public Services Committee met this evening. Joining us was Lisa Stanton of Weston & Sampson, Lieutenant Chris Dowling of the Fire Department, His Honor the Mayor, and Mr. Healy the facilities director. They all addressed the City Council and were very helpful to the Public Services Committee. Lieutenant Dowling discussed the fire at the water treatment plant. We got an update of what's going on at the water treatment plant and there was a lot of discussion. The fire was caused by an electrical light where there was an electrical shortage. A bird's nest caught fire and we all know the catastrophic results of the fire. The roof repairs were completed at the end of July. Because they couldn't get in the building for safety reasons because the building was not structurally sound, the City submitted two waivers to DCAMM. The first waiver, due to the emergency, was approved. The second waiver was not approved because DCAMM found that that is not an emergency situation for the equipment. So we have gone out for bids. The bids close October 4th. Two more phases remain. The equipment has been preordered. The second portion is the internal renovations, which will be completed. Ms. Stanton explained that they hope to have the water back on-line by February 2018. She does admit though that that is an aggressive date. A less aggressive date would be June 2018. I think that the council is confident after the presentation by all those mentioned that everything is being done to get the treatment plant up and running as quickly as possible to cut down on costs. It was a very good presentation and I think everybody is pretty confident that all that can be done is being done, as best and as fast as possible, to cut down on costs and get us up and running again. There was another item on the agenda, which was bringing city sewage to Farm Ave. That was kept in committee. Councillor Turco had requested a comparison for MWRA water usage between this year and last year and Mr. Gingras went over those numbers. Of course we're using more MWRA water this year because of the predicament that we're in. He did review those numbers. The next meeting we're going to have is in January so that we can continue to work with the Mayor and the city services to monitor and work with them in getting the water treatment plant up and running as soon as possible, given that it is \$250,000 a month for MWRA water. There's not one person that I know of that wants to slow it down but rather speed it up. So it was a great presentation and I think the council is very confident that all that can be done is being done. (Report received)

P634-17 COUNCILLOR MANNING-MARTIN – Reporting for the Public Services Committee – MOVE TO receive, under suspension of the rules, late communication Item 4 from Michael Gingras, Finance Director, regarding Motion P597-17; water usage through the MWRA. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P635-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Chief Thomas Griffin, Police Department, regarding Various Letters of Thanks. (Unanimous)

P636-17 COUNCILLOR MANNING-MARTIN – MOVE TO refer to the Finance Committee a discussion regarding the city's insurance coverage and whether we need to raise our coverage and/or put the contract out to bid. (Unanimous)

P637-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from The Colton Buckley Foundation regarding Fourth Annual Colton Buckley 5K road race; Sunday, November 12, 2017. (Unanimous)

P638-17 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the sidewalk at 3 Gemma Drive. (Unanimous)

P639-17 COUNCILLOR TURCO – MOVE TO request that the Peabody Municipal Light Plant add streetlights to pole number 7 and pole number 5 on Centennial Drive. (Unanimous)

P640-17 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, late communication Item 5 Use of the Wiggin Auditorium – Office of U.S. Senator Ed Markey – Tuesday, October 10, 2017, subject to all papers being in order. (Unanimous)

P641-17 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request the Massachusetts Department of Transportation hold a public hearing in the City of Peabody to discuss the potential for a noise abatement study for sound barriers along Route 128 in Peabody behind Loris Road, Tammie Lane, and Northfield Road. (Unanimous)

P642-17 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding the following various reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Susan Antonellis 78 Newfields Road Exeter, NH	Board of Assessors	09/06/2020 (3-Year Term)
Brian Barrett, Esquire 53 Emerson Avenue Peabody, MA 01960	Board of Assessors	09/06/2020 (3-Year Term)
Travis Wojcik 20 Margin Street, Apt. 20 Peabody, MA 01960	Conservation Commission (Alternate Position)	09/30/2019 (2-Year Term)
Joseph Mendonca 5 Courtland Street Peabody, MA 01960	Council on Aging	09/30/2019 (2-Year Term)
Catherine Morrocco 103 Lowell Street Peabody, MA 01960	Council on Aging	09/30/2020 (3-Year Term)
Loretta Tenaglia 101 Brooksby Village Drive, #111 Peabody, MA 01960	Council on Aging	09/30/2018 (One-Year Term)
Michael Gingras 2 Bartlett Street Peabody, MA 01960	Director of Finance	05/13/2020 (3-Year Term)
Sharon Cameron 74 Lake Shore Road Peabody, MA 01960	Director of Human Services	09/30/2018 (One-Year Term)
Maureen Sammon 49 Jackson Street Malden, MA	Outdoor Ed. Coordinator	08/31/2018 (One-Year Term)
John Ford Post Office Box 4093 Peabody, MA 01960	Planning Board	05/31/2021 (4-Year Term)
Joseph Gagnon 20 LeBlanc Drive Peabody, MA 01960	Planning Board	05/31/2022 (5-Year Term)
Roy Simoes 17 LeBlanc Drive	Planning Board	05/31/2022 (5-Year Term)

Peabody, MA 01960

Christine Mizioch
35 Lenox Road
Peabody, MA 01960
(Carried 10-0; Councillor Moutsoulas absent)

Planning Board
(Alternate Member)

05/31/2021
(4-Year Term)

P643-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from JJanco, LLC, 241 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P644-17 COUNCILLOR MANNING-MARTIN – MOVE TO sponsor the City Council in The Fourth Annual Colton Buckley 5K in the amount of \$250 to be held Sunday, November 12, 2017. (Unanimous)

P645-17 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Timothy E. Spanos, City Clerk, regarding Election Warrant for November 7, 2017. (Unanimous)

P646-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 6 from North Shore MA for Puerto Rico, regarding Community Meeting, October 3, 2017, at 6:00 p.m. at 79 Central Street. (Unanimous)

P647-17 COUNCILLOR WALSH (Co-motion with Councillor Saslaw) – MOVE TO request that the Public Services Department paint a 20-foot box on either side of the access and egress areas of 10 Dearborn Road. (Unanimous)

P648-17 COUNCILLOR CHAREST – MOVE TO request that Fire Alarm check the timing of the lights at the intersection of King Street, Lowell Street, and Endicott Street. (Unanimous)

P649-17 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department repair the potholes at the end of Augustus Street and James Street. (Unanimous)

P650-17 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department install hash marks on Lowell Street from Jennifer Lane westerly to Forest Street and easterly on Lowell Street towards Endicott Street. (Unanimous)

P651-17 COUNCILLOR CHAREST – MOVE TO request that the Peabody Municipal Light Plant install streetlights on the poles at Essex Center Drive. (Unanimous)

P652-17 COUNCILLOR CHAREST – MOVE TO request that the Cable Commission appear before the City Council to explain their difficulties in getting other cable providers to come to Peabody. (Unanimous)

P653-17 COUNCILLOR SINEWITZ – MOVE TO request that the Parks, Recreation & Forestry Department trim or remove the tree at 18 Glen Drive and communicate with the resident. (Unanimous)

P654-17 COUNCILLOR SINEWITZ – MOVE TO request that the Peabody Municipal Light Plant install a streetlight on the existing pole at the corner of Russell Street and Whipple Road. (Unanimous)

P655-17 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-H communication from West Memorial School PTO, 15 Bow Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P656-17 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department repair the sidewalk at 5 Price Road. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P657-17 COUNCILLOR MCGINN – MOVE TO receive a communication from Farm Avenue Two Lots, LLC, 0 Farm Avenue and 0 Forest Street, regarding Environmental Notification Form. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P658-17 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

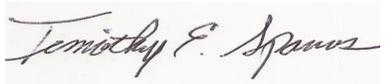
Alan Marchesini – License 28
Edward Beardsell – License 30
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P659-17 COUNCILLOR TRAVEL – MOVE TO receive a communication from Michael T. Smerczynski, City Solicitor, regarding Cellco Partnership d/b/a Verizon Wireless vs. City of Peabody, et al; Memorandum and Order on the Plaintiff’s Motion for Summary Judgment. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 3, 2017
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 3, 2017

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Various Re-appointments under date of September 14, 2017
- His Honor the Mayor re: Various Appointments under date of September 20, 2017
- Michael T. Smerczynski, City Solicitor, regarding Legal Opinion: Recreational Marijuana
- Michael T. Smerczynski, City Solicitor, regarding Cellco Partnership d/b/a Verizon Wireless vs. City of Peabody, et al; Memorandum and Order on the Plaintiff’s Motion for Summary Judgment
- The Colton Buckley Foundation regarding Fourth Annual Colton Buckley 5K Road Race; Sunday, November 12, 2017
- Chief Thomas Griffin, Police Department, regarding Various Letters of Thanks
- JJanco, LLC, 241 Newbury Street, regarding Special Permit application
- Timothy E. Spanos, City Clerk, regarding Election Warrant for November 7, 2017
- Farm Avenue Two Lots, LLC, 0 Farm Avenue and 0 Forest Street, regarding Environmental Notification Form
- West Memorial School PTO, 15 Bow Street, regarding Banner request

TAXI/LIMOUSINE DRIVER LICENSE:

Alan Marchesini – License 28
Edward Beardsell – License 30