

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**SEPTEMBER 29, 2016**

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

ABSENT: COUNCILLOR GRAVEL

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.

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.

P664-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various appointments. (Unanimous)

(MAYOR BETTENCOURT AND MR. THOMAS MUXIE APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-A)

P665-16 COUNCILLOR WALSH – MOVE TO approve Item 7-A from His Honor the Mayor regarding the following various appointments:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Erica Barrett 16 Cedar Grove Avenue Peabody, MA 01960	Commission on Disability	12/31/2017 (One-Year Term)
Kayla Bentas 11 Lenox Road Peabody, MA 01960	Commission on Disability	12/31/2019 (3-Year Term)
Karen Cahill 7 Norfolk Avenue Peabody, MA 01960	Commission on Disability	12/31/2018 (2-Year Term)
Alan Frost 14 Tammie Lane Peabody, MA 01960	Commission on Disability	12/31/2017 (One-Year Term)
Thomas L. Gould 9 Abington Avenue Peabody, MA 01960	Commission on Disability	12/31/2018 (2-Year Term)
Thomas Muxie 5 Forest Street Peabody, MA 01960	Commission on Disability	12/31/2019 (3-Year Term)
Beth Brennan O'Donnell 24 Lowell Street Peabody, MA 01960	Commission on Disability	12/31/2019 (3-Year Term)

Anthony Porcello 16 Crowninshield Ave., #210 Peabody, MA 01960	Commission on Disability	12/31/2018 (2-Year Term)
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Daniel Terenzoni 24 Lowell Street Peabody, MA 01960	Commission on Disability	12/31/2017 (One-Year Term)
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(Carried 9-0; Councillor Gould voting present; Councillor Gravel absent)

(MAYOR BETTENCOURT ADVISED MEMBERS OF THE PUBLIC THAT THERE ARE TWO OPEN POSITIONS ON THE CONSERVATION COMMISSION, THREE OPEN POSITIONS ON THE CABLE COMMISSION, AND ONE OPEN POSITION ON THE PLANNING BOARD. CITIZENS ARE ASKED TO CONTACT THE MAYOR'S OFFICE OR THE CITY COUNCIL IF THEY ARE INTERESTED IN SERVING IN THOSE POSITIONS.)

P666-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding New appointment of Jon Swanson to Cable Commission from alternate board member to permanent Board member. (Unanimous)

P667-16 COUNCILLOR TURCO – MOVE TO approve the appointment of Jon Swanson, 9 Welcome Street, Peabody, MA, to the Cable Commission for a three-year term to expire 12/31/2017 (Unexpired term of Al Barcamonte). (Carried 10-0; Councillor Gravel absent)

P668-16 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 9-D Special Event Application, Peabody Main Streets, 24 Main Street, regarding Nightmare on Main Street, October 27, 2016, 5:00 p.m. to 7:00 p.m., subject to all papers being in order. (Unanimous)

### HEARINGS

A public hearing was duly held on the application from Stahl USA, Inc., 13 Corwin Street, Peabody, MA. Mr. Jim Dailey appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P669-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Stahl USA, Inc., 13 Corwin Street, Peabody, MA, for a Special Permit to install a free-standing electronic message board with illuminated LED display for safety purposes, at said 13 Corwin Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.9, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

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.

### CONDITION:

1. The sign shall remain off between the hours of 6:00 p.m. and 6:00 a.m.  
(Carried 10-0; Councillor Gravel absent)

The City Council reconvened the recessed public hearing on the application from Extras for Creative Reuse, 58 Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Jocelyn Almy-Testa. No one appeared to speak in favor. No one appeared to speak in opposition.

P670-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 1 from Kathy Wells, 22 Westview Circle, regarding Extras for Creative Reuse, 58 Pulaski Street. (Unanimous)

P671-16 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Extras for Creative Reuse, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License at said 58 Pulaski Street, Peabody, MA, subject to the condition that hours of delivery will be from 8:00 a.m. to 5:00 p.m. only; and subject to all papers being in order. (Carried 10-0; Councillor Gravel absent)

### **REPORTS OF COMMITTEE**

#### **INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE** **SEPTEMBER 29, 2016**

P672-16 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We had a presentation this evening by members of the Community Development Group, Karen Conard and Stacey Bernson, about Housing Development Incentive Program Plan and Zone. Every Councillor spoke on the matter. The mayor spoke about his support for it. There was a motion by Councillor Walsh to approve the proposed Housing Development Incentive Program Plan and Zone and the motion passed four to one. (Report received)

P673-16 COUNCILLOR GOULD – MOVE TO approve the Housing Development Incentive Program Plan and Zone, as presented by the Community Development Department. (Carried 9-1; Councillor Sinewitz opposed; Councillor Gravel absent)

### **MOTIONS, ORDERS AND RESOLUTIONS**

P674-16 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Saint Vasilios Greek Orthodox Church, 5 Paleologos Street, regarding Banner request Wilson Square; start October 1, 2016, subject to all papers being in order. (Unanimous)

P675-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department provide a status update regarding Motion P595-16. (Unanimous)

P595-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the drain pipe that's broken in front of 11 Reo Road. I'd request that a snake be put in with a camera. (Unanimous)

(COUNCILLOR SINEWITZ: "I'D LIKE TO THANK THE BOARD OF HEALTH, THE BUILDING INSPECTOR, AND THE POLICE DEPARTMENT FOR THE WORK THEY DID REGARDING THE VAPOR STORE.")

P676-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Attorney Michael Smerczynski, City Solicitor, regarding P590-16 Legal opinion: Special Permit enforcement procedure. (Unanimous)

P677-16 COUNCILLOR SINEWITZ - MOVE TO receive and approve Block Party Request - Courtney Trahant, 7 Glen Drive; Lisa Smith, 23 Glen Drive, for 5-8 Glen Drive Sunday, October 23, 2016, subject to all papers being in order. (Unanimous)

P678-16 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department repaint the crosswalk in front of 157 Lowell Street that was recently repaved. (Unanimous)

P679-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from David Terenzoni, Acting Director of Public Services, regarding Council Motion P428-16, Traffic light at Lowell Street and Lake Street, and to refer to the Municipal Safety Committee. (Unanimous)

P680-16 COUNCILLOR SASLAW – MOVE TO request that the Park, Recreation & Forestry Department make a site visit to 34 Pine Street regarding a tree that is close to the roadway that's getting hit by side mirrors and make an assessment. (Unanimous)

P681-16 COUNCILLOR TURCO – MOVE TO receive and approve Wiggin Auditorium Application, Girls Scouts of America Eastern Mass-Peabody, 155 Lynnfield Street, October 24, 2016, 5:30 p.m. to 8:00 p.m. subject to all papers being in order. (Unanimous)

P682-16 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the sidewalk in front of 15 Bay State Boulevard, which is the sidewalk exiting the resident's driveway. (Unanimous)

P683-16 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the sidewalk at the corner of Elm Street and Central Street (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P684-16 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Acting Director of Public Services, regarding Council Motion P567-16 handicap parking sign at 65 Endicott Street. (Unanimous)

P685-16 COUNCILLOR GOULD – MOVE TO receive and approve a communication from St. John the Baptist Parish, 17 Chestnut Street, regarding Banner request, Lowell Street at Peabody City Hall; start date 10/7/16, subject to all papers being in order. (Unanimous)

P686-16 COUNCILLOR GOULD – MOVE TO receive a communication from Massachusetts State Lottery Commission, regarding Keno License for Foster Convenience, 101A Foster Street. (Unanimous)

P687-16 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Danielle Holmes Yagjian Foundation, regarding Appreciation letter. (Unanimous)

P688-16 COUNCILLOR GOULD – MOVE TO receive a communication from John Sullivan, Solimine Funeral Homes, regarding Veterans Memorial Service November 5, 2016. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P689-16 COUNCILLOR TURCO – MOVE TO receive and approve the following Taxi/Limousine Driver's License, subject to all papers being in order:

Hicham Chibani #39  
An Samoeun #53  
(Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:35 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: Various appointments

His Honor the Mayor re: New appointment of Jon Swanson to Cable Commission from alternate board member to permanent Board member

Attorney Michael Smerczynski, City Solicitor, re: P590-16 Legal Opinion: Special Permit Enforcement Procedure

David Terenzoni, Acting Director of Public Services, re: Council Motion P567-16 handicap parking sign at 65 Endicott Street

St. John the Baptist Parish, 17 Chestnut Street, re: Banner request Lowell Street at Peabody City Hall start date 10/7/16

Saint Vasilios Greek Orthodox Church, 5 Paleologos Street, re: Banner request Wilson Square Start October 1, 2016

David Terenzoni, Acting Director of Public Services, re: Council Motion P428-16, Traffic Light at Lowell Street and Lake Street

Massachusetts State Lottery Commission, re: Keno License for Foster Convenience, 101 A Foster Street

Danielle Holmes Yagjian Foundation, re: Appreciation letter

John Sullivan, Solimine Funeral Homes, re: Veterans Memorial Service November 5, 2016

**BLOCK PARTY:**

Courtney Trahant, 7 Glen Drive; Lisa Smith, 23 Glen Drive, for 5-8 Glen Drive; Sunday October 23, 2016

**TAXI/LIMOUSINE DRIVER LICENSE:**

Hicham Chibani #39

An Samoeun #53

**WIGGIN AUDITORIUM APPLICATION:**

Girls Scouts Eastern Mass-Peabody, 155 Lynnfield Street, October 24, 2016, from 5:30 p.m. to 8:00 p.m.