

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 12, 2017

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

ABSENT COUNCILLORS: GRAVEL AND GOULD

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.

P660-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve the minutes from the regular meeting of September 28, 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.

P661-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various Appointments/Re-appointments under date of October 5, 2017. (Unanimous)

(MAYOR BETTENCOURT AND MS. LEONA KAPLAN APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-A)

P662-17 COUNCILLOR SINEWITZ – MOVE TO approve the following appointments/re-appointments, as submitted by His Honor the Mayor, under date of October 5, 2017:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Kelly Lomasney 13 Raymond Circle Peabody, MA 01960	Cultural Council	06/01/2019 (2-Year Term)
Kelly Bloom 36 Catherine Drive Peabody, MA 01960	Cultural Council	06/01/2020 (3-Year Term)
Lisa Greene 13 Johnson Avenue Peabody, MA 01960	Cultural Council	06/01/2020 (3-Year Term)
Leona Kaplan 304 Brooksby Village Dr. #512 Peabody, MA 01960 (Carried 9-0; Councillor Gravel and Councillor Gould absent)	Council on Aging	09/30/2018 (3-Year Term)

(MS. DEANNE HEALEY APPEARED BEFORE THE CITY COUNCIL TO PRESENT PEABODY MAIN STREETS UPDATE)

HEARINGS

A Show Cause hearing was duly held on violations of Special Permit 2-2015, as originally issued to Total Outdoor Corp., 1R Newbury Street, Peabody, MA. Michael Smerczynski, City Solicitor, appeared to speak on behalf of the City. Attorney John Keilty and Mr. Michael Murphy appeared to speak on behalf of Lamar Central Outdoor. No one appeared to speak in favor. No one appeared to speak in opposition.

P663-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Councillor Manning-Martin regarding Photos of billboards. (Unanimous)

P664-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Lamar Central Outdoor, LLC, 1 Rear Newbury Street, regarding Amendment to Special Permit 2-2015. (Unanimous)

P665-17 COUNCILLOR MANNING-MARTIN – MOVE TO recess the Show Cause hearing on violations of Special Permit 2-2015, as originally issued to Total Outdoor Corp., 1R Newbury Street, Peabody, MA. (Unanimous)

A public hearing was duly held on the application from Gallo Nero Pizzeria and Bistro, 89 Main Street, Peabody, MA. Mr. Aleko Pashaj appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P666-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-J communication from Councillor David Gravel, regarding Letter in support; Gallo Nero Pizzeria and Bistro, 89 Main Street, Entertainment License Amendment. (Unanimous)

P667-17 COUNCILLOR MCGINN – MOVE TO approve the Entertainment License application from Gallo Nero Pizzeria and Bistro, 89 Main Street, Peabody, MA, to allow for live entertainment, specifically DJ and live music limited to a maximum of two (2) performers and one amplifier, at said 89 Main Street, Peabody, MA, with the following hours: Non-live entertainment Monday through Saturday from 11:00 a.m. to 12:00 a.m. and live entertainment Friday and Saturday from 6:00 p.m. to 12:00 a.m., and subject to all papers being in order. (Carried 9-0; Councillor Gravel and Councillor Gould absent)

A public hearing was duly held on the application from JJanco, LLC d/b/a Proper Performance, 250 Beacon Street, Waltham, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P668-17 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from JJanco, LLC d/b/a Proper Performance, 250 Beacon Street, Waltham, MA, for a Special Permit to operate an automotive repair shop with all work carried on indoors in a BR Zoning District at 241 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:

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 9-0; Councillor Gravel and Councillor Gould absent)

P669-17 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Attorney John R. Keilty, on behalf of 795 Jubilee Drive, LLC, 0 Fifth Street, regarding Request to continue until October 26, 2017. (Unanimous)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE **OCTOBER 12, 2017**

P670-17 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee met tonight. The one issue that we got to -- a couple we couldn't get to because we had to go into Executive Session – was about how to protect first responders against drug overdose scenes. And I am going to defer to Councillor Manning-Martin. (Report received)

P671-17 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – This evening fire Chief Pasdon presented before us and shared with us a draft of a standard operating procedure for emergency operations that he will be discussing with Chief Griffin as well on how our first responders should deal with the current situation of opioid overdoses, given that carfentanil and fentanyl can, when coming in contact -- mostly through inhalation -- can cause the death of a first responder. So

in today's day and age of the opioid crisis and first responders having to respond to these calls there's a new effort and training and handling of situations where first responders are trained and act to balance the need to protect themselves and act in the best interest of responding with speed, but they also have to protect themselves. We shared that the council supports them 100 percent any type of equipment that they may need, specifically masks to protect them from inhalation -- because again carfentanil when inhaled could kill the first responder -- when responding to a scene to administer Narcan for any overdoses. So it was a very good discussion. I think Councillor Garabedian's going to schedule another meeting so we can continue those discussions so that we can continue to support our first responders and give them the equipment and training that they need to protect themselves while they're protecting us. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P672-17 COUNCILLOR TURCO – MOVE TO amend Section 19-90.4 Parking of trucks and commercial vehicles prohibited by adding "Jubilee Drive: Both sides." (Unanimous)

P673-17 COUNCILLOR TURCO – MOVE TO request that the Public Services Department install signs prohibiting parking of commercial vehicles on Jubilee Drive. (Unanimous)

P674-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Jon Swanson, 9 Welcome Street, regarding Crosswalk issues on Lynn Street and to refer to the Police Department requesting an opinion on the feasibility of crosswalk attenuators. (Unanimous)

P675-17 COUNCILLOR TURCO – MOVE TO refer to the Industrial & Community Development Committee a discussion regarding adding kiosks for bike rentals at the South Peabody Greenway, Crystal Lake, and the downtown area. (Unanimous)

P676-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from David Terenzoni, Dir., Public Services Department, regarding Completed Council motions. (Unanimous)

P677-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Curt Bellavance, Director, Community Development Department, regarding Site Plan Review for Peterbuilt, LLC, 168-172 Washington Street. (Unanimous)

P678-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Curt Bellavance, Director, Community Development Department, regarding Site Plan Review for NE Hand Car Wash, 210 Andover Street. (Unanimous)

P679-17 COUNCILLOR WALSH - MOVE TO request that the Finance Director update the City Council on the first quarter receipts for the fiscal year and whether there are any red flags or issues. (Unanimous)

P680-17 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department take a look at the sidewalk at 4 Barry Street. (Unanimous)

P681-17 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install "No heavy trucks" signs on the corner of Highland Street and Tremont Street for vehicles traveling from Salem. (Unanimous)

P682-17 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-H communication from MassDevelopment regarding Notice of Public Hearing; Brooksby Village, Inc. (Unanimous)

P683-17 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department install a "Children" sign at the intersection of Regal Terrace and Castle Circle. (Unanimous)

P684-17 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department install a berm in front of the driveway at 19 Styles Drive. When it rains, the water comes down and floods out the driveway. We would like to have that done before the winter. (Unanimous)

P685-17 COUNCILLOR SINEWITZ – MOVE TO refer to the Municipal Safety Committee the topic of designated truck routes for the Birchwood development and to further request that Captain Richards also attend. (Unanimous)

P686-17 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department provide an update to the City Council on why the 6-foot by 4-foot area at the corner of Lindauer Street and Lake Street has not been paved. (Unanimous)

P687-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-F communication from Attorney Shelbee L. Hundley, Aggregate Industries, regarding Special Permit; A Mom's Village, 635-637 Lowell Street and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P688-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-G communication from Attorney Athan Vontzalides, on behalf of Sanctuary Medicinals, Inc., 29 Newbury Street, regarding Request letter of non-opposition. (Unanimous)

P689-17 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department clean out the catch basins at the corner of Dale Street and Upham Street. (Unanimous)

P690-17 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department install "Children" signs on Benevento Circle on pole LP1 and pole LP3. (Unanimous)

P691-17 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department start a database or spreadsheet that will show the location of all storm drains to the nearest address and intersection to identify them and the date of the last cleaning of each storm drain. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P692-17 COUNCILLOR WALSH – MOVE TO receive a communication from David Terenzoni, Director, Public Services Department, regarding Completed Council motions P198-17 & P475-17. (Unanimous)

P693-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Curt Bellavance, Director, Community Development Department, regarding Site Plan Review for #1 Roosevelt Avenue. (Unanimous)

P694-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Solomine Funeral Homes, 426 Broadway, Lynn, regarding Veterans Memorial Services; November 4, 2017. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P695-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Andrew Davies – License 31
 Daniel Sirois – License 33
 Richard Demeule – License 34
 Michael Paciulli – License 35
 James Kozik – License 36
 Ryan Gilbert – License 37
 Louis Anasoulis – License 38
 (Unanimous)

P696-17 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve Use of the Wiggins Auditorium – Peabody Access TV (PAT) with Peabody Chamber and Salem Evening News – October 17, 2017, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P697-17 COUNCILLOR MCGINN – MOVE TO receive and approve Banner – St. Vasilios, October 16, 2017, to November 5, 2017, subject to all papers being in order. (Unanimous)

P698-17 COUNCILLOR MCGINN – MOVE TO receive and approve Banner – Our Lady of Fatima Church, October 16, 2017, to November 5, 2017, subject to all papers being in order. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 17, 2017
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 17, 2017

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Various Appointments/Re-appointments under date of October 5, 2017
David Terenzoni, Director, Public Services Department, re: Completed Council motions P198-17 & P475-17

Attorney John R. Keilty, on behalf of 795 Jubilee Drive, LLC, 0 Fifth Street, re: Request to continue until October 26, 2017

Curt Bellavance, Director, Community Development Department, re: Site Plan Review for NE Hand Car Wash, 210 Andover Street

Curt Bellavance, Director, Community Development Department, re: Site Plan Review for Peterbuilt, LLC, 168-172 Washington Street

Curt Bellavance Director, Community Development Department, regarding Site Plan Review for #1 Roosevelt Avenue

Attorney Shelbee L. Hundley, Aggregate Industries, re: Special Permit; A Mom's Village, 635-637 Lowell Street

Attorney Athan Vontzalides, on behalf of Sanctuary Medicinals, Inc., 29 Newbury Street, re: Request letter of non-opposition

MassDevelopment re: Notice of Public Hearing; Brooksby Village, Inc.

Solomine Funeral Homes, 426 Broadway, Lynn, re: Veterans Memorial Service; November 4, 2017

Councillor David Gravel, re: Letter in support; Gallo Nero Pizzeria and Bistro, 89 Main Street, Entertainment License Amendment

Lamar Central Outdoor, LLC, 1 Rear Newbury Street, re: Amendment to Special Permit 2-2014

TAXI/LIMO/SINE DRIVER LICENSE:

Andrew Davies – License 31

Daniel Sirois – License 33

Richard Demeule – License 34

Michael Paciulli – License 35

James Kozik – License 36

Ryan Gilbert – License 37

Louis Anasoulis – License 38

USE OF THE WIGGIN AUDITORIUM:

Peabody Access TV (PAT) with Peabody Chamber and Salem Evening News – October 17, 2017