

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 9, 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.

P719-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of October 26, 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.

HEARINGS

A public hearing was duly held on the application from 795 Jubilee Drive, LLC, 795 Jubilee Drive, Peabody, MA. Attorney John Keilty; Mr. Samuel Gregorio, Senior Traffic Engineer; and Mr. Christopher Ryan, Site Engineer, appeared to speak on behalf of the application. Mr. Will Paulitz and Building Commissioner Talarico appeared to speak on behalf of the City. Ms. Tracy Peveri, 3 Technology Drive, Peabody, MA, and Mayor Edward A. Bettencourt, Jr., appeared to speak in favor. Mr. Tom Butler, 440 Jubilee Drive, Peabody, MA; Ms. Anne Quinn, 198 Lynnfield Street, Peabody, MA; Ms. Beth Prideaux, 540 Jubilee Drive, Peabody, MA; Ms. Georgann Lieb, 169 Pheasant Lane, Peabody, MA; Mr. Richard Gordon, 165 Pheasant Lane, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; and Mr. Fred Marzano, 420 Jubilee Drive, Peabody, MA, appeared to speak in opposition.

P720-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Keilty, 40 Lowell Street, regarding Traffic Impact and Access Study; 795 Jubilee Drive. (Unanimous)

P721-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Curt Bellavance, Director, Community Development Dept., regarding Site Plan Review for 795 Jubilee Drive, LLC. (Unanimous)

P722-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Tom Butler, 440 Jubilee Drive, regarding 795 Jubilee Drive. (Unanimous)

P723-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 4 from Beth Prideaux, 540 Jubilee Drive, regarding Photographs; 795 Jubilee Drive. (Unanimous)

P724-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 5 from Russell Donovan, 12 Quail Road, regarding Photograph; 795 Jubilee Drive. (Unanimous)

P725-17 COUNCILLOR TURCO – MOVE TO recess the public hearing on the application from 795 Jubilee Drive, LLC, 795 Jubilee Drive, Peabody, MA, until Thursday, December 14, 2017. (Unanimous)

P726-17 COUNCILLOR TURCO – MOVE THAT the Zoning Board of Appeals provide an opinion to the City Council before Thursday, December 14, 2017, as to whether the project at 795 Jubilee Drive violates the 100-foot setback requirement from a residential neighborhood under Section 6.6.5 (C) (1) and Section 7.5.1. (Unanimous)

P727-17 COUNCILLOR TURCO – MOVE TO request that the Community Development Department provide the City Council with the Zoning Board of Appeals minutes regarding the project at 795 Jubilee Drive before Thursday, December 14, 2017, and to further request any construction plans regarding access/egress, soil removal, blasting, rock crushing, hammering, and hours of operation. (Unanimous)

P728-17 COUNCILLOR TURCO – MOVE TO send Commissioner Talarico’s opinion regarding the Wetlands Conservancy District to the Conservation Commission and request an opinion as to whether the project at 795 Jubilee Drive will not have any impact on the Wetland Conservancy and is in fact part of the water mitigation. (Unanimous)

P729-17 COUNCILLOR TURCO – MOVE TO request that Mr. Will Paulitz, Public Services Department, document the information he shared with the City Council verbally on his calculations about water volume and rate percentages regarding 795 Jubilee Drive. (Unanimous)

The City Council reconvened the recessed Show Cause Hearing on Special Permit 2-2014, as originally issued to Total Outdoor Corp, 1R Newbury Street, Peabody, MA, and now being operated by Lamar Advertising Company. Attorney John Keilty and Mr. Michael Murphy appeared to speak on behalf of Lamar Advertising Company. Michael Smerczynski, City Solicitor, appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P730-17 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Building Commissioner impose a \$200 fine for violations of initiating the process of changing from a digital sign to a static sign without a Special Permit amendment, as it relates to Special Permit 2-2014, as issued to Total Outdoor Corp, 1R Newbury Street, Peabody, MA, and now being operated by Lamar Advertising Company. (Carried 8-1; Councillor Walsh opposed; Councillor Turco and Councillor Moutsoulas absent)

A presentation was duly held on the request by A Chara Development/Wellness Connection of MA, Inc., 0 Newbury Street, for a letter of non-opposition as a Registered Marijuana Dispensary. Attorney John Keilty, Attorney Terry Fracassa, Mr. Guy Glodis, and Mr. Rick Salvo appeared to speak regarding the request.

A presentation was duly held on the request by Sanctuary Medicinals, Inc., 29 Newbury Street, for a letter of non-opposition as a Registered Marijuana Dispensary. Mr. Jimmy Alex, Mr. Jason Sidman, and Mr. Mike Allen appeared to speak on behalf of the request.

A presentation was duly held on the request by Phytotherapy, Inc., 25 Newbury Street, for a letter of non-opposition as a Registered Marijuana Dispensary. Attorney James Smith, Mr. Alex Athanas, Ms. Penny Christopher, Dr. Pritesh Kumar, and Mr. Kenneth Gill appeared to speak on behalf of the request.

P731-17 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody to issue a letter of non-opposition to Wellness Connection of MA, Inc., for property at 0 Newbury Street, Peabody, MA, to operate a Registered Marijuana Dispensary in the City of Peabody. The Peabody City Council has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting. (Carried 9-0; Councillor Manning-Martin and Councillor Moutsoulas absent)

P732-17 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody to issue a letter of non-opposition to Sanctuary Medicinals, Inc., for property at 29 Newbury Street, Peabody, MA, to operate a Registered Marijuana Dispensary in the City of Peabody. The Peabody City Council has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting. (Carried 9-0, Councillor Manning-Martin and Councillor Moutsoulas absent)

P733-17 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody to issue a letter of non-opposition to Phytotherapy, Inc. for property at 25 Newbury Street, Peabody, MA, to operate a Registered Marijuana Dispensary in the City of Peabody. The Peabody City Council has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting. (Carried 9-0, Councillor Manning-Martin and Councillor Moutsoulas absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE **NOVEMBER 9, 2017**

P734-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – This evening the Legal Affairs Committee met and we had two items on the agenda. The first was adopting proposed civil fingerprinting ordinance. (Report received)

P735-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO approve and advertise the Civil Fingerprinting Ordinance. (Carried 8-0; Councillor Manning-Martin, Councillor Garabedian, and Councillor Moutsoulas absent)

P736-17 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – MOVE TO grant to Cy Tenney Residence, LLC, 194 Rear Newbury Street, a License to Enter/Work in Easement Area for property at 194 Rear Newbury Street. (Unanimous)

FINANCE COMMITTEE **NOVEMBER 9, 2017**

P737-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Last night we had a meeting of the Finance Committee of which I proudly chaired with my fellow councillors: Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Turco. All other councillors were present. We had several items on the agenda. The first item on the agenda was a discussion regarding a recent bill passed by the Senate, which gives cities and towns some flexibility to adjust property taxes for low-income seniors, military, and disabled residents. The results of that discussion were that we are referring this to a future meeting of the Finance Committee in 2018 where we will look at the current limitations, means testing, etc., and then come up with recommendations. Just a report of progress. Next was a discussion regarding the city's insurance coverages. This was an issue that had come up by motion of Councillor Manning-Martin as a direct result of the events that occurred at the city's water plant where our coverage liability for business interruption was limited at \$1 million. We were informed by the Director of Finance Mr. Gingras that the coverage had been increased to \$2 million in the revised premium and that an additional million dollars would be under consideration at some point in time at a relatively small cost. That was followed by a very enthusiastic discussion of the transfer of funds regarding the road improvement projects. (Report received)

P738-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of July 12, 2017:

FROM:	TO:
Chapter 90 Projects – FY 2018 \$1,253,068.00 250-35216	Road Improvement Projects \$1,253,068.00 250-4210-58134

(Carried 8-0; Councillor Manning-Martin, Councillor Garabedian, and Councillor Moutsoulas absent)

P739-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – As other business that evening we also discussed the movement of some money from the Community Preservation Act open space to the Community Preservation Act bikeway Independence Greenway Extension, specifically for a feasibility study, as well as the assistance in providing that extension in a phase 2/phase 3 mode. (Report received)

P740-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 16, 2017:

FROM:	TO:
Community Preservation Act \$116,385.00 Open Space 270-0000-33021	Community Preservation Act \$116,385.00 Bikeway Independence Greenway Extension 270-01811-58562-2018-0350

(Carried 8-0; Councillor Manning-Martin, Councillor Garabedian, and Councillor Moutsoulas absent)

P741-17 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Last, but not least, we were able to discuss limited, because we were told we had to get our meeting done on time, the issue of bonding to cover the debt for the municipal golf course as a way of reducing the cash outflow from the debt payments and we were given analysis on our desks, which we received, and we forwarded that to the next meeting of the Finance Committee, which you will be able to see on Thursday of next week. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P742-17 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repaint the crosswalk on the corner of Barry Street and Tremont Street. (Unanimous)

P743-17 COUNCILLOR GOULD (Co-motion with Councillor Sinewitz) – MOVE TO request that the Peabody Municipal Light Plant put a new LED streetlight on the empty pole at 2 Gates Road. (Unanimous)

P744-17 COUNCILLOR MCGINN (Co-motion with Councillor Gravel) – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request meeting with the Finance Committee regarding a judgment on a legal claim and to refer to the Finance Committee. (Unanimous)

P745-17 COUNCILLOR MCGINN (Co-motion with Councillor Gravel) – MOVE TO receive, under suspension of the rules, Item 8-F communication from Michael Gingras, Director of Finance, regarding Update on revenues, issues or red flags (Motion P679-17) and to refer to the Finance Committee. (Unanimous)

P746-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-E communication from Bardon Trimount, Inc., c/o Aggregate Industries, 55 Russell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P747-17 COUNCILLOR GOULD – MOVE TO receive and approve a communication (8-A) from American Cancer Society – Relay for Life, regarding Banner request for 2018, subject to all papers being in order. (Unanimous)

P748-17 COUNCILLOR GOULD – MOVE TO receive and approve a communication (8-B) from American Cancer Society – Relay for Life, regarding Banner request for 2018, subject to all papers being in order. (Unanimous)

P749-17 COUNCILLOR GOULD – MOVE TO receive a communication from Jennifer Davis, Director, Park, Recreation & Forestry, regarding Completed motion P527-17. (Unanimous)

P750-17 COUNCILLOR GOULD – MOVE TO receive a communication from Leona Kaplan, 304 Brooksby Village Drive, regarding Letter of thanks for appointment to the Council on Aging board. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P751-17 COUNCILLOR GOULD – MOVE TO receive and approve Taxi/Limousine Driver License - Jason Caddiola – License 45, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-B Jubilee Drive-both sides}

P752-17 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 19, Article IV, Parking of the Code of the City of Peabody; Section 19.90.4 Parking of trucks and commercial vehicles prohibited – Jubilee Drive, both sides, entire length be adopted as advertised and read. (Carried 8-0; Councillor Manning-Martin, Councillor Garabedian, and Councillor Moutsoulas absent)

P753-17 COUNCILLOR MCGINN - MOVE TO receive a late communication from Farm Avenue Two Lots, LLC, Trustee of Farm Avenue Two Lots Realty Trust, 27R Farm Avenue, and to set up a public hearing. (Unanimous)

P754-17 COUNCILLOR MCGINN – MOVE TO receive a late communication from Fourth Annual Colton Buckley 5K Road Race. (Unanimous)

P755-17 COUNCILLOR MCGINN – MOVE TO receive and approve a late communication from Special Olympics MA (SOMA) regarding Banner, subject to all papers being in order. (Unanimous)

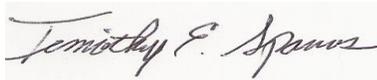
P756-17 COUNCILLOR MCGINN – MOVE TO receive a late communication from His Honor the Mayor regarding Administrative Consent Order; 143 Lynnfield Street. (Unanimous)

P757-17 COUNCILLOR MCGINN – MOVE TO receive a late communication from Joe Dasilva, Fire Alarm, regarding intersection of King Street/Endicott Street/Lowell Street-Motion P648-17. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 12:30 a.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 15, 2017
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 15, 2017

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Request meeting with the Finance Committee regarding a judgment on a legal claim

American Cancer Society – Relay for Life re: Banner request for 2018

American Cancer Society – Relay for Life re: Banner request for 2018

Jennifer Davis, Director, Park, Recreation & Forestry Department re: Completed motion P527-17

Leona Kaplan, 304 Brooksby Village Drive re: Letter of thanks for appointment to the Council on Aging board

Bardon Trimount, Inc. c/o Aggregate Industries, 55 Russell Street re: Special Permit application

Michael Gingras, Director of Finance re: Update on revenues, issues or red flags

TAXI/LIMOUSINE DRIVER LICENSE:

Jason Caddiola – License 45