

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**NOVEMBER 10, 2016**

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

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, Peter M. McGinn.

Salute to the American Flag.

P784-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of October 27, 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.

**HEARINGS**

A public hearing was duly held on the Special Permit/Special Event application from Salem Country Club, 133 Forest 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.

P785-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Fire Department regarding Special Permit application, Salem Country Club, 133 Forest Street. (Unanimous)

P786-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 2 from Councillor David Gravel regarding Special Permit application, Salem Country Club, 133 Forest Street. (Unanimous)

P787-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo – Salem Country Club. (Unanimous)

P788-16 COUNCILLOR GRAVEL - MOVE TO recess the public hearing on the Special Permit/Special Event application from Salem Country Club, 133 Forest Street, Peabody, MA, until Thursday, December 8, 2016. (Unanimous)

A public hearing was duly held on the Special Permit application from Grigor Qirjazi, 767 Lowell Street, Peabody, MA. Mr. Grigor Qirjazi appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P789-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-H communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo – Grigor Qirjazi. (Unanimous)

P790-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Grigor Qirjazi, 767 Lowell Street, Peabody, MA, for a Special Permit to operate a fast food restaurant, specifically pizza, salads, sandwiches, and other foods associated with fast food, at 139 Lynnfield 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. The plan must be reviewed and approved by the Health Department prior to the start of construction. The plan review application and food establishment application must be filed with the Health Department; and
2. Per the Fire Department recommendation, all commercial cooking devices are to conform to NFPA 96 for fire protection and ventilation control. Permit required through the Fire Prevention Department. (Carried 11-0)

P791-16 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the application from Peabody Auto Collision, 9B Rear Caller Street, Peabody, MA, until such time as the Building Commissioner receives a plot plan showing all designated parking spaces and an affidavit is submitted stating that no junk cars or long-term storage of cars will be on the property. (Unanimous)

A public hearing was duly held on the application from Clifton Cache, 58 Pulaski Street, Peabody, MA. Mr. Mark Pelletier appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P792-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-G communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo – Clifton Cache. (Unanimous)

P793-16 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Clifton Cache, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License at said 58 Pulaski Street, Peabody, MA, with the following condition and subject to all papers being in order:

**CONDITION:**

1. Implement policies and procedures with respect to the receipt and sale of merchandise to ensure no nuisance conditions are created.

(Carried 11-0)

A public hearing was duly held on the application from J. Martin Furnishings, 58 Pulaski Street, Peabody, MA. Ms. Joanna Martin appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P794-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-I communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo – J. Martin Furnishings. (Unanimous)

P795-16 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from J. Martin Furnishings, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License at said 58 Pulaski Street, Peabody, MA, with the following condition and subject to all papers being in order:

**CONDITION:**

1. Implement policies and procedures with respect to the receipt and sale of merchandise to ensure no nuisance conditions are created.

(Carried 11-0)

A public hearing was duly held on the application from Top's Churrascaria, Inc., d/b/a Oliveira's Steak House, 72-74 Walnut Street, Peabody, 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.

P796-16 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Top's Churrascaria, Inc., d/b/a Oliveira's Steak House, 72-74 Walnut Street, Peabody, MA, to amend their Entertainment License to allow for live entertainment, specifically karaoke, DJ, and live music, to be performed Thursday through Sunday for private parties and social entertainment at said 72-74 Walnut Street, Peabody, MA, with the following conditions and subject to all papers being in order:

**CONDITIONS:**

1. The hours of live entertainment will be 8:00 p.m. to 11:00 p.m. from Thursday through Saturday;
2. There is a maximum event size of 200 people; and
3. The Fire Department will approve the occupancy permit.

(Carried 11-0)

**REPORTS OF COMMITTEE****AD HOC COMMITTEE MUNICIPAL GOLF COURSE/SKATING RINK  
NOVEMBER 10, 2016**

P797-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – Tonight the Ad Hoc Committee on Golf Course met and in attendance was Councillor Saslaw, Councillor Turco, and myself. There was much discussion. Thanks to Mr. Peter Cronan we have a pretty good snapshot of where we are as a municipal golf course and the revenue that we bring in. There was a comparison to other area golf courses and what kind of revenue they bring in. There were three or four motions that came from discussion. (Report received)

P798-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with information on the golf card program. (Unanimous)

P799-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan research surrounding golf courses (Gannon, Sagamore, Beverly Golf & Tennis) and any other relevant golf courses, for the types of memberships that are offered, such as junior memberships. (Unanimous)

P800-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with the current greens fees and cart fees from competing golf courses. (Unanimous)

P801-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan submit a recommendation to the City Council on how to increase income at the golf course by \$75,000 to \$140,000. (Unanimous)

P802-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan conduct a survey of other cities that have municipal courses regarding whether or not they offer liquor licenses and, if so, whether they hire a third party to manage that liquor license. (Unanimous)

**COMMITTEE OF THE WHOLE  
NOVEMBER 10, 2016**

P803-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole – This evening we also had a meeting of the Committee of the Whole. We had one item on the agenda. All councillors were present. We had a presentation from the Peabody Main Streets group, provided by Karen Sawyer Conard and Deanne Healey from the Chamber of Commerce. They were here this evening in their capacity as members of the Main Streets organization. They provided an aerial video of the downtown, which was graciously produced by GraVoc Associates, showing the significant enhancements that have been made as a result of the completion of the MassWorks project. They also provided a presentation outlining the objectives and accomplishments of the Main Streets group. A number of councillors commented on the presentation and the video mentioning that the changes in the downtown have been quite noticeable and that there is a level of excitement that is sensed. Words were used such as "momentum" and that people are, in fact, noticing the efforts of these changes in the downtown that have been driven -- some in large ways and some in small ways -- by the Main Streets group. A number of councillors expressed their thanks and gratitude for those that are involved with this organization. There were no motions. This is a report of progress. The group typically provides updates to the Committee of the Whole twice a year and this was the second update. (Report received)

**MOTIONS, ORDERS AND RESOLUTIONS**

P804-16 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department replace the "heavy truck exclusions" signs on Tremont Street that are missing. (Unanimous)

P805-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department place a sand barrel at the corner of Harrison Avenue at the end of Jackson Avenue. (Unanimous)

P806-16 COUNCILLOR SINEWITZ – MOVE TO request that Peabody Access Television televise all future subcommittee meetings. (Unanimous)

P807-16 COUNCILLOR SINEWITZ – MOVE TO request that the City Clerk provide a list of the number of yard sale permits that have been requested for the property at 720 Lowell Street. (Unanimous)

P808-16 COUNCILLOR WALSH – MOVE TO request that the Building Department travel around the city and remove any freestanding advertising signs that are on public property. (Unanimous)

(COUNCILLOR MANNING-MARTIN INVITED MEMBERS OF THE PUBLIC AND THE CITY COUNCIL TO ATTEND THE THIRD ANNUAL COLTON BUCKLEY 5K ROAD RACE ON SUNDAY, NOVEMBER 13TH AT 10:00)

P809-16 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-D communication from Representative Thomas P. Walsh, State House, Boston, MA, regarding Speed limit control legislation and to refer to the City Solicitor requesting a response in an expeditious manner. (Unanimous)

P810-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-C communication from Audrey Gordon & Rich Reed, 17 Pine Street, regarding 190-194 Newbury Street and to refer to the Building Commissioner. (Unanimous)

P811-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication from Normandy Peabody Acquisition, LLC, 1 Technology Drive, regarding Special Permit application and to set up a public hearing. (Unanimous)

P812-16 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair the sidewalk at 18 Diane Road. (Unanimous)

P813-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds regarding Tillie's Farm - \$140,000.00 and to refer to the Finance Committee. (Unanimous)

P814-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds regarding establishing a new Building Department - \$291,000.00 and to refer to the Finance Committee. (Unanimous)

P815-16 COUNCILLOR GRAVEL – MOVE TO request that the Community Development Department provide the City Council with a status update on the deteriorating Wiggin Auditorium. (Unanimous)

P816-16 COUNCILLOR GOULD (Co-motion with Councillor Saslaw) – MOVE TO request that the Parks, Recreation & Forestry Department trim the area of the bike path, which is behind 11 Clark Road. (Unanimous)

P817-16 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Parks, Recreation & Forestry Department remove a tree at 46 Highland Park. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P818-16 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Massachusetts Lottery Commission regarding Keno License application. (Unanimous)

P819-16 COUNCILLOR WALSH – MOVE TO receive and approve a communication from North Shore Medical Center, 81 Highland Avenue, Salem, regarding Banner, subject to all papers being in order. (Unanimous)

P820-16 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo – Peabody Auto Collision and to refer to the public hearing. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

None.

**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, NOVEMBER 16, 2016  
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 16, 2016



ATTEST

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(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds regarding Tillies Farm - \$140,000.00

His Honor the Mayor re: Transfer of funds regarding establishing a new Building Department - \$291,000.00

Massachusetts Lottery Commission re: Keno License application

North Shore Medical Center, 81 Highland Avenue, Salem re: Banner

Audrey Gordon & Rich Reed, 17 Pine Street re: 190-194 Newbury Street

Representative Thomas P. Walsh, State House, Boston, MA re: Speed limit control legislation

Normandy Peabody Acquisition, LLC, 1 Technology Drive re: Special Permit application

Sharon Cameron, Director, Human Services Department re: Special Permit memo – Salem Country Club

Sharon Cameron, Director, Human Services Department re: Special Permit memo –Clifton Cache

Sharon Cameron, Director, Human Services Department re: Special Permit memo –Grigor Qirjazi

Sharon Cameron, Director, Human Services Department re: Special Permit memo – J. Martin Furnishings

Sharon Cameron, Director, Human Services Department re: Special Permit memo – Peabody Auto Collision