

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 14, 2019

PRESENT COUNCILLORS: MOUTSOULAS, MELVILLE, O'NEILL, MCGINN, ROSSIGNOLL, MANNING-MARTIN, CHAREST, GOULD, AND TURCO

ABSENT COUNCILLORS: SASLAW AND GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Jon G. Turco.

Salute to the American Flag.

P755-19 COUNCILLOR GOULD – MOVE TO receive and approve the revised minutes from the regular meeting of October 24, 2019. (Unanimous)

COUNCILLOR TURCO – 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.

P756-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Timothy E. Spanos, City Clerk, regarding Letter of Retirement. (Unanimous)

P757-19 COUNCILLOR ROSSIGNOLL – MOVE TO accept and read into the record the letter of retirement from City Clerk, Timothy E. Spanos, accepting his resignation effective January 30, 2020. (Unanimous)

P758-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Timothy E. Spanos, City Clerk, regarding Recommendation of nomination for new city clerk. (Unanimous)

P759-19 COUNCILLOR ROSSIGNOLL – MOVE TO accept and read into the record the recommendation of nomination for new city clerk. (Unanimous)

P760-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 2 from Councillor David Gravel regarding nomination of new city clerk. (Unanimous)

P761-19 COUNCILLOR ROSSIGNOLL – MOVE TO open nominations for the appointment of a new City Clerk. (Unanimous)

P762-19 COUNCILLOR MANNING-MARTIN – MOVE TO nominate Allyson M. Danforth, 16 Wentworth Drive, Beverly, MA, as City Clerk of the City of Peabody to fill the unexpired term of Timothy E. Spanos, effective January 31, 2020, for a term to expire on December 31, 2020.
[COUNCILLOR MANNING-MARTIN – Closed nominations] {On a roll-call vote of 9-0, Allyson M. Danforth was elected as City Clerk of the City of Peabody}

HEARINGS

A public hearing was duly held on the application filed by Claiton Cruz, 58 Walnut Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P763-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-I communication from Sharon Cameron, Director of Health, regarding Application for special permit 58 Walnut St. – Office and shop of a contractor. (Unanimous)

P764-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-J communication from Albert Talarico, Building Commissioner, regarding Motion – P715-19 / 58 Walnut Street recommendations. (Unanimous)

P765-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Claiton Cruz, 58 Walnut Street, Peabody, MA, for a Special Permit seeking use of the premises as an office and shop for a contractor specializing in the design, construction, and installation of countertops without outdoor storage at 58 Walnut 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. Per the Health Department, applicant must develop plan to prevent and mitigate nuisance conditions (such as dust, odor, or noise) associated with the operation;
2. Per the Health Department, applicant must develop plan to prevent and mitigate sources of air pollution associated with the operation. Ventilation systems must be designed to protect worker health and safety and to prevent escape of particulate to the outdoor environment;
3. Per the Health Department, applicant must develop plan to prevent and mitigate discharge of particulate matter to sanitary sewer line. Appropriate traps or other plumbing infrastructure must be designed and maintained in a manner to prevent blocking of sewer lines;
4. Per the Building Department, installation of an MDC floor Interceptor (oil/gas);
5. Per the Building Department, installation of a cross-connection device for all potable water stations; and
6. Per the Building Department, submittal of a professionally designed plan for the Wet Saw recycling system. This plan will show details for the water/dirt trough, the edging, the floor (having a minimum 2% pitch to the collection area), and the size/capacity of the pump and collection tanks.

(Carried 9-0; Councillor Saslaw and Councillor Gravel absent)

A public hearing was duly held on the application filed by Christine Lander, 76 Glenway Avenue, Peabody, MA. Ms. Christine Lander appeared to speak on behalf of the application. Ms. Cheryl English, 19 Manomet Road, Peabody, MA; and Ms. Donna Saxonis, 215 Edgemere Road, Lynnfield, MA, appeared to speak in favor. No one appeared to speak in opposition.

P766-19 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from Thomas J. Paras, Trustee, Public Warehouse Trust, 106 Lynn Street, regarding Bombshell Boutique Salon, 101A Lynn Street. (Unanimous)

P767-19 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Christine Lander, 76 Glenway Avenue, Peabody, MA, for a Special Permit seeking to allow for a hair salon at 99 Lynn Street (also known and numbered as 101 Lynn 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 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. That up to four (4) chairs only will be usable by an active hairdresser at any one time.

(Carried 9-0; Councillor Saslaw and Councillor Gravel absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

(COUNCILLOR GOULD: "I'd like to acknowledge that Councillor-Elect Craig Welton is in the house.")

P768-19 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-G communication from MEC Peabody Associates Limited Partnership, 635 Lowell Street, regarding Special Permit application (Peabody West Little League) and set up a public hearing. (Unanimous)

P769-19 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 9-F Petition – Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Petition #18-143 for the relocation of a joint-owned pole on Winona Street and set up a public hearing. (Unanimous)

(COUNCILLOR O'NEILL: "I want to take a moment to thank the City Clerk's office and the poll workers for their work on election day and a special recognition to Tim Spanos, who selflessly postponed his own retirement due to the new voting machines and everything worked well; so thank you.")

P770-19 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request to appear before the City Council on November 21, 2019, regarding Update on the progress of the Peabody Children's Museum. (Unanimous)

P771-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Letter in support of Peabody Retirement Board's submission regarding Increase in COLA rate from \$12,000.00 to \$13,000.00 and refer to the Finance Committee. (Unanimous)

P772-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from Massachusetts School Building Authority regarding Invitation to partner with City of Peabody to conduct Feasibility Study for Welch School. (Unanimous)

P773-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from James W. Freeman, Peabody Retirement Board Pension Administrator regarding Increase in Cost of Living Adjustment (COLA) Base to \$13,000 for Retirees as Permitted by Section 19 of Chapter 188 of the Acts of 2010 and refer to the Finance Committee. (Unanimous)

P774-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from McDonald's Corporation, 133 Main Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P775-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Robert Labossiere, Dir., Public Services, regarding Council Motion P743-19. (Unanimous)

P776-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-H communication from Capone's Restaurant c/o Christopher Pescione GM, 147 Summit Street (4), regarding Special Permit application and set up a public hearing. (Unanimous)

P777-19 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-K communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; Legal Recovery Group, LLC, d/b/a Legal Recovery Group and d/b/a Law Office of J.A. Cambece, subject to all papers being in order. (Unanimous)

P778-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-L communication from Planning Board regarding Boulderwood Subdivision Lots 86 & 87 Releases. (Unanimous)

P779-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Paul Stedman, District Highway Director, MassDOT, regarding Peabody Danvers – Bridge Replacement. (Unanimous)

(COUNCILLOR CHAREST: "Per the Director of Public Services, any resident with issues or concerns regarding snow removal can call 978-536-7109, which is the dispatch number.")

P780-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 9-D Entertainment License – Amigo’s Mexican Kitchen & Tequila Bar, 210 Andover Street, and set up a public hearing. (Unanimous)

P781-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 9-C Class 2 Motor Vehicle License (Transfer) Jason Comeau – 258 Newbury Street, and set up a public hearing. (Unanimous)

P782-19 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 9-A Taxi Driver License – Jaime Mejia – License 40, subject to all papers being in order. (Unanimous)

P783-19 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 9-B Taxicab License (Transfer) Tri City – License 7, subject to all papers being in order. (Unanimous)

P784-19 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the following Item 9-E Utility Contractor’s License, subject to all papers being in order:

WAM General Contractors, Inc., 363 Cabot Street, Beverly
JBC Utility, LLC, 38 Bow Center Road, Bow, NH

(Unanimous)

P785-19 COUNCILLOR TURCO – MOVE TO request that the Public Services Department install either a "Not a throughway" or "Dead end" sign at the end of Longview Way and Lynn Street. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 19, 2019
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 19, 2019

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Request to appear before the City Council on November 21, 2019, re: Update on the progress of the Peabody Children's Museum

His Honor the Mayor re: Letter in support of Peabody Retirement Board's submission re: Increase in COLA rate from \$12,000.00 to \$13,000.00

His Honor the Mayor re: Massachusetts School Building Authority re: Invitation to partner with City of Peabody to conduct Feasibility Study for Welch School

Robert Labossiere, Dir., Public Services, re: Council Motion P743-19

James W. Freeman, Peabody Retirement Board Pension Administrator

re: Increase in Cost of Living Adjustment (COLA) Base to \$13,000 for Retirees as Permitted by Section 19 of Chapter 188 of the Acts of 2010

Paul Stedman, District Highway Director, MassDOT re: Peabody Danvers – Bridge Replacement

McDonald's Corporation, 133 Main Street, re: Special Permit application

Timothy E. Spanos, City Clerk, re: Letter of Resignation

Timothy E. Spanos, City Clerk, re: Recommendation of nomination for new city clerk

MEC Peabody Associates Limited Partnership, 635 Lowell Street, re: Special Permit application (Peabody West Little League)

Capone's Restaurant c/o Christopher Pescione GM, 147 Summit Street (4), re: Special Permit application

Sharon Cameron, Director of Health, re: Application for special permit, 58 Walnut Street – Office and shop of a contractor

Albert Talarico, Building Commissioner, re: Motion – P715-18 / 58 Walnut Street recommendations

Albert Talarico, Building Commissioner, re: Transfer of Special Permit 4-1981; Legal Recovery Group, LLC, d/b/a Legal Recovery Group and d/b/a Law Office of J.A. Cambece

Planning Board re: Boulderwood Subdivision Lots 86 & 87 Releases

TAXI DRIVER LICENSE:

Jaime Mejia – License 40

TAXICAB LICENSE: (Transfer)

Tri City- License 7

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Jason Comeau – 258 Newbury Street

ENTERTAINMENT LICENSE:

Amigo's Mexican Kitchen & Tequila Bar, 210 Andover Street

UTILITY CONTRACTOR'S LICENSE:

WAM General Contractors, Inc., 363 Cabot Street, Beverly

JBC Utility, LLC, 38 Bow Center Road, Bow, NH

PETITION:

Peabody Municipal Light Plant, 201 Warren Street Extension, re: Petition #18-143 for the relocation of a joint-owned pole on Winona Street