

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 11, 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.

P99-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 28, 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

P100-16 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appointments. (Unanimous)

(MAYOR BETTENCOURT AND MS. BETH BRENNAN O'DONNELL APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING THE APPOINTMENT OF BETH BRENNAN O'DONNELL.)

P101-16 COUNCILLOR GOULD – MOVE TO approve the appointment of Beth Brennan O'Donnell, Esq., 12 Ethel Avenue, Peabody, MA, as the Director of Human Resources for a one-year term to expire 12/31/2016. (Carried 10-0; Councillor Gravel absent)

(MAYOR BETTENCOURT AND MS. DEBORAH A. BAGLIO APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING THE APPOINTMENT OF DEBORAH A. BAGLIO.)

P102-16 COUNCILLOR GOULD – MOVE TO approve the appointment of Deborah A. Baglio, Esq., 5 Gaywood Circle, Peabody, MA, to the Licensing Board (Regular Position) for a six-year term to expire the 1st Monday of June, 2021. (Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the Special Permit application from Shree Sairam Corp., 18 Johnson Avenue, Peabody, MA. Attorney John Keilty and Mr. Jayeshkumar Patel appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P103-16 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the application from Shree Sairam Corp., 18 Johnson Avenue, Peabody, MA for a Special Permit requesting to amend Special Permit 7-2011 by adding the sale of packaged alcoholic beverages, beer & wine, at 672 Lowell Street, Peabody, MA be approved as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance, 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) Hours for the sale of packaged alcoholic beverages are limited to Monday through Saturday, 9:00 a.m. to 10:00 p.m.; and Sunday, 10:00 a.m. to 8:00 p.m.

(Carried 10-0; Councillor Gravel absent)

(MR. DEAN OLIVER AND MS. SHARON CAMERON, DIRECTOR OF HUMAN SERVICES, APPEARED TO SPEAK REGARDING ITEM 4-B REVIEW OF SPECIAL PERMIT TRANSFER REQUEST; PERFECT HIT VAPORS, 649 LOWELL STREET.)

P104-16 COUNCILLOR SINEWITZ – MOVE TO approve the Special Permit transfer – Perfect Hit Vapors, 649 Lowell Street, subject to the following conditions, and subject to all papers being in order:

1. No drug paraphernalia on site; and
2. A notice shall be posted on site stating no one under the age of 21 years old are allowed in the premises

(Carried 10-0; Councillor Gravel absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE FEBRUARY 11, 2016

P105-16 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee – Tonight the Legal Affairs Committee met. Members present were Councillor Garabedian, Councillor Moutsoulas, Councillor Turco, and sitting in for Councillor Gravel was Councillor Manning-Martin. Also in attendance were Councillor Charest and Councillor Gould. We had one item in front of us tonight and that was the acceptance of Essex Green Drive as a public way. (Report received)

P106-16 COUNCILLOR WALSH – Reporting for the Legal Affairs Committee - MOVE THAT the City of Peabody accept Essex Green Drive as a public way in accordance with Chapter 82, Section 11, and further request the acceptance and the physical description of Essex Green Drive be submitted to the Massachusetts Highway Department to be added to the Massachusetts Highway Department roadway inventory to be eligible for Chapter 90 funding. (Carried 10-0: Councillor Gravel absent)

MOTIONS, ORDERS AND RESOLUTIONS

P107-16 COUNCILLOR MOUTSOULAS – MOVE TO request a handicapped sign for 9 Oakland Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

P108-16 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department repair the "Stop" sign at the corner of Tremont Street and Central Street that was hit by a vehicle during a recent snowstorm. (Unanimous)

P109-16 COUNCILLOR WALSH – MOVE TO request that the Community Development Department provide the City Council with an update as to the most current occupancy rates at Centennial Park. (Unanimous)

P110-16 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Charest) – MOVE TO receive, under suspension of the rules, Item 8-B communication from Edward Wall, 203 Brooksby Village Drive, regarding Farnham Park fence and to refer to the Parks, Recreation & Forestry Department. (Unanimous)

P111-16 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Community Development Department provide the City Council with an updated Zoning Map, which includes all the current changes to our zoning, and specifically the color coded map to indicate the R-1 area. (Unanimous)

P112-16 COUNCILLOR SASLAW - MOVE TO request that the Public Services Department survey Trask Road and fill in any and all potholes. (Unanimous)

P113-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from 535 Lowell Street Peabody, LLC, 535 Lowell Street, regarding Site Plan application. (Unanimous)

{Item 10-A – 21 Batchelder Avenue}

P114-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 Parking Prohibited – Handicap Zone of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Gravel absent)

P115-16 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 9-B communication – Special Event Application – Peabody Downtown Action Team regarding Antique car show & craft fair on Sunday, June 12, 2016, subject to applicant compliance with all conditions documented prior to the event by the Police Department, Fire Department, Health Department, Department of Public Services, Community Development Department and other City Departments and subject to applicant participation in one or more planning meetings as scheduled by the Community Development Department. (Unanimous)

P116-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-C communication from David Terenzoni, Acting Director, Public Services Department, regarding Completed motion P953-15. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P117-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Draft FY-2017 budget proposal for the Essex North Shore Agricultural and Technical School District and to refer to the Committee of the Whole. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P118-16 COUNCILLOR WALSH – MOVE TO receive a communication from Deanne Healey, Executive Director, Peabody Chamber of Commerce, regarding Peabody Downtown Action Team request for meeting with City Council on February 25th. (Unanimous)

P119-16 COUNCILLOR WALSH – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Notice of taking by Eminent Domain; 2 Washington Street. (Unanimous)

P120-16 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive items 8-F and 8-G, Special Permit applications from Onyx Renewable Partners, 126 E 56th Street, New York, NY with regards to properties at 201 Warren Street Extension, Map 63, Parcel 95 and 0 Old County Road, Map 52, Parcel 89, and to not schedule a public hearing until the following items are submitted to the City Council for review:

- 1) A copy of the lease agreement
- 2) A copy of the RFP
- 3) Information regarding who is benefitting from this project, how much, and what are the fee agreements. (Carried 10-0, 1 absent)

P121-16 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding Special State Election Warrant, March 1, 2016. (Unanimous)

P122-16 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding Presidential Primary Warrant, March 1, 2016. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P123-16 COUNCILLOR SASLAW – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Institute Library on Monday, April 25, 2016. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:25 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 19, 2016

RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 19, 2016

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appointments of Beth Brennan O'Donnell, 12 Ethel Avenue, Peabody, as Director of Human Resources; and Attorney Deborah A. Baglio, 5 Gaywood Circle, Peabody, to the Licensing Board

His Honor the Mayor re: Draft FY-2017 budget proposal for the Essex North Shore Agricultural and Technical School District

Deanne Healey, Executive Director, Peabody Chamber of Commerce re: Peabody Downtown Action Team request for meeting with City Council on February 25th

Edward Wall, 103 Brooksby Village Drive re: Farnham park fence

David Terenzoni, Acting Director, Public Services Department re: Completed motion P953-15

535 Lowell Street Peabody, LLC, 535 Lowell Street re: Site Plan application

Attorney Michael Smerczynski, City Solicitor re: Notice of taking by Eminent Domain; 2 Washington Street

Onyx Renewable Partners for 201 Warren Street Extension re: Special permit application

Onyx Renewable Partners for 0 Old County Road re: Special permit application

Timothy E. Spanos, City Clerk re: Special State Election Warrant, March 1, 2016

Timothy E. Spanos, City Clerk re: Presidential Primary Warrant, March 1, 2016

USE OF THE WIGGIN AUDITORIUM:

Peabody Institute Library on Monday, April 25, 2016

SPECIAL EVENT APPLICATION:

Peabody Downtown Action Team re: Antique car show & craft fair on Sunday, June 12, 2016