

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 9, 2014

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

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Robert E. Driscoll.

Salute to the American Flag.

01-14 COUNCILLOR GRAVEL - MOVE TO receive and approve the minutes from the last regular meeting of December 12, 2013. (Unanimous)

COUNCILLOR DRISCOLL - 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 Perfect Dental Management, LLC, d/b/a Perfect Dental, 85 Franklin Street, Needham, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. Jeff Boehning, Linear Retail Property. No one appeared to speak in favor. No one appeared to speak in opposition.

02-14 COUNCILLOR MCGINN - BE IT ORDERED by the City Council of the City of Peabody that the application from Perfect Dental Management, LLC, d/b/a Perfect Dental, 85 Franklin Street, Needham, MA, for a Special Permit to use a portion of the premises as a dental practice/office at 79 Lynnfield Street, Peabody, MA, as filed in accordance with Sections 4.2.5 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons:

REASON: Owing to the fact that the use as approved 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 11-0)

A public hearing was duly held on the application from Lamar Outdoor Advertising, 360 Warren Avenue, East Providence, RI. Appearing to speak on behalf of the application was Attorney David Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

03-14 COUNCILLOR OSBORNE - MOVE TO recess the public hearing on the application from Lamar Outdoor Advertising, 360 Warren Avenue, East Providence, RI, until the next City Council meeting on Thursday, January 23, 2014. (Unanimous)

A public hearing was duly held on the application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

04-14 COUNCILLOR SASLAW - BE IT ORDERED by the City Council of the City of Peabody that the application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA, for a Special Permit to construct a billboard sign on premises located at 1 Rear Newbury Street, Peabody, MA, as filed in accordance with Sections 4.1, 11.6 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

REASON: Owing to the fact that the use as approved 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 height restriction of 60 feet per the Zoning Ordinance be adhered to; and
2. The outstanding real estate taxes be paid in full within 60 days of approval of the Special Permit.
(Carried 11-0)

A public hearing was duly held on the application from Nikolay Polinovsky, 995 Mass. Avenue, Cambridge, MA. Appearing to speak on behalf of the application was Attorney John Mihos. No one appeared to speak in favor. No one appeared to speak in opposition.

05-14 COUNCILLOR MCGINN - MOVE TO recess the public hearing on the application from Nikolay Polinovsky, 995 Mass. Avenue, Cambridge, MA, until the next City Council meeting on Thursday, January 23, 2014.
(Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

06-14 COUNCILLOR MANNING-MARTIN (Co-motion with Councillors Moutsoulas and McGinn) - MOVE TO request that the Board of Registrars review the voting precincts, which are inconvenient, for seniors residing in housing at the Central Street area, Wilson Terrace, the 75 Central Street, and Eastman Park. (Unanimous)

07-14 COUCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Bond anticipation notes held on December 12, 2013; TO refer to the Finance Committee; and TO request that the Finance Director attend the next Finance Committee meeting. (Unanimous)

08-14 COUNCILLOR GOULD (Co-motion with Councillor Driscoll) - MOVE TO request that Mass DOT District 4 provide a study for the need of a traffic light or flashing light at Route 114 and Mount Pleasant Street.
(Unanimous)

09-14 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Police Department monitor the handicapped parking that has been made available at 5 Evans Road. There appears to be some discrepancy as to who and what cars can park there. (Unanimous)

10-14 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Police Department monitor the parking of commercial vehicles overnight in the area of 5 Evans Road. (Unanimous)

11-14 COUNCILLOR WALSH - MOVE TO request that the following be referred to the Municipal Safety Committee: A request that the City of Peabody contract with an independent traffic engineering firm to conduct a comprehensive traffic study of our main streets and major intersections with recommendations to follow. The scope of the work shall include an emphasis on improved traffic flow, pedestrian safety, as well as a review of the "No turn on red," restrictions. The departments to be included would be the Peabody Police Department traffic Division, Public Services Department, Community Development Department, as well from the Mass. Department of Transportation. (Unanimous)

12-14 COUNCILLOR WALSH (Co-motion with Councillor Osborne) - MOVE, under an emergency preamble, that a dangerous condition exists affecting the health, safety and welfare of residents of the City of Peabody in the vicinity of Corwin Street, Therefore move to request that the Department of Public Services place jersey barriers or a similar type barrier along Corwin Street at Craig's Pond until final resolution is agreed upon as to who is responsible for placing the barriers there. (Preamble carried 11-0) (Motion carried 11-0)

13-14 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from West Congregational Church, 27 Johnson Street, regarding Banner request: 4/15 thru 5/14; Lowell Street @ John Street. (Unanimous)

14-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department investigate for the placement of a streetlight on a pole directly between 107 and 109 Birch Street. (Unanimous)

15-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department investigate the manhole covers on Peterson Road to see if there's a way they can build a lip around these to prevent further damage on the plows. During the last storm the plows were incurring damage to their trucks because the storm drains are elevated. (Unanimous)

16-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department update the City Council on the status of the push light at St. Adelaide's Church. (Unanimous)

17-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Mass Outdoor Advertising Board regarding Electronic billboard hearing for 200 Jubilee Drive; and to request that the Community Development Department provide the City Council with a map showing the location of where every single existing billboard is and also showing the locations of where all the billboards we've approved will be, so we have an idea of what we're doing. (Unanimous)

18-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Relay for Life Peabody regarding Banner requests: 4/15 thru 5/9, Lowell Street @ City Hall; 5/12 thru 6/9, Lowell Street @ High School, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

19-14 COUNCILLOR WALSH – MOVE TO receive from His Honor the Mayor the appointment of Brian Barrett to the Board of Assessors. (Unanimous)

20-14 COUNCILLOR WALSH - MOVE TO approve the appointment of Brian Barrett, 53 Emerson Avenue, Peabody, MA, to the Board of Assessors (Regular Position) for a three-year term (Unexpired term of Robert Noone) to expire 09/06/2014. (Carried 11-0)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

21-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Elaine Espindle, Dracut, MA, regarding Letter of thanks to City Council. (Unanimous)

22-14 COUNCILLOR MCGINN – MOVE TO receive a communication from Julie Rydzewski, Business Liaison, regarding Peabody Downtown Association/snow removal. (Unanimous)

23-14 COUNCILLOR MCGINN – MOVE TO receive a communication from Karen Sawyer, Director, Community Development and Planning, regarding Special Permit memo, 158-160 Main Street. (Unanimous)

24-14 COUNCILLOR OSBORNE – MOVE TO receive a communication from Chief Robert St. Pierre, Police Department, regarding Letters of thanks from various individuals/businesses and to send a letter to Chief St. Pierre thanking him for his letter and to request that he continue providing the City Council with that information as it's very much appreciated. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

25-14 COUNCILLOR GOULD – MOVE TO receive and approve use of the Wiggin Auditorium – Peabody Education Foundation, May 1, 2014, regarding George Peabody Legacy Awards, subject to all papers being in order. (Unanimous)

26-14 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following Class 2 Motor Vehicle Driver License (Renewal for 2014), subject to all papers being in order:

American Auto Export, 9 Main Street
 DC Trust LLC, 134R Newbury Street
 D & R Auto Sales and Repair, 100 Birney Street
 JRM Auto Sales, 80 Newbury Street

King Motors, Inc., 1 Rear Newbury Street
Motor Worx, 258 Newbury Street
Russ' Used Cars, 20 Wallis Street
Walnut Street Auto Sales Corp., 55-57 Walnut Street
(Unanimous)

27-14 COUNCILLOR GARABEDIAN – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2014) Gurrisi Brothers Auto & Truck Sales & Salvage, 0 Corwin Street, subject to all papers being in order.
(Unanimous)

28-14 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following General Licenses (Renewal for 2014), subject to all papers being in order:

Innholder License - Extended Stay America #9666, 200 Jubilee Drive
Homewood Suites by Hilton, 57 Newbury Street
Limousine License – Fox Run Limousine, 484 Lowell Street
(Unanimous)

29-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Entertainment License (Renewal for 2014), subject to all papers being in order:

Brothers Kouzina, 25 Newbury Street
Buddha's Tavern, 144-146 Washington Street
Century House of Peabody, Inc., 235 Andover Street
Joe's American Bar & Grill, 210 Andover Street
Legal Sea Foods LLC, 210 Andover Street
Outback Steakhouse, 300 Andover Street
P.F. Chang's China Bistro, 210 Andover Street
Reds Kitchen & Tavern, 131 Newbury Street
Royal Garden, 126 Newbury Street
Trackside Bar & Grill LLC, 30 Warren Street
Salem Country Club, 133 Forest Street
Seawitch Restaurant, 203 Newbury Street
(Unanimous)

30-14 COUNCILLOR OSBORNE – MOVE TO approve the Entertainment License renewal application from Vignali Corporation d/b/a Stonewood Tavern, 139 Lynnfield Street, Peabody, MA for a period of 60 days subject to Stonewood Tavern submitting an amended application for Entertainment which will be received by the City Council and scheduled for public hearing. Upon receipt of the amended application, the application for renewal will be placed on the City Council's February 13th agenda for consideration.

AMENDMENT BY COUNCILLOR MANNING-MARTIN – MOVE TO amend the motion to approve said renewal for a period of 30 days subject to Stonewood Tavern submitting an amended application for Entertainment which will be received by the City Council and scheduled for public hearing. Upon receipt of the amended application, the application for renewal will be placed on the City Council's February 13th agenda for consideration. (The application for amendment of the Entertainment License must be submitted to the City Clerk no later than February 6, 2014) (Carried 11-0)

31-14 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Daniel Neary – License 125
Juan Peguero – License 126
(Unanimous)

32-14 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxicab License (Transfer), subject to all papers being in order:

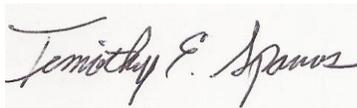
Tri City Services – License #8
 North Shore Taxi, Inc. – License 13, 24 & 30
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A – Increase taxicab licenses from 30 to 45}
 33-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 30-38 of the Peabody City Code Entitled Restriction on Number of the Code of the City of Peabody be adopted as advertised and read. [Increase from 30 to 45 taxi cabs] (Carried 11-0)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 14, 2014
 RETURNED BY HIS HONOR THE MAYOR, JANUARY 14, 2014



ATTEST
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Mass Outdoor Advertising Board re: Electronic billboard hearing for 200 Jubilee Drive
 Elaine Espindle, Dracut, MA re: Letter of thanks to City Council
 Julie Rydzewski, Business Liaison re: Peabody Downtown Association/snow removal
 Karen Sawyer, Director, Community Development and Planning re: Special permit memo, 158-160 Main Street
 Relay for Life Peabody re: Banner requests; 4/15 thru 5/9; Lowell St @ City Hall 5/12 thru 6/9; Lowell St @ High School
 West Congregational Church, 27 Johnson Street re: Banner request: 4/15 thru 5/14; Lowell Street @ Johnson Street
 Chief Robert St. Pierre, Police Department re: Letters of thanks from various individuals/businesses

USE OF THE WIGGIN AUDITORIUM:

Peabody Education Foundation, May 1, 2014 re: George Peabody Legacy Awards

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2014)

American Auto Export, 9 Main Street
 DC Trust LLC, 134R Newbury Street
 D & R Auto Sales and Repair, 100 Birney Street
 JRM Auto Sales, 80 Newbury Street
 King Motors, Inc., 1 Rear Newbury Street
 Motor Worx, 258 Newbury Street
 Russ' Used Cars, 20 Wallis Street
 Walnut Street Auto Sales Corp., 55-57 Walnut Street

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2014)

Gurrisi Brothers Auto & Truck Sales & Salvage, 0 Corwin Street

GENERAL LICENSES: (Renewal for 2014)

Innholder License - Extended Stay America #9666, 200 Jubilee Drive
 Homewood Suites by Hilton, 57 Newbury Street

Limousine License – Fox Run Limousine, 484 Lowell Street

ENTERTAINMENT LICENSE: (Renewal for 2014)

Brothers Kouzina, 25 Newbury Street
 Buddha's Tavern, 144-146 Washington Street
 Century House of Peabody, Inc., 235 Andover Street
 Joe's American Bar & Grill, 210 Andover Street

Legal Sea Foods LLC, 210 Andover Street
Outback Steakhouse, 300 Andover Street
P.F. Chang's China Bistro, 210 Andover Street
Reds Kitchen & Tavern, 131 Newbury Street
Royal Garden, 126 Newbury Street
Trackside Bar & Grill LLC, 30 Warren Street
Salem Country Club, 133 Forest Street
Seawitch Restaurant, 203 Newbury Street
Stonewood Tavern, 139 Lynnfield Street

TAXI/LIMOUSINE DRIVER LICENSE:

Daniel Neary – License 125

Juan Peguero – License 126

TAXICAB LICENSE: (Transfer)

Tri City Services – License #8

North Shore Taxi, Inc. – Licenses 13, 24 & 30