

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 22, 2015

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

ABSENT: COUNCILLORS: MOUTSOULAS AND GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas P. Walsh.

Salute to the American Flag.

P30-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of January 8, 2015. (Unanimous)

(MAYOR BETTENCOURT AND MR. TIMOTHY HEALEY, FACILITIES MANAGER, APPEARED TO SPEAK BEFORE THE CITY COUNCIL)

(MAYOR BETTENCOURT PRESENTED AN INTRODUCTION/OVERVIEW OF THE CITY'S MASTER PLAN UPDATE ALONG WITH MS. LORRI KREBS AND MR. KEITH RATNER OF SALEM STATE UNIVERSITY.)

P31-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding City of Peabody Master Plan Update as prepared by the Center for Economic Development and Sustainability at Salem State University and to refer to the Industrial & Community Development Committee. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 7-B APPOINTMENTS)

P32-15 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive Item 7-B communication from His Honor the Mayor regarding appointments under date of January 15, 2015. (Unanimous)

P33-15 COUNCILLOR MANNING-MARTIN – MOVE TO approve the following appointments as submitted by His Honor the Mayor under date of January 15, 2015:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Dennis Feld 192 Lowell Street (5-Year Term) Peabody, MA 01960	Planning Board	05/31/2018
Christine Mizioch 35 Lenox Road Peabody, MA 01960	Planning Board (Alternate Member)	05/31/2016 (5-Year Term)
Jesse Comak 17 Emily Lane Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2015 (One-Year Term)
Jon Swanson 9 Welcome Street Peabody, MA 01960	Cable Commission (Alternate Position)	12/31/2015 (One-Year Term)

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

HEARINGS

P34-15 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from Attorney Athan Vontzalides, 246 Andover Street, Peabody, MA requesting to continue the public hearings with regards to the transfer of Lodging House Licenses from the David J. Gordon Trust for Properties at 18 Peabody Square and 65 Main Street. (Unanimous)

P35-15 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from Norman Lee, 65 Main Street, Peabody, MA, until such time as the current license holder signs off that they have no objection to the transfer of the Lodging House License. (Unanimous)

P36-15 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from Norman Lee, 18 Peabody Square, Peabody, MA, until such time as the current license holder signs off that they have no objection to the transfer of the Lodging House License. (Unanimous)

A public hearing was duly held on the application from American Auto Export, 9 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Ray Curwen. No one appeared to speak in favor. No one appeared to speak in opposition.

P37-15 COUNCILLOR OSBORNE – MOVE TO approve, under suspension of the rules, Item 10-A under Unfinished Business, Special Permit Transfer 4-1981, American Auto Export, 484 Lowell Street, regarding Office only/no outdoor storage of motor vehicles, subject to all papers being in order. (Unanimous)

P38-15 COUNCILLOR SASLAW – MOVE TO approve the application for a Class 2 Motor Vehicle License (Transfer) - American Auto Export, 484 Lowell Street from 9 Main Street, regarding Office only/no outdoor storage of motor vehicles, subject to all papers being in order. (Carried 9-0; Councillor Moutsoulas and Councillor Gravel absent)

The City Council reconvened the recessed public hearing on the application for a Class 3 Motor Vehicle License (Transfer) from Global Express Auto Body, 9B Rear Caller Street. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P39-15 COUNCILLOR MCGINN – MOVE TO **DENY** the application for a Class 3 Motor Vehicle License (Transfer) from Global Express Auto Body, 9B Rear Caller Street. (Carried 8-0; Councillor Manning-Martin voted present; Councillor Moutsoulas and Councillor Gravel absent)

P40-15 COUNCILLOR MCGINN – MOVE TO approve the application for the renewal of a Class 3 Motor Vehicle License for the year 2015 from Braz Auto Center, 9B Rear Caller Street, subject to all papers being in order. (Unanimous)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE JANUARY 22, 2015

P41-15 COUCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met this evening; present was myself, Councillor Driscoll, Councillor Manning-Martin, Councillor McGinn, Councillor Sinewitz, as was pretty much the entire body. There was much discussion by all councillors in regard to the current situation of rental of rooms here in the city. Councillor Sinewitz opened up the discussion of homes in his ward that are renting rooms and told us of the situation that has occurred at a couple of these houses. All councillors weighed in on the topic. We also heard from City Solicitor Smerczynski who advised us that we can do what we can do if we so choose. Ms. Sawyer Conard was also present and gave her opinion as did Mayor Bettencourt. There was also a resident that gave us her opinion about our current zoning. We decided to leave this in subcommittee and we'll reschedule a subsequent meeting. (Report received)

FINANCE COMMITTEE
JANUARY 22, 2015

P42-15 COUNCILLOR WALSH – Reporting for Finance Committee - Councillor Gravel held a Finance Committee and I have a brief report here to submit. The Finance Committee under the motion from Councillor Driscoll moved to approve the following transfer of funds. (Report received)

P43-15 COUNCILLOR WALSH – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of December 4, 2014:

<u>FROM:</u>	<u>TO:</u>
Cemetery Perpetual Care Fund - \$200,000.00	Cemetery – Capital Projects - \$200,000.00

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

P44-15 COUNCILLOR WALSH – Reporting for the Finance Committee - There were two other items in the subcommittee and they were reports of progress from our Finance Director Patti Schaffer regarding status of appropriations and Fiscal 2015 revenues for the period ending December 31, 2014; and also a request on Motion P790-14 was referred to the committee and a discussion was held regarding a transfer of funds from the North Shore regional vocational school to the salary account and that's a report of progress on that. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P45-15 COUNCILLOR GOULD - MOVE TO refer to the Human Services Committee the discussion of why we're not feeding people at the Haven from Hunger seven days a week. (Unanimous)

P46-15 COUNCILLOR GOULD – MOVE TO refer to the Human Services Committee the discussion of opening up a warming center in the City of Peabody to help the homeless population. (Unanimous)

P47-15 COUNCILLOR GOULD – MOVE TO refer the issue of a crosswalk light at the intersection of Lowell Street and Crowinshield Street to the Municipal Safety Committee. (Unanimous)

P48-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Transfer of funds – Chapter 90 road improvements \$630,345.00 and to refer to the Finance Committee. (Unanimous)

P49-15 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-G communication from Paul Kolodziej, Building Inspector, regarding Special Permit transfer 11-2002; Restoration Healthcare, Inc., 484 Lowell Street, subject to all papers being in order. (Unanimous)

P50-15 COUNCILLOR OSBORNE – MOVE TO set up a public hearing on the Entertainment License (Amendment) for Stonewood Tavern, 139 Lynnfield Street. (Unanimous)

P51-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-D communication from Florencia Berrian, 139 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P52-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Group 1 Automotive, Inc., 252 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P53-15 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair the road in front of 104 Lake Street. It looks like there was some roadwork done and it's still in disarray. It's on a hill and the dirt and sand is washing down into a storm drain. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P54-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Center School and to refer to the Finance Committee. (Unanimous)

P55-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Burke School and to refer to the Finance Committee. (Unanimous)

P56-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Welch School and to refer to the Finance Committee. (Unanimous)

P57-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Statement of Interest – Peabody High School and to refer to the Finance Committee. (Unanimous)

P58-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding General Obligation Bond and Refunding bonds – City bond rating by Moody's Investor's Services and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P59-15 COUNCILLOR OSBORNE – 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)

P60-15 COUNCILLOR OSBORNE – MOVE TO receive and approve a communication from Peabody Chamber of Commerce, 24 Lowell Street, regarding Banner, subject to all papers being in order. (Unanimous)

P61-15 COUNCILLOR MCGINN – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letter of thanks. (Unanimous)

P62-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Wlodek Matczak, 84 Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P63-15 COUNCILLOR MCGINN – MOVE TO receive and approve a communication from Paul Kolodziej, Building Inspector, regarding Special Permit transfer 21-1983; Kelley Square Pub II, LLC, 135 Washington Street, subject to the existing conditions and all papers being in order. (Unanimous)

P64-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Memorandum of decision and motion for summary judgment; 60 Pulaski Street, LLC vs. Board of Appeals. (Unanimous)

P65-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Planning Board regarding Agenda and Minutes. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P66-15 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2015), subject to all papers being in order:

Ad Pro Motorsports, Inc., 15R Spring Street	Mike's Auto Sales, 100 Birney Street
Oasis Auto & Truck Center, 7 ½ Mason Street	Wilson Square Auto Sales, 2 Andover Street

(Unanimous)

P67-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2015) Naises, Inc., 0 Corwin Street, subject to all papers being in order. (Unanimous)

P68-15 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Entertainment License (Renewal for 2015), subject to all papers being in order:

AOH Division 11, 58 Lowell Street
 Brodie's Pub, 10 ½ Lowell Street
 Toscana's Ristaurante & Café, 3 Bourbon Street
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 30, 2015
 RETURNED BY HIS HONOR THE MAYOR, JANUARY 30, 2015



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: City of Peabody Master Plan Update as prepared by the Center for Economic Development and Sustainability at Salem State University

His Honor the Mayor re: Appointments under date of January 15, 2015

His Honor the Mayor re: Statement of Interest – Center School

His Honor the Mayor re: Statement of Interest – Burke School

His Honor the Mayor re: Statement of Interest – Welch School

His Honor the Mayor re: Statement of Interest – Peabody High School

His Honor the Mayor re: Transfer of funds – Chapter 90 road improvements \$630,345.00

His Honor the Mayor re: General Obligation Bond and Refunding bonds – City bond rating by Moody's Investor's Services

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

Peabody Chamber of Commerce, 24 Lowell Street re: Banner

Chief Thomas Griffin, Police Department re: Letter of thanks

Florencia Berrian, 139 Lynnfield Street re: Special Permit application

Wlodek Matczak, 84 Walnut Street re: Special Permit application

Group 1 Automotive, Inc., 252 Andover Street re: Special Permit application

Paul Kolodziej, Building Inspector re: Special Permit transfer 11-2002; Restoration Healthcare, Inc., 484 Lowell Street

Paul Kolodziej, Building Inspector re: Special Permit transfer 21-1983; Kelley Square Pub II, LLC, 135 Washington Street

Timothy Spanos, City Clerk re: Memorandum of decision and motion for summary judgment; 60 Pulaski Street, LLC vs. Board of Appeals

Planning Board re: Agenda and Minutes

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2015)

Ad Pro Motorsports, Inc., 15R Spring Street

Mike's Auto Sales, 100 Birney Street

Oasis Auto & Truck Center, 7 ½ Mason Street

Wilson Square Auto Sales, 2 Andover Street

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2015)

Naisses, Inc., 0 Corwin Street

ENTERTAINMENT LICENSE: (Renewal for 2015)

AOH Division 11, 58 Lowell Street

Brodie's Pub, 10 ½ Lowell Street

Toscana's Ristaurante & Café, 3 Bourbon Street