

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 24, 2014

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

ABSENT: COUNCILLORS: GRAVEL AND GARABEDIAN

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.

P93-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of February 6, 2014. (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.

(COUNCILLOR MCGINN WELCOMED TO THE CITY COUNCIL MEETING BOY SCOUT TROOP 119 SCOUT MASTER RICH LYNCH AND TROOP 119 MEMBERS JOHN GARUTI, PETER GARUTI, MIKE MCLERNON, DAN SMITH, SAM SILVESTRO, TYLER ARSENAULT, ANDREW RAWDING, NATE WINTERS AND THEIR PARENTS.)

HEARINGS

A public hearing was duly held on the Petition submitted by Bayring Communications, LLC, 359 Corporate Drive, Portsmouth, New Hampshire. Appearing to speak on behalf of the application was Mr. Steve Bond. No one appeared to speak in favor. No one appeared to speak in opposition.

P94-14 COUNCILLOR OSBORNE – MOVE TO approve the Petition submitted by Bayring Communications, LLC, 359 Corporate Drive, Portsmouth, New Hampshire, seeking permission to access the right of way on utility poles owned by the City of Peabody to attach fiber optic cable on poles located on Fifth Street, Centennial Drive, First Avenue, and Second Avenue, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillors Gravel and Garabedian absent)

A public hearing was duly held on the application from Azorean Brotherhood of the Divine Holy Ghost, Inc., 20-22 Howley Street, Peabody, MA. The applicant did not appear to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P95-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Azorean Brotherhood of the Divine Holy Ghost, Inc., 20-22 Howley Street, Peabody, MA, for an amendment to an existing Junk Dealers License, specifically, to amend condition #1 hours of operation to include Friday in addition to Saturday and Sunday with hours being 9:00 a.m. to 5:00 p.m. at said 20-22 Howley Street, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillors Gravel and Garabedian absent)

A public hearing was duly held on the application from Sunshine Car Service, LLC, 153 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Carmen Gaeta. No one appeared to speak in favor. No one appeared to speak in opposition.

P96-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Timothy Spanos, City Clerk, regarding Taxicab License applications. (Unanimous)

P97-14 COUNCILLOR SASLAW – MOVE TO approve the application from Sunshine Car Service, LLC, 153 Newbury Street, Peabody, MA, for an amendment to a Taxicab License, specifically, to increase the number of Taxicab Licenses from 3 to 13 at said 153 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillors Gravel and Garabedian absent)

A public hearing was duly held on the application from North Shore Taxi, Inc., 27 Walnut Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. John McKinnon. No one appeared to speak in favor. No one appeared to speak in opposition.

P98-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from North Shore Taxi, Inc., 27 Walnut Street, Peabody, MA, for an amendment to a Taxicab License, specifically, to increase the number of Taxicab Licenses from 15 to 20 at said 27 Walnut Street, Unit C, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillors Gravel and Garabedian absent)

A public hearing was duly held on the application from Tri City Services, Inc., 55R Walnut Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Igor Likterov. No one appeared to speak in favor. No one appeared to speak in opposition.

P99-14 RECONSIDERATION BY COUNCILLOR SINEWITZ – Reconsideration of Motion to amend Taxicab License of Sunshine Car Service, LLC, 153 Newbury Street, Peabody, MA, specifically, to increase the number of Taxicab Licenses from 3 to 13, as approved this date. (Carried 8-1; Councillor Saslaw opposed; Councillors Gravel and Garabedian absent)

P100-14 RECONSIDERATION BY COUNCILLOR SINEWITZ – Reconsideration of Motion to amend Taxicab License of North Shore Taxi, Inc., 27 Walnut Street, Unit C, Peabody, MA, specifically, to increase the number of Taxicab Licenses from 15 to 20, as approved this date. (Carried 9-0; Councillors Gravel and Garabedian absent)

P101-14 COUNCILLOR MCGINN - MOVE TO recess the public hearing on the application submitted by Tri City Services, Inc., 55R Walnut Street, Peabody, MA. (Unanimous)

P102-14 COUNCILLOR MANNING-MARTIN – MOVE TO refer to the Ad Hoc Committee on Taxis & Limousine the following Taxicab License applications:

Sunshine Car Service, LLC, 153 Newbury Street
 North Shore Taxi, Inc., 27 Walnut Street, Unit C
 Tri City Services, Inc., 55R Walnut Street (Unanimous)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE FEBRUARY 24, 2014

P103-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole – The Committee met to review Sections 2-13 and 2-13.1 and there was a motion made by Councillor Manning-Martin to take no action and take a good serious look at this next year. (Report received)

P104-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Council's review of the Mayor's salary. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P105-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, TO receive Item 7- A communication from His Honor the Mayor submitting appointments under date of February 4, 2014. (Unanimous)

P106-14 COUNCILLOR MCGINN – MOVE TO approve the following appointments as submitted by His Honor the Mayor under date of February 4, 2014:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Joseph Walsh 174 Lowell Street Peabody, MA	Conservation Commission	09/30/2016 (3-Year Term) U/T of Alan Klapman
Melissa Feld 192 Lowell Street Peabody, MA	Conservation Commission (Alternate Position)	09/30/2015 (2-Year Term) U/T of Joseph Walsh
Jon G. Turco 161 Lynnfield Street Peabody, MA (Carried 9-0; Councillors Gravel and Garabedian absent)	Community Preservation (Alternate/General Public)	12/31/2014 (1-Year Term) U/T of Peter McGinn

P107-14 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Community Development Department please provide the previously requested zoning map indicating the R-1 zone prior to the March 13th Legal Affairs Committee meeting that has been scheduled. (Unanimous)

P108-14 COUNCILLOR GOULD -MOVE TO request that the Legal Affairs Committee look at drafting an ordinance that is enforceable regarding snow removal on sidewalks. (Unanimous)

P109-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Centennial Crossing, 4 First Avenue, regarding Site plan modification. (Unanimous)

P110-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 9-A Entertainment License (Amendment) – Vignali, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street, and to set up a public hearing. (Unanimous)

P111-14 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 9-B Entertainment License (Renewal for 2014) – Vignali, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street, until the March 13, 2014 public hearing. (Unanimous)

P112-14 COUNCILLOR SASLAW - MOVE TO request that the Animal Control Officer report back to the City Council before our next regular meeting on March 13, 2014, regarding any issues with Dog Mother daycare and boarding facility on 558 Lowell Street as her six-month Special Permit is coming up for renewal. (Unanimous)

P113-14 COUNCILLOR SASLAW - MOVE TO request that the Director of Public Services Department appear before the next meeting of the Municipal Safety Committee to review the plowing operations of the city and its private contractors and also allow councillors to ask questions, make any comments or suggestions. (Unanimous)

P114-14 COUNCILLOR SASLAW - MOVE TO proceed on a moratorium on all future billboards via a change in our Zoning Ordinance and request that this matter be referred to the Industrial & Community Development Committee, as they are the body that can act and vote on changing and/or modifying our existing billboard zoning. (Unanimous)

P115-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 9-F Limousine License (New) Sunshine Car Services, LLC, 153 Newbury Street, and to set up a public hearing. (Unanimous)

P116-14 COUNCILLOR MOUTSOULAS – MOVE THAT the Entertainment License (Renewal for 2014) Oliveira's Steak House, 72-74 Walnut Street, be held over to the next regular meeting. (Unanimous)

P117-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Police Department, regarding Rescind handicapped parking ordinance at 8 Proctor Street. (Unanimous)

P118-14 COUNCILLOR MOUTSOULAS – MOVE TO replace the “Stop” sign on Shamrock Street because it is faded and no longer visible. (Unanimous)

P119-14 COUNCILLOR MOUTSOULAS – MOVE TO send a communication thanking the Public Services Department for acting quickly to repair pot holes on Tracey Street. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P120-14 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve a communication from Paul Kolodziej, Building Commissioner, regarding Special Permit transfer 8-2009; Divya Convenience, Inc., 32-36 Walnut Street, subject to all papers being in order. (Carried 9-0; 2 absent)

P121-14 COUNCILLOR SINEWITZ – MOVE TO receive and approve a communication from Paul Kolodziej, Building Commissioner, regarding Special Permit transfer 24-2000 to Christopher Meoli d/b/a Personal Training Studio, 647-649 Lowell Street subject to all papers being in order, and making note of the hours of operation in the transfer letter. (Carried 9-0; 2 absent)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P122-14 COUNCILLOR WALSH – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2014), subject to all papers being in order:

Sacco’s, 119-121 Lynn Street
USA Speedy Auto, 108 Newbury Street

Palmetto Motor Sales Ltd., 98 Foster Street
(Unanimous)

P123-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Entertainment License (Renewal for 2014), subject to all papers being in order:

Bonker’s Funhouse Pizza, 535 Lowell Street
Portuguese American War Vets Post 1, 103 Tremont Street
VFW Post 1011, 20 Stevens Street
Toscana’s Restaurant, 3 Bourbon Street (Unanimous)

P124-14 COUNCILLOR OSBORNE – MOVE TO receive Entertainment License (New) Mike & Lill’s Black Sheep Pub & Grill, 5 Central Street, and to set up a public hearing. (Unanimous)

P125-14 COUNCILLOR OSBORNE – MOVE TO receive Junk Dealer License (New) Bill’s Salem Music & Fofos, 136 Main Street, and to set up a public hearing. (Unanimous)

P126-14 COUNCILLOR OSBORNE – MOVE TO receive and approve Limousine License application from Michael’s Limousine Co., Inc., 161 Lynn Street, (Renewal for 2014) subject to all papers being in order. (Unanimous)

P127-14 COUNCILLOR OSBORNE – MOVE TO receive and approve Taxi/Limousine Driver License – Aubrey Logan – License 136, subject to all papers being in order. (Unanimous)

P128-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxicab License Transfers, subject to all papers being in order:

Sunshine Car Service, LLC – License 37
(Unanimous)

Tri City Services, Inc. – License 3

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P129-14 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Letter in support of billboard moratorium and to refer to the Industrial & Community Development Department. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 26, 2014
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 26, 2014



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Council's review of the Mayor's salary

His Honor the Mayor re: Appointments under date of February 4, 2014

His Honor the Mayor re: Letter in support of billboard moratorium

Timothy Spanos, City Clerk re: Taxi Cab License applications

Centennial Crossing, 4 First Avenue re: Site plan modification

Paul Kolodziej, Building Commissioner re: Special permit transfer 8-2009; Divya Convenience, Inc., 32-36 Walnut Street

Paul Kolodziej, Building Commissioner re: Special Permit transfer; 24-2000 to Christopher Meoli d/b/a Personal Training Studio, 647-649 Lowell Street

ENTERTAINMENT LICENSE: (Amendment)

Vignali, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street

ENTERTAINMENT LICENSE: (Renewal for 2014)

Vignali, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2014)

Sacco's, 119-121 Lynn Street

Palmetto Motor Sales, Ltd., 98 Foster Street

USA Speedy Auto, 108 Newbury Street

ENTERTAINMENT LICENSE: (Renewal for 2014)

Bonker's Funhouse Pizza, 535 Lowell Street

Oliveira's Steak House, 72-74 Walnut Street

Portuguese American War Vets Post1, 103 Tremont Street

Fidelity Post 1011 VFW, 20 Stevens Street

Toscana's Restaurant, 3 Bourbon Street

ENTERTAINMENT LICENSE: (New)

Mike & Lill's Black Sheep Pub & Grill, 5 Central Street

LIMOUSINE LICENSE: (New)

Sunshine Car Services, LLC, 153 Newbury Street

JUNK DEALER LICENSE: (New)

Bill's Salem Music & Fofos, 136 Main Street

LIMOUSINE LICENSE: (Renewal for 2014)

Michael's Limousine Co., Inc., 161 Lynn Street

TAXICAB/LIMOUSINE DRIVER LICENSE:

Aubrey Logan – License 136

TAXICAB LICENSE: (Transfer)

Sunshine Car Service, LLC – License 37

Tri City Services, Inc. – License 3