

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 12, 2015

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

ABSENT: NONE

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.

P135-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of February 26, 2015. (Unanimous)

P136-15 COUNCILLOR SINEWITZ – MOVE, under suspension of the rules, to receive item 7-B, communication from His Honor the Mayor submitting appointments to the Cable Commission. (Unanimous)

P137-15 COUNCILLOR SINEWITZ – MOVE TO approve the following appointments to Cable Commission as submitted by His Honor the Mayor dated March 5, 2015:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|--|---|-------------------------------|
| Jesse Comak 17 Emily Lane Peabody, MA 01960 | Cable Television Commission | 12/31/2017 (3-Year Term) |
| Adam Stone 21 Emily Lane Peabody, MA 01960 (Carried 11-0) | Cable Television Commission (Alternate Member) | 12/31/2015 (One-Year Term) |

HEARINGS

The City Council reconvened the recessed public hearing on the application from Wlodek Matczak, 4 Kenney Road, Middleton, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. No one appeared to speak in favor. No one appeared to speak in opposition.

P138-15 COUNCILLOR MOUTSOULAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Wlodek Matczak, 4 Kenney Road, Middleton, MA, for a Special Permit to convert an existing two-family dwelling to a three-family dwelling at 84 Walnut Street, Peabody, MA, as filed in accordance with Sections 4.2.1, 6.1, 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. (Unanimous)

A public hearing was duly held on the application from Dr. Paul Flashner, M.D., Skin MD of Mass, LLC, 400 Washington Street, Norwell, MA. Appearing to speak on behalf of the application was Dr. Paul Flashner. No one appeared to speak in favor. No one appeared to speak in opposition.

P139-15 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from Dr. Paul Flashner, M.D., Skin MD of Mass, LLC, 400 Washington Street, Norwell, MA, for a Special Permit to operate a medical facility, specifically medical spa services, at 2 First Avenue, 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:

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. (Unanimous)

P140-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Keilty, 40 Lowell Street, regarding Request to continue Special Permit, Harry, Inc., 44 Margin Street. (Unanimous)

P141-15 COUNCILLOR MANNING-MARTIN – MOVE TO continue the public hearing on the application from Harry, Inc., 44 Margin Street, until the next City Council meeting on Thursday, March 26, 2015. (Unanimous)

A public hearing was duly held on the application from Jacob's Place, LLC, 649 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Bruce Comak. No one appeared to speak in favor. No one appeared to speak in opposition.

P142-15 COUNCILLOR SINEWITZ – MOVE TO approve the application from Jacob's Place, LLC, 649 Lowell Street, Peabody, MA, for a Class 2 Motor Vehicle License at said 649 Lowell Street, Peabody, MA, subject to the following conditions:

CONDITIONS:

1. There will be a maximum of 10 (ten) vehicles;
2. The hours of operation will be Monday through Friday 8:00 a.m. to 6:00 p.m.; Saturday 10:00 to 4:00; and no Sunday hours; and
3. There will be no advertising out on Lowell Street with flags, A-frames, balloons or any of that type of advertising.

(Carried 11-0)

A public hearing was duly held on the application from Christopher Marchese, 596 Lake Street, Haverhill, 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.

P143-15 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the application from Christopher Marchese, 596 Lake Street, Haverhill, MA, until the next City Council meeting on Thursday, March 26, 2015. (Carried 10-1; Councillor Sinewitz opposed)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE

MARCH 12, 2015

P144-15 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – Several, if not all, of the issues are kept in Committee so until we sign off on the next one we'll bring it all out to the floor. (Report received)

P145-15 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the Peabody Police Department conduct an evaluation of manpower at the Peabody Square/Main Street area with the thought of assigning an officer at the Torigian Life Center during key traffic periods. (Unanimous)

P146-15 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that Captain Richards conduct a traffic study on Central Street from Main Street and Central Street to Pulaski Street and Central Street. (Unanimous)

P147-15 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO amend Section 27-71 of the Code of the City of Peabody to add as follows: Provision of Section 27-72 and 27-73 shall apply to all sidewalks on the northerly side of Lynnfield Street beginning at the west end

property line of 91 Lynnfield Street and traveling in an easterly direction to the east end property line of 67 Lynnfield Street; the easterly side of Summit Street beginning at the corner of Lynnfield Street and traveling in a northerly direction to the north end property line of 79 Lynnfield Street and that said ordinance be advertised as read. (Carried 11-0)

P148-15 COUNCILLOAR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that Public Services Department repaint with a vibrant color the crosswalk at Lowell Street and Perkins Street and to enlarge the distance between the crosswalk and the parking spaces on either side of the crosswalk. (Unanimous)

P148A-15 COUNCILLOAR GARABEDIAN – Reporting for the Municipal Safety Committee – The Committee reviewed the communication from Chief Steven Pasdon, Fire Department regarding amounts of hazardous and flammable chemicals allowed to be stored in residential areas. Inspector Chris Dowling, Fire Prevention Unit, appeared to speak on the matter. The matter was held in committee for further discussion. (Report received)

FINANCE COMMITTEE
MARCH 12, 2015

P149-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - There was a Finance Committee meeting that was held tonight. There was one topic on the agenda and it was a transfer of funds from Historic Preservation Fund Balance in the amount of \$11,000 to the Historic Preservation Lexington Revolutionary War Memorial of \$11,000. Basically Chris Tighe indicated to us that there was a need to do some refurbishing of that monument because it's in disrepair. We did learn tonight that it's Peabody granite so we want make sure it looks good and we also want to make sure that nobody steals the plaques after it's been refurbished as well so they're going to put make it theft proof. (Report received)

P150-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 29, 2015:

FROM:
Historic Preservation Fund Balance -\$11,000.00

TO:
**Historic Preservation – Lexington
Revolutionary War Memorial -\$11,000.00**

(Carried 11-0)

P151-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO request that the Director of Veterans Affairs inspect Proctor Tomb memorial, which is in disrepair, and report back to the City Council. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P152-15 COUNCILLOR SASLAW – MOVE THAT the Finance Director, with the assistance of the Assessor's Office, prepare a report that lists all properties that are provided with tax-exempt status and therefore are not required to pay property taxes to the City of Peabody. This list shall include the name and address of the exempt organization and the amount of annual property tax that each property is exempt from, based upon the location, i.e., commercial or residential exempt tax status. In addition, provide a list of each and every tax-exempt organization that paid a fee in the past fiscal year in lieu of property taxes listing the dollar amount of the in lieu of tax payment. Please provide said report no later than April 23, 2015. (Unanimous)

P153-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from St. John the Baptist School, 19 Chestnut Street, regarding Banner, subject to all papers being in order. (Unanimous)

P154-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from 18 Mason Street Peabody Realty Trust, 18R Mason Street, regarding Special Permit and to set up a public hearing. (Unanimous)

P155-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Attorney Adam Buckley, Assistant City Solicitor, regarding Council motion to designate parcels of land off Lynnfield Street as conservation land and to refer to the Legal Affairs Committee. (Unanimous)

P156-15 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department install a "Do not block driveway" sign at 108 Lynn Street on the Coolidge Avenue side of the driveway. (Unanimous)

P157-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Maria Scrima, 297 Lynn Street, regarding Special Permit and to set up a public hearing. (Unanimous)

P158-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Sean Jarvis and Viktor Noci, 98R Lynn Street, regarding Special Permit and to set up a public hearing. (Unanimous)

P159-15 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO request a handicapped sign for 15 Tara Road, and that an ordinance be drafted and advertised on the same. (Unanimous)

P160-15 COUNCILLOR OSBORNE (Co-motion with Councillor Sinewitz) - MOVE TO request that the Public Services Department and the Forestry Department inspect and remove the tree at 20 Lisbon Street. (Unanimous)

P161-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Peabody School Committee regarding MSBA Statement of Interest, Center School and to refer to the Finance Committee. (Unanimous)

P162-15 COUNCILLOR DRISCOLL - MOVE TO request that the City Clerk set up a meeting of the Ad Hoc Committee Municipal Golf Course/Skating Rink and to request that the managers be present to present their recommendations. (Unanimous)

P163-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Scoutmaster John Dunn, Troop 59, regarding Eagle Scout award. (Unanimous)

P164-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 2 from Aggregate Industries, regarding the 2014 Annual Report, and to refer to the Committee of the Whole. (Unanimous)

P165-15 COUNCILLOR SINEWITZ – MOVE, under suspension of the rules, to receive the communication from Timothy E. Spanos, City Clerk, dated March 5, 2015 submitting the City Council re-appointments to the Community Development Authority. (Unanimous)

P166-15 COUNCILLOR SINEWITZ – MOVE TO approve the following City Council re-appointments to the Community Development Authority:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|---|---------------------------------|-------------------------------|
| Gary J. Bua 14 Pocahontas Drive Peabody, MA 01960 | Community Development Authority | 12/31/2015 (One-Year Term) |
| John Anezis 99 Birch Street Peabody, MA 10960 (Carried 11-0) | Community Development Authority | 12/31/2015 (One-Year Term) |

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P167-15 COUNCILLOR DRISCOLL – MOVE TO receive item 7-A, communication from His Honor the Mayor submitting various re-appointments under date of March 5, 2015: (Unanimous)

P168-15 COUNCILLOR DRISCOLL – MOVE TO approve the following re-appointments to as submitted by His Honor the Mayor dated March 5, 2015:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|---|-------------------------|---|
| Catherine Morrocco 103 Lowell Street Peabody, MA 01960 | Council on Aging | 09/30/2017 (3-Year Term) |
| Arthur Doyle 8 St. Ann's Avenue Peabody, MA 01960 | Council on Aging | 09/30/2017 (3-Year Term) |
| Neal A. Price 2 Bailey Terrace Peabody, MA 01960 | Park Commission | 12/31/2019 (5-Year Term) |
| Bernard Horowitz 17 Albert Road Peabody, MA 01960 | Board of Health | 1 st Mon. Feb. 2017 (3-Year Term) |
| Stephen Kalivas 2 Karelitz Road Peabody, MA 01960 (Carried 11-0) | Board of Health | 1 st Mon. Feb. 2017 (3-Year Term) |

P169-15 COUNCILLOR MCGINN – MOVE TO receive the communication from His Honor the Mayor regarding the following re-appointments to the Community Development Authority dated March 5, 2015, and that said appointments be approved as submitted:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|---|---------------------------------|-------------------------------|
| Rudy Van Oeveren One Norwich Road Peabody, MA 01960 | Community Development Authority | 12/31/2015 (One-Year Term) |
| Barry Feinstein, Esq. 100 Lowell Street Peabody, MA 01960 (Carried 11-0) | Community Development Authority | 12/31/2015 (One-Year Term) |

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P170-15 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Entertainment License violations as it pertains to the Courthouse Pub, 43 Central Street and Top's Churrascaria, Inc. d/b/a Oliveira's Steak House, 72-74 Walnut Street; and to set up a public hearing with regards to both applications which will be treated as new applications. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P171-15 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Taxi/Limousine Driver Licenses (Renewal for 2015), subject to all papers being in order:

| | |
|--|------------------------------|
| Carline Bain – License 152 | Darren Robbins – License 153 |
| Matthew Hennessey – License 154 (Unanimous) | Aaron Savino – License 155 |

P172-15 COUNCILLOR OSBORNE - MOVE TO receive and approve Innholder License (Renewal for 2015) Extended Stay America #9666, 200 Jubilee Drive, subject to all papers being in order.
(Unanimous)

P173-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Entertainment License (Renewal for 2015) 31 Lynnfield Corp. d/b/a The Wardhurst, 31 Lynnfield Street, subject to all papers being in order. (Unanimous)

P174-15 COUNCILLOR GARABEDIAN – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2015) North Shore Auto Sales, 134 Newbury Street, Suite 1, subject to all papers being in order. (Unanimous)

P175-15 COUNCILLOR GARABEDIAN – MOVE TO receive the following Rescind Inflammables License and set up a public hearing:

BMW of Peabody, 221 Andover Street
 BMW of Peabody, 7 Centennial Drive
 Mini of Peabody, 209 Andover Street
 Acura of Peabody, 233 Andover Street
 (Unanimous)

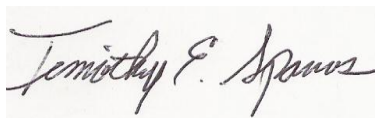
P176-15 COUNCILLOR GARABEDIAN – MOVE TO receive Class 2 Motor Vehicle License (New) Louis Frank Motorcars, LLC, 134R Newbury Street, and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 20, 2015
 RETURNED BY HIS HONOR THE MAYOR, MARCH 20, 2015



ATTEST _____
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Various Re-Appointments dated March 5, 2015
 His Honor the Mayor re: Appointments to Cable Commission dated March 5, 2015
 His Honor the Mayor re: Re-appointments to the Community Development Authority dated March 5, 2015
 Scoutmaster John Dunn, Troop 59 re: Eagle Scout award
 Attorney Adam Buckley, Assistant City Solicitor re: Council motion to designate parcels of land off Lynnfield St as conservation land
 St. John the Baptist School, 19 Chestnut Street re: Banner

Timothy E. Spanos, City Clerk re: Entertainment License violations
 18 Mason Street Peabody Realty Trust, 18R Mason Street re: Special Permit
 Maria Scrima, 297 Lynn Street re: Special Permit
 Sean Jarvis and Viktor Noci, 98R Lynn Street re: Special Permit
 Peabody School Committee re: MSBA Statement of Interest, Center School
 Timothy E. Spanos, City Clerk re: City Council re-appointments to the Community Development Authority

TAXI/LIMOUSINE DRIVER LICENSE:

Carline Bain – License 152 Darren Robbins – License 153
 Matthew Hennessey – License 154 Aaron Savino – License 155

INNHOLDER LICENSE: (Renewal for 2015)

Extended Stay America #9666, 200 Jubilee Drive

ENTERTAINMENT LICENSE: (Renewal for 2015)

31 Lynnfield Corp. d/b/a The Wardhurst, 31 Lynnfield Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2015)

North Shore Auto Sales, 134 Newbury Street, Suite 1

RESCIND INFLAMMABLES LICENSE:

BMW of Peabody, 221 Andover Street

BMW of Peabody, 7 Centennial Drive

Mini of Peabody, 209 Andover Street

Acura of Peabody, 233 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (New)

Louis Frank Motorcars, LLC, 134R Newbury Street