

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 15, 2014

PRESENT: COUNCILLORS: MCGINN, GRAVEL, GOULD, WALSH, SINEWITZ, SASLAW, GARABEDIAN, MOUTSOULAS, AND DRISCOLL

ABSENT: COUNCILLORS: MANNING-MARTIN AND OSBORNE

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.

P238-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of March 27, 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 GOULD WELCOMED SALEM CITY COUNCILLOR ELAINE MILO WHO APPEARED TO SPEAK REGARDING THE UPCOMING CHARITY SOFTBALL GAME BETWEEN SALEM CITY COUNCILLORS/MAYOR AND PEABODY CITY COUNCILLORS/MAYOR TO BE HELD ON SATURDAY, JULY 12 AT PALMER COVE PARK IN SALEM.)

HEARINGS

(COUNCILLOR MCGINN RECUSED HIMSELF FROM THE FOLLOWING PUBLIC HEARING)

The City Council reconvened the recessed public hearing on the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. Attorney John Regan appeared to speak on behalf of the Zoning Amendment. No one appeared to speak in favor. No one appeared to speak in opposition.

P239-14 COUNCILLOR SINEWITZ – MOVE TO recess the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. (Carried 8-0; Councillors McGinn, Manning-Martin and Osborne absent)

A public hearing was duly held on the application from Diamond Prepared Foods, LLC, 139 Lynnfield Street, Peabody, 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.

P240-14 COUNCILLOR WALSH – BE IT ORDERED by the City Council of the City of Peabody that the application from Diamond Prepared Foods, LLC, 139 Lynnfield Street, Peabody, MA, for a Special Permit for the retail sale of packaged alcoholic beverages, beer and wine, at an existing food establishment located at said 139 Lynnfield Street, 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. (Carried 9-0; Councillors Manning-Martin and Osborne absent)

A public hearing was duly held on the application from Leslie Siewko, 1 Beech Lane, Georgetown, MA. Appearing to speak on behalf of the application was Dr. Leslie Siewko. Ms. Elaine Milo, 181 Marlborough Road, Salem, MA, appeared to speak in favor. No one appeared to speak in opposition.

P241-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Blair Haney, Assistant Director of Planning, Community Development Department, regarding Special Permit memo, 647-649 Lowell Street. (Unanimous)

P242-14 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the application from Leslie Siewko, 1 Beech Lane, Georgetown, MA, for a Special Permit to operate a veterinary clinic at 647-649 Lowell Street, Unit F, 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. (Carried 9-0, 2 absent; Councillors Manning-Martin and Osborne)

P243-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Keilty, 40 Lowell Street, Peabody, regarding Special Permit application Total Outdoor Corporation, 267 Forest Street. (Unanimous)

P244-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney Athan Vontzalides, 246 Andover Street, Peabody, regarding Special Permit applications 131 Newbury Street and 151 Newbury Street. (Unanimous)

P245-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Total Outdoor Corp., 267 Forest Street, Peabody, MA, until the next regular meeting on Tuesday, April 29, 2014. (Unanimous)

P246-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from 71 Newbury Street Properties, LLC, 131 Newbury Street, Peabody, MA, until the next regular meeting on Tuesday, April 29, 2014. (Unanimous)

P247-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from 71 Newbury Street Properties, LLC, 151 Newbury Street, Peabody, MA, until the next regular meeting on Tuesday, April 29, 2014. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P248-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds from CPC Unreserved fund \$475,000.00 to CPC Historic fund balance \$400,000.00; CPC Open Space fund balance \$75,000.00 and refer to the Finance Committee. (Unanimous)

P249-14 COUNCILLOR MCGINN - MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds from Various accounts to CPC Unreserved fund balance; \$14,960.45, and refer to the Finance Committee. (Unanimous)

P250-14 COUNCILLOR MCGINN - MOVE TO receive and approve, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding the appointment of Richard M. St. Pierre, 25 Lynnfield Street, Peabody, MA, as Curator/Historian GPHCC for a one-year term to expire 06/01/2015. (Carried 9-0; Councillors Manning-Martin and Osborne absent)

P251-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Planning Board regarding Approval to petition City Council regarding Special Permit request; Norman Lee, 98 Main Street. (Unanimous)

P252-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Chief Robert St. Pierre, Police Chief, regarding Letters of thanks and to send a communication to Chief St. Pierre expressing the City Council's gratitude. (Unanimous)

P253-14 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-G communication from Paul Kolodziej, Building Inspector, regarding Special Permit transfer; Spencer Contracting, 7R Mason Street, contingent upon compliance of condition #1 of the existing Special Permit and receipt of a communication from the Building Inspector confirming such compliance. (Unanimous)

P254-14 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to receive the communication from His Honor the Mayor under date of April 8, 2014, submitting a Bond Order request for the replacements of water mains referred to as the Gardner Street Project in the amount of \$1,089,000.00 and be referred to the Finance Committee, and further that said bond order be advertised as read. (Unanimous)

P254A-14 COUNCILLOR GRAVEL - BE IT ORDERED by the City Council of the City of Peabody that One Million, Eighty-Nine Thousand Dollars, \$1,089,000.00, is appropriated for replacing water mains, including costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,089,000.00 under Chapter 44 of the General Laws or any other enabling authority and that all or any portion of this borrowing may be through the Massachusetts Water Resources Authority; the total amount authorized to be borrowed by this Bond Order shall be reduced to the extent of any grants received by the City on account of this project; that the Mayor is authorized to take any other action necessary or convenient to carry out this Bond Order, and that this Bond Order be advertised as read.
(Carried 9-0, 2 absent; Councillors Osborne and Manning-Martin)

P255-14 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to receive the transfer of funds from Chapter 90 projects – FY 2014; \$189,104.00 to Road Improvements Projects – Potholes in the amount of \$189,104.00, as submitted by His Honor the Mayor under date of April 14, 2014. (Unanimous)

P255A-14 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to approve the transfer of funds from Chapter 90 projects – FY 2014; \$189,104.00 to Road Improvements Projects – Potholes in the amount of \$189,104.00, as submitted by His Honor the Mayor under date of April 14, 2014. (Unanimous)

P256-14 COUNCILLOR GRAVEL (Co-motion with Councillor Gould) - MOVE TO request the expedited repair and replacement of the sound system in the Frank L. Wiggin Auditorium. (Unanimous)

P257-14 COUNCILLOR GRAVEL – MOVE TO refer the issue of creating an ordinance regarding temporary play structures on public streets and sidewalks to the Legal Affairs Committee. (Unanimous)

P258-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from Outdoor Advertising Board regarding Notice of hearing; 1 Rear Newbury Street. (Unanimous)

P259-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from Attorney Michael Smerczynski, City Solicitor, regarding Notice of pretrial conference; Total Outdoor Corp., 532 Lowell Street. (Unanimous)

P260-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-F communication from Paul Kolodziej, Building Inspector, regarding Letter of confirmation regarding 0 Forest Street; DDD zoning district and to set up a public hearing. (Unanimous)

P261-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-I communication from Waldecy Rodrigues, Framingham, MA, regarding Letter to withdraw Special Permit application, without prejudice. (Unanimous)

P262-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-J communication from All Pro Landscaping Co., Inc., 190R Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P263-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 9-H Lodging House License (Renewal for 2014) John Skouras Realty Trust, 59 Walnut Street, subject to all papers being in order. (Unanimous)

{Item 10-A - 34 Paleologos Street}

P264-14 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-96 entitled Fifteen Minute Parking Zones Designated-Daytime Hours of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillors Manning-Martin and Osborne absent)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P265-14 COUNCILLOR WALSH – MOVE TO receive a communication from Mass Development regarding Children’s Hospital locations. (Unanimous)

P266-14 COUNCILLOR WALSH – MOVE TO receive a communication from David Terenzoni, Assistant Director of Public Services, regarding Street paving list for 2014. (Unanimous)

P267-14 COUNCILLOR GOULD – MOVE TO receive a communication from Karen Sawyer, Director, Community Development Department, regarding Zoning map amendment; Little’s Lane, and refer to the public hearing. (Unanimous)

P268-14 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney John J. Regan, 10 Chestnut Street, Peabody, regarding Little’s Lane zoning map petition and to refer to the public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P269-14 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Robert L. Lake – License #3
Steven Dombrowski, Jr. – License #4
Ryan Wiring – License #5
David Claffey, Jr. – License #8
James Bradley – License #153
(Unanimous)

P270-14 COUNCILLOR GOULD – MOVE TO receive and approve Taxicab License – North Shore Taxi, Inc., 27 Walnut Street – New license #19, subject to all papers being in order. (Unanimous)

P271-14 COUNCILLOR GOULD – MOVE TO receive and approve Use of the Wiggin Auditorium – Dance with Dena – May 1, 2014, subject to all papers being in order. (Unanimous)

P272-14 COUNCILLOR GOULD – MOVE TO receive Inflammables License (Rescind) – Lyon-Waugh Auto Group – Various addresses and to set up a public hearing. (Unanimous)

P273-14 COUNCILLOR GOULD – MOVE TO receive Petition – Verizon, 20 Shattuck Road, Andover, regarding P570-15 for 5th Street and to set up a public hearing. (Unanimous)

P274-14 COUNCILLOR GOULD – MOVE TO receive Class 3 Motor Vehicle License (Transfer) Naises, Inc.,d/b/a Peabody Auto Salvage & Recycling, 0 Corwin Street, and to set up a public hearing. (Unanimous)

P275-14 COUNCILLOR GOULD – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2014), subject to all papers being in order:

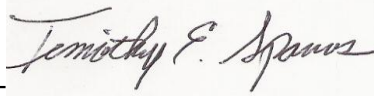
Belden Jewelers #2228, 210 Andover Street
Kay Jewelers #1244, 210 Andover Street
ecoATM, Inc., 210 Andover Street
GameStop #664, 300 Andover Street
Azorean Brotherhood of Divine Holy Ghost, 20 Howley Street
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:05 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 22, 2014

RETURNED BY HIS HONOR THE MAYOR, APRIL 22, 2014



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds from CPC Unreserved fund \$475,000.00 to CPC Historic fund balance \$400,000.00; CPC Open Space fund balance \$75,000.00

His Honor the Mayor re: Bond Order – Replacement of water mains for the Gardner Street Project in the amount of \$1,089,000.00

His Honor the Mayor re: Appointment – Richard M. St. Pierre as Curator/Historian GPCHH

His Honor the Mayor re: Transfer of funds from Various accounts to CPC Unreserved fund balance; \$14,960.45

Blair Haney, Asst. Dir. of Planning, Community Development Dept. re: Special Permit memo, 647-649 Lowell St
Outdoor Advertising Board re: Notice of hearing; 1 Rear Newbury Street

Planning Board re: Approval to petition City Council regarding Special Permit request; Norman Lee, 98 Main St

Attorney Michael Smerczynski, City Solicitor re: Notice of pre-trial conference; Total Outdoor Corp., 532 Lowell St
Chief Robert St. Pierre, Police Chief re: Letters of thanks

Paul Kolodziej, Building Inspector re: Letter of confirmation regarding 0 Forest Street; DDD zoning district

Paul Kolodziej, Building Inspector re: Special Permit transfer; Spencer Contracting, 7R Mason Street

Mass Development re: Children's Hospital locations

Waldecy Rodrigues, Framingham, MA re: Letter to withdraw special permit application

All Pro Landscaping Co., Inc., 190R Newbury Street re: Special permit application

David Terenzoni, Asst. Director of Public Services re: Street paving list for 2014

Karen Sawyer, Director, Community Development Dept. re: Zoning map amendment; Little's Lane

Attorney John J. Regan, 10 Chestnut Street, Peabody re: Little's Lane zoning map petition

TAXI/LIMOUSINE DRIVER LICENSE:

Robert L. Lake – License #3

Steven Dombrowski, Jr. – License #4

Ryan Wiring – License #5

David Claffey, Jr. – License #8

James Bradley – License #153

TAXICAB LICENSE:

North Shore Taxi, Inc., 27C Walnut Street – New License #19

USE OF THE WIGGIN AUDITORIUM:

Dance with Dena – May 1, 2014

INFLAMMABLES LICENSE: (Rescind)

Lyon-Waugh Auto Group – Various addresses

PETITION:

Verizon, 20 Shattuck Road, Andover, re: P570-1.5 for 5th Street

CLASS 3 MOTOR VEHICLE LICENSE: (Transfer)

Naises, Inc., d/b/a Peabody Auto Salvage & Recycling, 0 Corwin Street

JUNK DEALER LICENSE: (Renewal for 2014)

Belden Jewelers #2228, 210 Andover Street

Kay Jewelers #1244, 210 Andover Street

ecoATM, Inc., 210 Andover Street

GameStop #664, 300 Andover Street

Azorean Brotherhood of Divine Holy Ghost, 20 Howley Street

LODGING HOUSE LICENSE: (Renewal for 2014)

John Skouras Realty Trust, 59 Walnut Street