

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 29, 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.

P276-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of April 15, 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.

HEARINGS

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.

P277-14 COUNCILLOR SINEWITZ – MOVE TO recess the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C until the next regular meeting on Thursday, May 8, 2014. (Carried 11-0)

A public hearing was duly held on the application from Naises, Inc., d/b/a Naises Auto Sales, 0 Corwin Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Rosa Mordan, Interpreter, on behalf of Ms. Claribel Cabral. No one appeared to speak in favor. No one appeared to speak in opposition.

P278-14 COUNCILLOR OSBORNE – MOVE TO approve the application from Naises, Inc., d/b/a Naises Auto Sales, 0 Corwin Street, Peabody, MA, for the transfer of a Class 3 Motor Vehicle License, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application from The Dogmother, LLC, 558 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Melissa Guevin. No one appeared to speak in favor. No one appeared to speak in opposition.

P279-14 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from The Dog Mother, LLC, 558 Lowell Street, Peabody, MA for a Special Permit to amend Special Permit 3-2013, Condition #3, to increase the maximum amount of dogs allowed at any one time from 10 to 20 as filed in accordance with Section 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to all papers being in order.

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)

P280-14 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 Thursday, May 8, 2014. (Unanimous)

A public hearing was duly held on the application from 71 Newbury Street Properties, LLC, 11 Elizabeth Lane, Marblehead, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. No one appeared to speak in favor. Mr. Barry Moffie, 27 Tumelty Road, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; Mr. Richard Garrity, 32 Tumelty Road, Peabody, MA; and Ms. Jo-Ann Mitchell, 6 Sasha Circle, Peabody, MA, appeared to speak in opposition.

P281-14 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from 71 Newbury St. Properties, LLC, 11 Elizabeth Lane, Marblehead, MA for a Special Permit to construct a 2-sided 14 x 48 monopole digital billboard 60 feet high on premises numbered 131 Newbury Street, Peabody, MA as filed in accordance with Sections 6.1, 11.6 and 15.7 of the Peabody Zoning Ordinance be approved.

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 8-3; Councillor Manning-Martin Gould and Walsh opposed)

A public hearing was duly held on the application from 71 Newbury Street Properties, LLC, 11 Elizabeth Lane, Marblehead, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. No one appeared to speak in favor. Ms. Jeri Moffie, 27 Tumelty Road, Peabody, MA; Mr. Matt Dolan, 29 Tumelty Road, Peabody, MA; and Ms. Jo-Ann Mitchell, 6 Sasha Circle, Peabody, MA, appeared to speak in opposition.

P282-14 COUNCILLOR SASLAW - MOVE THAT the Special Permit application from 71 Newbury Street Properties, LLC, 11 Elizabeth Lane, Marblehead, MA, for property at 151 Newbury Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

P283-14 COUNCILLOR GRAVEL – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from John Mahoney, CBS Outdoor, LLC, 8 Bourbon Street, regarding Request to withdraw without prejudice. (Unanimous)

A public hearing was duly held on the application from Star Auto Center Corp., 58R Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Wanderley DeSouza. No one appeared to speak in favor. No one appeared to speak in opposition.

P284-14 COUNCILLOR MOUTSOULAS – – BE IT ORDERED by the City Council of the City of Peabody that the application from Star Auto Center Corp., 8 Walnut Street, Peabody, MA for a Special Permit to operate an automobile repair shop at 58R Pulaski Street, Unit 2-3, Peabody, MA as filed in accordance with Sections 6.1, 11.6 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 Centennial Express Corp., 2 First Avenue, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Mr. Kevin Lucey. No one appeared to speak in favor. No one appeared to speak in opposition.

P285-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from Centennial Express Corp., 2 First Avenue, Unit 121, Peabody, MA for a Special Permit to allow a convenience store with packaged alcoholic beverages, beer & wine, in an I-P zoning district at said 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. (Carried 11-0)

A public hearing was duly held on the application from The Nest, LLC, 424 Maple Street, Danvers, 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.

P286-14 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from The Nest, LLC, 424 Maple Street, Danvers, MA for a Special Permit to allow a fast food restaurant with drive through window at 108 Newbury Street, Peabody, MA as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved.

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)

(MR. GREGG MONASTIERO APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 10-B)

P287-14 COUNCILLOR SASLAW – MOVE TO approve, under suspension of the rules, Item 10-B communication from Sonic Restaurant 55 Newbury Street, regarding clarification to amended site plan for outdoor seating area, and to allow the Building Inspector to issue a Building Permit in accordance with the plan entitled “Amended Site Plan Sonic Restaurant dated March 3, 2014”. (Unanimous)

REPORTS OF COMMITTEE

FINANCE COMMITTEE APRIL 29, 2014

P288-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee - This evening at 6:00 p.m. we had a meeting of the Finance Committee; present for the Committee were Councillor Gould, Councillor McGinn, Councillor Osborne, Councillor Saslaw, and myself as the chair. Also in attendance this evening were Councillor Manning-Martin, Councillor Driscoll, Councillor Moutsoulas, Councillor Garabedian, and Councillor Sinewitz. The first item on the agenda was the transfer of funds from Parking Meter Revenue to Parking Meter Maintenance Equipment in the amount of \$5,000. That was withdrawn by the Finance Director. The second and third items on the agenda were transfers of funds and the following motions were made. (Report received)

P289-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2014:

FROM:	TO:
CPC Unreserved Fund Balance \$475,000.00	CPC Historic Preservation Fund Balance \$400,000.00
	CPC Open Space Fund Balance \$75,000.00
(Carried 11-0)	

P290-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2014:

FROM:	TO:
Various Accounts Per Attached - \$14,960.45	CPC – Unreserved Fund Balance - \$14,960.45
(Carried 11-0)	

P291-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next item on the agenda was a long-desired and long-needed replacement of water mains for Gardner Street, where the mayor came and requested the approval of a bond order in the amount of \$1,089,000 and the following motion was made by Councillor Gould. (Report received)

{Item 10-A Bond Order}

P292-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee – 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 adopted as advertised and read. (Carried 11-0)

P293-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Continuing on in the good news saga of this night's Finance Committee meeting, we had a request from the Mayor's office, through the City Treasurer, to adopt a local ordinance to allow the City to add Standard & Poor's top 100 stocks to our list of available stocks for investment as a way of protecting the City's ability to invest in the long-term and that was a motion that was made by Councillor Osborne. (Report received)

P294-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the City of Peabody adopt and advertise an ordinance to add Standard & Poor's top 100 stocks to our list of available stocks for investment. (Carried 11-0)

P295-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Next, the Director of Finance gave us a report of progress on the sale of bonds, anticipation notes and general obligation funds. That report indicated that we're getting fabulous rates for borrowing and there was no vote needed or taken. Finally there was a request from the Peabody Municipal Light Commission to increase salaries from \$4,000 to \$5,100. After some spirited debate, Councillor Gould made a motion to hold this item in Committee and further motion to request information from the City Clerk as it pertains to what other municipalities are paying their light commissioners considering all aspects of the compensation. (Report received)

P296-14 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO request that the City Clerk provide the City Council with information regarding the amounts of compensation from surrounding communities that have electric light commissions to include health benefits and any other benefits, such as stipends. (Carried 11-0)

COMMITTEE OF THE WHOLE APRIL 29, 2014

P297-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole - The Committee of the Whole met with Councillor Sinewitz, who's doing an outstanding job with Aggregate Industries, and he reported to us that the report this year was by far the best in his last seven years so we were quite impressed with the due diligence that he took with his committee and they seemed to be working quite well together. The following motion was made. (Report received)

P298-14 COUNCILLOR DRISCOLL - Reporting for the Committee of the Whole - MOVE TO approve the 2013 Aggregate Industries Annual Report. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P299-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Chief Robert St. Pierre, Police Department, regarding Peabody Square watch order. (Unanimous)

P300-14 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-B communication Use of the Wiggin Auditorium – North Shore Community Action Program – June 24, 2014, subject to all papers being in order. (Unanimous)

P301-14 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department restripe the traffic lines in the downtown for the purpose of safety in the traffic pattern.
(Emergency Preamble - Carried 11-0)
(Motion to adopt - Carried 11-0)

P302-14 COUNCILLOR GRAVEL - MOVE TO request that the Public Services Department paint a "Stop" line at the crosswalk in front of Walgreen's for the safety of pedestrians and the officer.
(Emergency Preamble - Carried 11-0)
(Motion to adopt - Carried 11-0)

P303-14 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds from Cemetery Sale of Lots & Graves to Cemetery Capital Projects - \$51,510.00 and to refer to the Finance Committee. (Unanimous)

P304-14 COUNCILLOR GRAVEL – MOVE TO send a commendation from the City Council to this year's George Peabody Legacy Award Winners: Andrew Metropolis, Robert Cavanaugh, Margaret Murphy, Joseph O'Malley, Carolyn McGray, and Elaine Espindle (posthumously). The ceremony will be held on Thursday, May 15, 2014, at 6:00 p.m. in the Frank L. Wiggin Auditorium. (Unanimous)

P305-14 COUNCILLOR GOULD (Co-motion with Councillor Driscoll) - MOVE TO request that the Municipal Safety Committee review the intersection of Felton Street and Baldwin Street for a "Stop" sign. (Unanimous)

P306-14 COUNCILLOR WALSH (Co-motion with Councillor McGinn, Councillor Moutsoulas, and Councillor Osborne) - MOVE TO request that the Public Services Department inspect certain public ways to ensure that repaving and patching has been conducted within the city's standards and that any substandard patching shall be repaved properly by the contractor at the contractor's expense. There are some streets in the city that in the last couple of years there have been contractors who dug and either replaced utilities or adding services to a residence or business and what's happening is that in some instances the patches are made and then they sink and they're left for the city to deal with. And obviously we all know that this has been a difficult winter with potholes and the added expense to the city at substandard repaving I think needs to be addressed when it can be. (Unanimous)

P307-14 COUNCILLOR OSBORNE – MOVE TO send to the Public Services Committee the issue of a surety or bond to be paid by contractors that dig up city streets; and to request that the Public Services Department attend said meeting. (Unanimous)

P308-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-H communication from Sharon Cameron, Director, Department of Human Services, regarding Aggregate Industries annual report 2013. (Unanimous)

P309-14 COUNCILLOR SINEWITZ – MOVE TO request that the Community Development Department provide the City Council with a status update regarding Motion P44-14. (Unanimous)

P310-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department install new berms at 12, 22, 62 Catherine Drive and 8 Bristol Road. (Unanimous)

P311-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from SS Laser and Aesthetics, 194 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P312-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-F communication from Attorney John R. Keilty, 40 Lowell Street, regarding Notice of remand from Essex County Superior Court; 47 Newbury World Realty Trust and to set up a public hearing. (Unanimous)

P313-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-G communication from Attorney John R. Keilty, 40 Lowell Street, regarding Agreement for Judgment; Total Outdoor Corp., 1R Newbury Street. (Unanimous)

P314-14 COUNCILLOR GOULD – MOVE TO refer to Public Services Committee a review of our trash and recycling process, specifically come trash day when it's windy at all in the city, there is trash everywhere and there's other communities that have tackled it with a larger barrel. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P315-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding New ordinance position – Director of Facilities and to refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P316-14 COUNCILLOR GOULD – MOVE TO receive a communication from Cheryl LaPointe, Salem City Clerk, regarding Regionalizing taxicab licensing. (Unanimous)

P317-14 COUNCILLOR WALSH – MOVE TO receive a communication from Chief Robert St. Pierre, Police Department, regarding Letter of thanks. (Unanimous)

P318-14 COUNCILLOR WALSH – MOVE TO receive a communication from Chief Robert St. Pierre, Police Department, regarding Annual report for 2013. (Unanimous)

P319-14 COUNCILLOR WALSH – MOVE TO receive a communication from Karen Sawyer, Director, Community Development Department, regarding BR1 zoning map. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P320-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Wade Durkee – License #10 William Bosco – License #11
(Unanimous)

P321-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2014), subject to all papers being in order:

Best Buy Mobile #1957, 210 Andover Street W117
Charland Appliance Center, Inc., 15 Spring Street
Golden Link, 515 Lowell Street
Sempre Fine Jewelry, 41 Cross Street
Sempre Boutique, 41 Cross Street
(Unanimous)

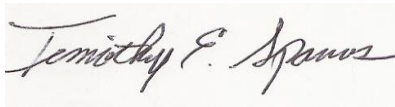
P322-14 COUNCILLOR GRAVEL – MOVE TO receive Junk Dealers License (New) – Northeast Arms, LLC, 108 Newbury Street, Peabody, MA, and to set up a public hearing. (Unanimous)

P323-14 COUNCILLOR GRAVEL – MOVE TO receive and approve Entertainment License (Renewal for 2014) Burton's Grill, LLC, 210 Andover Street, Peabody, MA, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 5, 2014
RETURNED BY HIS HONOR THE MAYOR, MAY 5, 2014

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds from Cemetery Sale of Lots & Graves to Cemetery Capital Projects – \$51,510.00
His Honor the Mayor re: New ordinance position – Director of Facilities
Cheryl LaPointe, Salem City Clerk re: Regionalizing taxi cab licensing
SS Laser and Aesthetics, 194 Newbury Street re: Special permit application
Chief Robert St. Pierre, Police Department re: Letter of thanks

Chief Robert St. Pierre, Police Department re: Peabody Square watch order
Chief Robert St. Pierre, Police Department re: Annual report for 2013
Attorney John R. Keilty, 40 Lowell Street re: Notice of remand from Essex County Superior Court; 47 Newbury
World Realty Trust
Attorney John R. Keilty, 40 Lowell Street re: Agreement for Judgment; Total Outdoor Corp., 1R Newbury Street
Sharon Cameron, Director, Department of Human Services re: Aggregate Industries annual report 2013
Karen Sawyer, Director, Community Development Department re: BR1 zoning map

TAXI/LIMOUSINE DRIVER LICENSE:

Wade Durkee – License #10 William Bosco – License #11

USE OF THE WIGGIN AUDITORIUM:

North Shore Community Action Program – June 24, 2014

JUNK DEALER LICENSE: (Renewal for 2014)

Best Buy Mobile #1957, 210 Andover Street W117

Charland Appliance Center, Inc., 15 Spring Street

Golden Link, 515 Lowell Street

Sempre Fine Jewelry, 41 Cross Street

Sempre Boutique, 41 Cross Street

JUNK DEALER LICENSE: (New)

Northeast Arms, LLC, 108 Newbury Street

ENTERTAINMENT LICENSE: (Renewal for 2014)

Burton's Grill, LLC, 210 Andover Street