

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**OCTOBER 9, 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.

P709-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of October 2, 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 JOEL SASLAW AND MAYOR EDWARD A. BETTENCOURT JR. WELCOMED AND CONGRATULATED THE PEABODY WEST LITTLE LEAGUE 9 YEAR OLD ALL-STAR TEAM CHAMPIONS FOR AN OUTSTANDING SEASON. MEMBERS INCLUDED WERE: ZACH FISHER, TYLER FAWCETT, CHRISTIAN FEDERICO, RYAN SASLAW, SAMMY OLIVERI, JONATHAN OLIVERI, MICHAEL KROUSE, DYLAN HUNT, HARRY LYNCH, GENARO FRONDUTO, JEFFREY ROACH, MIKEY GEISSLER, COACH JOHN FEDERICO, COACH JEFF ROACH, COACH GARY LYNCH, COACH ROB FISHER AND COACH PAM OLIVERI.)

**HEARINGS**

(COUNCILLOR OSBORNE ASSUMED THE CHAIR AS ACTING CITY COUNCIL PRESIDENT)  
(COUNCILLOR GARABEDIAN RECUSED HIMSELF FROM THE FOLLOWING HEARING)

The City Council reconvened the recessed public hearing on the application from Mark F. & Vanessa Cone, 2 Mount Pleasant Drive, Peabody, MA. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P710-14 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody **NOT TO APPROVE** the application from Mark F. & Vanessa Cone, 8 Hardy Street, Beverly, MA, for a Special Permit to own and occupy the property to operate a dog care business, which will include training and the overnight boarding of dogs (kennel license) on premises located at 2 Mount Pleasant Drive, Peabody, MA be denied and that the following findings have been established as a basis for denial:

Based on the noncompliance of the following sections of the Peabody Zoning Ordinance:

1. Section 4.2.1 Residential; The applicants state on their application for Special Permit and they will own and occupy the property at said 2 Mount Pleasant Drive to operate a dog business. The Peabody Zoning Ordinance prohibits a residential use in a Regional Business zoning district;
2. The proposed use does not meet the requirements of Section 6.1.2 Special Permit General Requirements; the use for which the permit is sought will not satisfy a desirable local need, that its design and appearance will be injurious to the established or future character of the vicinity and the neighborhood and that the proposed use is not in harmony with the general purpose and intent of this ordinance as follows:
  - (i) The kennel will impact the quality of life for the abutters who live in an R-1A zoning district with added noise and traffic;
  - (ii) The added noise of boarded dogs will certainly affect the quiet enjoyment of the neighborhood and the surrounding businesses; and
  - (iii) The location is simply not suited for a kennel.

(Carried 10-0, Councillor Garabedian absent)

P711-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Julie Daigle, Business Liaison, regarding The Guide to Doing Business in Peabody. (Unanimous)

(MAYOR EDWARD A. BETTENCOURT JR. AND MS. JULIE DAIGLE APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 8-I COMMUNICATION.)

### REPORTS OF COMMITTEE

#### **LEGAL AFFAIRS COMMITTEE**

##### **OCTOBER 9, 2014**

P712-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met this evening; present, including myself as chair, were Councillor Walsh, Councillor Garabedian, Councillor Moutsoulas, Councillor Driscoll, and Councillor Sinewitz joined toward the middle of the meeting. There were a few items on the agenda. The first one being Town Line Acres easement/restriction pertaining to open space. This issue involved a development that was agreed upon probably seven years ago and one of the restrictions on the permit was that they provided an easement/restriction on a vernal pool that is in that area on Ralph Road. So it was an agreement from seven years ago and it's coming to fruition now. What was required of the council was to vote on what had been put before the Conservation Committee. In getting this easement/restriction what it ultimately does is it allows the Conservation Commission, the Department of Environmental Protection, and the Attorney General's office -- basically those that are in charge of monitoring environmental issues -- have access to that vernal pool. One motion came from Councillor Walsh and it passed unanimously. (Report received)

P713-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO approve and accept the Conservation Easement/Restriction and instrument pertaining to the open space at the Town Line Acres Subdivision, as approved by the Conservation Commission. (Carried 11-0)

P714-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - The second motion pertained to an item, which was a proposed purchase of city-owned land at 250 Lynnfield Street. It would be to purchase Map 99, parcels 25, 25A and 25B on Lynnfield Street. What we had discovered in that request to purchase land was that in 2009 the same issue had come forward and what the Conservation Commission recommended at that time to the City Council was that we vote to not sell the land, but instead turn it over to the Conservation Commission and keep it as open space. We did take a vote in 2009 to follow that recommendation; however, it was not seen through to fruition; so what the Legal Affairs decided to do was to follow that through and ensure that the motion gets recorded at the Registry of Deeds. The following motion was made by Councillor Garabedian. (Report received)

P715-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO reaffirm the City Council vote of March 26, 2009, to transfer parcels 25, 25A, 25B, and 28 on Assessors Map 99 and that the Legal Department and Conservation Commission notify the City Council that said lots have been accepted as conservation land and recorded at the Registry of Deeds. (Carried 11-0)

P716-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - The final item the agenda was put there by Councillor Sinewitz. It was regarding Special Permit license applications regarding unpaid taxes by property owners. We received a legal opinion this evening that we would like to review further; so that item is being held in committee. (Report received)

P717-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – MOVE TO receive the legal opinion from the City Solicitor, Michael Smerczynski, relative to unpaid taxes/tenant applicant for licenses or special permits and that said matter be held for discussion in the Legal Affairs Committee. (Unanimous)

**MUNICIPAL SAFETY COMMITTEE**  
**OCTOBER 9, 2014**

P718-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – All councillors were in attendance for the Municipal Safety meeting tonight and we had two items on the agenda: One was for proposed "No parking" signs on the easterly side of Wallis Street. Councillor Gould made that motion and it was approved in subcommittee. (Report received)

P719-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – MOVE TO request that "No parking" signs for Wallis Street, easterly side from PMLP Pole #17 to Tremont Street be approved, and that an ordinance be drafted and advertised on the same. (Unanimous)

P720-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - Also the City Council took up the subject of the dangerous intersections in the City of Peabody. There's, I believe, nine that were identified. Basically it's a work in progress so we will meet again in the next month or so after we get some more information from the committee. (Report received)

**MOTIONS, ORDERS & RESOLUTIONS**

P721-14 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Timothy Spanos, City Clerk, regarding State Election Warrant 2014. (Unanimous)

P722-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-H communication from John Dunn, Scoutmaster, Troop 59, regarding Eagle Scout award recipient and to refer to His Honor the Mayor to prepare the requested citation. (Unanimous)

P723-14 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Service Department look at the entrance to Crestview Park coming from both angles, which is actually 301 to 315 Lynnfield Street, to see if we can fix some potholes causing quite a stir up there. (Unanimous)

P724-14 COUNCILLOR OSBORNE - MOVE TO request that the Peabody Municipal Light Plant provide a street light on the pole between number 18 and number 20 Bartholomew Street. The resident has a handicapped disability. (Emergency Preamble - Carried 11-0) (Motion to adopt - Carried 11-0)

P725-14 COUNCILLOR SASLAW (Co-motion with Councillor Walsh) - MOVE TO request that the Public Services Department, along with their subcontractor, go and revisit the paving that they did on Lake Street in the vicinity of the McCarthy School. There's a section of the road that there is a dip in the road. (Unanimous)

P726-14 COUNCILLOR MOUTSOULAS - MOVE TO request handicapped signs for 20 Fulton Street and 53 Harris Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

(COUNCILLOR DRISCOLL THANKED MR. LEVINE FOR HIS HELP IN MAKING SURE CONTRACTORS WERE HELD TO THEIR CONTRACT REGARDING TRAFFIC AT THE HIGGINS MIDDLE SCHOOL)

P727-14 – COUNCILLOR DRISCOLL – MOVE, under suspension of the rules, to receive the application for Utility Contractor License from RCAD, Inc., 200 Main Street, Pawtucket, R.I. and be held over for discussion at the next regular meeting. Further request that Mr. Robert Langley, Director of Public Services, appear at the next meeting to discuss the same. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

None.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P728-14 COUNCILLOR MCGINN – MOVE TO receive a communication from Sharon Cameron, Director, Department of Human Services, regarding Motion P656-14 Rules and regulations on electronic cigarette shops. (Unanimous)

P729-14 COUNCILLOR MCGINN – MOVE TO receive a communication from Sharon Cameron, Director, Department of Human Services, regarding Motion P648-14; prohibition of smoking in city parks and playgrounds. (Unanimous)

P730-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve a communication from Jason Panos on behalf of the St. Vasilios Church regarding Bell tower celebration. (Unanimous)

P731-14 COUNCILLOR OSBORNE – MOVE TO receive a communication from Michael Widmer, President, Mass Taxpayers Foundation regarding Question One. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Gravel present)

P732-14 COUNCILLOR SASLAW – MOVE TO receive a communication from Solimine Funeral Homes, Lynn, MA, regarding Veterans Memorial Service. (Unanimous)

P733-14 COUNCILLOR SINEWITZ – MOVE TO receive a communication from Jennifer Davis, Director, Parks & Recreation Department, regarding Answer to Motion P604-14. (Unanimous)

P734-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve a late communication from Our Lady of Fatima Church, 50 Walsh Avenue, regarding a Banner, subject to all papers being in order. (Unanimous)

#### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P735-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Kyle Crosman – License 86	Stephen Plunkett – License 87
John A. Colanton – License 89	David Adriance – License 90
Paul Kostopoulos – License 91	Michael Kostopoulos – License 92
Benedetto Bisconti – License 93	John Shaw – License 94
A. Paul Vente – License 95	Brian McLaughlin – License 96
Ronald Fearon – License 97	David Drillis – License 98
Chibani Hicham – License 99	Kevin Parker – License 100
Marc Margossian – License 101	William O’neill – License 102
Antonello Verdiglione – License 103	Abdul Sheriff – License 104
John J. Noonan – License 105	Darryl Fanning – License 106
Kenneth Wright – License 107	David Terry – License 109
David Claffey – License 110	John Kozlowski – License 111
Phillip Sawall – License 112	Jeff Austraw – License 114
Robert Ruest – License 115	Elizabeth Bersano – License 119
Andrew Smith – License 118	Robert Stavis – License 116
Donald Luis, Jr. – License 120	

(Unanimous)

P736-14 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxicab License Transfer North Shore Taxi, Inc. - Licenses 16 & 24, subject to all papers being in order. (Unanimous)

P737-14 COUNCILLOR GRAVEL – MOVE TO receive Petition for Fiber Optic Cable – Axis Engineering, Inc. on behalf of Lighttower Fiber Networks and to set up a public hearing. (Unanimous)

#### **UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

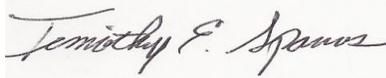
None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:35 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 16, 2014

RETURNED BY HIS HONOR THE MAYOR, OCTOBER 16, 2014

ATTEST



(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

Timothy Spanos, City Clerk re: State Election Warrant 2014

Sharon Cameron, Director, Department of Human Services re: Motion P 656-14 Rules and regulations on electronic cigarette shops

Sharon Cameron, Director, Department of Human Services re: Motion 648-14; prohibition of smoking in city parks and playgrounds

Jason Panos on behalf of the St. Vasilios Church re: Bell tower celebration

Michael Widmer, President, Mass Taxpayers Foundation re: Question One

Solimine Funeral Homes, Lynn, MA re: Veterans Memorial Service

Jennifer Davis, Director, Parks & Recreation Department re: Answer to motion P604-14

John Dunn, Scoutmaster, Troop 59 re: Eagle Scout award recipient

Julie Daigle, Business Liaison re: The Guide to Doing Business in Peabody

**TAXI/LIMO/SINE DRIVER LICENSE:**

Kyle Crosman – License 86

John A. Colanton – License 89

Paul Kostopoulos – License 91

Benedetto Bisconti – License 93

A. Paul Vente – License 95

Ronald Fearon – License 97

Chibani Hicham – License 99

Marc Margossian – License 101

Antonello Verdiglione – License 103

John J. Noonan – License 105

Kenneth Wright – License 107

David Claffey – License 110

Phillip Sawall – License 112

Robert Ruest – License 115

Andrew Smith – License 118

Donald Luis, Jr. – License 120

Stephen Plunkett – License 87

David Adriance – License 90

Michael Kostopoulos – License 92

John Shaw – License 94

Brian McLaughlin – License 96

David Drillis – License 98

Kevin Parker – License 100

William O’neill – License 102

Abdul Sheriff – License 104

Darryl Fanning – License 106

David Terry – License 109

John Kozlowski – License 111

Jeff Austraw – License 114

Elizabeth Bersano – License 119

Robert Stavis – License 116

**TAXICAB LICENSE:** (Transfer)

North Shore Taxi, Inc. – Licenses 16 & 24

**PETITION FOR FIBER OPTIC CABLE:**

Axis Engineering, Inc. on behalf of Lighttower Fiber Networks