

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**NOVEMBER 19, 2015**

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

ABSENT: COUNCILLORS: GRAVEL AND MANNING-MARTIN

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.

COUNCILLOR WALSH - 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**

A public hearing was duly held on the Special Permit application from Topsfield Prestige Motors, Inc., 1-R Newbury Street, Peabody, MA. Mr. Karl Nazzaro appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P842-15 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Topsfield Prestige Motors, Inc., 1-R Newbury Street, Peabody, MA, for a Special Permit seeking an office only for the sale of automobiles at 257 Andover 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: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which 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, Councillor Gravel and Councillor Manning-Martin absent)

A public hearing was duly held on the application from Topsfield Prestige Motors, Inc., 1-R Newbury Street, Peabody, MA. Mr. Karl Nazzaro appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P843-15 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Topsfield Prestige Motors, Inc., 1-R Newbury Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License to 257 Andover Street, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillor Gravel and Councillor Manning-Martin absent)

P844-15 COUNCILLOR SINEWITZ - MOVE TO request that Melissa Lupini, Chairwoman of the Essex Tech School Committee, provide to the Peabody City Council an itemized budget. (Unanimous)

P845-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Legislation change to SESD board. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-G)

P846-15 COUNCILLOR OSBORNE – MOVE TO authorize His Honor the Mayor to request from the SESD board authorization to allow Robert Langley to remain as the City of Peabody's representative on the South Essex Sewerage District. (Carried 9-0; Councillor Gravel and Councillor Manning-Martin absent)

P847-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Tennessee Gas Pipeline Company FERC application. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING LATE COMMUNICATION ITEM 1).

P848-15 COUNCILLOR SINEWITZ AND COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody to adopt a Resolution selecting the City of Peabody and Peabody City Council to become an Intervener in the FERC proceedings relative to a new natural gas pipeline known as the Northeast Energy Direct Project. (Carried 9-0, Councillor Gravel and Councillor Manning-Martin absent)

P849-15 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Banner request, subject to all papers being in order. (Unanimous)

P850-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty on behalf of Adriano Taugino, 40 Lowell Street, regarding Request to continue. (Unanimous)

P851-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Judith Otto, Chairperson, Historical Commission, regarding Special Permit review, 98 Main Street. (Unanimous)

P852-15 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from Adriano Taugino, 98 Main Street, until Thursday, December 10, 2015. (Unanimous)

#### **REPORTS OF COMMITTEE**

None.

#### **MOTIONS, ORDERS AND RESOLUTIONS**

P853-15 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install a “Dead end” sign at the beginning of Victor Circle. (Unanimous)

P854-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from Bruce McCorry, 220 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P855-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from Jennifer Davis; Director; Parks, Recreation & Forestry Department; regarding Completed Council motions. (Unanimous)

P856-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Peabody Downtown Association, 71 Main Street, regarding Banner request for 2016. (Unanimous)

P857-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds from Unreserved fund balance to DPS Capital Equipment - \$155,845.00 and to refer to the Finance Committee. (Unanimous)

P858-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Transfer of funds from Unreserved fund balance to Fire Salaries/Fire Alarm Salaries - \$492,500.00 and to refer to the Finance Committee. (Unanimous)

P859-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Various transfer of funds and to refer to the Finance Committee. (Unanimous)

P860-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Ordinance amendment; composition of the Fire Department and to refer to the Finance Committee. (Unanimous)

P861-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Ordinance amendment; non-union personnel and to refer to the Finance Committee. (Unanimous)

P862-15 COUNCILLOR DRISCOLL - MOVE TO request a legal opinion from the City Solicitor and an opinion from the Parks, Recreation & Forestry Department regarding the request to purchase city-owned land at Map 39, Lot 24, 0 Willowdale Avenue. (Unanimous)

P863-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-I from the November 12, 2015, Regular Meeting, a communication from Attorney Athan Vontzalides, 246 Andover Street on behalf of Group 1 Automotive, Inc., 252 Andover Street, regarding Request to rezone Map 39, Lot 25, 0 Willowdale Avenue, and to refer to the Planning Board; and to further request that the City Solicitor provide a legal opinion whether that is an adequate use for that particular area. (Unanimous)

P864-15 COUNCILLOR SINEWITZ – MOVE TO refer to the Legal Affairs Committee the issue of amending our home-rule petition regarding the unused liquor licenses in the downtown. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P865-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from His Honor the Mayor regarding Copy of letter to Mayor Bettencourt from Rogin Nassau, LLC. (Unanimous)

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P866-15 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from A & M Realty Group, LLC, 43 Central Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

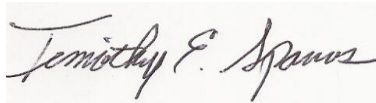
None.

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 30, 2015  
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 30, 2015



ATTEST

(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Copy of letter to Mayor Bettencourt from Rogin Nassau, LLC, Hartford, CT re: City of Peabody/Ion the Ball Billboard Lease

His Honor the Mayor re: Ordinance amendment; composition of the Fire Department

His Honor the Mayor re: Ordinance amendment; non-union personnel

His Honor the Mayor re: Transfer of funds from Unreserved fund balance to DPS Capital Equipment - \$155,845.00

His Honor the Mayor re: Transfer of funds from Unreserved fund balance to Fire Salaries/Fire Alarm Salaries - \$492,500.00

His Honor the Mayor re: Various transfer of funds

His Honor the Mayor re: Legislation change to SESD board

Judith Otto, Chairperson, Historical Commission re: Special Permit review, 98 Main Street

Bruce McCorry, 220 Newbury Street re: Special Permit application

A & M Realty Group, LLC, 43 Central Street re: Special Permit application

Peabody Downtown Association, 71 Main Street re: Banner request for 2016

Jennifer Davis, Director, Park, Recreation & Forestry Department re: Completed Council motions