

**REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 20, 2014**

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

ABSENT: COUNCILLOR DRISCOLL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council Acting President, Barry P. Osborne.

Salute to the American Flag.

P789-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of November 6, 2014. (Unanimous)

HEARINGS

A public hearing was duly held on Tax Classification. Appearing to speak on behalf of the City was Mayor Edward A. Bettencourt Jr. and Ms. Patti Schaffer, Finance Director. No one appeared to speak in favor. No one appeared to speak in opposition.

P790-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor under date of November 18, 2014, requesting a transfer of funds from 2015 Northshore Essex Technical High School to Education Salaries. (Unanimous)

P791-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor under date of November 10, 2014, requesting a transfer of funds from CPC Unreserved Fund Balance to CPC Open Space; Crystal Lake and PVMHS Athletic Complex. (Unanimous)

P792-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor under date of November 10, 2014, requesting a transfer of funds from CPC Unreserved to CPC Administration. (Unanimous)

P793-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor under date of November 10, 2014, requesting a transfer of funds from CPC Unreserved to various reserve fund accounts. (Unanimous)

P794-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor requesting a transfer of funds to offset the tax levy under date of November 14, 2014. (Unanimous)

P795-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor under date of November 10, 2014, requesting a transfer of funds from Parking Meter Revenue to FY-2015 budget. (Unanimous)

P796-14 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor requesting acceptance of Chapter 126 of the Acts of 1988 (several clauses). (Unanimous)

P797-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 10, 2014:

FROM	TO
CPC Unreserved Fund Balance - \$240,000.00	CPC Open Space – Crystal Lake - \$160,000.00
	CPC Open Space PVMHS Athletic Complex - \$80,000.00

(Carried 10-0, Councillor Driscoll absent)

P798-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 10, 2014:

FROM	TO
Community Preservation Act Unreserved \$10,000.00 (Unanimous)	Administration - \$10,000.00

P799-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 10, 2014:

FROM	TO	
Community Preservation Funds Unreserved \$328,965.00	Historical Preservation Reserve Fund - Community Housing Reserve Fund – Open Space Reserve Fund –	\$109,655.00 \$109,655.00 \$109,655.00
Community Preservation Fund Unreserved \$164,437.00	Open Space Reserve Fund - Historic Preservation Reserve Fund – Community Housing Reserve Fund -	\$109,655.00 \$27,391.00 \$27,391.00

(Unanimous)

P800-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 10, 2014:

FROM	TO	
Unreserved Fund Balance \$1,000,000.00 (Carried 8-2, Councillor Gravel and Councillor Sinewitz in opposition; Councillor Driscoll absent)	FY-2014 Operating Budget – Tax Levy	\$1,000,000.00

P801-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 13, 2014:

FROM	TO
Parking Meter Revenue - \$58,200.00 (Unanimous)	FY-2015 Budget - \$58,200.00

P802-14 COUNCILLOR GOULD - BE IT ORDERED by the City Council of the City of Peabody to adopt Chapter 126 of the Acts of 1988 – Optional Additional Real Estate Exemptions as set forth in Clauses 17, 17C, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41, 41B, and 41C of Section 5 of the Massachusetts General Laws.
(Carried 10-0, Councillor Driscoll absent)

P803-14 COUNCILLOR GOULD – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of November 18, 2014:

FROM	TO
2015 Northshore Essex Technical School \$414,167.00 (Carried 9-1, Councillor Walsh opposed; Councillor Driscoll absent)	Education Salaries - \$414,167.00

P804-14 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody to adopt a Residential Factor of .814832 for Fiscal Year 2015 (161% CIP).
(Carried 8-2, Councillor Gravel and Councillor Sinewitz opposed; Councillor Driscoll absent)

P805-14 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody not to grant a discount for Open Space.
(Carried 10-0, Councillor Driscoll absent)

P806-14 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody not to adopt a small commercial exemption. (Carried 10-0, Councillor Driscoll absent)

P807-14 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody not to adopt a residential exemption. (Carried 10-0, Councillor Driscoll absent)

(COUNCILLOR SINEWITZ RECUSED HIMSELF FROM THE FOLLOWING HEARING.)

A public hearing was duly held on the application from Michael Weiss, 0 Forest Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides, Mr. Kerry Kearney, Mr. Eric Bednarek, and Mr. Michael Weiss. Mr. Kevin Anderson, 31 Lexington Drive, Beverly, MA; Mr. Steven Hanson, 179 Main Street, Peabody, MA; Ms. Sue Manganiello, 5 Downing Road, Peabody, MA; Mr. John Murphy, 19 ½ Laurel Street, Salem, MA, appeared to speak on behalf of Mr. Ted Robinson, 10 Surrey Lane, Peabody, MA; Mr. Pete McGonnell, 500 Northshore Road, Peabody, MA; Mr. Greg Ford, 269 Forest Street, Peabody, MA; and Mr. Mike Soltys, 10 Bourbon Street, Peabody, MA, appeared to speak in favor. Ms. Jodi Mitchell, 6 Sasha Circle, Peabody, MA, appeared to speak in opposition.

P808-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communications from Greg Ford, 269 Forest Street and Lindsay Realty Trust, 278 Forest Street in support of the Special Permit application for Michael Weiss, 0 Forest Street.
(Objection by Councillor Manning-Martin – NOT RECEIVED)

P809-14 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Michael Weiss, 27 Farm Avenue, Peabody, MA, for a Special Permit seeking permission to construct a digital billboard on land numbered 0 Forest Street, Peabody, MA, Assessors Map 69, Parcel 12, 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. (Failed 9-0; Councillor Barry Sinewitz and Councillor Robert Driscoll absent)

A public hearing was duly held on the application from Outdoor Ad Concepts, LLC, 1 Nichols Lane Extension, Lynnfield, 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.

P810-14 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-L communication from Attorney John R. Keilty, 40 Lowell Street, regarding Outdoor Ad Concepts, LLC, 41 Newbury Street. (Unanimous)

P811-14 COUNCILLOR MANNING-MARTIN – MOVE TO recess the public hearing on the application from Outdoor Ad Concepts, 41 Newbury Street, Peabody, MA, until the next regular meeting on Thursday, December 11, 2014. (Unanimous)

REPORTS OF COMMITTEE

PUBLIC SERVICES COMMITTEE **NOVEMBER 20, 2014**

P812-14 COUNCILLOR GOULD – Reporting for the Public Services Committee – The Public Services Committee met this evening. In attendance were myself, Councillor Manning-Martin, Councillor Moutsoulas, Councillor Walsh, and in place of Councillor Garabedian was Councillor Saslaw. We had a presentation by Public Services Director Mr. Robert Langley and supervisor Dave Terenzoni in regards to the preparation for the winter storms coming up. Hopefully we don't have any. Mr. Langley gave us a snow and ice manual, which he prepared. A lot of hard work went into that. Councillor Saslaw asked Mr. Langley to speak about preparing for an upcoming storm and he went through a number of things that enlightened us, such as salting the streets prior to getting the subs ready. Councillor Saslaw asked about possible GPS monitoring of contractors. Mr. Langley addressed other municipalities and how they handle the subject and advised the council that this is being reviewed.

Councillor Saslaw and Mr. Langley reported on the licensing and paperwork involved in contractors identifying the vehicles being used by a sticker or sign was discussed. Mayor Bettencourt would also like to see some, sort of, identification system. Councillor Saslaw asked if we could use the city Web site to allow plowing issues to be flagged as we do with the potholes. Councillor Manning-Martin brought up the practice of property owners plowing snow into the street and we discussed how it is a fine and we're looking at how to enforce that. And lastly, Councillor McGinn asked about the ticketing and towing involved. It was a pretty enlightening session. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P813-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Timothy Spanos, City Clerk, regarding Class 2 Motor Vehicle License; Motor Mania, 94A Foster Street and to refer to the Legal Affairs Committee. (Unanimous)

P814-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Attorney Anthony Porcello, 324 Main Street, Gloucester, regarding Request for hearing; P.K. Motor Cars, Inc., 195 Washington Street and to refer to the Legal Affairs Committee. (Unanimous)

P815-14 COUNCILLOR MCGINN - MOVE TO request that the Police Department provide the City Council with an update on the activity at P.K. Motors in reference to the police department letter dated October 13th, 2013. I'm requesting that update in accordance with City Council motion P922-13 and P937-13. (Unanimous)

P816-14 COUNCILLOR GRAVEL (Co-motion with Councillor Driscoll) - MOVE TO refer to the Municipal Safety Committee an action to place a speed limit sign at the end of Felton Street from Prospect Street, what is typically referred as "the farm road." (Unanimous)

P817-14 COUNCILLOR GOULD (Co-motion with Councillor Saslaw) - MOVE TO request that the Public Services Department install a "Stop" sign at the corner of Crane Avenue and Goodale Street and to draft and advertise an ordinance. (Unanimous)

P818-14 COUNCILLOR SINEWITZ – MOVE TO refer to the Industrial & Community Development Committee the issue of renting rooms in residential neighborhoods and to request that the Community Development Department attend said meeting. (Unanimous)

P819-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-K communication from Four Star Service, Inc., 134-R Newbury Street, Unit RUB, regarding Special Permit application and to set up a public hearing. (Unanimous)

(COUNCILLOR SASLAW ANNOUNCED THAT THE 3RD AND 4TH GRADE PEABODY BLACK CRUSADERS FOOTBALL TEAM WON THE SUPER BOWL.)

P820-14 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-J communication from Diane Calver for 58 Pulaski Street regarding Special Permit application and to set up a public hearing. (Unanimous)

P821-14 COUNCILLOR MOUTSOULAS - MOVE TO request that the City Council congratulate John McGinn on his recent appointment as Town Administrator for the Town of Marblehead. (Unanimous)

P822-14 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department and Park, Recreation & Forestry Department investigate a tree across from 16 Coolidge Avenue. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P823-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Lt. Scott Richards, Police Department, regarding Ordinance amendment; prohibit construction vehicles related to Higgins Construction project; King Street @ Lowell Street; Perkins Street @ Lowell Street; and to draft and advertise an ordinance. (Unanimous)

P824-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Jennifer Davis, Director, Park, Recreation & Forestry Department, regarding Trim tree branches; 16 Reynolds Road. (Unanimous)

P825-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Letter to Mass Outdoor Advertising Board regarding 258 Newbury Street. (Unanimous)

P826-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Change in law relative to site towers. (Unanimous)

P827-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Verizon Wireless litigation. (Unanimous)

P828-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Status; Class 2 Motor Vehicle License at 128 Newbury Street and to refer to the Legal Affairs Committee. (Unanimous)

P829-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Various completed Council motions and to thank Mr. Langley for his report. (Unanimous)

P830-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P831-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

John W. Minchello – License 127
 Scott MacKay – License 129
 Michael Meredith – License 132
 (Unanimous)

Shepherd D. Means – License 128
 Jurgen Poci – License 130

P832-14 COUNCILLOR GRAVEL – MOVE TO receive Class 2 Motor Vehicle License (Transfer) Four Star Service, Inc., 134R Newbury Street, and to set up a public hearing. (Unanimous)

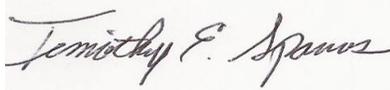
P833-14 COUNCILLOR GRAVEL – MOVE TO receive Class 2 Motor Vehicle License (Transfer) Legacy Auto Sales, Inc., 92 Foster Street, and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:25 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, DECEMBER 2, 2014
RETURNED BY HIS HONOR THE MAYOR, DECEMBER 2, 2014



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Lt. Scott Richards, Police Department re: Ordinance amendment; prohibit construction vehicles related to Higgins construction project; King Street @ Lowell Street; Perkins Street @ Lowell Street
Jennifer Davis, Director, Park, Recreation & Forestry Department re: Trim tree branches; 16 Reynolds Road
Timothy Spanos, City Clerk re: Letter to Mass Outdoor Advertising Board regarding 258 Newbury Street
Timothy Spanos, City Clerk re: Change in law relative to site towers
Attorney Michael Smerczynski, City Solicitor re: Verizon Wireless litigation
Timothy Spanos, City Clerk re: Status; Class 2 Motor Vehicle License at 128 Newbury Street
Timothy Spanos, City Clerk re: Class 2 Motor Vehicle License; Motor Mania, 94A Foster Street
Robert Langley, Director, Public Services Department re: Various completed Council motions
Planning Board re: Minutes and agenda
Diane Calver for 58 Pulaski Street re: Special permit application
Four Star Service, Inc., 134-R Newbury Street, Unit RUB re: Special Permit application
Attorney John R. Keilty, 40 Lowell Street re: Outdoor Ad Concepts, LLC, 41 Newbury Street
Attorney Anthony Porcello, 324 Main Street, Gloucester re: Request for hearing; P. K. Motor Cars, Inc., 195 Washington Street

TAXI/LIMOUSINE DRIVER LICENSE:

John W. Minchello – License 127
Shepherd D. Means – License 128
Scott MacKay – License 129
Jurgen Poci – License 130
Michael Meredith – License 132

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Four Star Service, Inc., 134R Newbury Street
Legacy Auto Sales, Inc., 92 Foster Street