

REGULAR MEETING OF THE PEABODY CITY COUNCIL
DECEMBER 10, 2015

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

ABSENT: None.

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.

P880-15 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of November 12, 2015; the last regular meeting of November 19, 2015; and the special meeting of December 3, 2015. (Unanimous)

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.

The City Council recognized outgoing City Councillors, Robert E. Driscoll, Ward 4 Councillor and Barry P. Osborne, Ward 1 Councillor for their outstanding years of dedicated service to the citizens of the City of Peabody. Councillor Driscoll served on the City Council for 28 years and Councillor Osborne served on the City Council for 16 years.

HEARINGS

P881-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-L communication from Attorney John R. Keilty, 40 Lowell Street, regarding Discontinuance of Corporate Place – request to withdraw without prejudice. (Unanimous)

P882-15 COUNCILLOR SASLAW – MOVE THAT the matter of the Discontinuance of Corporate Place to Route 1 as a public way be allowed to be withdrawn, without prejudice. (Unanimous)

The City Council reconvened the recessed hearing on the Zoning Amendment regarding the Moratorium on Billboards. No one appeared to speak in favor. No one appeared to speak in opposition.

P883-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-D communication from Planning Board regarding Zoning amendment recommendation to extend the moratorium on billboards. (Unanimous)

P884-15 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody that the following amendment to the Peabody Zoning Ordinance be adopted as advertised and read:

SECTION ONE: BE IT ORDAINED by the City Council of the City of Peabody that the Zoning Ordinance of the City of Peabody entitled “City of Peabody Zoning Ordinance Adopted April 28, 2011, and Amended through October 22, 2015,” is hereby further amended as follows:

By amending Section 11.6.2 Applicability by amending the following language:

MORATORIUM ON BILLBOARDS
NO SPECIAL PERMIT APPLICATION FOR A BILLBOARD SHALL BE ACCEPTED BY THE CITY OF PEABODY COMMENCING ON MAY 23, 2014, FOR A PERIOD OF TWENTY-FOUR (24) MONTHS.

And inserting in place thereof the following new language:

MORATORIUM ON BILLBOARDS
 NO SPECIAL PERMIT APPLICATION FOR A BILLBOARD SHALL BE ACCEPTED BY THE CITY OF PEABODY FOR AN ADDITIONAL TWO YEARS COMMENCING FROM THE ORIGINAL BILLBOARD MORATORIUM EXPIRATION DATE OF MAY 22, 2016, THROUGH TO MAY 22, 2018.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
 (Carried 11-0)

A public hearing was duly held on the application from Linda R. Sciaraffa, 24A North Central Street, Peabody, MA. Ms. Linda Sciaraffa appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P885-15 COUNCILLOR MCGINN – MOVE TO approve the application from Linda R. Sciaraffa, 24A North Central Street, Peabody, MA, for a Junk Dealers License at 30 Main Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the Special Permit application from A & M Realty Group, LLC, c/o 246 Andover Street, Peabody, MA. Attorney Athan Vontzalides and Mr. Barry Hobbie appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P886-15 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from A & M Realty Group, LLC, c/o 246 Andover Street, Peabody, MA, for a Special Permit seeking to discontinue the existing pub restaurant and replace with two residential units at 43 Central Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason and subject to the following conditions:

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.

CONDITIONS:

1. The petitioner shall seek guidance on all exterior renovations to the structure from the Peabody Historical Commission;
2. The commercial first floor façade shall be removed and replaced in such a way that the entire exterior of the property is residential in appearance;
3. No apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from Elm or Central Streets;
4. All trash and recycling shall be contained in the rear of the structure not visible from the street and adequately screened such that it is not visible to abutters and such trash and recycling storage location shall be indicated on the final version of the site plan and shall be approved by the construction review committee and planning board as a function of site plan review;
5. Trash and recycling materials shall be removed by a private trash removal service and no municipal trash pickup shall be provided. For the avoidance of doubt, trash collection shall be in accordance with the ordinances of the City of Peabody and no trash or refuse or recycling collections shall occur between the hours of 7:00 p.m. and 7:00 a.m. of any day of the week; and
6. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(Carried 11-0)

A public hearing was duly held on the Special Permit application from Bruce McCorry, 220 Newbury Street, Peabody, MA. Mr. Gary Bistanoa appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P887-15 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Bruce McCorry, 220 Newbury Street, Peabody, MA, for a Special Permit seeking to install an electronic message board on an existing free-standing sign pole at said 220 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, 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 11-0)

A public hearing was duly held on the Special Permit application from Adriano Taugino, 182 Lake Drive, Hamilton, MA. Attorney John R. Keilty and Mr. William Grover appeared to speak on behalf of the application. No one appeared to speak in favor. Attorney John Slattery on behalf of the Knights of Columbus; and Tracey and Bill McDonald, 98 Rear Main Street, Peabody, MA, appeared to speak in opposition.

P888-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-P communication from Attorney John R. Keilty, 40 Lowell Street, regarding Revised site plan, 98 Main Street. (Unanimous)

P889-15 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Adriano Taugino, 182 Lake Drive, Hamilton, MA, for a Special Permit seeking to develop a commercial/residential mixed-use occupancy consisting of six (6) residential units on two floors providing fourteen (14) parking spaces at 98 Main Street, Peabody, MA, as filed in accordance with Sections 4.2.1, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason and subject to the following conditions:

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.

CONDITIONS:

1. There shall be a maximum total of six (6) dwelling units in single structure on the lot. There shall be a maximum total of three (3) dwelling units on the second level of the structure, a maximum total of three (3) dwelling units on the third level of the structure, no dwelling units on the first level of the structure, and no dwelling units on the basement level of the structure;
2. The petitioner shall make reasonable commercial effort to maintain all dwelling units as market rate apartments or condominiums;
3. All exterior renovations to the structure shall be carried out in a manner consistent with the communication from the Peabody Historical Commission dated November 9, 2015;
4. No apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from Main Street;
5. No window air conditioners or similar apparatus shall be installed in the windows of the structure;

6. Any sign for the commercial use in the structure shall comply with the Zoning Ordinance of the City of Peabody and be subject to review by the Peabody Historical Commission;
7. No snow storage is permitted on site and all snow must be removed to an acceptable location;
8. All trash and recycling shall be contained in the rear of the structure not visible from the street and adequately screened such that it is not visible to abutters and such trash and recycling storage location shall be indicated on the final version of the site plan and shall be approved by the construction review committee and planning board as a function of site plan review;
9. In accordance with the special permit application, trash and recycling materials shall be removed by a private trash removal service and no municipal trash pickup shall be provided. For the avoidance of doubt, trash collection shall be in accordance with the ordinances of the City of Peabody and no trash or refuse or recycling collections shall occur between the hours of 7:00 p.m. and 7:00 a.m. of any day of the week;
10. No pickup or delivery of supplies associated with the commercial use in the structure and utilizing trucks shall occur between the hours of 5:00 p.m. and 7:00 a.m. of any day of the week and any trucks carrying out any such pickup or delivery activities shall utilize dedicated loading zones on Main Street or shall utilize the single enlarged parking spot directly adjacent to the rear of the structure;
11. Fencing and/or landscaping shall be established and maintained on the northeasterly property line such that adequate year round screening of automotive headlights is established to prevent light from such headlights from creating a nuisance condition on abutting properties. The exact nature of such fencing and/or landscaping shall be presented by the petitioner to the abutters for comment and upon receipt of such comment, a diagram illustrating such fencing and/or landscaping shall be provided and shall be approved by the construction review committee and planning board as a function of site plan review;
12. If possible given the limitations of the site, landscaping shall be established and maintained in accordance with the provisions of section 10.5.3 C 2 and 5.2.8 of the City of Peabody Zoning Ordinance and shall be approved by the construction review committee and planning board as a function of site plan review;
13. The petitioner shall notify residential tenants of dwelling units in lease documents and otherwise; guests of residential tenants of dwelling units; customers of the commercial use; and service providers of the commercial use, such as delivery vehicles and waste removal trucks, that they shall not park on the property of abutters unless an agreement is established between the petitioner and abutter(s) to allow such parking;
14. Business hours of operation shall be from 5:00 a.m. to 6:00 p.m. seven (7) days per week;
15. In accordance with the special permit application, construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday;
16. Construction equipment, construction supplies, demolition equipment, and all dumpsters utilized for demolition and construction shall be stored adjacent to the rear of the structure as far from the northeasterly property line as reasonably practical;
17. Food establishment plan review application must be submitted to the Peabody Health Department prior to the start of construction;
18. Barriers currently surrounding the parking area shall be removed from the property no later than at time of granting of occupancy permit;
19. Fire protection is required with change of use. Fire Department access shall be maintained. There shall be no interference with the established fire lane adjacent to the easterly property line;

20. In proportion with the petitioner's interest in the right of way and fire lane adjacent to the easterly property line, petitioner shall make reasonable commercial effort to work with abutters to undertake maintenance of such right of way and fire lane including improvements and snow removal;

21. The project shall be subject to site plan review and approved by the Construction Review Committee and Planning Board in accordance with the provisions of Section 12 and Section 5 of the City of Peabody Zoning Ordinance; and

22. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(Carried 9-2; Councillor Garabedian and Councillor Sinewitz opposed)

A public hearing was duly held on the Special Permit application from Peabody RD, LLC, 202 Newbury Street, Peabody, MA. Attorney John R. Keilty and Mr. Raymond Schneider appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P890-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-O communication from Sharon Cameron, Director, Human Services Department, regarding Special Permit memo, 202 Newbury Street. (Unanimous)

P891-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Robert Langley, Public Services Department, regarding Special Permit/License memos: 202 Newbury Street, 220 Newbury Street, 30 Main Street. (Unanimous)

P892-15 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Peabody RD, LLC, 202 Newbury Street, Peabody, MA, for a Special Permit to operate a kennel at said 202 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 based on the following reason and subject to the following conditions:

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.

CONDITIONS:

1. That there be a maximum of 200 guests at any one time; and
2. That a Pet Waste Management Plan be provided as part of the Special Permit as outlined by the petitioner entitled Peabody Red Dog Waste Management, time stamped December 11, 2015 by the City Clerk. (Carried 11-0)

REPORTS OF COMMITTEE

FINANCE COMMITTEE
DECEMBER 10, 2015

P893-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Earlier this evening we had a meeting of the Finance Committee. Attending on behalf of the committee were myself as chair, Councillor McGinn, Councillor Gould, Councillor Driscoll and Councillor Manning-Martin; also present were Councillor Moutsoulas, Councillor Walsh, Councillor Osborne, Councillor Saslaw, and Councillor Sinewitz. As a part of that meeting we had our first item, which was a proposed ordinance amendment to the staffing for the fire department. After some discussion it was explained that the net result was that we would have additional working lieutenants in the stations for safety purposes. A motion was made and it was approved unanimously. (Report received)

P894-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the ordinance entitled An Ordinances Amending Chapter 12, Fire Protection and Prevention of the Code of the City of Peabody; Section 12-41 Entitled Fire Department; Established; Composition; Appointment of Members of Article III Fire Department of the Code of the City of Peabody was recommended for approval and adoption. (Carried 10-0; Councillor Garabedian absent)

P895-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Also discussed was a proposed ordinance amendment affecting the salary and ordinance for part-time and full-time nonunion positions. The mayor expressed a concern to change the salaries of some of the positions, which he read into the record at that particular meeting. He also requested that we approve a salary increase of 1.75 percent for the first year, 2 percent for the second year, and 2 percent for the third year retroactive to July 1st, 2015. A motion was made and approved on a vote of four to one. (Report received)

P896-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive the correction to page 3 of the Non-Union salary ordinance as submitted by His Honor the Mayor under date of December 8, 2015. (Unanimous)

P897-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT An Ordinance Amending Section 18-20 Entitled Schedule of Compensation for Part-Time Positions and Section 18-21 Entitled Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining and An Ordinance Amending Section 18-18C Which Establishes the Rates of Compensation for Police and Fire Personnel and Amending the Ordinance Establishing the Fringe Benefits for the Police and Fire Department of the Code of the City of Peabody be recommended for approval and adoption, as amended. (Carried 7-3; Councillor Saslaw, Councillor Manning-Martin and Councillor Sinewitz opposed; Councillor Garabedian absent)

P898-15 COUNCILLOR GRAVEL – COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO request that the issue of the code descriptions for certain positions be changed to reflect the actual code and to refer to the Finance Committee. (Unanimous)

P899-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO refer to the Finance Committee a review of the ordinance positions and to allow His Honor the Mayor to make recommendations as to which ones should not be included in the ordinance for future purposes. (Unanimous)

P900-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO refer to the Finance Committee a review of the ordinance positions and to allow His Honor the Mayor to make recommendations as to which ones should not be included in the ordinance for future purposes. (Unanimous)

P901-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 12, 2015:

FROM:	TO:	
Unreserved Fund Balance - \$501,500.00	Fire Salaries -	\$492,500.00
100-0000-35901	100-2200-	
	Fire Alarm Salaries -	\$9,000.00
	100-2250	

(Carried 9-0; Councillor Garabedian and Councillor Manning-Martin absent)

P902-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 12, 2015:

FROM:	TO:
Unreserved Fund Balance - \$158,458.00	Various Departments Salaries - \$158,458.00
100-0000-35901	(Non-Union ordinance list)

(Carried 8-2; Councillor Manning-Martin and Councillor Sinewitz opposed; Councillor Garabedian absent)

P903-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 12, 2015:

FROM:	TO:
Retaining Earnings Skating Rink - \$2,509.00	Skating Rink Salaries - \$2,509.00
430-33101	430-6990-51110

(Carried 9-1; Councillor Sinewitz opposed; Councillor Garabedian absent)

P904-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 12, 2015:

FROM:	TO:
Retained Earnings Golf Course – 4,208.00	Golf Course Salaries -
440-33101	440-6995-51110 - \$2,128.00
	440-6998-51110 - \$2,080.00

(Carried 9-1; Councillor Sinewitz opposed; Councillor Garabedian absent)

P905-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive the communication from His Honor the Mayor, under date of December 10, 2015, submitting a transfer of funds for Council on Aging salaries. (Unanimous)

P906-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of December 10, 2015:

FROM:	TO:
Unreserved Fund Balance - \$31,572.00	Council on Aging Salaries - \$31,572.00
100-0000-35901	100-5310-51110

(Carried 10-0; Councillor Garabedian)

P907-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of November 12, 2015:

FROM:	TO:
Unreserved Fund Balance - \$155,845.00	DPS Capital Equipment - \$155,845.00
100-0000-35901	300-09421-

(Carried 10-0; Councillor Garabedian absent)

P908-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Finally there was a request to enter into a purchase and sale agreement with the All Saints Episcopal Church of the North Shore for the property at 12 and 16 Washington Street with the use of Community Development funds. After much discussion that was approved on a vote of four to one. (Report received)

P909-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO authorize His Honor the Mayor to enter into a Purchase and Sale Agreement with All Saints Episcopal Church of the North Shore for the property at 12 and 16 Washington Street, Peabody for the purchase price of \$650,000.00.. (Carried 8-2; Councillor Manning-Martin and Councillor Sinewitz opposed; Councillor Garabedian absent)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

DECEMBER 3, 2015

P910-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met on December 3rd and in attendance was myself, Councillor Garabedian, Councillor McGinn, Councillor Manning-Martin, and Councillor Driscoll. Our purpose was to further review the proposed Zoning Map amendment request from Norland Associates, 199 Rosewood Drive, regarding property at 274 Newbury Street. Norland is requesting that the zoning designation be changed from MH to BR. The Committee requested a legal opinion on October 8th asking the City Solicitor to review the MH zoning designation and make a recommendation as to whether or not a zoning amendment would be required. The question at that time was whether or

not, due to previous litigation in 1999, if this parcel would have been part of a lawsuit settlement re-designating certain parcels from MH to BR. The legal opinion from the City Solicitor was received by the Committee on December 3rd. The opinion was that a zoning amendment would be required to change said parcel from MH to BR and that this parcel was not part of a 1999 settlement. The following motion was made by Councillor Driscoll. (Report received)

P911-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee - MOVE TO refer to the Planning Board the request by Norland Associates, 199 Rosewood Drive, Peabody, the request to re-designate property at 274 Newbury Street, Map 18, Parcel 94 from MH to BR-1 to initiate the zoning amendment process in accordance with Chapter 40A of the Massachusetts General Law. (Carried 9-0; Councillors Moutsoulas and Garabedian absent)

LEGAL AFFAIRS COMMITTEE
DECEMBER 3, 2015

P912-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met on Thursday evening December 3rd, 2015, to review the City Council Special Permit application process. The application was reviewed based on a previous matter involving a Special Permit filing. In attendance on the Committee were myself as chair, Councillor Moutsoulas, Councillor Garabedian, Councillor Gravel and Councillor McGinn. The Building Inspector Al Talarico submitted recommended changes to the City Council. The recommended changes were that the applicant and property owner sign the application, no plan be accepted which has been altered with post-stamped markings or a copy thereof originally drawn by a civil engineer or surveyor. In addition a statement regarding false or unauthorized materials submitted to the council will result in an enforcement action was added, which has been previously viewed by the City Solicitor. Those changes were agreed upon by the Committee and the City Clerk was requested to submit a draft of the revised Special Permit application for review, which I think he has done. With that, it's taken as a report of progress. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P913-15 COUNCILLOR GOULD – MOVE TO request that the Parks, Recreation and Forestry Department remove a dead tree in front of 19 Whitney Drive and to further request that the Public Services Department repair the sidewalk after the tree is removed. (Unanimous)

P914-15 COUNCILLOR GOULD – MOVE TO request that the Public Services Department repair a pothole at the corner of James Street and Perkins Street. (Unanimous)

P915-15 COUNCILLOR GOULD – MOVE TO request that a commendation be sent to Chief Griffin for the fine job the Police Department did in busting up a drug and prostitution ring at 9 Dark Lane. (Unanimous)

P916-15 COUNCILLOR SASLAW – MOVE TO request that the Police Department inspect 3 Anthony Road regarding numerous complaints from residents of unregistered junk vehicles. (Unanimous)

P917-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-I communication from Attorney Michael Smerczynski, City Solicitor, regarding Motion for summary judgment; digital billboards, 267 Forest Street. (Unanimous)

P918-15 COUNCILLOR GRAVEL – MOVE TO request that the City Council send a letter of commendation to Lyon-Waugh Motors for their generous donation of \$30,000 to the Peabody Education Foundation to support our Best Bet grants. (Unanimous)

P919-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Albert Talarico, Building Commissioner, regarding Section 11; signs and to thank Mr. Talarico for his quick attention to that request. (Unanimous)

P920-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-H communication from NHR Realty, LLC, 22 Stevens Street (R), regarding Special Permit application and to set up a public hearing. (Unanimous)

P921-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-M communication from Peabody Chamber of Commerce, 24 Lowell Street, regarding Banner, subject to all papers being in order. (Unanimous)

P922-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-N communication from American Cancer Society/Relay for Life regarding Banner, subject to all papers being in order. (Unanimous)

P923-15 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Driscoll) - MOVE TO request that the Public Services Department place a "Dead End" sign on Felton Street. (Unanimous)

P924-15 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Community Development Department provide the City Council with a status on the hotel proposal/garage proposal for Foster Street. (Unanimous)

P925-15 COUNCILLOR OSBORNE – MOVE TO request that the Health Department and the Parks, Recreation and Forestry Department investigate the rear properties on Diane Road abutting Raddin Road Park and enforce any cleanup issues. (Unanimous)

P926-15 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department place a "Not a throughway" sign at the beginning of Longwood Avenue. (Unanimous)

P927-15 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department repair a sewer cover in the proximity of 24 Longwood Avenue. (Unanimous)

P928-15 COUNCILLOR OSBORNE – MOVE TO request that the Police Department and Public Services Department investigate restricting the parking on the easterly side of Veterans Drive at the Brown School and allow for parking on the westerly side. The side with the houses would have allowable parking and there would be a parking restriction on the other side. (Unanimous)

P929-15 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department post a "No Parking Here to Corner" sign at the corner on Perkins Street heading south to Franklin Street. (Unanimous)

P930-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-F communication from Joseph Foti, Director, Public Services Department, regarding 6 Mandalay Drive; and to request that the City Solicitor provide a legal opinion whether the homeowner at 6 Mandalay Drive can erect a fence on the paper street to keep people from coming through his property. (Unanimous)

P931-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-K communication from Kinder Morgan regarding Notice of filing with FERC. (Unanimous)

P932-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department inspect a sewer line at the intersection of Bailey Terrace and Lowell Street. The sewer line has backed up twice into one resident's house. (Unanimous)

P933-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department provide the City Council with the status of the berm at the corner of Hopi Circle and Catherine Drive. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P934-15 COUNCILLOR GOULD – MOVE TO receive a communication from Lucia DelNegro, Conservation Commission, regarding Special Permit mem; 202 Newbury Street. (Unanimous)

P935-15 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letter of thanks. (Unanimous)

P936-15 COUNCILLOR GOULD – MOVE TO receive a communication from Joseph Foti, Director, Public Services Department regarding Completed Council motions. (Unanimous)

P937-15 COUNCILLOR GOULD – MOVE TO receive a communication from Christian Book Distributors, 140 Summit Street, regarding Site plan. (Unanimous)

P938-15 COUNCILLOR GOULD – MOVE TO receive a communication from Jennifer Davis, Director, Parks, Recreation & Forestry Department regarding Completed Council motions. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P939-15 COUNCILLOR GOULD – MOVE TO receive Entertainment License (Amendment) Oliveira's Steak House, 72-74 Walnut Street, and to set up a public hearing. (Carried 8-0, Councillors Moutsoulas, Garabedian and Manning-Martin absent)

P940-15 COUNCILLOR GOULD – MOVE TO receive Entertainment License (New) Peabody Tipico Corp., 80 Walnut Street, and to set up a public hearing. (Unanimous)

P941-15 COUNCILLOR GOULD – MOVE TO receive and approve Taxi/Limousine Driver License - Stephen Plunkett – License 83, subject to all papers being in order. (Unanimous)

P942-15 COUNCILLOR GOULD – MOVE TO receive and approve Taxi/Limousine Driver License (Transfer) Tri City Services, Inc., 55R Walnut Street – License #4, subject to all papers being in order. (Unanimous)

P943-15 COUNCILLOR GOULD – MOVE TO receive Junk Dealers License (New) – The Jeweler's Workbench, 210 Andover Street, and to set up a public hearing. (Unanimous)

P944-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Class 1 Motor Vehicle License (Renewal for 2016), subject to all papers being in order:

Ira Audi, 252 Andover Street
 BMW of Peabody, 221 Andover Street
 Acura of Peabody, 233 Andover Street
 Mini of Peabody, 209 Andover Street
 Jaguar-Land Rover Peabody, 247 Newbury Street
 (Unanimous)

P945-15 COUNCILLOR SASLAW – MOVE TO receive the application for renewal of the 2016 Class 2 Motor Vehicle License application from Prestige Motors of Malden, Inc. d/b/a Prestige Auto Sales, 288 Newbury Street and that no action be taken at this time, and further request to schedule a renewal hearing pursuant to the fact that the license holder was granted a Class 2 Motor Vehicle License on June 11, 2015 and issued by the City Clerk on October 5, 2015. Since that time the license holder has not done anything further with the property in terms of establishing his business and engaging in the sale of automobiles and I have a number of questions that need to be answered. I'd like the petitioner to be given due notice and due opportunity to answer those questions. (Unanimous)

P946-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2016), subject to all papers being in order:

AC Auto Sales, 3 Bourbon Street
 Alex Auto Sales, 480 Lowell Street
 Allens Auto Trim, Inc., 27 Howley Street
 Auto Choice of Peabody, Inc., 249 Andover Street
 Auto Graphics & Sales, 220B Newbury Street
 Auto Mall Collection, 218 Andover Street

Auto Transporters of New England, R55 Lynnfield Street
 Bill's Auto Sales, Inc., 256 Newbury Street
 C & C Auto, 180 Newbury Street
 Car Craft, 258 Newbury Street
 Century Tire Co., Inc. of Peabody, 53 Walnut Street
 Country Club Motors, 90 Margin Street
 222 Newbury Motors, 222 Newbury Street
 D & D Auto Sales, 36 Walnut Street
 D & R Auto Sales & Repair, 100 Birney Street #6
 Desi's Used Cars, 108 Newbury Street
 Elite Pre Owned Auto, 153 Newbury Street
 JRM Auto Sales, 80 Newbury Street
 King's Motors, 1R Newbury Street
 Louie's BMW, Ltd., 260 Newbury Street
 Mario's Used Cars, 245 Andover Street
 Michael Motors LLC, 1 Sylvan Street
 Motor Worx, 258 Newbury Street, Unit C
 Oasis Auto and Truck Center, 7 ½ Mason Street
 PK Motor Cars, Inc., 195 Washington Street
 R & A Automotive, Inc., 26 Lake Street
 Russ's Used Cars, 20 Wallis Street
 Sacco's, 119-121 Lynn Street
 Summit Auto Sales, 14 Newbury Street
 The Pioneer Garage, 77 Walnut Street, Unit 7
 Tremont Auto Sales, 97 ½ Tremont Street
 Unlimited Sales, 3 Birney Street
 Walnut Street Auto Sales Corp., 55-57 Walnut Street
 Wilson Square Auto Sales, 2 Andover Street
 (Unanimous)

P947-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Class 3 Motor Vehicle License (Renewal for 2016), subject to all papers being in order:

Peterson's Automotive, Inc., 114 Newbury Street
 Pinto Recycling, Inc., 147 Summit Street #3-D
 (Unanimous)

P948-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following General Licenses (Renewal for 2016), subject to all papers being in order:

Auctioneer License – A-1 Restaurant Trader, 119 Foster Street #4
 Bowling Alley License – Metro Bowl, 63 Foster Street
 Fortune Teller License – Mrs. Russell's Psychic Studio, 259 Andover Street
 Fortune Teller License – Mario Sabatine, 245 Andover Street
 Innholder License – Holiday Inn Peabody, One Newbury Street
 Innholder License – Extended Stay America #9666, 200 Jubilee Drive
 Limousine License – Fox Run Limousine, 484 Lowell Street #D5
 Limousine License – Michael's Limousine, 161 Lynn Street
 Limousine License – Greenway Transportation LLC, 145A Summit Street
 Lodging House License – Skalkos Brothers Realty Trust, 14 Foster Street
 Pool & Billiard License – Metro Bowl, 63 Foster Street
 Taxi Cab License – Sunshine Taxi, 153 Newbury Street
 (Unanimous)

P949-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Entertainment Licenses (Renewal for 2016), subject to all papers being in order:

Azorean Brotherhood Holy Ghost, 20 Howley Street
 Bertucci's, 10 Newbury Street
 Brodie's Pub, 10 ½ Lowell Street
 Brothers Kouzina, 25 Newbury Street
 Buddha's Tavern, 144 Washington Street
 Cabaret Enterprises, Inc., 96 Newbury Street
 Capone's Restaurant, 147 Summit Street
 Carrabba's Italian Grill, LLC, 1A Newbury Street
 Century House of Peabody, Inc., 235 Andover Street
 Club Luis de Camoes, 10 Collins Street
 Champions Pub, 114 Foster Street
 Golden Banana, 151 Newbury Street
 Greg's Lounge, 50 Walnut Street
 Holiday Inn Peabody, 1 Newbury Street
 Jade's Restaurant, LLC, 4 Bourbon Street
 Joe's American Bar & Grill, 210 Andover Street
 Kelley Square Pub II, LLC, 135 Washington Street
 Knights of Columbus Building Association, 96 Main Street
 Legal Sea Foods, LLC, 210 Andover Street
 Mike & Lill's Black Sheep Pub, 5 Central Street
 Outback Steakhouse, 300 Andover Street
 P. F. Chang's China Bistro, 210 Andover Street
 Oliveira's Steak House, 72-74 Walnut Street
 Paddy Kellys, 154 Washington Street
 Peabody-Lynn Elks 1409, 40 Oak Street
 Pellana Restaurant, 9R Sylvan Street
 Portuguese Benefit Society, 61 Northend Street
 Reds, LLC, 131 Newbury Street
 St. Michael's Archangel Polish Society, 15 Endicott Street
 Salem Country Club, 133 Forest Street
 Santarpio's Pizza, Inc., 71 Newbury Street
 Smokey Bones Bar & Fire Grill, 210 Andover Street
 Spinelli's Function Facility, 10 Newbury Street
 Sugar Cane, LLC, 106 Main Street
 Sylvan Street Grille, 12 Sylvan Street
 Toscana's Ristorante Café, 3 Bourbon Street
 Trackside Bar & Grill, 30 Warren Street
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-A}

P950-15 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City THAT the ordinance entitled An Ordinance Amending Chapter 12, Fire Protection and Prevention of the Code of the City of Peabody; Section 12-41 Entitled Fire Department; Established; Composition; Appointment of Members of Article III Fire Department of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-0, 3 absent; Councillors Moutsoulas, Garabedian and Manning-Martin)

{Item 10-B Non-Union Personnel}

P951-15 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 18-20 Entitled Schedule of Compensation for Part-Time Positions and Section 18-21 Entitled Rates of Compensation for Full-Time Positions Not Subject to Collective Bargaining of the Code of the City of Peabody be adopted as amended and read. (Carried 7-0, 3 absent; Councillors Moutsoulas, Garabedian, Saslaw, and Manning-Martin)

{Item 10-C Fire Chief and Deputy Police Chief}

P952-15 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 18-18C Which Establishes the Rates of Compensation for Police and Fire Personnel and Amending the Ordinance Establishing the Fringe Benefits for the Police and Fire Department of the Code of the City of Peabody be adopted as advertised and read. (Carried 7-0, 3 absent; Councillors Moutsoulas, Garabedian, Saslaw and Manning-Martin)

P953-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department post a sign at 32 Perley Avenue regarding the proper disposal of dog waste. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, DECEMBER 17, 2015

RETURNED BY HIS HONOR THE MAYOR, DECEMBER 17, 2015



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Lucia DelNegro, Conservation Commission re: Special Permit memo; 202 Newbury Street
 Albert Talarico, Building Commissioner re: Section 11; signs
 Chief Thomas Griffin, Police Department re: Letter of thanks
 Planning Board re: Zoning amendment recommendation to extend the moratorium on billboard
 Joseph Foti, Director, Public Services Department re: Completed Council motions
 Joseph Foti, Director, Public Services Department re: 6 Mandalay Drive
 Jennifer Davis, Director, Park & Recreation Department re: Completed Council motions
 NHR Realty, LLC, 22 Stevens Street (R) re: Special permit application
 Attorney Michael Smerczynski, City Solicitor re: Motion for summary judgment; digital billboards, 267 Forest Street
 Christian Book Distributors, 140 Summit Street re: Site plan
 Kinder Morgan re: Notice of filing with FERC
 Attorney John R. Keilty, 40 Lowell Street re: Discontinuance of Corporate Place – request to withdraw without prejudice
 Peabody Chamber of Commerce, 24 Lowell Street re: Banner
 American Cancer Society/Relay for Life re: Banner
 Sharon Cameron, Director, Human Services Department re: Special permit memo, 202 Newbury Street
 Attorney John R. Keilty, 40 Lowell Street re: Revised site plan, 98 Main Street
 Robert Langley, Public Services Department re: Special Permit/License memos; 202 Newbury St, 220 Newbury St; 30 Main Street

ENTERTAINMENT LICENSE: (Amendment)

Oliveira's Steak House, 72-74 Walnut Street

ENTERTAINMENT LICENSE: (New)

Peabody Tipico Corp., 80 Walnut Street

TAXI/LIMO/SINE DRIVER LICENSE:

Stephen Plunkett – License 83

TAXICAB LICENSE TRANSFER:

Tri City Services, Inc., 55R Walnut Street – License #4

JUNK DEALERS LICENSE: (New)

The Jeweler's Workbench, 210 Andover Street

CLASS 1 MOTOR VEHICLE LICENSE: (Renewal for 2016)

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 Michael Motors LLC, 1 Sylvan Street
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GENERAL LICENSES: (Renewal for 2016)

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