

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 25, 2013

PRESENT: COUNCILLORS: GARABEDIAN, LIACOS, GRAVEL, OSBORNE, MANNING-MARTIN, MELLO, ATHAS, GAMACHE, SINEWITZ, AND GOULD

ABSENT: COUNCILLORS DRISCOLL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas L. Gould.

Salute to the American Flag.

P297-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of April 10, 2013. (Unanimous)

COUNCILLOR GOULD - 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 application from JAM Enterprises, LLC, 55 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Regina Monastiero. No one appeared to speak in favor. No one appeared to speak in opposition.

P298-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from JAM Enterprises, LLC, 55 Newbury Street, Peabody, MA for a Special Permit to enclose the patio of its existing Sonic Restaurant at said 55 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 4.4 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the site plan filed with the application dated April 28, 2009 entitled Sonic Drive In.

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 10-0, Councillor Driscoll absent)

P299-13 COUNCILLOR LIACOS - MOVE TO continue the public hearing on the application from Country Club Motors, 90 Margin Street, Peabody, MA, until Thursday, May 23, 2013. (Unanimous)

A public hearing was duly held on the application from Motor Mania, LLC, 211 Jefferson Avenue, Salem, MA. Appearing to speak on behalf of the application was Mr. Michael Francois and Mr. Brian Lightbaum. No one appeared to speak in favor. No one appeared to speak in opposition.

P300-13 COUNCILLOR GAMACHE - MOVE TO recess the public hearing on the application from Motor Mania, LLC, 211 Jefferson Avenue, Salem, MA, until Thursday, May 9, 2013. (Unanimous)

P301-13 COUNCILLOR SINEWITZ – MOVE, under suspension of the rules, to go to Item 8-B. (Unanimous)

(MR. ED STARR, BUSINESS MANAGER, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2321; AND MR. JEFF CROSBY, PRESIDENT OF NORTH SHORE LABOR COUNCIL, APPEARED BEFORE THE CITY COUNCIL TO SPEAK REARDING ITEM 8-B.)

P302-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-B communication from Councillor Barry C. Sinewitz regarding Resolution relating to maintaining Verizon repair center jobs and innovative technology work in the Commonwealth of Massachusetts. (Carried 10-0; Councillor Driscoll absent)

P303-13 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody to endorse and approve the Resolution to Maintain Verizon Repair Center Jobs and Innovative Technology Work in the Commonwealth of Massachusetts. (Carried 10-0, 1 absent)

P304-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Amend Design and Traffic Control Agreement for Main Street Corridor. (Unanimous)

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

P305-13 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor, Edward J. Bettencourt, Jr. to amend the Design and Traffic Control Agreement for the Main Street Corridor Project, as approved on September 22, 2011, to allow for the restoration of two (2) parking spaces in front of 77-81 Main Street.

(Carried 6-4, 1 absent; Councillors Liacos, Gravel, Osborne, and Manning-Martin opposed; Councillor Driscoll absent)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

APRIL 25, 2013

P306-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – Earlier this evening the Industrial & Community Development Committee met; present was myself, Councillor Athas, Councillor Gravel, Councillor Osborne, and Council President Gould sat in for Councillor Driscoll. The one item on the agenda was Housing Production Plan and Councillor Gravel made the following motion.

(Report received)

P307-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – BE IT ORDERED by the City Council of the City of Peabody to approve the Housing Production Plan submitted by the Department of Community Development & Planning dated February, 2013 subject to striking Section 6.1.3 entitled “Transfer Special Permit Granting Authority to the Planning Board”.

(Carried 7-3; Councillors Mello, Athas and Sinewitz opposed; Councillor Driscoll absent)

LEGAL AFFAIRS COMMITTEE

APRIL 25, 2013

P308-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – Legal Affairs Committee met this evening; myself as chair, Councillor Garabedian was present, Councillor Gravel sat in for Councillor Mello, Councillor Osborne was present, and Councillor Athas sat in for Councillor Sinewitz. We had two items on the agenda. One was the revised storm water system ordinance from the Peabody Public Services Department. Bill Stansfield from Public Service joined us again. He had brought this up last month and we had asked him to tweak it a little bit, he did and he presented the ordinance, which is designed to protect the city and citizens from storm water runoff much like protecting us from -- an example would be the Marchese development off of Winona Street and Route 1. So it's devised to protect the city and the citizens from that. He added the cease and desist language that was recommended at the last meeting and also a daily fine for anyone that illegally removes acreage. And also suggested in the ordinance would be to add a community member to the Storm Water Committee. As it stands now there are four municipal workers that would be on the committee, so we suggested that they add a community member to offer transparency and community involvement, and also that the minutes of the meeting be posted on the city Web site. The motion was made by Councillor Gravel.

(Report received)

P309-13 COUNCILLOR MANNING-MARTIN - Reporting for the Legal Affairs Committee - MOVE TO approve the revised Storm Water System Ordinance and to advertise the same as read. (Unanimous)

P310-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee -The second item was also a return from last month, it was Willowdale Condominium Associates, 246 Andover Street, looking to purchase city-owned land at 0 Willowdale Ave., Map 39, Parcel 23. We did have a little bit of confusion because the petitioner only wanted to purchase a portion of that plot of land and being that that portion of it would fall somewhere between \$5,000 and \$25,000 that triggers the petitioner to have a private assessment done and come back to the council. The report of progress will be that the petitioner will return at our next meeting with that assessment and we'll take it from there for the petitioner to purchase city-owned land. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P311-13 COUNCILLOR OSBORNE - MOVE TO request that the Building Inspector conduct an inspection of the residence at 6 Mansfield Road. It's a building that has generated a lot of police activity, a lot of activity from people visiting that do not live there. (Unanimous)

P312-13 COUNCILLOR OSBORNE - MOVE TO request that the Community Development Department investigate other cities and towns that have ordinances regarding undesirable houses and report back to the City Council. (Unanimous)

P313-13 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO request that Public Services Department clear the brush and debris off the sidewalk on Sandra Road between number 19 and 21. (Unanimous)

P314-13 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO request that the Public Services Department repaint the crosswalks on Lynnfield Street. (Unanimous)

P315-13 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO request that the Police Department investigate for a new crosswalk on Lynnfield Street that would go from the entrance to Raddin Road directly across the street to the new shopping plaza. There is a new yogurt place that seems to be doing pretty well, so I think we can anticipate maybe people coming out of the park and walking over. (Unanimous)

P316-13 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department repair the grass section of the sidewalk in front of 9 Kittredge Street. I think it's the result of a snowplow. (Unanimous)

P317-13 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the pavement in the area of Hillcrest Avenue. The resident at 10 Outlook Avenue has to access his property through Hillcrest Avenue and that access area is torn up with large pot holes. I would ask that Public Services go up and at least make temporary repairs to Hillcrest Avenue to make it more accessible until such time as it's added to the repaving list. (Unanimous)

P318-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Community Development Department look into surrounding towns to see if they have a satellite dish ordinance and make a recommendation to the City Council. I've received a few complaints that they sometimes become an eyesore in the neighborhoods. (Unanimous)

P319-13 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Gamache) - MOVE TO request that the Building Inspector inspect the strip mall at 134 Newbury Street where Duddy's Liquors is. I have received some complaints that used cars are being sold at 134 Newbury Street. (Unanimous)

P320-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Building Inspector inspect the area of Centennial Drive where a hot-dog vendor is displaying a sign and inform said vendor of our sign ordinance. (Unanimous)

P321-13 (COUNCILLOR MANNING-MARTIN: Green Peabody and the Brown School will be hosting the third annual Greenfest this year. It will be at the Brown School from 9:00 to 1:00 on Saturday, May 18th, 2013. There will be a shredding truck and electronic recycling.)

P322-13 COUNCILLOR ATHAS: The thoughts and prayers of the City Council go out to those affected by the events on Patriot's Day at the Boston Marathon.)

P323-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Bernard Horowitz, Chairman, Board of Health, regarding Aggregate Industries 2012 annual report and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P324-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department install a new chain-link fence at the intersection of Lowell Street and Lake Street. There's a small chain-link fence over the culvert to prevent someone from falling off the sidewalk down into the water that's in disrepair. (Unanimous)

P325-13 COUNCILLOR SINEWITZ - MOVE TO request that His Honor the Mayor provide the City Council with a status update regarding the unfilled position of Building Inspector. (Unanimous)

P326-13 COUNCILLOR GOULD (Co-motion with Councillor Gamache) - MOVE TO request that the Peabody Municipal Light Plant assess the need for a streetlight at 7 Meadowview Road. (Unanimous)

P327-13 COUNCILLOR GOULD (Co-motion with Councillor Athas) - MOVE TO request that the Peabody Municipal Light Plant review the parking lot and the new playground area at the Welch School for additional lighting. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P328-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Recreation & Parks, 50 Farm Avenue, regarding Annual Father’s Day father/daughter ball; June 7, 2013, subject to all papers being in order. (Unanimous)

P329-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Innholder License (Renewal for 2013) Hampton Inn, 59 Newbury Street, subject to all papers being in order. (Unanimous)

P330-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Junk Dealers License (Renewal for 2013), subject to all papers being in order:

Sempre Ltd., 41 Cross Street
Charland Appliance Center, Inc., 15 Spring Street
Mandrachia Trading Co., Inc., 147 Summit Street
Long’s Jewelers Ltd., 35 Cross Street
(Unanimous)

P331-13 COUNCILLOR GAMACHE – MOVE TO receive Junk Dealers License (Transfer) Newbury Comics, 210 Andover Street, and to set up a public hearing. (Unanimous)

P332-13 COUNCILLOR GAMACHE – MOVE TO receive the following Class 2 Motor Vehicle License (Transfer) and to set up a public hearing:

Foster Street Motors, 92 Foster Street
Peabody Auto Clinic, Inc., 3R Birney Street
(Unanimous)

P333-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Jay Vargas – License 1
Dane Terry – License 2
William Coffin – License 3
Michael Lowe – License 4
James Gordon – License 5
(Unanimous)

P334-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxicab License (Transfer) North Shore Taxi, Inc., 27C Walnut Street – License #21, subject to all papers being in order. (Unanimous)

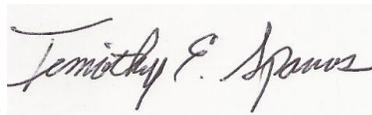
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 2, 2013

RETURNED BY HIS HONOR THE MAYOR, MAY 2, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Amend Design and Traffic Control Agreement for Main Street Corridor
Bernard Horowitz, Chairman, Board of Health re: Aggregate Industries 2012 annual report
Councillor Barry C. Sinewitz re: Resolution relating to maintaining Verizon repair center jobs and innovative technology work in the Commonwealth

USE OF WIGGIN AUDITORIUM:

Peabody Recreation & Parks, 50 Farm Avenue re: Annual Father's Day father/daughter ball; June 7, 2013

INNHOLDER LICENSE: (Renewal for 2013)

Hampton Inn, 59 Newbury Street

JUNK DEALERS LICENSE: (Renewal for 2013)

Sempre Ltd., 41 Cross Street

Charland Appliance Center, Inc., 15 Spring Street

Mandracchia Trading Co., Inc., 147 Summit Street

Long's Jewelers Ltd., 35 Cross Street

JUNK DEALERS LICENSE: (Transfer)

Newbury Comics, 210 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Foster Street Motors, 92 Foster Street

Peabody Auto Clinic, Inc., 3R Birney Street

TAXI/LIMOUSINE DRIVER LICENSE:

Jay Vargas – License 1

Dane Terry – License 2

William Coffin – License 3

Michael Lowe – License 4

James Gordon – License 5

TAXICAB LICENSE: (Transfer)

North Shore Taxi, Inc., 27 Walnut Street – License #21