

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 26, 2013

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

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 L. Gould.

Salute to the American Flag.

P679-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of September 12, 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

P680-13 COUNCILLOR LIACOS – MOVE TO receive, under suspension of the rules, Item 8-A communication from Vannee Chaisuphatanakul, 190-194 Newbury Street, regarding Request to recess Special Permit hearing. (Unanimous)

P681-13 COUNCILLOR GAMACHE – MOVE TO recess the public hearing on the Special Permit application from Vannee Chaisuphatanakul, 190-194 Newbury Street, Peabody, MA. (Unanimous)

A public hearing was duly held on Petition 13-154 submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of the application was Mr. Brian Abcunas. Ms. Lori Brigley, 8 Hancock Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P682-13 COUNCILLOR ATHAS - MOVE TO recess the public hearing on Petition 13-154 submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA, until the next regular meeting on Thursday, October 10, 2013. (Unanimous)

A public hearing was duly held on the application from Aleko Pashaj d/b/a Gallo Nero, 89 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Aleko Pashaj. No one appeared to speak in favor. No one appeared to speak in opposition.

P683-13 COUNCILLOR ATHAS – MOVE TO approve the application from Aleko Pashaj d/b/a Gallo Nero, 89 Main Street, Peabody, MA, for the transfer of an Entertainment License at said 89 Main Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
SEPTEMBER 26, 2013

P684-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - Legal Affairs did meet this evening with myself as chair; also present Councillor Garabedian, Councillor Driscoll sat in for Councillor Mello, Councillor Osborne and Councillor Gamache sat in for Councillor Sinewitz. We had two items on the agenda. The first one was a request to purchase a portion of a paper street by Jeffrey Maniscalco of 7 Fenton Road. That matter was held in committee; however, we did move the matter forward requesting that the applicant submit a plot plan to the council and we would forward the plot plan to the assessor to come up with an actual amount. And this amount is under \$5,000. And other than that, the applicant followed everything that he needed to do. So as soon as we get that plot plan from him, we will move forward to the assessor and then it will come back to the council. So that was held in Committee. The final item on the agenda was a request to purchase city-owned land by Willowdale Condominium Association of 246 Andover Street, for property at 0 Willowdale Avenue

Rear, Map 39, Parcel 23. This item was before us a few months ago and we had asked the applicant to get an appraisal for the property. He did so and it came back at \$15,000. He as well did everything that he was supposed to do at this point and from subcommittee were the following motions. (Report received)

P685-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO request that His Honor the Mayor declare as surplus land a portion of the land at 0 Willowdale Avenue, Map 39, Parcel 23, consisting of 17,632 square feet, as shown as Parcel A on a plot plan submitted by Willowdale Condominium Association, 246 Andover Street, Peabody, MA. (Unanimous)

P686-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody to approve the sale of a portion of city owned land numbered 0 Willowdale Avenue, Assessors Map 39, Parcel 23, consisting of 17,632 square feet, as shown as Parcel A on a Plan of Land dated December 27, 2012, Prepared for AVV Realty LLC, to Willowdale Condominium Association, 246 Andover Street, Peabody, MA, in the amount of \$15,000.00 with a deed restriction that said land can only be used for parking only, and to further authorize His Honor the Mayor to enter into a purchase and sales agreement on the same. (Carried 11-0)

FINANCE COMMITTEE **SEPTEMBER 26, 2013**

P687-13 COUNCILLOR GRAVEL– Reporting for the Finance Committee - The Finance Committee met this evening. We were a little delayed because the Industrial & Community Development Committee took a little extra time. Present for the Committee were Councillor Athas, Councillor Driscoll, Councillor Gamache, Councillor Liacos and I was acting as the chair; also present this evening were all other councillors. On the agenda this evening was a proposed salary adjustment submitted to us by His Honor the Mayor. The following motion was approved unanimously. (Report received)

P688-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – 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 Ordinance establishing the fringe benefits for the Police and Fire Department, of the Code of the City of Peabody, be advertised as follows:

SECTION ONE: The Code of the City of Peabody, as adopted on January 23, 1969, and amended is hereby further amended by deleting from Section 19-18C the Ordinance establishing rates of compensation and substituting therefore, the following rates:

	Effective 1-Jul-12	Effective 1-Jul-13	Effective 1-Jul-14
1A – Deputy Chief of Police 1A	\$92,529.81	\$94,380.41	\$96,268.02

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

SECTION THREE: This ordinance shall take effect as of the first payroll in July of 2012 or as otherwise provided by law. (Carried 11-0)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE **SEPTEMBER 26, 2013**

P689-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - Earlier this evening after a lengthy debate concerning the issue of permit fees verse administrative fees verse linkage fees verse whatever type of fees we're going to call them, the following motions were brought out of the committee. (Report received)

P690-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE THAT a moratorium be placed on all billboard signs on Route One until there is clarification from the DOT Outdoor Advertising Board regarding their safety concerns with respect to requesting traffic studies for certain billboard proposals on Route One. (Carried 9-2; Councillors Athas and Gamache opposed)

P691-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – The second matter discussed was to consider allowing self-storage facilities with manager/caretaker quarters in a BR zone by Special Permit. The matter was referred to the Planning Board. (Report received)

P692-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO request that the proposed amendment to the Peabody Zoning Ordinance, Section 4.2.5 Business, specifically, to insert the use “Self storage facility with manager-caretaker quarters” be allowed in a BR zoning district by Special Permit, and that said proposed amendment be forwarded to the Planning Board in accordance with Chapter 40A, Section 5 to begin the zoning process. (Carried 11-0)

MOTIONS, ORDERS & RESOLUTIONS

P693-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the Rules Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Revenue Reserved for Appropriation to Land Purchase - \$180,000.00 and to refer to the Finance Committee. (Unanimous)

P694-13 COUNCILLOR GRAVEL (Co-motion with Councillor Athas) - MOVE TO request that Fire Alarm adjust the timing of the lights at Allen's Lane and also the lights at the intersection of Washington Street and Lynnfield Street. The lights at Allen's Lane were working pretty well right up until the point when we tore up the road and then we did some adjusting. I don't know if they changed the pressure plates, but once again every evening the traffic is backing up beyond Foster Street and halfway up Washington Street compounded by the traffic that's being backed up in the other direction. It's created a nightmare. If Fire Alarm could go down there at the busy traffic times and actually reset the timing to get it to sequence appropriately, that would be great. (Unanimous)

P695-13 COUNCILLOR OSBORNE – MOVE TO, , under suspension of the rules, to receive Item 7-B communication from His Honor the Mayor regarding Appointment of Stephen M. Zolotas, 10 Mansfield Street, Peabody, MA to the Board of Appeals (Unanimous)

P696-13 COUNCILLOR OSBORNE – MOVE TO approve the appointment of Stephen M. Zolotas, 10 Mansfield Street, Peabody, MA to the Board of Appeals for a five-year term to expire December 31, 2017 filling the unexpired term of Geoffrey Regan. (Unanimous)

P697-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Bond anticipation notes/City's bond rating and to congratulate His Honor the Mayor and Ms. Schaffer on maintaining the City's outstanding bond rating. (Unanimous)

P698-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-H Special Permit application from J. Vozella & Family, LLC d/b/a Orange Leaf Frozen Yogurt and set up a public hearing. (Unanimous)

P699-13 COUNCILLOR ATHAS - MOVE TO request that the Peabody Municipal Light Plant clean the light lamp at the corner of Florence Road and Cashman Road, pole number 8. Apparently there's a buildup of dead hornets inside so it's not putting out much light. (Unanimous)

P700-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department restore the curbing along 5 Maple Street, repair the street and sidewalk at that location, and also fill in the gully along that section of road. There's no curbing currently, so vehicles actually cut onto the sidewalk when taking a right turn on to Carlton Street. (Unanimous)

P701-13 COUNCILLOR ATHAS - MOVE TO request that the Park, Recreation & Forestry Department clean up and add mulch to the tot lot on Cottage Street. (Unanimous)

P702-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department lower the "Watch pedestrians" and "crosswalk" signs on pole number 09 at the Bill & Bob's Central Street exit. (Unanimous)

P703-13 COUNCILLOR ATHAS (Co-motion with Councillor Mello) - MOVE TO request that the Public Services Department install a crosswalk at Central Street and Hardy Street. (Unanimous)

P704-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the potholes in front of 2 Rainbow Avenue. (Unanimous)

P705-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install a "No parking here to corner" sign at the corner of Trofin Lane and Lynn Street at 1 Trofin Lane. (Unanimous)

P706-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install a "slow caution" or a "caution slow" sign at the entrance to Maple Village on Aborn Street on pole number 05-21. (Unanimous)

P707-13 COUNCILLOR ATHAS - MOVE TO request that the Police Department recommend locations on where to place signage slow signs in certain spots along Aborn Street starting at the Peabody end of Aborn Street heading towards Boston Street. (Unanimous)

P708-13 COUNCILLOR ATHAS - MOVE TO request that the Peabody Municipal Light Plant install a street light on pole number 591-51 at the corner of Main Street and Holten Street and direct the lighting onto the crosswalk on Holten Street. (Unanimous)

P709-13 COUNCILLOR ATHAS - MOVE TO request that a communication be sent to the MBTA requesting that they move the "bus stop" sign from 196 1/2 Washington Street back to the corner of Blaney Avenue. (Unanimous)

P710-13 COUNCILLOR ATHAS - MOVE TO request that the Building Commissioner confirm that the structure at 5 Hancock Street houses four apartment units. (Unanimous)

P711-13 COUNCILLOR ATHAS – MOVE TO request that the Community Development Department investigate removal of the "Left lane left turn only" sign at the vicinity of Main Street/Nichols Lane and the municipal parking lot, which is deceptive. (Unanimous)

P712-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department put up a "No parking after dark. Police take notice" sign at the parking lot across from the bike path at the Middleton line. There seems to be some activity at night there and the police are aware of the situation. (Unanimous)

P713-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department install a "blind driveway" sign on the pole at 146 Winona Street, a second "blind driveway" sign on pole beside the house, and install a small guardrail to protect the side of the house. (Unanimous)

P714-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair the dip in the road at Russell Street and Styles Drive. (Unanimous)

P715-13 COUNCILLOR SINEWITZ – MOVE TO request that the Building Commissioner provide an update to the City Council regarding Motion P615-13. (Unanimous)

P716-13 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Police Department monitor vehicle speeds on Columbia Boulevard and TO request that the Public Services install "Speed limit" signs on Columbia Boulevard. (Unanimous)

P717-13 COUNCILLOR GOULD (Co-motion with Councillor Driscoll) - MOVE TO request that the Public Services Department install a "Slow, Children Playing" sign on Anthony Road. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P718-13 COUNCILLOR OSBORNE – MOVE TO receive the communication from His Honor the Mayor submitting appointments to the Rent Control Board. (Unanimous)

P719-13 COUNCILLOR OSBORNE – MOVE TO approve the following appointments to the Rent Control Board as submitted by His Honor the Mayor under date of September 20, 2013:

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Kevin McHugh 4102 Woodbridge Road Peabody, MA 01960	Rent Control Board (Alternate Member)	12/31/2013 (1-Year Term)
Ted Neary 54 Linden Road Peabody, MA 01960 (Unanimous)	Rent Control Board (Alternate Member)	12/31/2013 (1-Year Term)

P720-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from His Honor the Mayor regarding request to reorganize the Rent Control Board and refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P721-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from Sunshine Care Service, LLC, 153 Newbury Street, regarding Request to increase number of taxicab licenses allowed by ordinance and refer to the Legal Affairs Committee. (Unanimous)

P722-13 COUNCILLOR OSBORNE – MOVE TO receive and approve a communication from Rosewood Nursing & Rehab, 22 Johnson Street, regarding Banner, subject to all papers being in order. (Unanimous)

P723-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from Jennifer Davis, Director, Park & Recreation Department, regarding Completed Council motions and to send a communication thanking Ms. Davis for her efforts. (Unanimous)

P724-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from 47 Newbury World Realty Trust, 47 Newbury Street, regarding Special permit application and set up a public hearing. (Unanimous)

P725-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from Cove Outdoor Advertising, LLC, 200 Jubilee Drive, regarding Special permit application and set up a public hearing. (Unanimous)

P726-13 COUNCILLOR OSBORNE – MOVE TO receive a communication from JAM Enterprises, LLC, 55 Newbury Street, regarding Special permit application and set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P727-13 COUNCILLOR OSBORNE - MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2013) – C & M Auto Body, Inc., 9B Rear Caller Street, subject to all papers being in order. (Unanimous)

P728-13 COUNCILLOR OSBORNE - MOVE TO receive Class 3 Motor Vehicle License (Transfer) – Braz Auto Center, Inc., 9B Rear Caller Street, and set up a public hearing. (Unanimous)

P729-13 COUNCILLOR OSBORNE - MOVE TO receive the following Taxicab License (New) – Sunshine Car Services, LLC, 153 Newbury Street, and set up a public hearing. (Unanimous)

P730-13 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

John Marley – License 100	Sean Howell – License 103
Mark Robinson – License 106	Benjamin Potter – License 107
(Unanimous)	

P731-13 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Taxicab License (Transfer), subject to all papers being in order:

Tri City Services, Inc., 55R Walnut Street – License 4
 North Shore Taxi, Inc., 27 Walnut Street #C – Licenses 14 & 15
 (Unanimous)

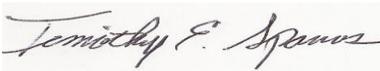
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A 15 Brentwood Drive}

P732-13 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 Entitled Parking Prohibited Handicap Zone of the Code of the City of Peabody be adopted as advertised and read. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 3, 2013
 RETURNED BY HIS HONOR THE MAYOR, OCTOBER 3, 2013

ATTEST 
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – Revenue Reserved for Appropriation to Land Purchase - \$180,000.00

His Honor the Mayor re: Appointment – Stephen M. Zolotas to the Board of Appeals

His Honor the Mayor re: Bond anticipation notes/City's bond rating

His Honor the Mayor re: Appointments to the Rent Control Board

His Honor the Mayor re: Request to re-organize the Rent Control Board

Vannee Chaisuphatanakul, 190-194 Newbury Street re: Request to recess Special Permit hearing

Sunshine Car Service LLC, 153 Newbury Street re: Request to increase number of taxi cab licenses allowed by ordinance

Rosewood Nursing & Rehab, 22 Johnson Street re: Banner

Jennifer Davis, Director, Park & Recreation Dept. re: Completed Council motions

47 Newbury World Realty Trust, 47 Newbury Street re: Special permit application

Cove Outdoor Advertising LLC, 200 Jubilee Drive re: Special permit application

JAM Enterprises LLC, 55 Newbury Street re: Special permit application

J. Vozella & Family, LLC d/b/a Orange Leaf Frozen Yogurt, 79 Lynnfield Street re: Special permit application

CLASS 3 MOTOR VEHICLE LICENSE: (Renewal for 2013)

C & M Auto Body, Inc., 9B Rear Caller Street

CLASS 3 MOTOR VEHICLE LICENSE: (Transfer)

Braz Auto Center, Inc., 9B Rear Caller Street

TAXICAB LICENSE: (New)

Sunshine Car Services, LLC, 153 Newbury Street

TAXI/LIMO/SINE DRIVER LICENSE:

John Marley – License 100

Sean Howell – License 103

Mark Robinson – License 106

Benjamin Potter – License 107

TAXICAB LICENSE: (Transfer)

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

North Shore Taxi, Inc., 27 Walnut Street #C – Licenses 14 & 15