

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 14, 2013

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

ABSENT: COUNCILLORS: GARABEDIAN AND MELLO

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.

P834-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of October 24, 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.

(COUNCILLOR GOULD WELCOMED COUNCILLOR-ELECT MCGINN AND COUNCILLOR-ELECT WALSH TO THE CITY COUNCIL MEETING.)

HEARINGS

P835-13 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application from Cove Outdoor Advertising, LLC, 200 Jubilee Drive. (Unanimous)

A public hearing was duly held on the application from J. Vozella & Family, LLC, d/b/a Orange Leaf Yogurt, 26 Benevento Circle, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. Mr. George Smith, 83 Bartholomew Street, Peabody, MA; and Ms. Lynn Pelosi-Pallotta, 139 Lynnfield Street, Peabody, MA, appeared to speak in opposition.

P836-13 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from J. Vozella & Family, LLC, d/b/a Orange Leaf Yogurt, 26 Benevento Circle, Peabody, MA, for a Special Permit to operate a fast food restaurant in a B-N zone at 79 Lynnfield, Peabody, MA, as filed in accordance with Sections 4.2.5 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and condition:

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.

CONDITION:

1. That the owner of 79 Lynnfield Street clear all sidewalks abutting their property of snow to allow safe pedestrian access.

AMENDMENT BY COUNCILLOR LIACOS - BE IT ORDERED by the City Council of the City of Peabody that the application from J. Vozella & Family, LLC, d/b/a Orange Leaf Yogurt, 26 Benevento Circle, Peabody, MA, for a Special Permit to operate a fast food restaurant in a B-N zone at 79 Lynnfield, Peabody, MA, as filed in accordance with Sections 4.2.5 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.

(Carried 8-1; Councillor Athas opposed; Councillors Garabedian and Mello absent)

A public hearing was duly held on the Zoning Amendment regarding Section 4.2.5. Appearing to speak on behalf of the application was Councillor Driscoll. No one appeared to speak in favor. Mr. William Toomey, 33 Abington Avenue, Peabody, MA, appeared to speak in opposition.

P837-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Planning Board regarding Zoning recommendation. (Unanimous)

P838-13 COUNCILLOR DRISCOLL – 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 Revised Zoning Ordinance,” adopted April 28, 2011, is hereby amended as follows:

That Section 4.2 Schedule of Use Regulations be amended as follows:

By inserting under Section 4.2.5 Business the use “Self-service storage facility with manager-caretaker quarters” be allowed by Special Permit in a B-R Regional Business Zoning District.

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 9-0; Councillors Garabedian and Mello absent)

P839-13 COUNCILLOR ATHAS - MOVE TO continue the public hearing on the Special Permit application from Norman Lee and James A. Gebo, 98 Main Street. (Unanimous)

A public hearing was duly held on the application from Centennial Crossing, LLC, 5 High Ridge Road, Topsfield, MA. Appearing to speak on behalf of the application was Mr. Greg St. Louis. No one appeared to speak in favor. No one appeared to speak in opposition.

P84013 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from Centennial Crossing, LLC, 5 High Ridge Road, Topsfield, MA for a Special Permit to remove earth products in conjunction with Section 14.1 of the Peabody Zoning Ordinance, specifically, seeking relief from the requirements of stockpiling material on site until buildings are 50% complete at 4 First Avenue, Peabody, MA as filed in accordance with Sections 14 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

Condition:

- 1) That all trucks utilize the Centennial Drive or Jubilee Drive exits.

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 9-0; 2 absent)

P841-13 COUNCILLOR OSBORNE - MOVE TO continue the public hearing on the Entertainment License application from Vignali, LLC, d/b/a Stonewood Tavern, 139 Lynnfield Street. (Carried 9-0; Councillors Garabedian and Mello absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
NOVEMBER 14, 2013

P842-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – This evening Legal Affairs met and Councillor Gamache sat in for Councillor Garabedian, including myself, was Councillor Osborne. There was one item on the agenda and it was a request for increase in the taxicab licenses Section 30-38 of the Peabody City Code. In a nutshell we have some taxi businesses in the city that are requesting that we increase our current cabs number from 30 to 45 and they've expressed that there is a need; and in order for them to run a profitable business they're asking that we increase it in order that they can be successful in their business venture. So the upside is it's a win-win from the opinion of the subcommittee. We would have an increase on the city side in excise taxes and also for the fee associated with the taxi medallion fee per vehicle. So it's a win-win for the city of Peabody and the taxicab companies would profit as well. So from that discussion one motion was made, which passed unanimously. (Report received)

P843-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – MOVE TO amend Section 30-38 of the Code of the City of Peabody to increase the number of taxicab licenses from 30 to 45 and to advertise. (Unanimous)

FINANCE COMMITTEE
NOVEMBER 14, 2013

P844-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - This evening there was a meeting of the Finance Committee; sitting in for the committee were Councillor Driscoll, Councillor Gamache, Councillor Liacos, and sitting in for Councillor Athas was Councillor Manning-Martin. We also had the presence of Councillor Osborne at that meeting as well and Councillor Sinewitz came in at the end. The following transfers were approved. (Report received)

P845-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 8, 2013:

<u>FROM:</u>	<u>TO:</u>
Community Preservation Act-\$15,000.00	Administration - \$15,000.00
Unreserved	
(Carried 9-0; Councillors Garabedian and Mello absent)	

P846-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2013:

<u>FROM:</u>	<u>TO:</u>
CPC – Open Space Fund Balance-\$800,000.00	CPC – Crystal Lake/Elginwood Pond
	Dredging and Restoration Project- \$800,000.000
(Carried 9-0; Councillors Garabedian and Mello absent)	

P847-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2013:

<u>FROM:</u>	<u>TO:</u>
CPC – Open Space Fund Balance - \$400,000.00	CPC – PVMHS Football Field
	Replacement Project - \$400,000.00
(Carried 9-0; Councillors Garabedian and Mello absent)	

P848-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2013:

<u>FROM:</u>	<u>TO:</u>
CPC – Open Space Fund Balance - \$152,000.00	CPC – Park & Play Spaces
	Restoration Projects – FY14 - \$152,000.00
(Carried 9-0; Councillors Garabedian and Mello absent)	

P849-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2013:

FROM:	TO:	
Community Preservation Funds- Unreserved - \$273,684.00	Historic Preservation Reserve Fund	\$91,228.00
	Community Housing Reserve Fund	\$91,228.00
	Open Space Reserve Fund	\$91,228.00
Community Preservation Funds - Unreserved - \$136,842.00	Open Space Reserve Fund	\$91,228.00
	Historic Preservation Reserve Fund	\$22,807.00
	Community Housing Reserve Fund	\$22,807.00

(Carried 9-0; Councillors Garabedian and Mello absent)

P850-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 22, 2013:

FROM:	TO:
Operating Budget – Reserve Fund - \$88,500.00	Streets and Highways Traffic Lights -\$88,500.00 (St. Adelaide’s church)

(Carried 9-0; Councillors Garabedian and Mello absent)

MOTIONS, ORDERS & RESOLUTIONS

P851-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Home rule petition – Increase number of all-alcoholic liquor licenses and to refer to the Industrial & Community Development Committee. (Unanimous)

{Item 10-A Bond Order}

P852-13 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that \$5,100,000.00 (Five Million One Hundred Thousand Dollars) is appropriated for the following capital projects: Building Improvements \$219,000.00; Equipment \$642,000.00; Technology \$224,000.00; Vehicles/Trucks \$770,000.00; Fire Engine \$585,000.00; Park Improvements \$160,000.00; Dredging of Crystal Lake \$800,000.00; High School Turf Field \$400,000.00; and Water Treatment Plant Improvements \$1,300,000.00 and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$5,100,000.00 (Five Million One Hundred Thousand Dollars) under Massachusetts General Laws, Chapter 44, or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out these projects, and that said Bond Order be adopted as advertised and read. (Carried 9-0; Councillors Garabedian and Mello absent)

P853-13 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department remove the handicapped parking sign at 71 Main Street. (Unanimous)

P854-13 COUNCILLOR GRAVEL - MOVE TO request to change the westbound line configuration on Main Street to start the left turn lane for Foster Street after the crosswalk at the corner of Walgreen’s. In observations and discussions with police officers present at the site the single lane converts to a two-lane configuration before the crosswalk and this is where we need the safety the most at that point because traffic is finding its way around the crosswalk causing a dangerous situation for pedestrians. On several occasions it’s been witnessed that traffic is jumping to the second lane creating a situation like it used to be prior to all the recent safety improvements on Main Street. In addition, to also add the proper arrows denoting a left and a straight arrow in said same lane. (Emergency Preamble - Carried 9-0; Councillors Garabedian and Mello absent)
(Motion to adopt - Carried 9-0; Councillors Garabedian and Mello absent)

P855-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Chief Robert Champagne, Police Department, regarding Departmental response for 139 Lynnfield Street. (Unanimous)

P856-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-J communication from Ann Trainor, 140 Lynnfield Street, regarding Petition in opposition to the proposed Entertainment License amendment; Stonewood Tavern, 139 Lynnfield Street. (Unanimous)

P857-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Tigran Martirosyan, 145A Summit Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P858-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Licensing Board make a site visit to Stonewood Tavern, specifically their Amber Room, and review the liquor license and any amendments and filings by Stonewood concerning the Amber Room nightclub and make a determination as to whether they are in compliance with their liquor license and, if not, take appropriate action and to report such in writing to the City Council. (Unanimous)

P859-13 COUNCILLOR DRISCOLL - MOVE to request that the Peabody Electric Light Plant erect a streetlight on the pole between 20 and 22 Ellsworth Road. (Unanimous)

P860-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-B communication from Glenn Trueira, Manager, Peabody Municipal Light Plant, regarding Council motion responses; Ayer Street and Home Street. (Unanimous)

P861-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Robert Langley, Director, Public Services Department, regarding Motion P606-13 clean Strongwater Brook. (Unanimous)

P862-13 COUNCILLOR ATHAS - MOVE TO request that the Community Development Department expedite the request to move the "bus stop" sign from 196 1/2 Washington Street, which is in front of a driveway, back to the corner of Blaney Avenue. (Unanimous)

P863-13 COUNCILLOR ATHAS - MOVE TO request that the Police Department render advice on recommended traffic calming measures for Aborn Street. (Unanimous)

P864-13 COUNCILLOR GAMACHE - MOVE TO refer the issue of requiring an earth removal relief permit to the Industrial & Community Development Committee. (Unanimous)

(COUNCILLOR GAMACHE WISHED COUNCILLOR GARABEDIAN A SPEEDY RECOVERY.)

P865-13 COUNCILLOR SINEWITZ - MOVE TO request that the Peabody Police Department perform a site visit to Stonewood Tavern on November 15th and November 16th, 2013, around 10 o'clock, to see if there is live entertainment occurring. (Unanimous)
(Emergency Preamble - Carried 9-0; Councillors Garabedian and Mello absent)
(Motion to adopt - Carried 9-0; Councillors Garabedian and Mello absent)

P866-13 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from West Memorial School regarding Banner request, subject to all papers being in order. (Unanimous)

P867-13 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Police Department patrol the end of Coolidge Avenue at the bridge that leads to Spring Pond. (Unanimous)

P868-13 COUNCILLOR GOULD (Co-motion with Councillor) – MOVE TO request that the Public Services Department erect "no parking" and "employee parking only" signs at the Water Department at the end of Coolidge Avenue. (Unanimous)

P869-13 COUNCILLOR GOULD - MOVE TO request that the Public Services Department repair the sidewalk at 11 County Street. (Unanimous)

P870-13 COUNCILLOR GOULD - MOVE TO request that the Public Services Department repair the sidewalk at 12-14 Gardner Street. (Unanimous)

P871-13 COUNCILLOR GOULD – MOVE TO request that the Public Services Department inspect Brentwood Drive and determine whether emergency pavement is needed. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P872-13 COUNCILLOR GRAVEL – MOVE TO receive and approve a communication from North Shore Cancer Walk, 81 Highland Avenue, Salem, regarding Banner request for 2014, subject to all papers being in order. (Unanimous)

P873-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Park, Recreation and Forestry Department regarding Council motion response; P600-13. (Unanimous)

P874-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Tri City Services, Inc., 55R Walnut Street, regarding Increase taxicab licenses. (Unanimous)

P875-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Attorney John J. Regan, 10 Chestnut Street, regarding Zoning map amendment filed on behalf of various property owners on Little's Lane to change the zoning designation from R-2 to B-C. (Unanimous)

P876-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from State Representative Leah Cole regarding Chapter 90 funding and to refer to the Finance Committee. (Unanimous)

P877-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Lamar Outdoor Advertising, 271 Newbury Street, regarding Special permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P878-13 COUNCILLOR GRAVEL – MOVE TO receive Limousine License – Greenway Transportation, LLC, 145A Summit Street, and to set up a public hearing. (Unanimous)

P879-13 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Lori Labrecque – License 111
 Daniel McGrath – License 112
 John Leone – License 114
 MD Hasanuzzaman – License 115
 (Unanimous)

P880-13 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxicab License transfer, subject to all papers being in order:

North Shore Taxi, Inc., 27C Walnut Street – License 15
 Tri City Services, Inc., 55R Walnut Street – Licenses 6 & 7
 (Unanimous)

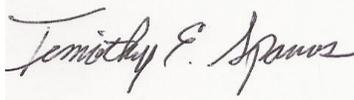
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

No unfinished business.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 22, 2013

RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 22, 2013



ATTEST
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Home rule petition – Increase number of all-alcoholic liquor licenses
 Chief Robert Champagne, Police Department re: Departmental response for 139 Lynnfield Street
 Glenn Trueira, Manager, Peabody Municipal Light Plant re: Council motion responses; Ayer Street and Home Street
 North Shore Cancer Walk, 81 Highland Avenue, Salem re: Banner request for 2014
 Park, Recreation and Forestry Department re: Council motion response: P600-13
 Tri City Services, Inc., 55R Walnut Street re: Increase taxi cab licenses
 Robert Langley, Director, Public Services Department re: Motion P606-13 clean Strongwater Brook
 Attorney John J. Regan, 10 Chestnut Street re: Zoning map amendment filed on behalf of various property owners on Little's Lane to change the zoning designation from R-2 to B-C
 Tigran Martirosyan, 145A Summit Street re: Special permit application
 Lamar Outdoor Advertising, 271 Newbury Street re: Special permit application
 Ann Trainor, 140 Lynnfield Street re: Petition in opposition to the proposed Entertainment License amendment;
 Stonewood Tavern, 139 Lynnfield Street
 State Representative Leah Cole re: Chapter 90 funding

LIMOUSINE LICENSE:

Greenway Transportation, LLC, 145A Summit Street

TAXI/LIMOUSINE DRIVER LICENSE:

Lori Labrecque – License 111
 Daniel McGrath – License 112
 John Leone – License 114
 MD Hasanuzzaman –License 115

TAXICAB LICENSE: (Transfer)

North Shore Taxi, Inc., 27C Walnut Street – License 15
 Tri City Services, Inc., 55R Walnut Street – Licenses 6 & 7