



PEABODY CITY COUNCIL

**REGULAR MEETING OF THE PEABODY CITY COUNCIL
TO BE HELD ON
THURSDAY EVENING, AUGUST 27, 2015, AT 7:30 P.M.,
IN THE FRANK L. WIGGIN AUDITORIUM, CITY HALL,
24 LOWELL STREET, PEABODY, MA**

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985

** Industrial & Community Development Committee @ 6:30 p.m.
** Committee of the Whole/Executive Session @ 7:15 p.m.

** Mr. Jerry Halberstadt, 20 Central Street re: Senate Bill 709 "Creating a Commission to Study Ways to Prevent Bullying of Tenants in Public and Subsidized Multi-Family Housing

1. MEETING OPENS WITH A MOMENT OF SILENT PRAYER

2. FLAG SALUTE

3. APPROVAL OF THE RECORD

Regular meeting minutes from July 9, 2015
Special meeting minutes from July 16, 2015

4. HEARINGS

- a) Zoning Amendment – Sections 2, 3 and 7.11; Wind Powered and Solar Powered Structures
- b) Special Permit – Acme Sign Corp., 75 Central Street re: Install electronic message board as part of a free standing sign

5. REPORTS OF COMMITTEES

Legal Affairs Committee – Councillor Osborne re:
Meeting of August 20, 2015

Industrial & Community Development Committee – Councillor Gould re:
Meeting of August 27, 2015

Committee of the Whole – Councillor Walsh
Meeting of August 27, 2015 (Executive Session)

6. MOTIONS, ORDERS AND RESOLUTIONS



PEABODY CITY COUNCIL

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985

7. COMMUNICATIONS FROM HIS HONOR THE MAYOR

- a) Proposed amendment to the City Code re: Chapter 12 Fire Protection and Prevention, Article III, Section 12-41 “fire Department; Established; Composition; Appointment of Members
- b) Submitting the appointment of Shawn M. Mahoney, 46 Shore Drive, Peabody, MA to the position of Wire Inspector
- c) Request to adopt Section 114 of the General Laws (Chapter 59, Section 5 (54) – establish a minimum value for personal property
- d) Appropriation - Centennial Celebration
- e) Appropriation – Cemetery Capital Equipment
- f) Appropriation – Peabody High School Roof Replacement/Schematic Design Study
- g) Various re-appointments
- h) Various new appointments
- i) Proposed resolution calling upon Verizon to deploy FIOS in Peabody

8. COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

- a) Patricia Davis Schaffer, Director of Finance re: In lieu of payments from PMLP for past 10 years (Motion P502-15)
- b) Board of Assessors re: Partially taxable/exempt non-profit businesses (Motion P390-15)
- c) Robert Langley, Director, Public Services Department re: Memo regarding a require to purchase city owned land; Blais, 12 Winnegance Avenue (Motion P435-15)
- d) Robert Langley, Director, Public Services Department re: Sewer mains on Paleologos Street (Motion P02-15)
- e) Mass DOT re: Painting/Bridge repair
- f) Sofia Brasileiro re: Letter of thanks; City Council Student Government Day scholarship
- g) David Nicholson, 73 Harrison Avenue re: Request to purchase city owned land, 0 Winona Street
- h) Daniel Buttrick, Tighe & Bond re: Crystal Lake/Elginwood Pond Dredging Project; submission of EENF supplemental information and Single Environmental Impact Report
- i) Attorney Michael Smerczynski, City Solicitor re: Legal opinion; public ways/encroachment
- j) Attorney Michael Smerczynski, City Solicitor re: Legal opinion; room rental accessory use
- k) Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Special Permit application improprieties
- l) Attorney Adam Buckley, Assistant City Solicitor re: Title search result; land off Lynnfield Street designated as conservation land
- m) Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Charter Commission



PEABODY CITY COUNCIL

COMMUNICATIONS FROM CITY OFFICERS & OTHERS (Continued)

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

- n) Patricia Davis Schaffer, Director of Finance/Administration re: Summary status of appropriations ending June 30, 2015
- o) Patricia Davis Schaffer, Director of Finance/Administration re: General fund summary for fiscal 2015 revenue ending June 30, 2015
- p) Patricia Davis Schaffer, Director of Finance/Administration re: Patricia Davis Schaffer, Director of Finance/Administration re: Status of appropriations (city side) period ending June 30, 2015.
- q) Albert Talarico, Building Commissioner re: Issuance of fines to Aggregate Industries
- r) Allen Fore, Vice President, Public Affairs, Kinder Morgan re: Project website now available – Northeast Energy Direct Project
- s) MassDevelopment Finance Agency, 99 High Street, Boston, MA re: Revenue bond financing public hearing; Lahey Clinic
- t) Russell Donovan, 12 Quail Road re: City budget tax impact analysis
- u) Planning Board re: June 18th meeting minutes
- v) Planning Board re: Site plan; Terrace Estates Apartments
- w) William Cataldo, 6 Stuart Road, Peabody re: Low water pressure on Stuart Road
- x) Garth Fletcher, Mason, NH re: Kinder Morgan information
- y) Timothy E. Spanos, City Clerk re: Municipal Primary Warrant; September 29, 2015
- z) Special permit application – Detour Cars, 154A Newbury Street re: Sale of Automobiles (Hearing necessary)
- aa) Our Lady of Fatima Church, 50 Walsh Avenue re: Banner
- bb) Chief Thomas Griffin, Police Department re: Letters of thanks
- cc) The Dogmother LLC, 558 Lowell Street re: Special Permit application
- dd) Judith Otto, Chair, Historical Commission re: Request amendment to the Demolition Delay ordinance
- ee) Christopher N. Everest, Nordlund Associates, 199 Rosewood Drive, Danvers re: Request to amend the Zoning Map; 274 Newbury Street, from MH to BR
- ff) Spofford Automotive, LLC, 55R Walnut Street re: Special permit application
- gg) St. John the Baptist School, 19 Chestnut Street re: Banner request

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985



PEABODY CITY COUNCIL

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985

9. PRESENTATION OF PETITIONS/MEMORIALS/REMONSTRANCE'S

a) Taxi/Limousine Driver Licenses -

Donald Lamontagne – License 21	Ana Steele – License 22
Joseph Mahan – License 23	Richard Doherty – License 24
Robin Goodhue – License 25	David W. Claffey, Sr. – License 26
Dennis Giannias – License 27	Darryl Fawning – License 28
Israel Lopez – License 29	David Claffey, Jr. – License 31
David Claud Benson – License 32	Jacob Birmingham – License 34
Michael Neely – License 35	Shawn Capozzi – License 36
David Noyes – License 37	John Miller – License 38
Jean Paul Delly – License 39	Michael Paculli – License 40
Ayouba Kaba – License 41	Wayne Hitchings – License 42
John E. Gosselin – License 43	Antonello Verdiglione – License 44
Brian McLaughlin – License 45	David Drillis – License 46
Gary E. Ferguson – License 47	Chibani Hicham – License 48
Jackson Janvier – License 49	Jeff Austraw – License 50
Jeffrey Morrison – License 51	Michael Kostopoulos – License 52
Marc Margossian – License 53	Kevin Parker – License 55
John Shaw – License 56	Paul Kostopoulos – License 57
Thomas Bartlett – License 58	Ronald Fearon – License 59
Richard Gill – License 61	William O'Neill – License 62
Jason M. Elfman – License 63	James Carter – License 64
Keith J. Jackson – License 65	Elizabeth Bersano – License 66
Robert Ruest – License 68	David Terry – License 69
Dana McPhee – License 70	Andrew Smith – License 71
Scott Middleton – License 72	

- b) **Class 2 Motor Vehicle License** – Spofford Automotive LLC, 55R Walnut Street (Hearing necessary)
- c) **Block Party** – America Drive from 5 to 11 America Drive – September 12th
- d) **Taxi Cab License Transfer** – Sunshine Car Service, Ltd., 153 Newbury Street re: License #39
- e) **Class 2 Motor Vehicle License** – Detour Cars, 154A Newbury Street (Hearing necessary)

10. UNFINISHED BUSINESS FROM THE PRECEDING MEETING

a) Ready for Council Adoption

An Ordinance Amending Section 16-29 Entitled Secondhand Automobile Licenses; Hearings of the Code of the City of Peabody

(Add a new paragraph G –“ The License Holder shall display a placard at the main entrance to their building/office location, posted in plain sight for public viewing, to be visible from the exterior of the premises, of any and all conditions that are restricted to on their Class 2 Motor Vehicle License as approved by the Peabody City Council. The placard for displaying shall be provided by the City Clerk.”)