

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 13, 2014**

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

ABSENT: NONE.

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Robert E. Driscoll.

Salute to the American Flag.

P130-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of February 24, 2014. (Unanimous)

COUNCILLOR DRISCOLL - 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.

(COUNCIL PRESIDENT DRISCOLL WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: COURTNEY CAVANAUGH, COUNCILOR-AT-LARGE (GARABEDIAN); RYAN COX, WARD 3 COUNCILLOR (MOUTSOULAS); ERIN KLEMCZUK, WARD 2 COUNCILLOR (MCGINN); MAURA KOLHONEN, CITY CLERK (SPANOS); ANTONIA PAGLIUCA, WARD 5 COUNCILLOR (SASLAW); RYAN WOLFF, COUNCILLOR-AT-LARGE (GOULD); AND SEAN WALSH, COUNCILLOR-AT-LARGE (WALSH))

**HEARINGS**

A public hearing was duly held on the application submitted by Precision Estate Sales, LLC, 19 Littles Point Road, Swampscott, MA. Appearing to speak on behalf of the application was Mr. Jason Male. No one appeared to speak in favor. No one appeared to speak in opposition.

P131-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application submitted by Precision Estate Sales, LLC, 19 Little's Point Road, Swampscott, MA, for a Junk Dealers License at 26 Howley Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application from Bill's Salem Music & Fofos, 136 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. William Saxonis. No one appeared to speak in favor. No one appeared to speak in opposition.

P132-14 COUNCILLOR MCGINN – MOVE TO approve the application from Bill's Salem Music & Fofos, 136 Main Street, Peabody, MA, for a Junk Dealers License at said 136 Main Street, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application from Mike & Lill's Black Sheep Pub & Grill, 5 Central Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Michael Clukey. No one appeared to speak in favor. No one appeared to speak in opposition.

P133-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Mike & Lill's Black Sheep Pub & Grill, 5 Central Street, Peabody, MA, for an Entertainment License applying for the use of television, radio, CD & DVD players, and live entertainment to include karaoke and live music, which will include a piano plus two instruments, at said 5 Central Street, Peabody, MA, with the condition that all music ends at 10:00 p.m., and subject to all papers being in order. (Carried 11-0)

**AD HOC COMMITTEE ON TAXIS/LIMOUSINES**  
**MARCH 6, 2013**

P134-14 COUNCILLOR GARABEDIAN – Reporting for the Ad Hoc Committee on Taxis/Limousines - On March 6th the Ad Hoc Committee on Taxis/Limousines met Thursday night to discuss the number of Taxicab Licenses available for issuance based on the applications for Taxicab License amendments submitted by North Shore Taxi

Company, Sunshine Car Services, LLC, and Tri City Services, Inc. In attendance and serving on the Committee were myself as chair, Councillor Sinewitz and Councillor Moutsoulas. Also in attendance were Councillor Gould, Councillor Walsh, and Councillor Osborne. Deputy Chief Martin Cohan appeared representing the Police Department. The issue before the Committee was that the City had 15 licenses to give out and the meeting before that, which corresponded to generate this meeting, was that we kind of ran out of licenses and then decided to put a stop on it and have a committee meeting to equally give out the licenses. What we needed to determine was how to disburse the 15 additional Taxicab Licenses. Sunshine Car Services was applying for 10 and both Tri City and North Shore were applying for five each. Applications for the same were previously discussed by the City Council on February 24th and referred to this Committee. Appearing to speak for the taxicab companies were Carmen Gaeta and Joseph Mahan from Sunshine Car Services; Igor Likterov from Tri City Services, and Sean McKinnon from North Shore Taxi. Also appearing was attorney James Mears of 80 Foster Street, Peabody, representing North Shore Taxi. The Committee discussed at length the issues regarding two handicapped Taxicab Licenses not being used by any taxicab companies in the city, as we speak; the amount and need for 45 taxicabs that would be used in Peabody; and the process as to how many vehicles are licensed by the city. All three companies did state that there would be 45 taxicabs operating in the city all at one time. All companies are currently licensed not only in Peabody, but in Salem, Beverly, and Danvers and any one of their vehicles could be picking up/dropping off fares in all four locations at any one time. All three stated a need for additional licenses due to increased volume and fares. The Committee entertained the idea of making it mandatory for all three companies to be required to have at least one handicapped medallion. That issue would require an ordinance change and further discussion. All three companies informed the Committee that they have considered purchasing some sort of handicapped vehicle, but as right now those vehicles would be cost prohibitive, in terms of vehicle cost and insurance cost and that all drivers would need to be specially trained. North Shore Taxi did mention that companies, such as The Ride and LBK, are subsidized with regards to vehicles and employee training. The companies did ask if there was a possibility that in the future they could partner with those companies. Also discussed was the requirement under the ordinance that all Taxicab Licenses once approved by the City Council would need to be utilized and all vehicles would be required to be registered, inspected, and licensed by the police department in Peabody within 45 days of the council approval. So what that means is basically any time somebody applies for a license, within 45 days the approval will be on the City Clerk's desk. Any unused license would be returned back to the city, unless an extension was granted by the City Council. After some discussion regarding how the Committee would entertain issuing the 15 licenses, Sunshine Car Services offered a compromise and reduced the amount of licenses they are applying for from 10 to five. The Committee then asked all three companies if that was satisfactory and they all agreed that it was. The Committee then approved the following two motions. (Report received)

P135-14 COUNCILLOR GARABEDIAN – Reporting for the Ad Hoc Committee on Taxis/Limousines - MOVE TO recommend that Sunshine Car Services, LLC; Tri City Services, Inc.; and North Shore Taxi, Inc. each receive five Taxicab Licenses. (Carried 9-2; Councillors Gould and Walsh opposed)

P136-14 COUNCILLOR GARABEDIAN – Reporting for the Ad Hoc Committee on Taxis/Limousines – MOVE THAT the Ad Hoc Committee on Taxis/Limousines review and discuss the handicapped Taxicab License issue and that the City Clerk conduct a survey of surrounding communities with regards to their requirements. (Unanimous)

The City Council reconvened the recessed public hearing on the application from Tri City Services, Inc., 55R Walnut Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Igor Likterov. No one appeared to speak in favor. No one appeared to speak in opposition.

P137-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Tri City Services, Inc., 55R Walnut Street, Peabody, MA, for an amendment to a Taxicab License, specifically, to increase the number of Taxicab Licenses from 10 to 15 at said 55R Walnut Street, Peabody, MA, subject to all papers being in order. (Carried 9-2; Councillors Gould and Walsh opposed)

{Item 10-B Reconsideration from February 24, 2014}

P138-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from North Shore Taxi, Inc., 27 Walnut Street, Unit C, Peabody, MA, for an amendment to a Taxicab License, specifically, to increase the number of Taxicab Licenses from 15 to 20 at said 27 Walnut Street, Unit C, Peabody, MA, subject to all papers being in order. (Carried 9-2; Councillors Gould and Walsh opposed)

{Item 10-C Reconsideration from February 24, 2014}

P139-14 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Sunshine Car Services, LLC, 153 Newbury Street, Peabody, MA, for an amendment to a Taxicab License, specifically, to increase the number of Taxicab Licenses from 3 to 8 at said 153 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 9-2; Councillors Gould and Walsh opposed)

P140-14 COUNCILLOR GRAVEL - MOVE THAT the Limousine License application from Sunshine Car Services, LLC, 153 Newbury Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

A public hearing was duly held on the Special Permit application from Lamar Outdoor Advertising, 271 Newbury Street, Peabody, MA. Attorney David Ankeles appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P141-14 COUNCILLOR SASLAW - BE IT ORDERED by the City Council of the City of Peabody that the application from Lamar Outdoor Advertising, 271 Newbury Street, Peabody, MA, for a Special Permit to construct a digital billboard at said 271 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.6 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.

AMENDMENT BY COUNCILLOR MANNING-MARTIN – MOVE TO amend the motion to add that the approval shall meet the requirements of Sections 6.2.1 "must satisfy a desirable local need and the design and appearance will not be injurious to the established or future character of the vicinity or the neighborhood";

and Section 6.1.4 (c) "Prior to granting a special permit, satisfactory provision and arrangement shall be made concerning the following where applicable; specifically there shall be no glare emanating onto adjoining properties"

(Carried 8-3; Councillors Manning-Martin, Gould and Sinewitz opposed)

RECONSIDERATION BY COUNCILLOR MANNING-MARTIN – Immediate reconsideration hoping same shall not prevail. (Failed 6-5; Councillors McGinn, Manning-Martin, Gravel, Gould, and Sinewitz in favor)

(COUNCILLOR MCGINN RECUSED HIMSELF FROM THE FOLLOWING PUBLIC HEARING)

A public hearing was duly held on the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. Attorney John Regan appeared to speak on behalf of the Zoning Amendment. Mr. Nelson Gagnon, 3 Perkins Street, Peabody, MA; Ms. Ann Linnegan, 65 Main Street, Peabody, MA; Ms. Deborah Ferreras, 8 Little's Lane, Peabody, MA; Ms. Kathy Sheridan, 107 Foster Street, Peabody, MA; Ms. Donna Riedl, 202 Jefferson Avenue, Salem, MA; Mr. Matthew Gagnon, 3 Perkins Street, Peabody, MA; Mr. Doug Michaud, 7 Spring Pond Road, Peabody, MA; Mr. David Koeplin, 6 Greenbrier Road, Manchester, MA; Mr. George Giannias, 40 Sabino Farm Road Front, Peabody, MA; Ms. Alison Gagnon, 3 Perkins Street, Peabody, MA; and Mr. Arthur Gordon, 65 Main Street, Peabody, MA, appeared to speak in favor. Mr. Peter McGinn, 8 Park Street, Peabody, MA; Mr. Randy Cole, 5 Little's Lane, Peabody, MA; Ms. Cheryl Quadros, 11 Little's Lane, Peabody, MA; and Ms. Patricia Purcell, 5 Little's Lane, Peabody, MA, appeared to speak in opposition.

P142-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, a communication from Nelson Gagnon, 13 Little's Lane, Peabody. (Unanimous)

P143-14 COUNCILLOR MANNING-MARTIN – MOVE TO recess the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C and to refer to the Industrial & Community Development Committee. (Carried 10-0; Councillor McGinn absent)

P144-14 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the McCarthy School. (Unanimous)

P145-14 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Welch School. (Unanimous)

P146-14 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Burke School. (Unanimous)

P147-14 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Center School. (Unanimous)

P148-14 COUNCILLOR GOULD – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY: Having convened in an open meeting on March 13, 2014, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 11, 2014 for the Welch School located at 50 Swampscott Avenue, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. The MSBA Priority selected is Priority #5, "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility." The specific objective of this SOI is to seek MSBA support for building repair including conversion of this all electrically heated school to natural gas, replacement of the existing, obsolete and no longer serviceable HVAC system and controls and replacement of windows and exterior doors throughout the school. And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. (Carried 11-0)

P149-14 COUNCILLOR GOULD – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY: Having convened in an open meeting on March 13, 2014, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2014 for the McCarthy School located at 76 Lake Street, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. The MSBA Priority selected is Priority #5, Accelerated Repair, "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility." The specific objective of this SOI is to seek MSBA support for replacement of the twenty-five year old tar and gravel roof with a new roofing system and new roof insulation that meets MSBA standards and replacement of the existing 45 year old window system to be replaced with a new, modern thermal pane window system including replacement of exterior doors throughout the school. And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. (Carried 11-0)

P150-14 COUNCILLOR GOULD – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY: Having convened in an open meeting on March 13, 2014, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 11, 2014 for the Center School located at 18 Irving Street, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. The MSBA Priority selected is Priority #7, "Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements." The specific objective of this SOI is to seek MSBA support for a feasibility study for the replacement of the Center School. The educational deficits of the Center School are articulated in the Center School SOI and include the need for gym space, cafeteria space, food service servery and kitchen space, much needed upgrades to

classrooms, meeting rooms, electrical, plumbing and HVAC systems. And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. (Carried 11-0)

**P151-14 COUNCILLOR GOULD – BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEABODY:** Having convened in an open meeting on March 13, 2014, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 11, 2014 for the Burke School located at 127 Birch Street, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. The MSBA Priority selected is Priority 5, “Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility.” The specific objective of this SOI is to partner with the MSBA to replace of obsolete unit ventilators, cabinet heaters and gym and cafeteria air handling units with modern HVAC equipment and controls. In addition, this SOI includes the restoration of casework along the classroom window walls interfacing with the new unit ventilators. The preliminary design for the unit ventilator and control portion of this work has already been accomplished and part of our successful Green Repair work. Repair of the heating distribution system and controls is necessary as HV equipment at the Burke has reached the end of its useful life. And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. (Carried 11-0)

A public hearing was duly held on the application from Vignalli, LLC d/b/a Stonewood Tavern, 139 Lynnfield Street, Peabody, MA. Attorney David Ankeles and Mr. Sal Palumbo appeared to speak on behalf of the application. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in favor. Mr. Richard Medina, 1B Laurel Street, Peabody, MA; and Ms. Anne Quinn, 198 Lynnfield Street, Peabody, MA, appeared to speak in opposition.

**P152-14 COUNCILLOR OSBORNE – MOVE TO** approve the application from Vignalli, LLC d/b/a Stonewood Tavern, 139 Lynnfield Street, Peabody, MA, to amend an Entertainment License by expanding upon the use of live entertainment as currently allowed under their existing license to include live music, TV, DJ, comedy, clown, magic shows, karaoke, charity events, publicity events, ethnic dancers like step dancers on St. Patrick's Day, and trivia nights. Entertainment not associated with a private function, which we will call public entertainment, is allowed on Friday and Saturday nights, St. Patrick's Day, New Year's Eve, the night before Thanksgiving, and Cinco de Mayo only and only if the function room is not booked for a function; and will be subject to the following conditions:

**CONDITIONS:**

**FUNCTION ROOM CONDITIONS:**

1. Stonewood will provide a police detail on nights public entertainment is provided. Detail officer must be an officer from an accredited police department with Peabody Police getting first opportunity for details. The detail officer must be present in the parking lot until other businesses in the shopping center are closed and after entertainment ends;
2. If function room is booked, public entertainment can move to the bar section of the restaurant. Live music in the function room is limited to no more than three pieces, which includes the vocals. Upon request from the City management must be able to provide information that the public entertainment was contracted prior to the function room being contracted for a private function;
3. Sound level controlled by Stonewood manager on duty and only Stonewood management is responsible for the sound level of the band and any violation of this requirement could lead to a show cause hearing;
4. Bands providing live public entertainment are restricted to six (6) members, including vocals;

5. All advertisement to mention "Stonewood Restaurant" only or advertise function facility separately;
6. All seats in function room should be available for all patrons at all times, except during private functions; shall not exceed Fire Department limits;
7. No charges or fee for patrons. Private functions can sell tickets to the function if for fundraising purposes only;
8. Soundproof door located within the function room providing access to the front of the building to be used as an emergency exit only and to remain closed;
9. Stonewood manager on duty responsible for all activity outside the restaurant at all times and monitor on a regular basis and control noise levels at all times;
10. Peabody Police Department provide the City Council with a copy of all reports when police respond to calls at Stonewood;
11. The normal course of business operations and all reports are subject to review and immediate show cause hearing by the City Council;

#### **RESTAURANT SECTION CONDITIONS:**

12. In the restaurant section public entertainment allowed on Thursday and Sunday nights only (Sunday license required from Mayor's Office);
13. In the restaurant section bands providing live entertainment are restricted to four members, including vocals;
14. Entertainment in the restaurant section is subject to all applicable conditions as stated above;
15. Follow-up sound studies on an ongoing basis will be undertaken to monitor the effectiveness of the soundproof doors and other measures that are being taken;
16. This Entertainment License is not transferrable; and
17. This Entertainment License is subject to a three-month review.  
(Carried 9-2; Councillors Manning-Martin and Gould opposed)

#### **REPORTS OF COMMITTEE**

##### **LEGAL AFFAIRS COMMITTEE MARCH 13, 2014**

P153-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met this evening at 6 o'clock. Present including myself, were Councillor Gould sitting in for Councillor Garabedian, Councillor Walsh was present, Councillor Saslaw sitting in for Councillor Sinewitz, and Councillor Moutsoulas; and by the end of the meeting almost all councillors were present. The items on the agenda were a lot of billboard issues: Clarification language approved in the current map identifying the BR-1 zone and the height restriction issue that had come up, and also Stonewood Tavern issues. And regarding the billboard height restriction I'll give a report of progress. Regarding the height restriction that the council had voted in subcommittee during the zoning issues, we had a lengthy discussion -- it was all in the minutes -- that the height restriction was to be put at 60 feet and unfortunately that never transferred to a full vote of the council when we were taking the official vote. We did have the City Solicitor Mike Smerczynski at the meeting and he advised us that although all that did transpire and that was the intent of the committee that was clear, the language of the law was not there so therefore the intent really is moot. So he did indicate that we still have the authority, through the Special Permit process, to put a height restriction on by way of a Special Permit approval process and so he suggested that we do that when these items come forward. So it was unfortunate it was a clerical error, it didn't make it into the zoning. So he said it is what it is, unfortunately. So we should just be prudent when these issues come up before us in the future that we can put height restrictions on at that time. That's a report of progress regarding the billboard issues. The other item that was up was the Stonewood Tavern relative to the original building permit plans on file in the office of the building inspector and the approved building plans on file with the Licensing Board. And Councillor Saslaw kind of led into that just recently that there was several different plans. The intent of the council was not to have a nightclub. The plan that was before us was not a nightclub. Another plan was submitted to the Licensing Board that didn't match the plan that was submitted to the building inspector's office. So after a lot of discussion what we recognize is that we have a systemic problem and we need to better create procedure so that the intent of the council meets the end of the line after it goes to different divisions or

boards, including volunteer boards because the Licensing Board is a volunteer board. So it is a systemic problem. We did see it as well with the billboard issue on Lowell Street. Different plans were submitted to different divisions and we all know how that one turned out. So in order to address this problem, we do have one motion coming out of subcommittee. (Report received)

P154-14 COUNCILLOR MANNING-MARTIN - Reporting for the Legal Affairs Committee - MOVE TO refer to the Public Services Committee the issue of enforcement of Special Permit restrictions and code enforcement issues that had council approval. This would include the Planning Board, Assessor's Office, the Building Department, and any other volunteer board. (Unanimous)

P155-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - Also regarding the billboards, the City Solicitor also made it perfectly clear to us that if we choose to deny a Special Permit for a billboard, in particular as an example, that we need to specify language in the motion that indicates how through our ordinance said petition does not meet the special regulations or general requirements of the Special Permitting approval process and to cite specifically the reasons in the motion, in order that should it be appealed in our denial that it would be upheld in court on appeal, which is specifically why I added that language to the motion, however the motion passed anyway. So in the future we need to just be mindful that when we wish to deny something, that we're specific in the language of our motion that it clearly indicates that it does not meet the Special Permit approval process and general requirements. (Report received)

### **MOTIONS, ORDERS & RESOLUTIONS**

P156-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Senator Joan B. Lovely regarding Chapter 90 funding for FY-2014. (Unanimous)

P157-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from State Representative Leah Cole regarding Chapter 90 funding for FY-2014. (Unanimous)

P158-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-E communication from the Peabody Downtown Association, 71 Main Street, Peabody, MA, requesting to close Main Street from Washington Street to Peabody Square on Sunday, June 1, 2014, from 8:00 a.m. to 4:00 p.m. to host a Classic Car Show, and that the request be forwarded to the Mayor's Office, Police Department and Office of Community Development for their feedback and recommendation; request that said comments be forwarded to the City Council by March 21<sup>st</sup>, so we can take prompt action on this at our next regular meeting (March 27th). (Unanimous)

P159-14 COUNCILLOR MCGINN - MOVE TO receive and approve, under suspension of the rules, Item 9-A Use of the Wiggin Auditorium, subject to all papers being in order:

Peabody Rec Department: June 6, 2014 regarding Father/Daughter Ball  
 Peabody Chamber of Commerce: April 2, 2014 regarding Community Service Awards  
 Peabody Institute Library: July 16 and September 17, 2014 regarding Concerts  
 (Unanimous)

P160-14 COUNCILLOR GRAVEL - MOVE TO send a letter of commendation to Peabody Veterans Memorial High School teacher Lenny Brant and the students involved in DECA for their successful performance at the state-wide tournament and best wishes to the 13 students who will go on to compete May 2-6, 2014 at the national tournament in Atlanta, Georgia. (Unanimous)

P161-14 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Public Services Department repair the protective guardrail at 6 Sparrow Lane. (Unanimous)

P162-14 COUNCILLOR WALSH (Co-motion with Councillor Osborne) - MOVE TO send a communication thanking the Public Services Department for their quick action on constructing the guardrail on Corwin Street. (Unanimous)

P163-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-O communication from Diamond Prepared Foods, LLC, 139 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P164-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-V communication from Centennial Express Corp., 2 First Avenue, regarding Special Permit application and to set up a public hearing. (Unanimous)

P165-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-F communication from Aggregate Industries, 55 Russell Street, Peabody, regarding 2013 annual report and to refer to the Committee of the Whole. (Unanimous)

P166-14 COUNCILLOR SINEWITZ - MOVE TO request that the Peabody Municipal Light Plant install a streetlight at the intersection of Whipple Road and Russell Street. There was a light there previously and it was taken down and now the residents would like it replaced. (Unanimous)

P167-14 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector's office investigate two billboards on Route 1 that were grandfathered. One is at Seawitch and one is on the marina. I believe the one at Seawitch was converted to digital, which would require it to adhere to the new permit fees, so I would like confirmation on that. (Unanimous)

P168-14 COUNCILLOR SASLAW - MOVE TO request that the Public Services Department install a "Children" sign at 12 Anthony Road and/or 17 Anthony Road. There's a tree at 12 Anthony Road and a streetlight pole at 17 Anthony Road and I'm going to let them decide where they feel it's most effective. (Unanimous)

P169-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from Office of Outdoor Advertising, Ten Park Plaza, Boston, regarding Notice of public hearing; 229 Newbury Street. (Unanimous)

P170-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Office of Outdoor Advertising, Ten Park Plaza, Boston, regarding Notice of public hearing; 55 Newbury Street. (Unanimous)

P171-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Q communication from 71 Newbury Street Properties, LLC, 151 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P172-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-R communication from 71 Newbury Street Properties, LLC, 129-131 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P173-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-S communication from Sonic Restaurant, 55 Newbury Street, regarding Site plan clarification regarding outdoor seating area. (Unanimous)

P174-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-T communication from Norman Lee and James Gebo, Mak's Trailer Park, 176 Newbury Street, regarding Site plan. (Unanimous)

P175-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-W communication from The Dog Mother, LLC, 558 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P176-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-X communication from Lilly Pinto, Animal Control Officer, regarding The Dog Mother, 558 Lowell Street. (Unanimous)

P177-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Z communication from The Nest, LLC, 108 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P178-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-AA communication from CBS Outdoor, LLC, 8 Bourbon Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P179-14 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 10-A Entertainment License (Renewal for 2014) Taken under advisement from February 24, 2014, Oliveira's Steak House, 72-74 Walnut Street and request that thee applicant appear before the City Council at our next regular meeting. (Unanimous)

P180-14 COUNCILLOR MOUTSOULAS (Co-motion with Councillor Gould) - MOVE TO draft and advertise an ordinance for a 15-minute parking space at 34 Paleologos Street in front of the fish market. (Unanimous)

### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P181-14 COUNCILLOR GOULD – MOVE TO receive a communication from Mass DOT, 519 Appleton Street, Arlington, regarding In response to Council motion regarding traffic signal/flashing light on Route 114 @ Mt. Pleasant Drive. (Unanimous)

P182-14 COUNCILLOR GOULD – MOVE TO receive a communication from Peabody Municipal Light Commission regarding Request for increase of Commission salaries from \$4,000.00 to \$5,100.00 and to refer to the Finance Committee. (Unanimous)

P183-14 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Robert St. Pierre, Police Department, regarding Letter of thanks. (Unanimous)

P184-14 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney Athan Vontzalides, 246 Andover Street, Peabody, regarding Zoning Map Amendment; portion of Map 39, Parcel 23 from R-1A to BR and to refer to the Industrial & Community Development Committee. (Unanimous)

P185-14 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Temple Beth Shalom, 489 Lowell Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P186-14 COUNCILLOR GOULD – MOVE TO receive a communication from Susan Antonellis, Board of Assessors, regarding City-owned parcels considered surplus and to refer to the Public Services Committee. (Unanimous)

P187-14 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney John R. Keilty, 40 Lowell Street, regarding Easement/restriction to Order of Conditions; Town Line Acres subdivision and to refer to the Legal Affairs Committee. (Unanimous)

P188-14 COUNCILLOR GOULD – MOVE TO receive a communication from Leslie Siewko, 647-649 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P189-14 COUNCILLOR GOULD – MOVE TO receive a communication from Total Outdoor Corp., 267 Forest Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P190-14 COUNCILLOR GOULD - MOVE TO receive a communication from Star Auto Center Corp., 2 First Avenue, regarding Special Permit application and to set up a public hearing. (Unanimous)

P191-14 COUNCILLOR GOULD – MOVE TO receive a communication from Lt. Scott Richards, Police Department, regarding Temporary Higgins traffic plan and to draft and advertise an ordinance. (Unanimous)

P192-14 COUNCILLOR GOULD – MOVE TO receive a communication from Beverley A. Griffin Dunne, Co-chair, Higgins School Building Committee, regarding In support of temporary Higgins traffic plan. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P193-14 COUNCILLOR GOULD – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2014) North Shore Auto Sales, 134 Newbury Street, Suite 1, subject to all papers being in order. (Unanimous)

P194-14 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Tarik Elamrani – License 138	Anthony Costello – License 139
Jeffrey Rocker – License 140	Joseph Silva – License 141
Kenneth Wright – License 142	Michael Neely – License 144
Lamont Chisholm – License 145	Ronald Claveau, Jr. – License 146
Brent Bartlett – License 147	
(Unanimous)	

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

{Item 10-D – 5 Jennings Circle and 53 Harris Street}

P195-14 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody than an Ordinance Amending Section 19-81 Parking Prohibited – Handicap Zone of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Garabedian absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 12:20 a.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 20, 2014  
RETURNED BY HIS HONOR THE MAYOR, MARCH 20, 2014

ATTEST



(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the McCarthy School

His Honor the Mayor re: Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Welch School

His Honor the Mayor re: Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Burke School

His Honor the Mayor re: Request to authorize the Superintendent of Schools to submit a Statement of Interest for repairs to the Center School

Senator Joan B. Lovely re: Chapter 90 funding for FY-2014

State Representative Leah Cole re: Chapter 90 funding for FY-2014

Mass DOT, 519 Appleton Street, Arlington re: In response to Council motion regarding traffic signal/flashing light on Route 114 @ Mt. Pleasant Drive

Office of Outdoor Advertising, Ten Park Plaza, Boston re: Notice of public hearing; 229 Newbury Street

Peabody Downtown Association, c/o 71 Main Street, Peabody re: Request to close Main Street from Washington Street to Peabody Square on June 1, 2014

Aggregate Industries, 55 Russell Street, Peabody re: 2013 annual report

Peabody Municipal Light Commission re: Request for increase of Commissioner salaries from \$4,000.00 to \$5,100.00

Office of Outdoor Advertising, Ten Park Plaza, Boston re: Notice of public hearing; 55 Newbury Street

Chief Robert St. Pierre, Police Department re: Letter of thanks

Attorney Athan Vontzalides, 246 Andover Street, Peabody re: Zoning Map Amendment; portion of Map 39, Parcel 23 from R-1A to BR

Temple Beth Shalom, 489 Lowell Street re: Banner request  
 Susan Antonellis, Board of Assessors re: City owned parcels considered surplus  
 Attorney John R. Keilty, 40 Lowell Street re: Easement/restriction to Order of Conditions; Town Line Acres subdivision  
 Leslie Siewko, 647-649 Lowell Street re: Special permit application

Diamond Prepared Foods, LLC, 139 Lynnfield Street re: Special permit application  
 Total Outdoor Corp., 267 Forest Street re: Special permit application  
 71 Newbury Street Properties, LLC, 151 Newbury Street re: Special permit application  
 71 Newbury Street Properties, LLC, 129-131 Newbury Street re: Special permit application  
 Sonic Restaurant, 55 Newbury Street re: Site plan clarification regarding outdoor seating area  
 Norman Lee and James Gebo, Mak's Trailer Park, 176 Newbury Street re: Site plan  
 Star Auto Center Corp., 58 Pulaski Street, Units 2-3 re: Special permit application  
 Centennial Express Corp., 2 First Avenue re: Special permit application  
 The Dog Mother, LLC, 558 Lowell Street re: Special permit application  
 Lily Pinto, Animal Control Officer re: The Dog Mother, 558 Lowell Street  
 Lt. Scott Richards, Police Department re: Temporary Higgins traffic plan  
 The Nest LLC, 108 Newbury Street re: Special permit application  
 CBS Outdoor, LLC, 8 Bourbon Street re: Special permit application  
 Beverley A. Griffin Dunne, Co-Chair, Higgins School Building Committee re: In support of temporary Higgins traffic plan

**USE OF THE WIGGIN AUDITORIUM:**

Peabody Rec Department: June 6, 2014 re: Father/Daughter Ball  
 Peabody Chamber of Commerce: April 2, 2014 re: Community Service Awards  
 Peabody Institute Library: July 16 & September 17, 2014 re: Concerts

**ENTERTAINMENT LICENSE:** (Renewal for 2014)

Stonewood Tavern, 139 Lynnfield Street

**CLASS 2 MOTOR VEHICLE LICENSE:** (Renewal for 2014)

North Shore Auto Sales, 134 Newbury Street, Suite 1

**TAXI/LIMOUSINE DRIVER LICENSE:**

Tarik Elamrani – License 138      Anthony Costello – License 139  
 Jeffrey Rocker – License 140      Joseph Silva – License 141  
 Kenneth Wright – License 142      Michael Neely – License 144  
 Lamont Chisholm – License 145      Ronald Claveau, Jr. – License 146  
 Brent Bartlett – License 147