

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 23, 2015

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

ABSENT: COUNCILLORS: DRISCOLL AND SINEWITZ

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

Salute to the American Flag.

P254-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of April 9, 2015. (Unanimous)

HEARINGS

A public hearing was duly held on the application from Central Street Tavern, LLC, 43 Central Street, Peabody, MA. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P255-15 COUNCILLOR MOUTSOULAS – MOVE THAT the public hearing with regards to the Entertainment License application from Central Street Tavern, LLC, d/b/a Courthouse Pub, 43 Central Street, Peabody, MA, be continued to May 14, 2015, because the applicant failed to appear at the public hearing, and if they do not appear on Thursday, May 14th, 2015, the application will be denied. (Unanimous)

A public hearing was duly held on the Entertainment License application from Top's Churrascaria, Inc. d/b/a Oliveira's Steak House, 72-74 Walnut Street. Appearing to speak on behalf of the application was Attorney John R. Keilty, 40 Lowell Street, Peabody, MA. No one appeared to speak in favor. Appearing to speak in opposition was Mr. Milton DaSilva, 30 Driscoll Street, Peabody, MA.

P256-15 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive agenda item 8-H; communication from Helen M. Janeilis, 75 Walnut Street, Unit 315, Peabody, MA submitting a letter of opposition to the granting of an Entertainment License to Top's Churrascaria, Inc. (Carried 9-0, 2 absent)

P257-15 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive agenda item 8-I; communication from Cassandra Giuffrida, 75 Walnut Street, Peabody, MA submitting a letter of opposition to the granting of an Entertainment License to Top's Churrascaria, Inc. (Carried 9-0, 2 absent)

P258-15 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive a late communication as an addendum to agenda item 8-H; communication from Helen M. Janeilis, 75 Walnut Street, Unit 315, Peabody, MA submitting a letter of opposition to the granting of an Entertainment License to Top's Churrascaria, Inc. (Carried 9-0, 2 absent)

P259-15 COUNCILLOR MOUTSOULAS – MOVE, under suspension of the rules, to receive a late communication from Chief Thomas Griffin, Peabody Police Department, 6 Allens Lane, Peabody, MA submitting police reports for incidents that occurred on January 17, 2015 and March 14, 2015 regarding Oliveira's Steak House, 72-74 Walnut Street. (Carried 9-0, 2 absent)

P260-15 COUNCILLOR MOUTSOULAS – MOVE THAT the application from tops Churrascaria, Inc. d/b/a Oliveira's Steak House, 72-74 Walnut Street, Peabody, MA for an Entertainment License seeking permission for Non-Live Entertainment, specifically, Television, Cd Player and Amplified Music, and Live Entertainment, specifically, D.J., Karaoke, and Live Music be approved with the following condition:

- 1) The use of Karaoke, D.J. and Live Bands must have police presence.
(Failed 9-0, 2 absent)

REPORTS OF COMMITTEE

FINANCE COMMITTEE
APRIL 23, 2015

P261-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – We had a meeting this evening to discuss various matters. The meeting was attended by myself as chair, Councillor Manning-Martin, Councillor Gould, Councillor McGinn, and Councillor Saslaw sitting in for Councillor Driscoll; also in attendance were Councillor Moutsoulas, Councillor Garabedian, and Councillor Walsh. There were several items on the agenda, much discussion and clarification given. The first item on the agenda was the transfer of funds from reserve fund to police duty injury medical expenses in the amount of \$125,000. It was explained to us that this was to cover excess medical expenses for police who were injured on duty. The following motions were made. (Report received)

P262-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 30, 2015:

<u>FROM:</u> Operating Budget – Reserve Fund - \$125,000.00	<u>TO:</u> Police – Duty Injury Medical Expenses \$125,000.00
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(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P263-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 30, 2015:

<u>FROM:</u> Operating Budget – Reserve Fund - \$22,000.00	<u>TO:</u> Human Resources - Medical Expenses \$22,000.00
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(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P264-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next item on the agenda was a transfer of funds from cemetery perpetual care fund to the cemetery capital projects in the amount of \$200,000. It was explained to us that the amount originally appropriated for this expansion, which will derive about \$2.5 million in revenue, had to be reallocated due to the bad weather and snowstorm and the purchase of a Bombardier snow blower, which we all learned was a huge snow blower. (Report received)

P265-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 26, 2015:

<u>FROM:</u> Cemetery Perpetual Care Fund - \$200,000.00	<u>TO:</u> Cemetery – Capital Projects \$200,000.00
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(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P266-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next item on the agenda for this evening was the transfer of funds from Chapter 90 Projects FY 2015 to Road improvement projects to repair our potholes. It was explained to us that these would have to be done by the end of June and that the money would be released based on the schedule. I would also like to note that Councillor Manning-Martin extends her appreciation to Governor Baker and Lieutenant Governor Polito for expediting this money to the City. (Report received)

P267-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 30, 2015:

<u>FROM:</u> Chapter 90 Projects – FY 2015- \$189,104.00	<u>TO:</u> Road Improvement Projects - Potholes \$189,104.00
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(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P268-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next item on the agenda was a transfer of funds from the CPC historic fund balance to CPC library scanning equipment. This was a project that was approved by the CPC Committee and it explained to us that it was to purchase scanners to help save historic documents from being handled. The amount was \$22,767.98. (Report received)

P269-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2015:

<u>FROM:</u>	<u>TO:</u>
CPC – Historic Fund Balance - \$22,767.98	CPC – Library Scanning Equipment
	\$22,767.98

(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P270-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - On the agenda as well was a transfer of funds from unreserved fund balance capital to phone system replacement in the amount of \$125,000. Basically this is being used to replace a 14 year old phone system, which impacts the major departments within the city, including the police, fire, public services and City Hall. (Report received)

P271-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of March 31, 2015:

<u>FROM:</u>	<u>TO:</u>
Unreserved Fund Balance – Capital - \$125,000.00	Phone System Replacement
	\$125,000.00

(Carried 9-0; Councillor Driscoll and Councillor Sinewitz absent)

P272-15 COUNCILLOR GRAVEL– Reporting for the Finance Committee - The next motion was related to the McCarthy School accelerated repairs for roof and window replacement project. This was a request for a bond order in the amount of \$4,850,000.00 and a motion was made by Councillor McGinn. (Report received)

P273-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF PEABODY that the City appropriate the amount of Four Million Eight Hundred Fifty Thousand (\$4,850,000) Dollars for the purpose of paying costs of roof and window replacement of the Peabody Accelerated Repair Program, John E. McCarthy Memorial School at 76 Lake Street, Peabody, MA, 01960, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 54.79 % of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA, and that said bond order be advertised as read. (Carried 9-0, Councillor Driscoll and Councillor Sinewitz absent)

P274-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The final order of business this evening for the Finance Committee was a bond order for Peabody Square reconfiguration in the amount of \$2 million. This bond is being matched with a bond received through Community Development for \$1.5 million for a total project cost of \$3.5 million and will basically reconfigure the square as a square and move the monument towards the courthouse and create better use of the space that we currently have. (Report received)

P275-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED BY THE CITY COUNNCIL OF THE CITY OF PEABODY that two million dollars (\$2,000,000) is appropriated to pay costs of the Peabody Square Reconfiguration Project, so-called, including, but not limited to, engineering and design services, reconfiguring, constructing and reconstructing roadways, relocating existing structures and monuments, related lighting and crosswalk improvements and the relocating and upgrading of existing sewer and drain lines, and for the payment of any and all other costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority; that the total amount authorized to be borrowed by this Bond Order shall be reduced to the extent of any grants received by the City on account of this project, and that the Mayor is authorized to take any other action necessary or convenient to carry out the purposes of this Bond, and that said bond order be advertised as read. (Carried 9-0, Councillor Driscoll and Councillor Sinewitz absent)

MOTIONS, ORDERS AND RESOLUTIONS

P276-15 COUNCILLOR GOULD – MOVE TO request that the Public Services Department repair the sidewalk at 5 Abington on the corner of Evans Road. (Unanimous)

P277-15 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Services Department repair the sidewalk at 12 and 14 Leonard Road. (Unanimous)

P278-15 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department repair the sidewalk at 10, 12 and 14 Gardner Street. (Unanimous)

P279-15 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Public Services Department take down the tree and repair the sidewalk at 8 Lincoln Road. (Unanimous)

P280-15 COUNCILLOR GARABEDIAN - MOVE TO request that the Public Services Department investigate the signage at the intersection of Russell Street and Lowell Street going west and around Crystal Lake. We have signage that is decades old that you can't see anymore and there's brush coming from Crystal Lake going around going east. Then coming from the west there's no signage telling people to signal their turn. (Unanimous)

P281-15 COUNCILLOR SASLAW - MOVE TO request that the Public Services Department replace the "Stop" sign at the intersection of Crane Avenue and Goodale Street. (Unanimous)

P282-15 COUNCILLOR SASLAW - MOVE TO request that the Peabody Municipal Light Plant in conjunction with the Public Services Department put a streetlight on the telephone pole at 5 Anthony Road. (Unanimous)

P283-15 COUNCILLOR GRAVEL - MOVE TO refer to the Public Services Committee a comprehensive review of the plowing and snow removal contracting that occurred this winter. I'd like that review to have a detailed review from the City Finance Director, City Auditor and Purchasing manager: The vendors who were paid, types of vehicles used, and the amounts that were paid. (Unanimous)

P284-15 COUNCILLOR GRAVEL - MOVE TO request that the City Clerk send a communication in the form of a petition to our MBTA board representative requesting that they move the MBTA stop signs located at 133 and 136 Washington Street to close proximity to the fire hydrants located near 126 Washington Street. Doing this will allow what is a no parking area to begin with (fire hydrants) to be used as temporary bus stops and free up much needed parking spaces for the establishments that are trying to make a go of it down in that area. (Unanimous)

P285-15 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department expedite the handicapped parking sign at 15 Tara Road. (Unanimous)

P286-15 COUNCILLOR MCGINN - MOVE TO amend Section 19-81 Parking Prohibited handicapped zone of the Code of the City of Peabody to remove Wagner Street in front of and along the property line of 1 Wagner Street. (Unanimous)

P287-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, a late communication from the Building Inspector regarding the transfer of Special Permit 18-2013. (Unanimous)

P288-15 COUNCILLOR MCGINN – MOVE THAT the request from Paul Kolodziej, Building Commissioner, for the transfer of Special Permit 18-2013 from J. Vozella & Family, LLC d/b/a Orange Leaf Yogurt to Michael E. Hennessy and John T. Coyne c/o OL Peabody, LLC for premises at 79 Lynnfield Street, Peabody, MA be approved and that hours of operation shall be Sunday through Thursday 11:00 a.m. to 10:00 p.m. and Friday and Saturday 11:00 a.m. to 11:00 p.m. (Carried 9-0, 2 absent)

P289-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-E communication from Kelley's Square Pub II, 135 Washington Street, and to set up a public hearing. (Unanimous)

P290-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; Title IX & McVann-O'Keefe Memorial Skating Rink and to refer to the Ad Hoc Committee Municipal Golf Course/Skating Rink. (Unanimous)

P291-15 COUNCILLOR MANNING-MARTIN - MOVE TO send a communication thanking Public Services Department for repairing the drain that had sinkholes on Sheffield Road. (Unanimous)

P292-15 COUNCILLOR MANNING-MARTIN – MOVE TO respectfully request that His Honor the Mayor prepare a request for proposals to hire an engineering firm to provide an engineering report providing the city with a road surface management plan. I would like to see a plan that ranks each road in the city with a rating that is based on the condition of the pavement and the vehicle miles travelled. I'd like to see our road surface management plan to prioritize pavement projects throughout the city. This would provide more strategic planning in the paving projects than our current mechanism that we've used for years. (Carried 7-2; Councillor Garabedian and Councillor Saslaw opposed; Councillor Driscoll and Councillor Sinewitz absent)

P293-15 COUNCILLOR MANNING-MARTIN - MOVE TO request that Chief Griffin join the Public Safety Committee to discuss the crime statistics that the Police Department compiled. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P294-15 COUNCILLOR GOULD – MOVE TO receive and approve a communication from Care Dimensions, 75 Sylvan Street, Danvers, regarding Banner, subject to all papers being in order. (Unanimous)

P295-15 COUNCILLOR GOULD – MOVE TO receive a communication from Paul Kolodziej, Building Commissioner, regarding 5 Hoover Street and 14 Margaret Road and to refer to the Industrial & Community Development Committee. (Unanimous)

P296-15 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letter of thanks. (Unanimous)

P297-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; Salaries by ordinance and to refer to the Legal Affairs Committee. (Unanimous)

P298-15 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Sharon Cameron, Director, Department of Human Services, regarding Courthouse Pub, 43 Central Street, and to refer to the public hearing. (Unanimous)

P299-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Tracy Valletti, Board of Library Trustees, and Donald McAllister, Peabody Institute Library Foundation regarding London Calling event. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P300-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Block Party – Columbus Road from 7 to 13 on June 6, 2015, subject to all papers being in order. (Unanimous)

P301-15 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Sarah Martin – License 157
Russell Giacoppo – License 158
Amy Cutter – License 159
(Unanimous)

P302-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Use of the Wiggin Auditorium, subject to all papers being in order:

North Shore Community Action Program – June 17, 2015
All City Chorus – Peabody Public Schools – April 28, 2015
(Unanimous)

P303-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2015), subject to all papers being in order:

A-1 Restaurant Trader, 119R Foster Street #4
Bill’s Salem Music & Fofos, 136 Main Street
Newbury Comics, Inc., 210 Andover Street
Best Buy Stores W117, 210 Andover Street
(Unanimous)

P304-15 COUNCILLOR OSBORNE - MOVE TO receive the application for an Inflammables License from ETS Lynnfield Street, LLC, 91 Lynnfield Street, and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, MAY 1, 2015
RETURNED BY HIS HONOR THE MAYOR, MAY 11, 2015

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Care Dimensions, 75 Sylvan Street, Danvers re: Banner
Paul Kolodziej, Building Commissioner re: 5 Hoover Street and 14 Margaret Road
Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Title IX & McVann-O’Keefe Memorial Skating Rink
Chief Thomas Griffin, Police Department re: Letter of thanks
Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Salaries by ordinance

Sharon Cameron, Director, Department of Human Services re: Courthouse Pub, 43 Central Street
 Tracy Valletti, Board of Library Trustees and Donald McAllister, Peabody Institute Library Foundation re:
 London Calling event

Helen M. Janielis, 75 Walnut Street, Unit 315 re: Complaint; Oliveira's Steak House, 72-74 Walnut Street
 Cassandra Giuffrida, 75 Walnut Street re: Complaint; Oliveira's Steak House, 72-74 Walnut Street

BLOCK PARTY:

Columbus Road from 7 to 13 on June 6, 2015

USE OF THE WIGGIN AUDITORIUM:

North Shore Community Action Program – June 17, 2016

All City Chorus-Peabody Public Schools – April 28, 2015

TAXI/LIMOUSINE DRIVER LICENSE: (Renewal for 2015)

Sarah Martin – License 157

Russell Giacoppo – License 158

Amy Cutter – License 159

JUNK DEALER LICENSE: (Renewal for 2015)

A-1 Restaurant Trader, 119R Foster Street #4

Bill's Salem Music & Fofos, 136 Main Street

Newbury Comics, Inc., 210 Andover Street

Best Buy Stores W117, 210 Andover Street

ENTERTAINMENT LICENSE: (New)

Kelley's Square Pub II, 135 Washington Street

INFLAMMABLES LICENSE:

ETS Lynnfield Street, LLC, 91 Lynnfield Street