

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 10, 2012

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

ABSENT: None.

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, James K. Liacos.

Salute to the American Flag.

P262A-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of April 26, 2012. (Unanimous)

COUNCILLOR LIACOS - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

HEARINGS

P263A-12 COUNCILLOR SINEWTIZ - MOVE THAT the Special Permit application from Stephen D. Judge, Trustee of 682 Lowell Street Realty Trust, 47 Federal Street, Salem, MA, for property at 682 Lowell Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Carried 9-2; Councillors Garabedian and Manning-Martin opposed)

A public hearing was duly held on the application from Vignalli, LLC, d/b/a Stonewood Tavern, 999 Broadway, Suite 400, Saugus, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. Salvatore Palumbo. No one appeared to speak in favor. No one appeared to speak in opposition.

P264-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Ann Trainor, 140 Lynnfield Street, regarding Stonewood Tavern, 139 Lynnfield Street. (Unanimous)

P265-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Public Services Department regarding Public hearing memos for 4-B and 4-C. (Unanimous)

P266-12 COUNCILLOR OSBORNE– MOVE TO approve the application from Vignalli, LLC, d/b/a Stonewood Tavern, 999 Broadway, Suite 400, Saugus, MA, for an Entertainment License for the property known as 139 Lynnfield Street, to include both non-live Entertainment License for a built-in music system, cable and general television (sports and news) and live Entertainment License – live music performed by professional musicians and at times a vocalist; music will be jazz, acoustic, American songbook classics and possibly classical; all sound to be tied into built-in system and instruments could include keyboard, bass, sax, drums and trumpet, at 139 Lynnfield Street, Peabody, MA, subject to all papers being in order and the following condition:

CONDITION:

1. That all windows and doors, with the exception of access/egress, be closed during the period of live entertainment. (Carried 11-0)

A public hearing was duly held on the application from Total Outdoor Corp., 100 Cummings Center, Suite 226-G, Beverly, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Mr. Chris Arpin. Mr. Paul Canning, 23 Mandalay Drive, Peabody, MA; Mr. James Wilkinson, 2 Ledge Wood Way, Peabody, MA; and Mr. Scott Davie, 150 Goodale Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P267-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty, 40 Lowell Street, regarding Special Permit, 532 Lowell Street. (Unanimous)

P268-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 4 from Inspector Joseph DiFranco, Fire Department, regarding Special Permit, 532 Lowell Street. (Unanimous)

P269-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA for a Special Permit to erect a billboard sign located at 532 Lowell Street and as shown on a plan of land prepared for Total Outdoor dated February 23, 2012 as filed in accordance with Sections 4.1, 11.6 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following 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) The proposed changes to the zoning fee requirement for billboards shall be applied to this permit. (Failed 6-5; Councillors Athas, Gould, Manning-Martin, Driscoll and Liacos opposed)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE MAY 10, 2012

P270-12 COUNCILLOR GRAVEL– Reporting for the Industrial & Community Development Committee – We conducted a meeting this evening of the Industrial & Community Development Committee. Present at the meeting were committee members Gamache, Gould, Manning-Martin, Osborne and myself as the chair. Also present at the meeting were Councillors: Athas, Driscoll, Liacos, Mello, Sinewitz and Garabedian. The purpose of the meeting was to discuss proposed technical corrections to the Zoning Ordinance. We started off looking at Section 1, got basically through a bunch of issues, as it pertains to Section 2, and adjourned the meeting at 7:30 still in Section 2 with the premise that we'll be rescheduling the meeting for next Thursday evening, most likely at 7:30. That's a report of progress. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P271-12 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the brick archway at the Tannery Park, which is beyond the fence by the brook. It's decaying and falling into the brook. (Unanimous)

P272-12 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department repair the benches as needed at the Tannery Park. (Unanimous)

P273-12 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department fill in the hole next to the wishing well structure at 9 Sherwood Avenue. (Unanimous)

P274-12 COUNCILLOR GOULD - MOVE TO request that the Peabody Municipal Light Plant take a look at an abandoned light pole in the yard of 10 Howard Street. (Unanimous)

P275-12 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 2 Petition regarding Opposition to Special Permit, 682 Lowell Street. (Unanimous)

P276=12 COUNCILLOR SINEWITZ – MOVE to receive, under suspension of the rules Item 8-A communication from Chief Robert Champagne, Police Department, regarding Special Permit memo, 682 Lowell Street. (Unanimous)

P277-12 COUNCILLOR SINEWITZ – MOVE to receive, under suspension of the rules Item 8-B communication from Blair Haney, Community Development Department, regarding Special Permit memo, 682 Lowell Street. (Unanimous)

P278-12 COUNCILLOR SINEWITZ – MOVE TO request that the Peabody Municipal Light Plant trim a tree in front of 20 Hampshire Road. The limbs are up into the wires. (Unanimous)

P279=12 COUNCILLOR GRAVEL - MOVE TO request that the City Solicitor and/or Chief Champagne provide the City Council with some guidance in terms of how we might be able to modify the ordinance that currently exists regarding rules that force tow trucks to run registrations at the Police Department before vehicles can be towed and to refer the issue to the Legal Affairs Committee. (Unanimous)

P280-12 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department perform a sidewalk repair on Granite Avenue. The residence is actually 77 Fairview Avenue but the sidewalk that needs repair is on the corner of Granite Avenue and Fairview Avenue. (Unanimous)

P281-12 COUNCILLOR OSBORNE - MOVE TO request that the Animal Control Officer investigate the nuisance factor of a dog in the area of Linden Road and report back to the City Council with a recommendation to remedy the situation. The dog is on a runner, but it's not fenced and people that walk by are scared by the dog as it reaches the end of its runner. (Unanimous)

P282-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Fire Department \$53,500.00 and to refer to the Finance Committee. (Unanimous)

P283-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds – Rent Control Board \$8,000.00 and to refer to the Finance Committee. (Unanimous)

P284=12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds – City Clerk/Elections \$61,400.00 and to refer to the Finance Committee. (Unanimous)

P285-12 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Kevin Goggin, Building Inspector, regarding Transfer of Special Permit 29-2008; Elite Pre-Owned Auto, 153 Newbury Street, subject to all papers being in order. (Carried 11-0)

P286-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Patricia Davis Schaffer, Director of Finance, regarding School status appropriations and to refer to the Finance Committee. (Unanimous)

P287-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Patricia Davis Schaffer, Director of Finance, regarding City general fund summary and to refer to the Finance Committee. (Unanimous)

P288-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-I communication from Patricia Davis Schaffer, Director of Finance, regarding City status of appropriations and to refer to the Finance Committee. (Unanimous)

P289-12 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department repaint the crosswalks in all the school zones and also at the public parks. (Unanimous)

P290-12 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Captain David Sampson, Fire Department, regarding Fire access, Fay Avenue. (Unanimous)

P291-12 COUNCILLOR LIACOS – MOVE TO request that the City Solicitor appear before the City Council to discuss the Open Meeting Law; Motions, Order and Resolutions in the agenda; and late communications. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P292-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Captain Joseph Berardino, Police Department, regarding 151 Andover Street, dept. response. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P293-12 COUNCILLOR GAMACHE – MOVE TO receive Entertainment License (New) – Abacus Restaurant, Inc., d/b/a Su Changs, 373 Lowell Street, and to set up a public hearing. (Unanimous)

P294-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxi/Limousine Driver License – Richard Russell, Jr. (License 133), subject to all papers being in order. (Unanimous)

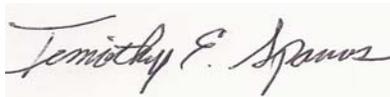
P295-12 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (New) – Elite Pre-Owned Auto, 153 Newbury Street, and to set up a public hearing. (Unanimous)

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 17, 2012
RETURNED BY HIS HONOR THE MAYOR, MAY 17, 2012



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – Fire Department \$53,500.00

His Honor the Mayor re: Transfer of funds – Rent Control Board \$8,000.00

His Honor the Mayor re: Transfer of funds – City Clerk/Elections \$61,400.00

Chief Robert Champagne, Police Department re: Special permit memo, 682 Lowell Street

Blair Haney, Community Development Department re: Special permit memo, 682 Lowell Street

Kevin Goggin, Building Inspector re: Transfer of special permit 29-2008; Elite Pre-Owned Auto, 153 Newbury Street

Capt. David Sampson, Fire Dept. re: Fire access, Fay Avenue

Public Services Department re: Public hearing memos for 4-B and 4-C

Capt. Joseph Berardino, Police Dept. re: 151 Andover Street, dept. response

Patricia Davis Schaffer, Director of Finance re: School status appropriations

Patricia Davis Schaffer, Director of Finance re: City general fund summary

Patricia Davis Schaffer, Director of Finance re: City status of appropriations

Ann Trainor, 140 Lynnfield Street, re: Stonewood Tavern, 139 Lynnfield Street

Petition re: Opposition to Special Permit, 682 Lowell Street

Attorney John R. Keilty, 40 Lowell Street, re: Special Permit, 532 Lowell Street

Inspector Joseph DiFranco, Fire Department, re: Special Permit, 532 Lowell Street

ENTERTAINMENT LICENSE: (New)

Abacus Restaurant, Inc. d/b/a Su Changs, 373 Lowell Street

TAXI/LIMOUSINE LICENSE:

Richard Russell, Jr. – License 133

CLASS 2 MOTOR VEHICLE LICENSE: (New)

Elite Pre-Owned Auto, 153 Newbury Street