

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**SEPTEMBER 24, 2015**

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

ABSENT: COUNCILLORS: OSBORNE 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.

P682-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the Regular Meeting of September 10, 2015. (Unanimous)

COUNCILLOR WALSH - 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.

P683-15 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to take the request to adopt Section 114 of the General Laws (Chapter 59, Section 5 (54) – establish a minimum value for personal property out of the Finance Committee. (Unanimous)

(SUSAN ANTONELLIS, BOARD OF ASSESSORS, APPEARED TO SPEAK REGARDING ADOPTING SECTION 114 OF THE GENERAL LAWS (CHAPTER 59, SECTION 5 (54) – ESTABLISH A MINIMUM VALUE FOR PERSONAL PROPERTY)

P684-15 COUNCILLOR GRAVEL – MOVE TO approve and amend Section 114 of the General Laws (Chapter 59, Section 5 (54) – establish a minimum value for personal property of \$1,000.00. (Carried 6-3; Councillor Gould, Councillor Garabedian, and Councillor Manning-Martin opposed; Councillor Osborne and Councillor Sinewitz absent)

**HEARINGS**

P684A-15 COUNCILLOR SASLAW – MOVE, under suspension of the rules, to receive item 8-A, request from Attorney John R. Keilty, 40 Lowell Street, Peabody, MA requesting to further continue the public hearing regarding the discontinuance of Corporate Place. (Unanimous)

P684B-15 COUNCILLOR SASLAW – MOVE TO continue the public hearing regarding the discontinuance of Corporate Place to Thursday evening, November 12, 2015. (Unanimous)

P685-15 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the Special Permit application from Spofford Automotive, LLC, 55R Walnut Street, Peabody, MA, until the regular City Council meeting on Thursday, October 8, 2015. (Unanimous)

P686-15 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the Class 2 Motor Vehicle License application from Spofford Automotive, LLC, 55R Walnut Street, Peabody, MA, until the regular City Council meeting on Thursday, October 8, 2015. (Unanimous)

P687-15 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the Special Permit application from Detour Cars, LLC, 154A Newbury Street, Peabody, MA, until the regular City Council meeting on Thursday, October 8, 2015. (Unanimous)

P688-15 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the Class 2 Motor Vehicle License application from Detour Cars, LLC, 154A Newbury Street, Peabody, MA, until the regular City Council meeting on Thursday, October 8, 2015. (Unanimous)

P689-15 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the Special Permit application from The Dogmother, LLC, 558 Lowell Street, Peabody, MA, until the regular City Council meeting on Thursday, October 8, 2015. (Unanimous)

## REPORTS OF COMMITTEE

### **INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE** **SEPTEMBER 24, 2015**

P690-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee - We had a full agenda tonight; first was the proposed Zoning Map amendment for 271 Newbury Street to change from MH to BR. That was left in Committee and we've asked Community Development to review the minutes and come up with some history on that for us. Next we had discussion about the ordinance to amend the City Code about the demolition delay ordinance and it was quite an interesting and thoughtful meeting led by a number of folks from the Historical Society, Historical Commission, and Community Preservation Committee, anybody that's out looking at preserving the good history of the city of Peabody. Dr. Judy Otto put together a very in-depth letter that brought about a number of items for discussion. We did have members of the public speak and it was very informative. Councillor McGinn made the following motion. (Report received)

P691-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee - BE IT ORDAINED by the City Council of the City of Peabody that the following ordinance amendment to Section 7-19 of the City Code entitled Demolition Delay Ordinance be advertised as read:

**SECTION ONE:** The Code of the City of Peabody as adopted on January 9, 1986, and amended, is hereby further amended as follows:

That Section 7-19 entitled "Demolition Delay Ordinance" of the Code of the City of Peabody, Massachusetts, is hereby amended by adding the following new language:

Amend 7-19 (1) By inserting the following language into said section: By inserting after the date October 12, 1998, language to read "and as updated from time to time by the Peabody Historical Commission."

Amend 7-19 (2) By inserting the following language at the beginning of said section: An applicant wishing to demolish any building on the list in paragraph (1) shall submit a request in writing to the Historical Commission. Such request shall include the address of the property, the name and address of the property owner, the assessors map and lot number, and the contact information for the person authorized to make application for a demolition permit.

Amend 7-19 (4) By inserting the following language at the end of said section: Such recommendation shall be valid for a period of two years, after which time resubmission shall be made if the permit for demolition has not been exercised.

Amend Section 7-19 (2), (3), and (4) By striking out 90-day period and inserting in place there 365-day period.

**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; Councillor Osborne and Councillor Sinewitz absent)

P692-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The next item was a discussion about the billboard moratorium and we decided to extend that two years after the expiration date of May 22nd of 2016 and that passed unanimously. (Report received)

P693-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 11.6.2 to extend the time on the billboard moratorium an additional two years from the expiration of day of May 22nd, 2016, and to refer to the Planning Board to begin the zoning amendment process in accordance with Chapter 40A, Section 5 of the Massachusetts General Laws. (Unanimous)

P694-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The last item was continued discussion of renting of rooms. We've got some opinions from the City Solicitor and we're keeping that in Committee until we can gather the appropriate parties, such as, building inspector, Community Development, police, fire, and any other appropriate personnel that we think need to weigh in on that. (Report received)

### **MOTIONS, ORDERS AND RESOLUTIONS**

P695-15 COUNCILLOR MOUTSOULAS - MOVE TO request that the Police Department in conjunction with the Building Commissioner investigate which Class 2 Motor Vehicle Licenses that have been issued and approved by the City Council are currently active and in use (Unanimous)

P696-15 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department remove the tree roots and repair the sidewalks at 5, 7 and 8-A Lincoln Road. (Unanimous)

P697-15 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Public Services Department install a "Slow" sign at 13 Shamrock Street. (Unanimous)

P698-15 COUNCILLOR GARABEDIAN – MOVE TO request that the Public Services Department repair the sidewalk at 11 Castle Circle where the sidewalk is buckling into the driveway. (Unanimous)

P699-15 COUNCILLOR SASLAW – MOVE TO instruct the City Clerk to forward a formal letter to Mr. Anthony Alba asking him to exercise the use of his Class 2 Motor Vehicle License by Tuesday, October 6th, 2016. If it's not exercised by October 6th, 2015, it will revert back to the City of Peabody. (Unanimous)

P700-15 COUNCILLOR GRAVEL (Co-motion with Councillor Moutsoulas) – MOVE TO send to the Municipal Safety Committee the discussion of adopting an ordinance that would allow parking on Wallis Street from 6:00 p.m. to 6:00 a.m. (Unanimous)

P701-15 COUNCILLOR GRAVEL – MOVE TO request that the Building Inspector provide the City Council with whatever plans his office has regarding the commercial building being built on Tremont Street behind the credit union. (Unanimous)

P702-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Sharon Cameron, Director, Health Department, regarding The Dog Mother, 558 Lowell Street, and to refer to the public hearing. (Unanimous)

P703-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Italian American Citizens Club, 7 Blaney Avenue, regarding Banner, subject to all papers being in order. (Unanimous)

P704-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Block Party, subject to all papers being in order:

11 Margin Terrace to 4 Adams Avenue; October 3, 2015 (Rain date: October 10, 2015)  
39 to 55 Dexter Street; October 31, 2015  
(Unanimous)

P705-15 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Community Development Department provide the City Council with the status of the appropriation from the CDA for the hotel. (Unanimous)

P706-15 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department inspect and repaint a number of the crosswalks, especially around the schools, and also the one on Lowell Street that is in badly need of repair across from the Red Cross building. (Unanimous)

P707-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 9-C Inflammables License (New) City of Peabody c/o new Higgins Middle School, 85 Perkins Street, regarding Install 8 – 1,000 gallon propane tanks for temporary heating and to set up a public hearing. (Unanimous)

(COUNCILLOR SASLAW: I'D LIKE TO PUBLICLY THANK MARY BELLAVANCE, COUNCILLOR OSBORNE, FORMER COUNCILLOR ZELLEN, MAYOR BETTENCOURT AND HIS ENTIRE STAFF, AND ALL THE VOLUNTEERS FOR AN OUTSTANDING INTERNATIONAL FESTIVAL.)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

None.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P708-15 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Conservation Commission regarding 60 Pulaski Street – proposed marine storage facility and to refer to the public hearing. (Unanimous)

P709-15 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Odina Ortiz, 36A Tremont Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P710-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Board of Assessors regarding Valuation; land adjacent to 12 Winnegance Avenue, and to refer to the Legal Affairs Committee. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P711-15 COUNCILLOR GOULD – MOVE TO receive and approve Taxi/Limousine Driver License – Mark Swecker – License 75, subject to all papers being in order. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:25 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 30, 2015  
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 30, 2015



ATTEST \_\_\_\_\_  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

Attorney John R. Keilty, 40 Lowell Street re: Request to recess hearing regarding discontinuance of Corporate Place to November 12, 2015

Conservation Commission re: 60 Pulaski Street – proposed marine storage facility

Italian American Citizens Club, 7 Blaney Avenue re: Banner

Odina Ortiz, 36A Tremont Street re: Special permit application

Board of Assessors re: Valuation; land adjacent to 12 Winnegance Avenue

**BLOCK PARTY:** 11 Margin Terrace to 4 Adams Avenue; October 3, 2015

**TAXI/LIMOUSINE DRIVER LICENSE:** Mark Swecker – License 75

**INFLAMMABLES LICENSE:** (New) City Of Peabody c/o New Higgins Middle School, 85 Perkins Street

**JUNK DEALERS LICENSE:** (New) Ondina Ortiz, 36A Tremont Street