

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 8, 2012

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

ABSENT: COUNCILLOR MELLO

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.

P622-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of October 25, 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.

REPORTS OF COMMITTEE

FINANCE COMMITTEE
NOVEMBER 8, 2012

P623-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee - Earlier this evening we had a Finance Committee meeting and part of that committee meeting was the ordinance. Councillors that were here were Councillor Athas, Councillor Driscoll, Councillor Gould, Councillor Gravel, as well as other interested councillors. From the administrative side present was His Honor the Mayor, Ted Bettencourt, as well as Patti Schaffer. The first item on the agenda was a transfer from CPA Unreserved to CPA Administration for \$15,000 and that was approved unanimously. (Report received)

P624-12 COUNCILLOR GAMACHE - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 19, 2012:

FROM:	TO:
Community Preservation Act Unreserved - \$15,000.00	Administration - \$15,000.00
(Carried 10-0; Councillor Mello absent)	

P625-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee - The second item on the agenda this evening was an ordinance amendment, human resources director to the city/school and compensation. And out of that committee meeting, as was advertised, we had an amendment to Section 22-19 by Councillor Manning-Martin that was as follows. (Report received)

P626-12 COUNCILLOR GAMACHE – MOVE TO amend Section 22-19 by striking the words "some qualifications" and adding "Minimum Entrance Requirements: Applicant must have a BA in Human Resources Management or related field. Applicant must have at least five years full-time supervising or managerial experience in business administration, management or public administration. Preferred qualifications: Master's in Human Resources or related field, knowledge of municipal laws and ordinances, civil service regulations and benefits management." (Carried 10-0; Councillor Mello absent)

P627-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 22-17 and 22-18 entitled Human Resources and Section 18-21 entitled Schedule of Compensation for Full Time Positions not Subject to Collective Bargaining of the Code of the City of Peabody be adopted as amended and read. (Carried 10-0; Councillor Mello absent)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-A APPOINTMENT AND MS. KAREN PRATT BUDROW ALSO APPEARED TO SPEAK)

P628-12 COUNCILLOR ATHAS– MOVE, under suspension of the rules, to receive item 7-A, the appointment of Karen Pratt Budrow, 33 Chapel Street, Gloucester, MA as Human Resources Director City/School (Carried 10-0; Councillor Mello absent)

P629-12 – COUNCILLOR ATHAS – MOVE TO approve the appointment of Karen Pratt Budrow, 33 Chapel Street, Gloucester, MA to the position of Human Resources Director City/School for a one year term to expire on December 31, 2012. (Carried 10-0; Councillor Mello absent)

HEARINGS

The City Council reconvened the recessed public hearing on the Special Permit application from King's Motors, formerly known as Beverly Autotop and Upholstery, Inc., 1R Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Janyuzak Almazbek-uulu. No one appeared to speak in favor. No one appeared to speak in opposition.

P630-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Elie Baghdady, Peabody Office Building Assoc., 1R Newbury Street, regarding Parking plan for King's Motors, 1R Newbury Street, Suite 408. (Unanimous)

P631-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from King Motors, Inc., 78 Cabot Street, Beverly, MA for a Special Permit to allow for the automotive sales of used motor vehicles at 1R Newbury Street, Suite 408, Peabody, MA as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

- 1) The maximum number of vehicles allowed at any one time for sale shall be 10.
- 2) The site plan entitled King Motors parking dated October 27, 2012 shall be the plan of record.

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. (Carried 10-0, Councillor Mello absent)

A public hearing was duly held on the application from King's Motors, formerly known as Beverly Autotop and Upholstery, Inc., 1R Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Janyuzak Almazbek-uulu. No one appeared to speak in favor. No one appeared to speak in opposition.

P632-12 COUNCILLOR GAMACHE – MOVE TO approve the application from King's Motors, 1R Newbury Street, Peabody, MA, for a Class 2 Motor Vehicle License with the condition that there be a maximum of ten (10) motor vehicles on the premises at any one time for sale. (Carried 10-0; Councillor Mello absent)

A public hearing was duly held on the Special Permit application from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT. Appearing to speak on behalf of said application was Attorney David Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

P633-12 COUNCILLOR GAMACHE – MOVE THAT the request from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT, to amend their Special Permit application allowing for the installation of a new 14' X 48' billboard at 80 Newbury Street, Peabody, MA, be approved and subject to the new provisions of Section 11.6 of the Peabody Zoning Ordinance entitled Billboards as amended and adopted by the City Council on October 25, 2012.. (Carried 10-0; Councillor Mello absent)

P634-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT, for a Special Permit to allow for the installation of a new 14' X 48' billboard at 80 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.6, as amended on October 25, 2012, and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and 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 Special Permit shall conform to the newly amended Zoning Ordinance and fee schedule. (Carried 10-0; Councillor Mello absent)

A public hearing was duly held on the Special Permit application from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT. Appearing to speak on behalf of said application was Attorney David Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

P635-12 COUNCILLOR GAMACHE – MOVE THAT the request from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT, to amend their Special Permit application allowing for the installation of a new 14' X 48' billboard at 229 Newbury Street, Peabody, MA, be approved and subject to the new provisions of Section 11.6 of the Peabody Zoning Ordinance entitled Billboards as amended and adopted by the City Council on October 25, 2012. (Carried 9-0; Councillors Garabedian and Mello absent)

P636-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Mansfield Outdoor Advertising, LLC, 990 Moscow Road, Stowe, VT, for a Special Permit to allow for the installation of a new 14' X 48' billboard at 229 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.6, as amended on October 25, 2012, and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and 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 Special Permit shall conform to the newly amended Zoning Ordinance and fee schedule. (Carried 10-0; Councillor Mello absent)

A public hearing was duly held on the Special Permit application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA. Appearing to speak on behalf of said application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P637-12 COUNCILLOR GAMACHE – MOVE THAT the request from Total Outdoor Corp., 100 Cummings Center, Beverly, MA, to amend their Special Permit application to construct a billboard sign located on property at 258 Newbury Street, Peabody, MA be approved and subject to the new provisions of Section 11.6 of the Peabody Zoning Ordinance entitled Billboards as amended and adopted by the City Council on October 25, 2012.. (Carried 9-0; Councillors Sinewitz and Mello absent)

P638-12 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 construct a billboard sign located on property at 258 Newbury Street, Peabody, MA, for a Special Permit to construct a billboard sign located on property located at 258 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.1, 11.6, as amended on October 25, 2012, and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and 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 Special Permit shall conform to the newly amended Zoning Ordinance and fee schedule.
(Carried 9-0; Councillors Sinewitz and Mello absent)

P639-12 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA, until the next City Council meeting on Tuesday, November 27, 2012. (Unanimous)

P640-12 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application from Clear Channel Outdoor, 71 Newbury Street, Peabody, MA. (Unanimous)

P641-12 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application from Clear Channel Outdoor, 203 Newbury Street, Peabody, MA. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P642-12 COUNCILLOR GOULD (Co-motion with Councillor Mello) - MOVE TO request that the Public Services Department further improve the traffic signage at the end of Sparrow Lane Extension and Central Street. Public Services painted hash marks to keep cars from queuing, but the situation has not been resolved. (Unanimous)

P643-12 COUNCILLOR GARABEDIAN - MOVE TO request that the Public Services Department investigate the sidewalk at 12 Whitney Drive. The tree roots are growing through the sidewalk and it's becoming a safety issue. (Unanimous)

P644-12 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department contact our liaison with the gas company to investigate the removal of the gas lines adjacent to the house at 4 Demoree Terrace. (Unanimous)

P645-12 COUNCILLOR OSBORNE - MOVE THAT the Public Service Department repair a pothole on Longview Way. It's right near the end of the driveway for 34 Longview Way. (Unanimous)

P646-12 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO request that the Public Services Department clear the sidewalk area of vegetation and overgrowth on Sandra Road approximately at the intersection of John Road. (Unanimous)

P647-12 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department provide the City Council with a report on the progress for the repair to the end of the driveway at 222 Lynnfield Street. (Unanimous)

P648-12 COUNCILLOR GAMACHE - MOVE TO request that the issue of restricting medical marijuana facilities to a specific area within the city to keep them away from churches, schools, etc., be referred to the Legal Affairs Committee. (Unanimous)

P649-12 COUNCILLOR GAMACHE - MOVE TO request that the Conservation Commission investigate any standing or running water that's located on the site at 393 Lowell Street, also known as Bria Lane, that was not originally annotated on the permit. (Unanimous)

P650-12 COUNCILLOR GAMACHE - MOVE TO request that the Public Services Department look at the area of 388 Lowell Street and determine whether or not there's a need for a catch basin. (Unanimous)

P651-12 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department investigate the sidewalk at 36 Kingdom Terrace. The tree roots are growing through the sidewalk and it's becoming a safety issue. (Unanimous)

P652-12 COUNCILLOR GRAVEL - MOVE TO send a letter of commendation to Councillor Thomas Gould for being selected the recipient of the 2012 Harry Ankeles Community Service Award. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P653-12 COUNCILLOR GAMACHE - MOVE TO receive a communication from Public Services Department regarding 62 Walnut Street; sidewalk condition. (Unanimous)

P654-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Larrabee Terrace; replace single lane traffic sign on Lowell Street. (Unanimous)

P655-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Robert Dunne, Commander, Peabody Veterans Council, regarding Veterans Day service and tribute on Sunday, November 11th. (Unanimous)

P656-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Attorney Michael T. Smerczynski, City Solicitor, regarding Dismissal of zoning lawsuits – Paul & David Ferragamo; Myra Coletti; Jeol USA, Inc. (Unanimous)

P657-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations schools and to refer to the Finance Committee. (Unanimous)

P658-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary of FY-13 revenues and to refer to the Finance Committee. (Unanimous)

P659-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations city and to refer to the Finance Committee. (Unanimous)

P660-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Peabody Monofill Associates, Inc., 0 Farm Avenue, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P661-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the Use of the Wiggin Auditorium – Peabody High School Vocal Music for January 14th and 16th, 2013, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

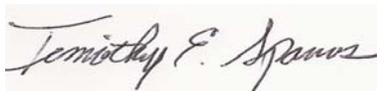
None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 15, 2012

RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 15, 2012

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appointment of Human Resources Director City/School Karen Pratt Budrow, 33 Chapel Street, Gloucester, MA

Elie Baghdady, Peabody Office Building Assoc., 1R Newbury Street re: Parking plan for King's Motors, 1R Newbury Street, Suite 408

Public Services Department re: 62 Walnut Street; sidewalk condition

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Public Services Department re: Larrabee Terrace; replace single lane traffic sign on Lowell Street
Robert Dunne, Commander, Peabody Veterans Council re: Veterans Day service and tribute on Sunday,
November 11th

Attorney Michael T. Smerczynski, City Solicitor re: Dismissal of zoning law suits – Paul & David Ferragamo; Myra
Coletti; Jeol USA, Inc.

Patricia Schaffer Davis, Director of Finance re: Status of appropriations schools

Patricia Schaffer Davis, Director of Finance re: General fund summary of FY-13 revenues

Patricia Schaffer Davis, Director of Finance re: Status of appropriations city

Peabody Monofill Associates, Inc., 0 Farm Avenue re: Special permit application

USE OF THE WIGGIN AUDITORIUM:

Peabody High School Vocal Music for January 14th and 16th, 2013