

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 12, 2015

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

ABSENT: COUNCILLORS: MOUTSOULAS AND DRISCOLL

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.

P804-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the Regular Meeting of October 22, 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.

HEARINGS

P805-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-A communication from Attorney John R. Keilty, 40 Lowell Street, regarding Request to recess public hearing; discontinuance of Corporate Place. (Unanimous)

P806-15 COUNCILOR SASLAW – MOVE TO continue the public hearing on the Discontinuance of Corporate Place until Thursday, December 10, 2015. (Unanimous)

P807-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Attorney John R. Keilty, 40 Lowell Street, regarding 60 Pulaski Street, LLC; request to withdraw Special Permit without prejudice. (Unanimous)

P808-15 COUNCILLOR MCGINN – MOVE THAT the Special Permit application from 60 Pulaski Street, LLC, 65 Walnut Street, Peabody, MA, for property at 60 Pulaski Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

A public hearing was duly held on Zoning Amendment – Section 11.6.2 Moratorium on Billboards. No one appeared to speak in favor. No one appeared to speak in opposition.

P809-15 COUNCILLOR GRAVEL – MOVE TO recess the public hearing on Zoning Amendment – Section 11.6.2 Moratorium on Billboards, until Thursday, December 10, 2015. (Unanimous)

REPORTS OF COMMITTEE

PUBLIC SERVICES COMMITTEE
NOVEMBER 12, 2015

P810-15 COUNCILLOR MANNING-MARTIN – Reporting for the Public Services Committee – Public Services Committee did meet this evening; present, along with myself as chair, were members Councillor Gravel, Councillor Saslaw, and sitting in for Councillor Moutsoulas was Councillor Walsh. Joining us to give us an update on snow removal process with the contractors were the Director of Public Works, Joe Foti; Assistant Director Dave Terenzoni; also from the police department Deputy Chief Cohan. We discussed the plowing contracts and how moving forward we can standardize the rates so that the rates are fair across the board: Fair for the city and fair for the vendor. There is an appearance that came to light after the rates were audited that the amounts varied vastly and were bidder based and not set by the city. The council is asking that the system be standardized and ready, when the current contracts expire, which will be after the upcoming winter season. We're in year two of a two-year contract and this upcoming winter will be the end of the contract. So the City Council is asking department of Public Works to tighten that up and make it fair and equitable across the board. Fair for the city and also fair for the contractors so that the rates are standardized. We also discussed snow removal. Deputy Cohan

reminded everyone that we do have an ordinance that addresses snow being plowed or shoveled into the street or on a sidewalk either by the city plows, private contractors, or private citizens. There is a fine and the police are the ones responsible to uphold that ordinance. And residents are correct to contact the police when they have these complaints. And Deputy Cohan will remind those answering those calls at the police station that the police are responsible to take action and address these complaints. There seems to be some confusion in that regard and he's going to make sure it's addressed. The other matter that we had in Committee was to review the Peabody City Code regarding communication methods for snow removal and that issue was kept in committee for a later date. That is a report of progress. (Report received)

FINANCE COMMITTEE
NOVEMBER 12, 2015

P811-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee. Along with myself as chair, sitting in for the Committee were Councillor Manning-Martin, Councillor Gould, Councillor McGinn, and Councillor Garabedian sat in for Councillor Driscoll. Also in attendance were Councillor Osborne, Councillor Sinewitz, and Councillor Saslaw. There were three items on the agenda this evening that we took up. The first one was the transfer of funds from the CPC unreserved in the amount of \$322,468.92 going to the historical preservation reserve fund in the amount of \$107,489.64, the community housing reserve fund in the amount of \$107,489.64, and the open space reserve fund in the amount of \$107,489.64. After explanation from our finance director, there was no real discussion on the matter and it was approved unanimously by the subcommittee. (Report received)

P812-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2015:

FROM:

Community Preservation Fund Unreserved
270-0000-33011 - \$322,468.92

TO:

Historical Preservation Reserve Fund
270-0000-33022 - \$107,489.64

Community Housing Reserve Fund
270-0000-33023 - \$107,489.64

Open Space Reserve Fund
270-0000-33021 - \$107,489.64

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

P813-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Second taken up, along with that, there was a request to move the CPC unreserved \$161,234.46 to the open space reserve fund in the amount \$107,489.64, the historic preservation fund in the amount of \$28,872.41 and the community housing reserve fund in the amount of \$26,872.41 and that was approved unanimously. (Report received)

P814-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2015:

FROM:

Community Preservation Fund Unreserved
270-0000-33011 - \$322,468.92

TO:

Historical Preservation Reserve Fund
270-0000-33022 - \$26,872.41

Community Housing Reserve Fund
270-0000-33023 - \$26,872.41

Open Space Reserve Fund
270-0000-33021 - \$107,489.64

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

P815-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Next on the agenda there was a request to move \$10,000 from the CPC unreserved to Community Preservation Act administration in the amount of \$10,000. Again that was approved unanimously by the committee. (Report received)

P816-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2015:

FROM:

Community Preservation Act
Unreserved Fund Balance
270-0000-33011 - \$10,000.00
(Carried 9-0; Councillor Moutsoulas and Councillor Driscoll absent)

TO:

Community Preservation Act
Administration
270-1811 - \$10,000.00

P817-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a request to establish a debt stabilization fund and there was a lot of discussion that ensued as to the purpose of the fund, the establishment of the fund, the reasoning behind the request for the establishment of the fund. It was determined that we would move the establishment of the fund to a later date and to tie it with some policy so that it has, sort of, more legs around it. We were also informed that there would be additional funds that might be requested. We'd like to have them as a package. So we'll take that up at a further meeting. However a motion was made by Councillor Manning-Martin to transfer from the fund balance reserved interest income fund an amount of \$719,500 and the fund balance from the reserve debt service fund in the amount \$1,110,500 to unrestricted reserve in the amount of \$1,830,000. That motion was further discussed by the committee and it was approved unanimously. (Report received)

P818-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 15, 2015:

FROM:

Fund Balance Reserved Interest Income
300-35822 - \$719,500.00

TO:

Unrestricted Reserve \$1,830,000.00

Fund Balance Reserved Debt Service
300-35825 - \$1,110,500.00

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

MOTIONS, ORDERS AND RESOLUTIONS

P819-15 COUNCILLOR GOULD (Co-motion with Councillor Osborne) – MOVE TO request that the Public Services Department trim and/or remove and replace with a different type of low-growing plant the brush on the island at the intersection of Summit Street and Centennial Drive to make the merge at this slip ramp less dangerous. (Unanimous)

P820-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-C communication from Kinder Morgan regarding Tennessee Gas Pipeline filing date for FERC. (Unanimous)

P821-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Peabody RD, LLC, 202 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P822-15 COUNCILLOR SASLAW – MOVE to receive, under suspension of the rules, Item 8-M communication from Mass State Lottery Commission regarding Notice of Keno License application; Red's Kitchen and Tavern, 131 Newbury Street. (Unanimous)

P823-15 COUNCILLOR GRAVEL – MOVE TO request a status update on Motion P613-15 from Public Service Department on the placing of hash marks on Washington Street that Councillor McGinn and I had requested back several meetings ago.

August 27, 2015

P613-15 COUNCILLOR GRAVEL (Co-motion with Councillor McGinn) – MOVE TO request that the Public Services Department paint parking hash lines from Foster Street to Lowe Street so that we maximize the amount of spaces that become available on that street for business use.

(Unanimous)

(Unanimous)

P824-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-L communication from Timothy Spanos, City Clerk, regarding Proposed ordinance for handicap parking and services zone on Chestnut Street @ City Hall. (Unanimous)

P825-15 COUNCILLOR MCGINN - Whereas an emergency condition exists affecting the health, safety and welfare of citizens of the City of Peabody; Therefore Be It Ordained by the City Council of the City of Peabody that an ordinance amending Chapter 19 entitled Motor Vehicles and Traffic of the Code of City of Peabody; Sections 19-81 19-87 be adopted under an emergency preamble.

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

That Section 19-81 entitled “Parking Prohibited, Handicapped Zone” of the Code of the City of Peabody, Massachusetts, is hereby amended by inserting therein the following:

Two Handicap Parking Spaces on the westerly side of Chestnut Street to service the handicap entrance side of City Hall.

That Section 19-87 of the entitled “Service zones; time limitations” of the Code of the City of Peabody, Massachusetts, is hereby amended by inserting therein the following:

A service zone be established on the westerly side of Chestnut Street beginning at a point 20 feet from the intersection of Lowell Street and running in a southerly direction for a distance of 45 feet.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.

(Emergency Preamble - Carried 9-0; Councillor Moutsoulas and Councillor Driscoll absent)

(Motion to adopt - Carried 9-0; Councillor Moutsoulas and Councillor Driscoll absent)

P826-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-B Junk Dealer License (New) Linda Sciaraffa d/b/a This-N-That, 30 Main Street, and to set up a public hearing. (Unanimous)

P827-15 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Solicitor and the Health Department research whether the City Council can enact an ordinance that restricts tobacco products and smoking paraphernalia, such as hookah pipes, from being displayed in store fronts near school zones. (Unanimous)

P828-15 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Building Commissioner review Section 11.5.1 (F) of the Zoning Ordinance regarding businesses that cover more than 30 percent of their window space with signs, etc., and to enforce the ordinance, starting with the downtown businesses, such as the cell store that has the free-standing green 12-foot waving clown. (Unanimous)

P829-15 COUNCILLOR OSBORNE - MOVE TO request that the Parks, Recreation and Forestry Department finish removing the stump at 13 Bowen Road. (Unanimous)

P830-15 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer; 40-1999 to Xueling Zheng d/b/a Nagoya II, 98 Lynn Street, with the original conditions and subject to all papers being in order. (Unanimous)

P831-15 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-G communication from Albert Talarico, Building Commissioner, regarding Special Permit transfer; 41-1999 to Susan Ciani & Michael Amato d/b/a Lifestyles Hair Studio, 145A Summit Street, with the original conditions and subject to all papers being in order. (Unanimous)

P832-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair a sinkhole at the entrance of the driveway at 12 Reo Road. (Unanimous)

P833-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-J communication from Attorney Athan Vontzalides, 246 Andover Street, on behalf of Group 1 Automotive, Inc., 252 Andover Street, regarding Request to purchase city-owned land, Map 39, Lot 23; 0 Willowdale Avenue (R), and to refer to the Legal Affairs Committee. (Unanimous)

P834-15 COUNCILLOR WALSH – MOVE TO create the Ad Hoc Committee on Charter Review and appoint Councillor Gravel as the chair, with members: Councillor Manning-Martin and Councillor Garabedian. (Unanimous)

P835-15 COUNCILLOR WALSH (Tri-motion with Councillor Gould and Councillor Moutsoulas) – MOVE TO refer to the Ad Hoc Committee on Drug Education & Awareness the issues of creating/obtaining a list of organizations and agencies and/or facilities that may be available to residents seeking substance abuse relief. (Unanimous)

P836-15 COUNCILLOR WALSH (Co-motion with Councillor Gould and Councillor Moutsoulas) – MOVE TO invite representatives of the Peabody Police Department and the Healthy Peabody Collaborative to a meeting of the Ad Hoc Committee on Drug Education & Awareness to update the City Council on their efforts in combatting the opioid crisis. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P837-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Herbert W. Levine, Superintendent of Schools, regarding Game Changer program. (Unanimous)

P838-15 COUNCILLOR GOULD – MOVE TO receive a communication from Eric Mavros, 14 Gardner Street, regarding 12-14 Gardner Street sidewalks and to refer to the Public Services Department. (Unanimous)

P839-15 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Completed council motions. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P840-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Gregory Piscia – License 80
Richard Deschene – License 81
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A – Various streets intersecting with Paul Avenue}

P841-15 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-126 entitled Obedience to Isolated Stops Signs of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillors Moutsoulas and Driscoll absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 19, 2015

RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 19, 2015



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Attorney John R. Keilty, 40 Lowell Street re: Request to recess public hearing; discontinuance of Corporate Place

Herbert W. Levine, Superintendent of Schools re: Game Changer program

Kinder Morgan re: Tennessee Gas Pipeline filing date for FERC

Eric Mavros, 14 Gardner Street re: 12-14 Gardner Street sidewalks

Robert Langley, Director, Public Services Department re: Completed Council motions

Albert Talarico, Building Commissioner re: Special Permit transfer; 40-1999 to Xueling Zheng d/b/a/ Nagoya II, 98 Lynn Street

Albert Talarico, Building Commissioner re: Special Permit transfer; 41-1999 to Susan Ciani & Michael Amato d/b/a Lifestyles Hair Studio, 145A Summit Street

Peabody RD, LLC, 202 Newbury Street re: Special permit application

Attorney Athan Vontzalides, 246 Andover Street on behalf of Group 1 Automotive, Inc., 252 Andover Street re: Request to rezone Map 39, Lot 24, 0 Willowdale Avenue

Attorney Athan Vontzalides, 246 Andover Street on behalf of Group 1 Automotive, Inc., 252 Andover Street re: Request to purchase city-owned land, Map 39, Lot 23; 0 Willowdale Avenue (R)

Attorney John R. Keilty, 40 Lowell Street re: 60 Pulaski Street, LLC; request to withdraw special permit without prejudice

Timothy Spanos, City Clerk re: Proposed ordinance for handicap parking and services zone on Chestnut Street @ City Hall

Mass State Lottery Commission re: Notice of Keno License application; Red's Kitchen and Tavern 131 Newbury Street

TAXI/LIMO/SINE DRIVER LICENSE:

Gregory Piscia – License 80

Richard Deschene – License 81

JUNK DEALER LICENSE: (New)

Linda Sciaraffa d/b/a This-N-That, 30 Main Street