

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 25, 2015

PRESENT: COUNCILLORS: MOUTSOULAS, GARABEDIAN, GRAVEL, MCGINN, MANNING-MARTIN, OSBORNE, DRISCOLL, SINEWITZ, AND WALSH

ABSENT: COUNCILLORS: GOULD AND SASALW.

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.

P477-15 COUNCILLOR SINEWITZ - MOVE TO receive and approve the minutes from the last regular meeting of June 11, 2015. (Unanimous)

(MR. CHRIS RYDER, CHIEF OF STAFF, APPEARED BEFORE THE CITY COUNCIL, ALONG WITH ALEXANDRA DOMINGUEZ FROM THE INDEPENDENT LIVING CENTER OF THE NORTH SHORE AND CAPE ANN, MS. KAREN CAHILL, AND MR. THOMAS MUXIE, TO READ A PROCLAMATION BY HIS HONOR THE MAYOR RECOGNIZING JULY 25TH AS THE ANNIVERSARY OF THE SIGNING OF THE AMERICANS WITH DISABILITIES ACT.)

HEARINGS

P478-15 COUNCILLOR GARABEDIAN – MOVE TO continue the public hearing on Discontinuance of Corporate Place until the regular City Council meeting on August 27, 2015. (Unanimous)

P479-15 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the application from Central Street Tavern, LLC, 43 Central Street, until the regular City Council meeting on July 9, 2015. (Unanimous)

A public hearing was duly held on the application from Timely Treasures, 58 Pulaski Street, Peabody, MA. Mr. Shane Coley appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P480-15 COUNCILLOR MOUTSOULAS - MOVE TO approve the application from Timely Treasures, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License to operate at said 58 Pulaski Street, Peabody, MA. (Carried 9-0; Councillor Gould and Councillor Saslaw absent)

A public hearing was duly held on the application from Azorean Brotherhood of the Divine Holy Ghost, Inc., 20 Howley Street, Peabody, MA. Mr. Jose Mario Pinto appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P481-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Chief Thomas Griffin, Police Department, regarding Azorean Brotherhood of the Divine Holy Ghost, Inc., 20 Howley Street. (Unanimous)

P482-15 COUNCILLOR MCGINN – MOVE TO approve the application from Azorean Brotherhood of the Divine Holy Ghost, Inc., 20 Howley Street, Peabody, MA, for an amendment to their Entertainment License to allow for live entertainment outdoors in their outdoor dining area for the following dates only at said 20 Howley Street, Peabody, MA: Friday, July 10th; Saturday, July 11th; and Sunday, July 12th, 2015, subject to the following conditions:

Conditions:

- 1) That Mr. Pinto and Mr. Homan make themselves known to the Peabody Police detail officer as the point of the contact for the Holy Ghost should any issues arise as representatives of the Brotherhood will address any such complaint in a timely fashion;
- 2) That the stage be orientated in such a way that the volume minimizes noise impact on residential and business neighbors; and
- 3) All entertainment shall promptly cease at the hours specified on said license: 11:30 p.m. on July 10th and 11th; and 10:00 p.m. on July 12th.
(Carried 8-0; Councillor Gould, Councillor Saslaw, and Councillor Sinewitz absent)

A public hearing was duly held on the application from Mario & Leonia Clarimundo, 5 Tremont Place, Peabody, MA. Mr. David Jaquith appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P483-15 COUNCILLOR MOUTSOULAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Mario & Leonia Clarimundo, 5 Tremont Place, Peabody, MA, for a Special Permit to renovate the existing retail space into a two-bedroom dwelling unit at 96 Tremont Street, Peabody, MA, as filed in accordance with Sections 1.5, 4.2, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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 8-0; Councillor Gould, Councillor Saslaw, and Councillor Sinewitz absent)

P484-15 COUNCILLOR DRISCOLL – MOVE TO continue the public hearing on the Special Permit application from Century Tire Co., Inc., 53 Walnut Street, until the regular City Council meeting on July 9, 2015. (Unanimous)

P485-15 COUNCILLOR DRISCOLL – MOVE to continue the public hearing on the Class 2 Motor Vehicle License application from Century Tire Co., Inc., 53 Walnut Street, until the regular City Council meeting on July 9, 2015. (Unanimous)

REPORTS OF COMMITTEE

AD HOC COMMITTEE ON AGGREGATE INDUSTRIES

JUNE 25, 2015

P486-15 COUNCILLOR OSBORNE – Reporting for the Ad Hoc Committee on Aggregate Industries – The Ad Hoc Committee on Aggregate Industries met tonight to discuss violations to their Special Permit that occurred on Wednesday, March 25; Saturday, March 28; and Friday, April 10 regarding trucks entering and existing the property outside of the business hours of the plant that were stated in their Special Permit and also to address the complaint of trucks backing up on Russell Street and idling before operating hours. There was much discussion between the representatives from Aggregate Industries and also the representatives of the neighborhood group, who were also in attendance. Aggregate did admit that one of the violations that did occur was indeed a violation and they took exception to some of the others as being maintenance, as opposed to picking up products, so they questioned a couple of what the council called violations. Councillor Sinewitz after much discussion made a motion to fine Aggregate Industries \$300 for the one admitted violation. Councillor Garabedian made an amendment to the motion to fine Aggregate Industries \$300 for each violation, thus the fine would be \$900. (Report received)

P487-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee – MOVE TO fine Aggregate Industries in the amount of \$900.00 for violations that occurred on Wednesday, March 25, 2015; Saturday, March 28, 2015; and Friday, April 10, 2015. (Carried 6-2; Councillor Manning-Martin and Councillor Walsh opposed; Councillor Gould, Councillor Saslaw and Councillor Sinewitz absent)

LEGAL AFFAIRS COMMITTEE

JUNE 25, 2015

P488-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met tonight with myself as chair, Councillor Garabedian, Councillor Gravel, Councillor McGinn, and Councillor Moutsoulas also in attendance. There was a request to address the City Council by attorney David B. Summer and Ms. Christine Fischer, representing P.K. Motors, Incorporated. They wanted to address the council regarding concerns that were made by the owner of the property Mr. Dana Robey at a previous meeting. Mr. Summer gave his opinion and offered up P.K. Motor's side of the issue regarding a false signature and a proposed altered plan that was submitted with their application. After some debate there was a motion made by Councillor McGinn. (Report received)

P489-15 COUNCILLOR OSBORNE - MOVE TO refer to the City Solicitor the issue of the validity of the original Special Permit application from P.K. Motor Cars, Inc., 195 Washington Street, and to request that the City Solicitor recommend the appropriate action the City Council may take, if the original Special Permit application is deemed invalid. (Unanimous)

P490-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - We also discussed the validity of the parking plan with Lieutenant Cook from the Police Department with Chief Griffin in attendance. Lieutenant Cook offered that it was his opinion that the plan, as submitted, was altered from the original plan prepared by the surveyor. (Report received)

FINANCE COMMITTEE
JUNE 25, 2015

P491-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a meeting of the Finance Committee this evening. In attendance were myself as chair, Councillor Driscoll, Councillor Manning-Martin, Councillor Gould, and Councillor McGinn representing the committee. Also in attendance were Councillor Garabedian, Councillor Moutsoulas, Councillor Sinewitz, and Councillor Walsh. The purpose of the meeting was really to move some funds around to close out the year and balance out the accounts as the fiscal year will close on June 30th. (Report received)

P492-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE THAT the following transfer of funds be approved, as submitted by His Honor the Mayor under date of June 18, 2015:

<u>FROM:</u>	<u>TO:</u>		
Finance Administration-Reserve Fund	Salaries		
100-1330-57410	100-6010-5110	\$8,800	\$1,800.00
	Library Expenses		
	100-6010-52114		\$7,000.00

(Carried 7-0; Councillors Moutsoulas, Gould, Councillor Saslaw, and Councillor Sinewitz absent)

P493-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the following transfer of funds be approved, as submitted by His Honor the Mayor under date of June 18, 2015:

<u>FROM:</u>	<u>TO:</u>		
Fire Alarm Expenses	Fire Alarm Overtime		
100-2250-53125	100-2250-51130	\$4,000.00	\$4,000.00

(Carried 7-0; Councillors Moutsoulas, Gould, Councillor Saslaw, and Councillor Sinewitz)

P494-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the following transfer of funds be approved, as submitted by His Honor the Mayor, as amended, under date of June 18, 2015:

<u>FROM:</u>	<u>TO:</u>		
George Peabody House Salaries	George Peabody House Expenses		
100-6000-51110	100-6000-52114	\$1,000.00	\$1,000.00

(Carried 8-0; Councillor Gould, Councillor Saslaw, and Councillor Sinewitz absent)

P495-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT the following transfer of funds be approved, as submitted by His Honor the Mayor, under date of June 18, 2015:

<u>FROM:</u>	<u>TO:</u>		
Financial Admin – Reserve Fund	Public Services - Snow & Ice		
100-1320-57410 - \$234,500.00	00-4420-51125		\$130,000.00
Insurance Administration	Public Services - Snow 100-Removal		
100-9140-51615 - \$371,900.00	100-4210-53136		\$1,153,000.00

Employee Benefits
100-9130-51192 - \$94,000.00

Public Services - Snow Equipment
100-4210-54219 \$27,400.00

Community Development - Salaries
100-1810-51110 - \$30,000.00

Public Services - Sand & Salt
100-4210-54812 \$218,000.00

Retirement – Non Contrib Pension
100-9110-51618 - \$15,000.00

Public Services - Outside Services
100-4210-53125 \$99,000.00

Retirement – Expenses
100-9110-53111 - \$15,000.00

Public Services - Outside Services
100-4400-53125 \$85,000.00

Legal Expenses
100-1510-53114 - \$25,000.00

Public Services - Outside Services
100-4420-53125 \$204,000.00

Northshore Essex Tech Voc School
100-3010-56210 - \$23,800.00

Finance Director – Expenses
100-1330-53009 - \$15,000.00

Collector – Expenses
100-1460-54213 - \$15,000.00

Debt Service – Expenses
100-7000-59250 - \$11,000.00

Veterans Services – Expenses
100-5510-57300 - \$10,000.00

Parks - Salaries
100-6610-51120 - \$10,000.00

Information Technology
100-1550-53125 - \$5,000.00

Forestry – Salaries
100-6650-51110 - \$4,000.00

Public Services – Salaries
100-4210-51110 - \$50,000.00

2015 FEMA Grant Submission
250- \$375,000.00

Prior Years - FEMA Grant
250-0000-34752 - \$350,000.00

Unreserved Fund Balance
100-0000-35901- \$262,000.00
(Carried 8-0; Councillor Gould, Councillor Saslaw, and Councillor Sinewitz absent)

COMMITTEE OF THE WHOLE
JUNE 23, 2015

P496-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole - The Committee of the Whole met on Tuesday, June 23, 2015, for the purpose of hearing a presentation by Kinder Morgan Energy Partners with regards to the proposed installation of a high-pressure gas pipeline in the City of

Peabody, proposed to be located along the bike path to the rear of Glen Drive, Gates Road, the Aggregate Quarry, and Emily Lane. Present were Councillors: Moutsoulas, Gould, Saslaw, McGinn, Manning-Martin, Sinewitz, and Walsh. The meeting was well attended by Peabody residents most, if not all, of whom were in opposition. Appearing on behalf of Kinder Morgan were Steven Keady and Mike Lennon. Kinder Morgan conducted a 20-minute power point presentation outlining the proposed route of the new pipeline, and the needs and benefits for a new pipeline.

Mayor Bettencourt addressed the committee and stated the City's opposition to the proposal. Several City Department Heads and Board Members were in attendance, including Sharon Cameron from the Board of Health, Lucia DeNegro, and Michael Rizzo from the Conservation Commission, Inspector Chris Dowling from the Fire Department, and Robert Langley, Director and Will Paulitz, City Engineer from Public Services Department. State Representative Theodore Speliotis spoke on the matter; also in attendance was State Representative Leah Cole and a representative from Senator Joan Lovely's Office, and a representative from Senator Elizabeth Warren's Office.

Residents appearing to speak in opposition were Gregory Bunn, 44 Trask Road, Kurt Anderson, 7 Belfast Road, Harvey and Diane Elfson, 19 Glen Drive, Thomas Lyons, 35 Glen Drive, Robert Croce, 128 Goodale Street, and Mitchell Cole, 39 Glen Drive. Those opposed generally stated there would be no direct benefit to the City of Peabody, safety concerns taking into account two other existing high-pressure gas pipelines in the area, safety concerns with an active sand and gravel quarry, and the negative effect to the valuation of the homes in the area.

The Committee questioned representatives from Kinder Morgan about what the benefits of a new pipeline would be for the City, the safety concerns as stated by the residents, and the possibility of Kinder Morgan applying for an Article 97 waiver with regards the use of public land designated as open space/recreation. An Article 97 waiver would require a 2/3rd's vote of the House and Senate on Beacon Hill. After a debate that lasted about an hour and a half, the following motions were approved in committee. (Report received)

P497-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, the communication from Aggregate Industries, 55 Russell Street, Peabody, MA, expressing their concerns and opposition to the proposed pipeline. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P498-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Ground-mounted solar projects in the City of Peabody and to refer to the Industrial & Community Development Committee. (Unanimous)

P499-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-G Outdoor Dining License (Amend) Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, July 10, 2015, and July 11, 2015 – Extend hours to 11:30 p.m. and increase seating to 100/tables to 12. (Unanimous)

P500-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Block Party Requests, subject to all papers being in order:

Jennifer Lane; end of cul-de-sac – July 4, 2015
 5-8 Glen Drive – July 11, 2015
 Rawding Road/Buttonwood Lane to Fitz/Buttonwood Lane – August 29, 2015
 (Rain date: August 30th) (Unanimous)

P501-15 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the section of roadway between Outlook Avenue and Scenic Road for possible replacement or repair. (Unanimous)

P502-15 COUNCILLOR OSBORNE - MOVE TO request that the Finance Director inform the City Council of the in lieu of payments received from the Peabody Municipal Light Plant for the past 10 years. (Unanimous)

P503-15 COUNCILLOR OSBORNE (Co-motion with Councillor Sinewitz) - MOVE TO request that the Public Services Department clear the brush and debris from the grounds surrounding the water tower at Presidential Heights. (Unanimous)

P504-15 COUNCILLOR DRISCOLL - MOVE TO request that a communication be sent to the Higgins Middle School project manager Herb Levine, with a copy to Captain Richards and Chief Griffin, expressing that the trucks entering and exiting the Higgins Middle School are still not using the required route and are having a negative affect on the traffic and quality of life for those neighborhoods surrounding the school. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P505-15 COUNCILLOR OSBORNE - MOVE TO receive the communication from His Honor the Mayor submitting the appointment of Jacqueline Torigian to the Council on Aging. (Unanimous)

P506-15 COUNCILLOR OSBORNE – MOVE TO approve the appointment of Jacqueline Torigian, 82 Fairview Avenue, Peabody, MA, to the Council on Aging (Regular Position) for a three-year term (Unexpired term of Russell Bowden) to expire 09/30/2018. (Unanimous)

P507-15 COUNCILLOR GRAVEL - MOVE TO send a letter of appreciation from the City Council to Mr. Russell Bowden for his many years of service on the Peabody Council on Aging. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P508-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Jennifer Davis, Director, Parks, Recreation & Forestry Department, regarding Completed motion P387-15; remove a dead tree @ 5 Clinton Road. (Unanimous)

P509-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letter of thanks. (Unanimous)

P510-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Peabody Associates; Peabody Office Building, One Newbury Street, regarding Opposed to discontinuance of Corporate Place and to refer to the public hearing. (Unanimous)

P511-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Planning Board regarding Minutes from May 25th and June 4th, 2015. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P512-15 COUNCILLOR GRAVEL - MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Veterans Memorial High School – Mock Trial Competition April 5th and 6th, 2016, subject to all papers being in order. (Unanimous)

P513-15 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Inflammables License (Rescind various licenses for 2015 nonrenewal), subject to all papers being in order:

ING, 58 Pulaski Street – Closed
U. S. foods, Technology Drive – Closed
Myra Distributing, Inc., 5 Webster Street – Closed
(Unanimous)

P514-15 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Doug Marran – License 5 Anthony J. Zucchari – License 7
Rex Kent – License 8 (Unanimous)

P515-15 COUNCILLOR GRAVEL – MOVE TO receive and approve Taxicab License Transfer – Tri City Services, Inc., 55R Walnut Street – License #45, subject to all papers being in order. (Unanimous)

P516-15 COUNCILLOR GRAVEL - MOVE TO receive Petition – Lighttower Fiber Networks for Essex Center Drive and the Independence Greenway and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:05 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 1 2015
RETURNED BY HIS HONOR THE MAYOR, JULY 1, 2015



ATTEST
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Submitting the appointment of Jacqueline Torigian to the Council on Aging
His Honor the Mayor re: Ground-mounted solar projects in the City of Peabody
Jennifer Davis, Director, Park, Recreation & Forestry Department re: Completed motion P387-15; remove a dead tree @ 5 Clinton Road
Chief Thomas Griffin, Police Department re: Letter of thanks
Peabody Associates; Peabody Office Building, One Newbury Street re: Opposed to discontinuance of Corporate Place
Planning Board re: Minutes from May 25th and June 4, 2015

BLOCK PARTY REQUESTS:

Jennifer Lane; end of cul-de-sac – July 4, 2015
5-8 Glen Drive – July 11, 2015
Rawding Road/Buttonwood Lane to Fitz/Buttonwood Lane – August 29, 2015 (Rain date: August 30th)

USE OF THE WIGGIN AUDITORIUM:

Peabody Veterans Memorial High School – Mock Trial Competition April 5th and 6th, 2016

INFLAMMABLES LICENSE:

Rescind various licenses for 2015 non-renewal
ING, 58 Pulaski Street – Closed
U. S. foods, Technology Drive – Closed
Myra Distributing, Inc., 5 Webster Street – Closed

TAXI/LIMOUSINE DRIVER LICENSES:

Doug Marran – License 5
Anthony J. Zucchari – License 7
Rex Kent – License 8

TAXICAB LICENSE: (Transfer)

Tri City Services, Inc., 55R Walnut Street – License #45

PETITION:

Lighttower Fiber Networks for Essex Center Drive and the Independence Greenway

OUTDOOR DINING LICENSE: (Amendment)

Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street
July 10, 2015 and July 11, 2015 – Extend hours to 11:30 p.m.
and increase Seating to 100/Tables to 12