

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 27, 2015

PRESENT: COUNCILLORS: MOUTSOULAS, GOULD, GARABEDIAN, SASLAW, GRAVEL, MCGINN, OSBORNE, DRISCOLL, SINEWITZ, AND WALSH

ABSENT: COUNCILLOR: MANNING-MARTIN

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.

P577-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the Regular Meeting of July 9 and July 16, 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

A public hearing was duly held on the application from Acme Sign Corp., 3 Lakeland Park Drive, Peabody, MA. Mr. Brian Brinkers and Ms. Carolyn Wynn appeared to speak on behalf of the application. Mr. William Toomey, 33 Abington Avenue, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P578-15 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Acme Sign Corp., 3 Lakeland Park Drive, Peabody, MA, for a Special Permit seeking permission, on behalf of the Peabody Council on Aging, to allow for an electronic message board sign as part of the replacement of an existing free standing sign on property of the Peabody Housing Authority located at 75 and 75R Central Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, 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 10-0, Councillor Manning-Martin absent)

A public hearing was duly held on Zoning Ordinance Amendment – Sections 2, 3, and 7.11; Wind Powered and Solar Powered Structures. Mayor Edward Bettencourt and Attorney Michael Smerczynski appeared to speak on behalf of the City. Attorney Phil Durkin and Mr. Brian Howcroft appeared to speak on behalf of Peabody Municipal Light Plant. Ms. Catherine Tassinari, 1 Stevens Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P579-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 1 from Planning Board submitting their zoning recommendation relative to Ground Mounted Solar zoning amendment. (Unanimous)

P580-15 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody that the following amendment to the Peabody Zoning Ordinance be adopted as amended and read, and that the following changes be incorporated within said zoning amendment:

- 1) Delete the title to Section 7.11 stating “Wind Powered and Solar Powered Structures” and insert thereof Ground Mounted Solar Photovoltaic Overlay District.
- 2) Section F Site Control after installation add the wording “this shall be subject to site plan review”.

- 3) Section J Design Standards; Subsection (3) under site control the following sentence shall be added at the end of the paragraph "perimeter security fencing shall be required for all installations."

SECTION ONE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY that the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011 and amended through May 22, 2014 is hereby further amended as follows:

By amending Section 2 entitled Definitions; Section 3 entitled Establishment of Zoning Districts, and 7.11 by deleting the title Wind Powered and Solar Powered Structures and replacing the same to be entitled Ground Mounted Solar Photovoltaic Overlay District as follows:

Section 2 Definitions: By adding the following definitions:
GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION
OFF GRID SYSTEM
RATED NAMEPLATE CAPACITY
SPECIAL PERMIT SITING

Section 3 Establishment of Zoning Districts: By adding the following:
Section 3.1 Classes of Districts: GMSPOD – Ground Mounted Solar Photovoltaic Overlay District

By adding a new section 3.2.15: Ground Mounted Solar Photovoltaic Overlay District: A Ground Mounted Solar Photovoltaic Overlay District is established, and shall be considered as superimposed over all other districts established by this Zoning Ordinance pursuant to Section 3, and is shown as an overlay on the Official Zoning Map established pursuant to Section 3.3, Zoning Map.

By deleting in its entirety the following title and language:

7.11 WIND POWERED AND SOLAR POWERED STRUCTURES

The installation, operation and maintenance shall be compliance with the Commonwealth of Massachusetts State Building Code, latest edition. (Amended 3/28/13).

And inserting in place thereof the following new language and title:

- Section 7.11 Ground Mounted Solar Photovoltaic Overlay District**
- A. Purpose
 - B. Applicability
 - C. District Established
 - D. Definitions
 - E. Application and Review
 - F. Site Control
 - G. Operation and Maintenance Plan
 - H. Utility Notification
 - I. Dimensional Requirements
 - J. Design Standards
 - K. Utility Connections
 - L. Safety and Environmental Standards
 - M. Monitoring and Maintenance
 - N. Abandonment or Decommissioning

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 10-0; Councillor Manning-Martin absent)

P581-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-H communication from His Honor the Mayor regarding Various new appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-H. MR. MICHAEL GINGRAS AND MS. PATRICIA DAVIS SCHAFFER ALSO APPEARED)

P582-15 COUNCILLOR GRAVEL - MOVE TO approve the appointment of Michael Gingras, 2 Bartlett Street, Peabody, MA, as Director of Finance & Administration (Effective 09/20/2015) (Unexpired Term of Patricia Schaffer) for a 3-year term to expire 05/13/2017. (Unanimous)

P583-15 COUNCILLOR GRAVEL - MOVE TO approve a communication from His Honor the Mayor regarding the following various reappointments:

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Janis Survilas 91 Fairview Avenue Peabody, MA 01960	Cultural Council	09/01/2016 (3-Year Term)
Michelle Flewelling 18 May Street Peabody, MA 01960	Cultural Council	06/01/2016 (3-Year Term)
Julie Murphy 5 Herbert Avenue Peabody, MA 01960	Cultural Council	09/01/2018 (3-Year Term)
Kelly Lomasney 13 Raymond Circle Peabody, MA 01960	Cultural Council	06/01/2017 (2-Year Term)
Kelly Bloom 36 Catherine Drive Peabody, MA 01960	Cultural Council	06/01/2017 (3-Year Term)
William Woods One Briarwood Road Peabody, MA 01960 (Carried 10-0; Councillor Manning-Martin absent)	Community Development Authority	12/31/2015 (One-Year Term)

P584-15 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Submitting the appointment of Shawn M. Mahoney, 46 Shore Drive, Peabody, MA, to the position of Wire Inspector. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 7-B. MR. SEAN MAHONEY ALSO APPEARED BEFORE THE CITY COUNCIL)

P585-15 COUNCILLOR GRAVEL - MOVE TO approve the appointment of Shawn M. Mahoney, 46 Shore Drive, Peabody, MA, as Wire Inspector for a One-Year Term to expire 12/31/2015. (Unanimous)

P586-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding various re-appointments. (Unanimous)

P587-15 COUNCILLOR GRAVEL - MOVE TO approve a communication from His Honor the Mayor regarding the following various re-appointments:

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Corrine Pramas 16 Charles Street Peabody, MA 01960	Community Preservation Comm. Alternate/Planning Board	03/14/2016 (One-Year Term)
Darren Kelley 746R Lowell Street Peabody, MA 01960	Community Preservation Comm.	04/01/2016 (One-Year Term)
Andrew Metropolis 5 Dane Street Peabody, MA 01960	Community Preservation Comm.	04/01/2017 (2-Year Term)
Michael Schulze One Fairmount Road Peabody, MA 01960	Community Preservation Comm./ Alternate Member	04/01/2016 (One-Year Term)
Richard St. Pierre 25 Lynnfield Street Peabody, MA 01960	Community Preservation Comm./ Alternate Member	04/01/2017 (2-Year Term)
Ted Neary 54 Linden Road Peabody, MA 01960	Community Preservation Comm./ Alternate/Housing Authority	03/14/2016 (One-Year Term)
Deborah Ryan 13 Olsen Road Peabody, MA 01960	Community Preservation Comm./ Alternate/General Public	03/14/2016 (One-Year Term)
Bertha Germano 26 Aborn Street Peabody, MA 01960	Peabody Housing Authority	06/11/2020 (5-Year Term)
Peter Arvanites 9 Randall Road Peabody, MA 01960	Planning Board	05/31/2020 (5-Year Term)
David Cronin 20 Livingstone Drive Peabody, MA 01960 (Carried 10-0; Councillor Manning-Martin absent)	Superintendent of Cemeteries	06/01/2018 (3-Year Term)

P588-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-I communication from His Honor the Mayor regarding Proposed resolution calling upon Verizon to deploy FIOS in Peabody. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-I. MR. ED STARR, BUSINESS MANAGER OF IBEW LOCAL 2321, ALSO APPEARED TO SPEAK)

P589-15 COUNCILLOR SINEWITZ – MOVE TO adopt and endorse the following Resolutions, as submitted by His Honor the Mayor, Edward A. Bettencourt, Jr. calling upon Verizon to deploy FIOS in the City of Peabody:

WHEREAS: Access to reliable, high-speed internet technology is essential to supporting Peabody's economic growth and enhancing the lives of its residents; and

WHEREAS: Fiber optic technology is the most reliable and efficient way to transmit data to businesses and residences and would allow Peabody to stay competitive in the business, education, science and technology sections; and

WHEREAS: Verizon has focused its expansion of the FiOS network in affluent communities surrounding Peabody and across Massachusetts leaving the residents of Peabody's neighborhoods and Peabody's businesses unable to access the same state-of-the-art services; and

WHEREAS: This practice has deepened the digital divide and has increased the disparity in access to intellectual capital and economic opportunity; and

WHEREAS: Competition from fiber optic technology could drive down the cost for consumers and boost the speed of other internet connectivity options; and

WHEREAS: Deregulation and monopoly control have led to a significant downgrading in traditional landline service in recent years; and

WHEREAS: State utilities regulators have enabled this problem by surrendering effective service quality regulation under the theory that "market competition" would produce the best results; and

WHEREAS: So-called market competition has resulted in less competition, higher prices and lower quality service and residents in localities where FiOS is not available are forced to pay monopoly prices for an inferior product; and

WHEREAS: High-speed internet has gone from being a luxury item to a basic necessity in the past two decades as Verizon and other telecom giants have continued to abandon the traditional copper network; **THEREFORE, BE IT HEREBY**

RESOLVED: That the Peabody City Council strongly urges the utility regulators of Massachusetts to insist that high speed internet and cable services be included among providers' "basic services" and work to ensure that Peabody residents have access to the newest and most efficient telecommunications technology available.

(Carried 10-0; Councillor Manning-Martin absent)

(MR. JERRY HALBERSTADT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING SENATE BILL S1984 "CREATING A COMMISSION TO STUDY WAYS TO PREVENT BULLYING OF TENANTS IN PUBLIC AND SUBSIDIZED MULTIFAMILY HOUSING")

P590-15 COUNCILLOR MCGINN - MOVE THAT the City Council of the City of Peabody send a letter to the chief sponsor of Senate bill S1984 State Senator Joan Lovely, State Representative Leah Cole, State Representative Brad Hill, and State Representative Ted Speliotis expressing the Peabody City Council's support for this important legislation. (Carried 10-0; Councillor Manning-Martin absent)

P591-15 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to receive communications from His Honor the Mayor under date of August 20, 2015. (Unanimous)

P592-15 COUNCILLOR GRAVEL – MOVE TO suspend the rules and bypass the Finance Committee to review and act on transfer of funds as submitted by His Honor the Mayor dated August 20, 2015. (Unanimous)

P593-15 COUNCILLOR GRAVEL – MOVE TO receive and approve, under suspension of the rules, the following transfer of funds, as submitted by His Honor the Mayor, under date of August 20, 2015:

<u>FROM</u>	<u>TO</u>	
Operating Budget-Reserve Fund	Centennial Celebration	
100-1320-57410	\$50,000.00	100-5600 \$50,000.00 (Unanimous)

(MS. PATRICIA DAVIS SCHAFFER, DIRECTOR OF FINANCE, APPEARED TO SPEAK REGARDING ITEM 7-E COMMUNICATION)

P594-15 COUNCILLOR GRAVEL – MOVE TO receive and approve, under suspension of the rules, the following transfer of funds, as submitted by His Honor the Mayor, under date of August 20, 2015:

<u>FROM</u>	<u>TO</u>
Cemetery Sale of Lots & Graves	Cemetery – Capital Equipment
270-33006 \$7,342.00	300-04910 \$7,342.00
(Unanimous)	

(MAYOR BETTENCOURT, MR. TIM HEALEY, AND SCHOOL COMMITTEE MEMBER BEVERLEY GRIFFIN DUNNE APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-F)

P595-15 COUNCILLOR GRAVEL – MOVE TO receive and approve, under suspension of the rules, the following transfer of funds, as submitted by His Honor the Mayor, under date of August 20, 2015:

<u>FROM</u>	<u>TO</u>
Operating Budget – Reserve Fund	Schematic Design Study – PVMHS Roofs
100-1320-57410 \$20,000.00	300-9410 \$20,000.00
Feasibility Study – McCarthy School	Schematic Design Study – PVMHS Roofs
300-9410-58864 \$36,000.00	300-9410 \$36,000.00
(Unanimous)	

(MR. TRAVIS WOJCIK APPEARED TO SPEAK BEFORE THE CITY COUNCIL)

P596-15 COUNCILLOR GRAVEL – MOVE TO receive and approve, as amended, under suspension of the rules, Item 8-Y communication from Timothy E. Spanos, City Clerk, regarding Municipal Primary Warrant; September 29, 2015. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE **AUGUST 20, 2015**

P597-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met on Thursday August 20, 2015; Committee members present were myself as chair, Councillor Garabedian, Councillor Gravel, and Councillor McGinn. Also present were Councillor Gould who served in place of Councillor Moutsoulas, Councillor Manning-Martin, Councillor Walsh, and I believe I saw Councillor Saslaw there also. The Committee discussed several items. The first item was a request to purchase city-owned land from William and Amy Blais of 12 Winnegance Ave. The application was submitted because of a complaint filed with the building inspector. The applicants are seeking to purchase a portion of Winnegance Ave. public way, which they have been using for a number of years for gardening and open space. The applicants prior to the complaint were of the opinion that they owned the land in question. Mrs. Blais did address the Committee. She also addressed several concerns that were brought up in letters by both Public Services and the City Solicitor. She explained that many of the concerns that were addressed in those correspondences applied to an adjacent property and not necessarily her property. Also James Holleran from 11 Winnegance Ave. spoke in favor. The Committee also received a letter of support from Paul and Elizabeth Hinchion of 19 Winnegance Avenue. Also in attendance was Mr. Will Paulitz from the Department of Public Services, who had appeared to speak. Mr. Paulitz explained that the plan for Winnegance Avenue shows the width of Winnegance Avenue to be 40 feet. Within that 40 feet is the land that the proposed applicants wish to purchase. We also received a letter from the PMLP requesting a utility easement, if the land was sold, and received a legal opinion from the City Solicitor regarding public ways/encroachment. After a lengthy discussion on how to proceed, Councillor McGinn made the following motion. (Report received)

P598-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - MOVE TO send a communication to the City Solicitor asking if the City Council can grant an easement to the Blaises for the use of the land in question and to request what the proper language would be to accomplish that. (Unanimous)

P599-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - We did also learn from a letter from the City Solicitor that if we chose to go forward, that the Blaises would have to go before the Planning Board to have the Planning Board abandon that portion of Winnegance Avenue that they would want to buy. A question was asked in Committee as to if they did go forward to the Planning Board would we entertain the request to purchase and -- not in the form of a motion -- it was agreed by the council if they chose to go that route, then we would entertain selling that land. I believe there was also a question as to the determination of the price of \$3,000 as the assessed value of land. The Blaises did say that they got that price from the Assessor's office. The following motion was made. (Report received)

P600-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - MOVE TO request that the Assessor's Office provide the City Council with an assessment in writing of the purchase price of the city-owned land on Winnegance Avenue that William & Amy Blais are requesting to purchase. (Unanimous)

P601-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - Next the Committee discussed the land off Lynnfield Street designated for conservation land status and the status of the title search. The Committee discussed the results of the title search that was requested by the City Council with regards to the designation of lots 25, 25A, and 25B on Assessor's Map 99 that was designated by the City Council to be recorded as conservation land. The City Council initially approved the action on October 9th, 2014. This issue goes back to 2009 when Mr. Tsinski petitioned to purchase that land and the City Council at the time recommended the lots be designated as conservation land. The deeds for whatever reasons were never recorded with the Registry of Deeds as conservation land. In 2014 Mr. Rollins petitioned the City Council to purchase the same lots and the Council again designated them as conservation land. In May of this year the Legal Department's research could not determine if the City held clear title to said lots. The Committee requested a further title search be conducted to make that determination. Assistant City Solicitor Buckley reported to the City Council under date of July 24, 2015, that the City does hold clear title as a result of a title search performed Timothy Cavanaugh. The following motion was made by Councillor Garabedian. (Report received)

P602-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - MOVE TO request that Assistant City Solicitor Adam Buckley notify the City Council when lots 25, 25A, and 25B on Assessor's Map 99 are recorded at the Registry of Deeds as conservation land. (Unanimous)

P603-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - Also discussed was the posting of used car restrictions in a visible location on the premises of businesses that sell used cars. The City Clerk updated the Committee on this matter. The ordinance will be adopted by the City Council on August 27th, which will require all establishments that sell secondhand motor vehicles to post a placard on an establishment visible to the public from outside of the building stating all their license restrictions, if any. The placard will be provided by the City Clerk effective with the issuance of their 2016 license. That is noted as a report of progress. Also on the agenda was a review of the Special Permit application process. The matter was held in Committee for further discussion. The Committee did receive recommendations from Albert Talarico, the new Building Commissioner. Ms. Sawyer Conard was also in attendance to assist the Committee on recommendations, which were passed out to the Committee. We thank them for that. This matter remains in Committee so this is a report of progress. Also discussed was a Zoning Ordinance Special Permit for major events. The Committee discussed the legal opinion submitted by City Solicitor Michael Smerczynski. The opinion outlined the proposed revisions to the Peabody Zoning Ordinance adding a new provision to Section 6 Special Regulation entitled General Attendance Events. The following motion was made by Councillor Gravel. (Report received)

P604-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - MOVE TO request that the proposed amendment to the Peabody Zoning Ordinance creating a new Section 6.1.2 entitled General Attendance Events be referred to the Peabody Planning Board in accordance with Chapter 40A of the Massachusetts General Laws to begin the Zoning Amendment process. (Unanimous)

P605-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee - Also discussed was a legal opinion for the salaries of the Mayor and City Council established by ordinance. At the request of the Council President the matter to review the City Council and Mayor's salary was removed from the Legal Affairs Committee and referred to the Committee of the Whole. (Report received)

P606-15 COUNCILLOR OSBORNE – Reporting for the Legal Affairs Committee – MOVE TO refer the issue of the salaries of Mayor and City Council to the Committee of the Whole. (Unanimous)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
AUGUST 27, 2015

P607-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Sitting in tonight on the Industrial & Community Development Committee was Councillor Garabedian, Councillor Saslaw, Councillor McGinn, Councillor Driscoll, and myself. Mayor Bettencourt spoke about the process the city has gone through to start the creation of four particular solar farms. Attorney Durkin from the PMLP spoke about how PMLP receives its various means of power. For instance, these farms will provide power for approximately 400 homes. Attorney Smerczynski addressed the question by Councillor Osborne about zoning overlay districts and how to control the process of permitting and approval and he explained our options. There was a great discussion that ensued after Councillor Gravel made a point about protecting ourselves and there was some language that was added to the motion. The motion was made by Councillor Driscoll to recommend approval and that approval ended up taking place in the Committee of the Whole earlier this evening. (Report received)

COMMITTEE OF THE WHOLE
AUGUST 27, 2015

P608-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole - The Committee of the Whole met in Executive Session earlier this evening. Under the advice of counsel, since we are not ready to report out, we will take no action on what has occurred. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P609-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-U communication from Planning Board regarding June 18th meeting minutes. (Unanimous)

P610-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Z communication Special Permit application – Detour Cars, 154A Newbury Street, regarding Sale of Automobiles and to set up a public hearing. (Unanimous)

P611-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-CC communication from The Dogmother, LLC, 558 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P612-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-EE communication from Christopher N. Everest, Nordlund Associates, 199 Rosewood Drive, Danvers, regarding Request to amend the Zoning Map; 274 Newbury Street from MH to BR, and to refer to the Industrial & Community Development Committee. (Unanimous)

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)

P614-15 COUNCILLOR GRAVEL – MOVE TO request that the Community Development Department and the facilities manager provide the City Council with an update regarding the status of the Wiggin Auditorium repair project and the replacement of the sound system, which is scheduled to be updated. (Unanimous)

P615-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; Special Permit application improprieties and to refer to the Legal Affairs Committee. (Unanimous)

P616-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-DD communication from Judith Otto, Chair, Historical Commission, regarding Request amendment to the Demolition Delay ordinance and to refer to the Industrial & Community Development Committee. (Unanimous)

P617-15 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-GG communication from St. John the Baptist School, 19 Chestnut Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P618-15 COUNCILLOR OSBORNE – MOVE TO rescind Section 19-93 entitled Restricted Parking of the Code of the City of Peabody to remove "Resident Sticker Parking Required" for Fairview Avenue and Lake Shore Road.

Fairview Avenue: Both sides for its entire length. During the period of April 30 through September 30, said parking zone is restricted to "Resident Parking Only" as evidenced by the display, within the front window of any parked vehicle of a parking permit issued by the city clerk to only those residents of said street.

Lake Shore Road: Both sides for its entire length. During the period of April 30 through September 30, said parking zone is restricted to "Resident Parking Only" as evidenced by the display, within the front window of any parked vehicle, of a parking permit issued by the city clerk to only those residents of said street. (Unanimous)

P619-15 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-W communication from William Cataldo, 6 Stuart Road, Peabody, regarding Low water pressure on Stuart Road and to refer to the Water Department. (Unanimous)

P620-15 COUNCILLOR SINEWITZ – MOVE TO receive and approve Block Party – America Drive from 5 to 11 America Drive – September 12th, subject to all papers being in order. (Unanimous)

P621-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-H communication from Daniel Buttrick, Tighe & Bond, regarding Crystal Lake/Elginwood Pond Dredging Project; submission of EENF supplemental information and Single Environmental Impact Report. (Unanimous)

P622-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-R communication from Allen Fore, Vice President, Public Affairs, Kinder Morgan, regarding Project website now available – Northeast Energy Direct Project. (Unanimous)

P623-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Albert Talarico, Building Commissioner, regarding Issuance of fines to Aggregate Industries. (Unanimous)

P624-15 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department paint a yellow center line from 25 to 29 Dale Street at the curve. (Unanimous)

P625-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department install a "dead end" sign at the beginning of West Livingston Drive and further request that Councillor Sinewitz be contacted for input on the location of the sign. (Unanimous)

P626-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the sunken manhole cover at the end of Catherine Drive. (Unanimous)

P627-15 COUNCILLOR SINEWITZ – MOVE TO request that the Parks and Recreation Department remove a dead tree at 10 Symphony Road. (Unanimous)

P628-15 COUNCILLOR SINEWITZ – MOVE TO request that the Parks and Recreation Department go to the end of Catherine Drive (heading toward Lynnfield Street) and remove two trees (one on the left side and one on the right side of the street) that are impairing sight lines for vehicles. (Unanimous)

P629-15 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department go to 10 Symphony Road. When the street was repaved they paved over the gas shutoff in the driveway. (Unanimous)

(COUNCILLOR GOULD REMINDED THE CITY COUNCIL OF THE RAINDATE FOR THE PEABODY/SALEM CITY COUNCIL SOFTBALL GAME FOR FRIDAY, SEPTEMBER 4TH AT 6:00 AT CY TENNEY PARK TO BENEFIT THE HAVEN FROM HUNGER)

(COUNCILLOR GOULD COMMENDED THE PUBLIC SERVICES DEPARTMENT FOR THEIR OUTSTANDING WORK ON THE GARDNER STREET PROJECT)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P630-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Proposed amendment to the City Code regarding Chapter 12 Fire Protection and Prevention, Article III, Section 12-41 “Fire Department; Established; Composition; Appointment of Members and to refer to the Legal Affairs Committee. (Unanimous)

P631-15 COUNCILLOR GOULD – MOVE TO receive a communication from His Honor the Mayor regarding Request to adopt Section 114 of the General Laws (Chapter 59, Section 5 (54) – establish a minimum value for personal property and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P632-15 COUNCILLOR GOULD – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding In lieu of payments from PMLP for past 10 years. (Unanimous)

P633-15 COUNCILLOR GOULD – MOVE TO receive a communication from Board of Assessors regarding Partially taxable/exempt nonprofit businesses. (Unanimous)

P634-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Memo regarding a request to purchase city-owned land; Blais, 12 Winnegance Avenue, and to refer to the Legal Affairs Committee. (Unanimous)

P635-15 COUNCILLOR GOULD – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Sewer mains on Paleologos Street. (Unanimous)

P636-15 COUNCILLOR SASLAW – MOVE TO receive a communication from MassDOT regarding Painting/Bridge repair. (Unanimous)

P637-15 COUNCILLOR GOULD – MOVE TO receive a communication from Sofia Brasileiro regarding Letter of thanks; City Council Student Government Day scholarship. (Unanimous)

P638-15 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; public ways/encroachment. (Unanimous)

P639-15 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; room rental accessory use and to refer to the Industrial & Community Development Committee. (Unanimous)

P640-15 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney Adam Buckley, Assistant City Solicitor, regarding Title search result; land off Lynnfield Street designated as conservation land and to refer to the Legal Affairs Committee. (Unanimous)

P641-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; Charter Commission and to refer to the Committee of the Whole. (Unanimous)

P642-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance/Administration, regarding Summary status of appropriations ending June 30, 2015, and to refer to the Finance Committee. (Unanimous)

P643-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance/Administration, regarding General fund summary for Fiscal 2015 revenue ending June 30, 2015, and to refer to the Finance Committee. (Unanimous)

P644-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance/Administration, regarding Status of appropriations (city side) period ending June 30, 2015, and to refer to the Finance Committee. (Unanimous)

P645-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Mass Development Finance Agency, 99 High Street, Boston, MA, regarding Revenue bond financing public hearing; Lahey Clinic and to refer to the Finance Committee. (Unanimous)

P646-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Russell Donovan, 12 Quail Road, regarding City budget tax impact analysis. (Unanimous)

P647-15 COUNCILLOR SASLAW – MOVE TO receive a communication from Garth Fletcher, Mason, NH regarding Kinder Morgan information. (Unanimous)

P648-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Planning Board regarding Site plan; Terrace Estates. (Unanimous)

P649-15 COUNCILLOR OSBORNE – MOVE TO receive and approve a communication from Our Lady of Fatima Church, 50 Walsh Avenue, regarding Banner, subject to all papers being in order. (Unanimous)

P650-15 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letters of thanks. (Unanimous)

P651-15 COUNCILLOR GOULD – MOVE TO receive a communication from Spofford Automotive, LLC, 55R Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P652-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Donald Lamontagne – License 21	Ana Steele – License 22
Joseph Mahan – License 23	Richard Doherty – License 24
Robin Goodhue – License 25	David W. Claffey, Sr. – License 26
Dennis Giannias – License 27	Darryl Fawning – License 28
Israel Lopez – License 29	David Claffey, Jr. – License 31
David Claud Benson – License 32	Jacob Birmingham – License 34
Michael Neely – License 35	Shawn Capozzi – License 36
David Noyes – License 37	John Miller – License 38
Paul Delly – License 39	Michael Paculli – License 40
Ayoub Kaba – License 41	Wayne Hitchings – License 42
E. Gosselin – License 43	Antonello Verdiglione – License 44
Brian McLaughlin – License 45	David Drillis – License 46

Gary E. Ferguson – License 47	Chibani Hicham – License 48
Jackson Janvier – License 49	Jeff Austraw – License 50
Jeffrey Morrison – License 51	Michael Kostopoulos – License 52
Marc Margossian – License 53	Kevin Parker – License 55
John Shaw – License 56	Paul Kostopoulos – License 57
Thomas Bartlett – License 58	Ronald Fearon – License 59
Richard Gill – License 61	William O’Neill – License 62
Jason M. Elfman – License 63	James Carter – License 64
Keith J. Jackson – License 65	Elizabeth Bersano – License 66
Robert Ruest – License 68	David Terry – License 69
Dana McPhee – License 70	Andrew Smith – License 71
Scott Middleton – License 72	(Unanimous)

P653-15 COUNCILLOR GOULD - MOVE TO receive Class 2 Motor Vehicle License – Spofford Automotive, LLC, 55R Walnut Street, and to set up a public hearing. (Unanimous)

P654-15 COUNCILLOR GOULD – MOVE TO receive and approve Taxicab License Transfer – Sunshine Car Service, Ltd., 153 Newbury Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P655-15 COUNCILLOR GOULD – MOVE TO receive Class 2 Motor Vehicle License – Detour Cars, 154A Newbury Street, and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P656-15 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 16-29 Entitled Secondhand Automobile Licenses; Hearings of the Code of the City of Peabody be adopted as advertised and read. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 4, 2015
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 4, 2015

ATTEST 
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Proposed amendment to the City Code re: Chapter 12 Fire Protection and Prevention, Article III, Section 12-41 “Fire Department; Established; Composition; Appointment of Members
- His Honor the Mayor re: Submitting the appointment of Shawn M. Mahoney, 46 Shore Drive, Peabody, MA to the position of Wire Inspector
- His Honor the Mayor re: Request to adopt Section 114 of the General Laws (Chapter 59, Section 5 (54) – establish a minimum value for personal property
- His Honor the Mayor re: Appropriation - Centennial Celebration
- His Honor the Mayor re: Appropriation – Cemetery Capital Equipment
- His Honor the Mayor re: Appropriation – Peabody High School Roof Replacement/Schematic Design Study
- His Honor the Mayor re: Various re-appointments
- His Honor the Mayor re: Various new appointments
- His Honor the Mayor re: Proposed resolution calling upon Verizon to deploy FIOS in Peabody
- Patricia Davis Schaffer, Director of Finance re: In lieu of payments from PMLP for past 10 years
- Board of Assessors re: Partially taxable/exempt non-profit businesses
- Robert Langley, Director, Public Services Department re: Memo regarding a request to purchase city-owned land; Blais, 12 Winnegance Avenue
- Robert Langley, Director, Public Services Department re: Sewer mains on Paleologos Street

Mass DOT re: Painting/Bridge repair
 Sofia Brasileiro re: Letter of thanks; City Council Student Government Day scholarship
 David Nicholson, 73 Harrison Avenue re: Request to purchase city owned land, 0 Winona Street
 Daniel Buttrick, Tighe & Bond re: Crystal Lake/Elginwood Pond Dredging Project; submission of EENF supplemental information and Single Environmental Impact Report
 Attorney Michael Smerczynski, City Solicitor re: Legal opinion; public ways/encroachment
 Attorney Michael Smerczynski, City Solicitor re: Legal opinion; room rental accessory use
 Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Special Permit application improprieties
 Attorney Adam Buckley, Assistant City Solicitor re: Title search result; land off Lynnfield Street designated as conservation land
 Attorney Michael Smerczynski, City Solicitor re: Legal opinion; Charter Commission
 Patricia Davis Schaffer, Director of Finance/Administration re: Summary status of appropriations ending June 30, 2015
 Patricia Davis Schaffer, Director of Finance/Administration re: General fund summary for fiscal 2015 revenue ending June 30, 2015
 Patricia Davis Schaffer, Director of Finance/Administration re: Patricia Davis Schaffer, Director of Finance/Administration re: Status of appropriations (city side) period ending June 30, 2015.
 Albert Talarico, Building Commissioner re: Issuance of fines to Aggregate Industries
 Allen Fore, Vice President, Public Affairs, Kinder Morgan re: Project website now available – Northeast Energy Direct Project
 MassDevelopment Finance Agency, 99 High Street, Boston, MA re: Revenue bond financing public hearing; Lahey Clinic
 Russell Donovan, 12 Quail Road re: City budget tax impact analysis
 Planning Board re: June 18th meeting minutes
 Planning Board re: Site plan; Terrace Estates Apartments
 William Cataldo, 6 Stuart Road, Peabody re: Low water pressure on Stuart Road
 Garth Fletcher, Mason, NH re: Kinder Morgan information
 Timothy E. Spanos, City Clerk re: Municipal Primary Warrant; September 29, 2015
 Special permit application – Detour Cars, 154A Newbury Street re: Sale of Automobiles
 Our Lady of Fatima Church, 50 Walsh Avenue re: Banner
 Chief Thomas Griffin, Police Department re: Letters of thanks
 The Dogmother LLC, 558 Lowell Street re: Special Permit application
 Judith Otto, Chair, Historical Commission re: Request amendment to the Demolition Delay ordinance
 Christopher N. Everest, Nordlund Associates, 199 Rosewood Drive, Danvers re: Request to amend the Zoning Map; 274 Newbury Street, from MH to BR
 Spofford Automotive, LLC, 55R Walnut Street re: Special permit application
 St. John the Baptist School, 19 Chestnut Street re: Banner request

TAXI/LIMOUSINE DRIVER LICENSES:

Donald Lamontagne – License 21	Ana Steele – License 22
Joseph Mahan – License 23	Richard Doherty – License 24
Robin Goodhue – License 25	David W. Claffey, Sr. – License 26
Dennis Giannias – License 27	Darryl Fawning – License 28
Israel Lopez – License 29	David Claffey, Jr. – License 31
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Michael Neely – License 35	Shawn Capozzi – License 36
David Noyes – License 37	John Miller – License 38
Jean Paul Delly – License 39	Michael Paculli – License 40
Ayoub Kaba – License 41	Wayne Hitchings – License 42
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Robert Ruest – License 68
Dana McPhee – License 70
Scott Middleton – License 72

David Terry – License 69
Andrew Smith – License 71

CLASS 2 MOTOR VEHICLE LICENSE:

Spofford Automotive, LLC, 55R Walnut Street

BLOCK PARTY:

America Drive from 5 to 11 America Drive – September 12th

TAXICAB LICENSE TRANSFER:

Sunshine Car Service, Ltd., 153 Newbury Street re: License #39

CLASS 2 MOTOR VEHICLE LICENSE:

Detour Cars, 154A Newbury Street