

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 24, 2013

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

ABSENT: COUNCILLORS: GARABEDIAN 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 L. Gould.

Salute to the American Flag.

P47-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of January 10, 2013. (Unanimous)

COUNCILLOR GOULD - 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

The City Council reconvened the recessed public hearing on the Zoning Amendment – Section 1.7 Prohibited Uses; Medical marijuana facilities and dispensary to produce such in the City. Appearing to speak on behalf of the City was Mayor Edward A. Bettencourt, Jr. No one appeared to speak in favor. No one appeared to speak in opposition.

P48-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Planning Board regarding Zoning recommendation; medical marijuana facilities. (Unanimous)

P49-13 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the following amendment to the Peabody Zoning Ordinance be adopted as advertised and read:

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 Revised Zoning Ordinance," adopted April 28, 2011, is hereby amended as follows:

That Section 1.7 entitled "Prohibited Uses" be amended by adding a new subsection 1.7.1 as follows:

Be re-captioning the existing paragraph currently titled "1.7 Prohibited Uses" to new subsection 1.7.1; and adding the following subsection:

1.7.2 Operating a medical marijuana treatment facility and dispensary to produce such in the city is not an allowed use in any zoning district.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 9-0; Councillors Garabedian and Driscoll absent)

P50-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appointment – Thomas St. Pierre as Inspector of Buildings/Building Commissioner (Intermunicipal agreement with the City of Salem). (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO DISCUSS ITEM 7-B APPOINTMENT)

P51-13 COUNCILLOR GAMACHE - MOVE TO approve the appointment of Thomas St. Pierre to the position of Inspector of Buildings/Building Commissioner for a term of office to expire on November 30, 2013. Said appointment is in accordance with an Inter-Municipal Agreement with the City of Salem and City of Peabody. (Carried 8-1; Councillor Manning-Martin opposed; Councillors Garabedian and Driscoll absent)

REPORTS OF COMMITTEE

FINANCE COMMITTEE **JANUARY 24, 2013**

P52-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The Finance Committee met this evening; present from the Committee were Councillor Athas, Councillor Gamache, Councillor Liacos, and standing in for Councillor Driscoll was Councillor Manning; also present at the meeting were Councillor Sinewitz, Councillor Gould and myself. We had several issues on the agenda. The first issue was the transfer from operating reserve funds to CEDS master plan. Basically a request from the Mayor to transfer reserve moneys in the amount of \$30,000 to update the city's master plan. The following motion was made by Councillor Liacos and was approved on unanimous consent. (Report received)

P53-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 3, 2013:

<u>FROM:</u> Operating - Reserve Fund - \$30,000.00	<u>TO:</u> CEDS Master Plan Update - \$30,000.00
(Carried 8-1; Councillor Mello opposed; Councillors Garabedian and Driscoll absent)	

P54-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The next one was another request for transfer from the operating reserve fund for the purpose of purchasing central permit tracking software. The amount of the request was \$146,000. It was discussed by our director of Community Development Karen Sawyer. The motion was made by Councillor Manning-Martin to transfer the funds and it was accepted unanimously. (Report received)

P55-13 COUNCILLOR GRAVEL - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 3, 2013:

<u>FROM:</u> Operating - Reserve Fund - \$146,000.00	<u>TO:</u> Central Permit Tracking Software - \$146,000.00
(Carried 9-0; Councillors Garabedian and Driscoll absent)	

P56-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - A motion was made to advertise the refinancing of bonds and the motion was made by Councillor Gamache and approved unanimously. (Report received)

P57-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody that, in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds pursuant to G.L. c.44, s.21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as of the date of adoption of this Order, and for the payment of all costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of this Order, and that said Bond Order be advertised as read. (Carried 9-0; Councillors Garabedian and Driscoll absent)

P58-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Next we stepped into the big-dollar items. There was a request for a loan order for a water treatment plant improvement in the amount of \$1 million. Councillor Gamache pointed out that this was a federally mandated non-funded improvement. The motion was made by Councillor Liacos to advertise to meet this obligation and was approved unanimously. (Report received)

P59-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of One Million Dollars (\$1,000,000.00) is appropriated to pay costs of retrofitting the City's Water Treatment Plants, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(4A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be advertised as read. (Carried 9-0; Councillors Garabedian and Driscoll absent)

P60-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Stepping up in size there was also a loan order request from His Honor the Mayor for storm water improvement for Scouting Way in the amount of \$2.3 million. We received a very interesting report from Joe Finnegan who has done a lot of work with the city as it pertains to water engineering. We appreciate that he came down to give us some insight. The motion was made by Councillor Gamache to advertise the bond for \$2.3 million and it was approved unanimously. (Report received)

P61-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) is appropriated to pay costs of Scouting Way Flood Mitigation improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be advertised as read.

(Carried 8-1; Councillor Sinewitz opposed; Councillors Garabedian and Driscoll absent)

P62-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - Finally there was a loan order request from the mayor for a building improvement to our Main Street library in the amount of \$3.1 million for library construction and quite a bit of discussion was generated around this request specific to requiring particularly more detail as it pertains to an amount of about \$2.1 of the request, in terms of how it spelled itself out in construction costs. So there was a motion to approve advertising for the \$3.1 million for library construction. That motion was made by Councillor Liacos and passed four to one. (Report received)

P62A-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00) to pay for additional costs for making extraordinary repairs to the Peabody Institute Library, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$3,100,000.00 under Chapter 44, Section 7(3A) of the General Laws or any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be advertised as read. (Carried 7-2; Councillors Mello and Athas opposed; Councillors Garabedian and Driscoll absent)

P62B-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO request that at the next Finance Committee meeting a detailed construction cost be provided breaking down the full \$3.1 million of construction costs, as detailed in the outlined request, and that that be reviewed prior to the approval and authorization of any bond. Also requested that we look at the minimum that would be required, based upon that detailed list and that the amounts requested be broken out into those that are required because of structural issues, those that are required based upon ADA issues and any other, so that we could prioritize the allocation of that expense. (Unanimous)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

JANUARY 17, 2013

P63-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – I want to thank the members of the Committee of the I&CD Committee for coming on an off night. We had a long evening. We had a very constructive evening. We got through quite a bit of the information that we had to. There were only a few issues that had to be sent back for more information and I will report out at the next regular meeting. The goal was to clarify all of the scrivener's errors and anything else that was pertinent to the zoning, get the whole package together, and then allow it to go to the Planning Board and the City Council for a public hearing. We've got about one more meeting to do that and hopefully I'll be able to report that out on the 28th of February. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P64-13 COUNCILLOR LIACOS - MOVE TO send a communication thanking Su Chang's for being such gracious hosts of our annual holiday party. (Unanimous)

P65-13 COUNCILLOR GRAVEL - MOVE TO request that the Finance Department provide to the City Council, electronically only, a breakdown by parcel or by tax bill of what the tax bill was under the old assessment rate and what the tax bill is under the new assessment rate. (Unanimous)

P66-13 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department erect a streetlight on the pole at 35 Fairview Avenue. (Unanimous)

P67-13 COUNCILLOR ATHAS - MOVE TO rescind the handicapped parking space at 15 Howard Avenue. The occupant is no longer living there. (Unanimous)

(COUNCILLOR GAMACHE ANNOUNCED THAT HE WOULD NOT BE SEEKING RE-ELECTION IN THE 2013 MUNICIPAL ELECTION.)

P68-13 COUNCILLOR SINEWITZ - MOVE TO request that the Community Development Department inform the City Council of the status of Crystal Lake, what is the money for that they're requesting from the Community Preservation Committee, where is the plan, and what is the status of the Army Corps. of Engineers' permits. (Unanimous)

P69-13 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Relay for Life Peabody – Banner request, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P70-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding CPC – Open Space fund balance to Welch School Playground Equipment \$70,000.00 and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P71-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Timothy Spanos, City Clerk, regarding 2013 Municipal Election Calendar. (Unanimous)

P72-13 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Lahey Health – Banner request, subject to all papers being in order. (Unanimous)

P73-13 COUNCILLOR GAMACHE– MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from West Congregational Church – Banner request, subject to all papers being in order. (Unanimous)

P74-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Willowdale Condominium Association, 246 Andover Street, regarding Request to purchase city-owned land and to refer to the Legal Affairs Committee. (Unanimous)

P75-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Jennifer Davis, Director, Park Department, regarding Trim trees at 3 South Street. (Unanimous)

P76-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Daniel T. Heafey, 18 Redberry Lane, regarding Proposal for free parking at metered spaces for those with veterans plates and to refer to the Legal Affairs Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P77-13 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (New) Palmetto Motor Sales, Ltd., 98 Foster Street, and to set up a public hearing. (Unanimous)

P78-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Limousine/Taxi Driver License (Renewal for 2013), subject to all papers being in order:

Alpha Koromah – License 83
 Donald Lamontagne – License 106
 John A. Dodge – License 108
 Kenneth A. Wright – License 111
 (Unanimous)

Steven P. Knight – License 105
 Alphonse Soltys – License 107
 Carlos Fialho – License 109
 Aaron Savino – License 112

P79-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2013), subject to all papers being in order:

American Auto Export, 9 Main Street
Bills Auto Sales, 256 Newbury Street
Elite Motor Cars, 93 Lynn Street
JRM Auto Sales, 80 Newbury Street
Motor Worx, 258 Newbury Street
Walnut Street Auto Sales Corp., 55-57 Walnut Street
(Unanimous)

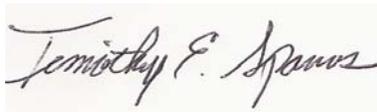
P80—13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Entertainment License (Renewal for 2013), subject to all papers being in order:

Brodie’s Pub, 10 ½ Lowell Street
Greg’s Lounge, 50 Walnut Street
Italian American Citizens Club, 7 Blaney Avenue
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 31, 2013
RETURNED BY HIS HONOR THE MAYOR, JANUARY 31, 2013



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: CPC-Open Space fund balance to Welch School Playground Equipment \$70,000.00
His Honor the Mayor re: Appointment – Thomas St. Pierre as Inspector of Buildings/Building Commissioner (Inter municipal agreement with the City of Salem)
Timothy Spanos, City Clerk re: 2013 Municipal Election Calendar
Relay for Life Peabody – Banner request
Lahey Health – Banner request
West Congregational Church – Banner request
Planning Board re: Zoning recommendation; medical marijuana facilities
Willowdale Condominium Association, 246 Andover Street re: Request to purchase city-owned land
Jennifer Davis, Director, Park Department re: Trim trees at 3 South Street
Daniel T. Heafey, 18 Redberry Lane re: Proposal for free parking at metered spaces for those with veterans plates

CLASS 2 MOTOR VEHICLE LICENSE: (New) Palmetto Motor Sales,, Ltd., 98 Foster Street

LIMOUSINE/TAXI DRIVER LICENSE: (Renewal for 2013)

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Steven P. Knight – License 105
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CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2013)

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ENTERTAINMENT LICENSE: (Renewal for 2013)

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