

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**FEBRUARY 28, 2013**

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

ABSENT: COUNCILLORS LIACOS, OSBORNE AND MELLO

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.

P134-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of February 14, 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.

(COUNCILLOR GRAVEL, PRESIDENT OF THE PEABODY ED FOUNDATION, ANNOUNCED THE 2013 RECIPIENTS OF THE FIRST ANNUAL GEORGE PEABODY LEGACY AWARD: Mr. John E. Murtagh; Mr. John "Jack" Murtagh; Ms. Helen Apostolides; Mr. Frank Hardy; Mr. Tom Hosman; and posthumously Mr. James Geanoulis.)

(CAPTAIN DALE KIMBALL APPEARED BEFORE THE CITY COUNCIL TO SPEAK ABOUT THE FIRE AND POLICE MEMORIAL.)

**HEARINGS**

No hearings.

**REPORTS OF COMMITTEE**

**MUNICIPAL SAFETY COMMITTEE**  
**FEBRUARY 21, 2013**

P135-13 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee met on Thursday, February 21st to discuss the request from St. Adelaide's Church to have a pedestrian crossing signal installed on Lowell Street right in front of the church. Committee members that were in attendance were Councillor Gravel, Councillor Sinewitz, Councillor Driscoll, and Councillor Gould. Also in attendance were Councillor Manning-Martin and Councillor Athas. Appearing for the city was Captain John DeRosa, police department; Mr. Will Paulitz, city engineer; Mr. Jim Nichols, Public Services Department; and Mr. Joe DeSilva, Peabody fire alarm. Several neighbors spoke in favor of the request. There was a petition submitted of about 1,000 signatures that we all witnessed. Items discussed during the meeting were issues involving speed limit and possibly asking to reduce the speed limit in that area. The cost associated with installing a pedestrian crossing light was around \$90,000. Police radar enforcement and for help with crosswalk crossings for Sunday services. A design consultant would need to be hired for a study, which would include a push-button regular signal, traffic and pedestrian crossing warrants would be issued in accordance with the manual on traffic control devices. The following motions were made. (Report received)

P136-13 COUNCILLOR GARABEDIAN –Reporting for the Municipal Safety Committee - MOVE TO request that the Public Services Department move forward on a traffic study for a pedestrian crossing signal and to expedite the matter as soon as possible. (Unanimous)

P137-13 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request Public Services Department install and upgrade the crosswalk sign westbound on Lowell Street at St. Adelaide's Church to the current green fluorescent signs. (Unanimous)

P138-13 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the Public Services Department and Police Department conduct a special speed study in an effort to reduce the speed limit on Lowell Street in the vicinity of St. Adelaide's Church from 30 to 25 miles per hour and to submit the proper data and request to the Mass. Department of Transportation at District 4. (Unanimous)

P139-13 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the City place on its Web page the penalties for crosswalk violations. (Unanimous)

**LEGAL AFFAIRS COMMITTEE**  
**FEBRUARY 28, 2013**

P140-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met prior to this meeting; in attendance, including myself, were members Councillor Garabedian, Councillor Driscoll sat in for Councillor Mello, Councillor Gamache sat in for Councillor Osborne, and Councillor Gould sitting in for Councillor Sinewitz. We had several items on the agenda. The first of which was a proposed ordinance establishing rules and regulations relating to the planting, maintenance and removal of trees in the city of Peabody and I'll tell you that was quite an education. The director of Parks & Recreation Jennifer Pinkham Davis joined us and gave us an education on this matter and she had devised an ordinance that was based on one from Marblehead. In a nutshell what we learned was that if a citizen wishes to remove a city-owned tree, then the city has to go out, check out the tree. If it is a healthy tree, we will not remove it if someone comes and doesn't want the tree removed. If someone from the public comes and speaks out against removing that tree, we will not remove it. If no one shows up, we have to remove it and that was an education to me. So basically it could be a healthy tree that we are removing, so that is what she was trying to address. What was also interesting was that sometimes the trees can be so large that it could cost upwards of \$8,000 to remove the tree. So not only would we be removing a healthy tree, but it would be costing us a lot of money. So I commend her for bringing this forward to us. The ordinance did need a little tweaking after some discussion. A motion was made by Councillor Gamache. (Report received)

P141-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO receive the revised shade tree ordinance and to hold in Committee pending review. (Unanimous)

P142-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - Next, there was another ordinance proposed establishing rules and regulations relating to the maintenance and protection of the city's storm water systems and the following two motions came out of the subcommittee. (Report received)

P143-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO receive the proposed draft ordinance establishing rules and regulations relating to the maintenance and protection of the city's storm water systems and to hold in Committee pending receipt of the revised ordinance. (Unanimous)

P144-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO request that the Public Services Department revise the draft ordinance to give the City the ability to fine a person that illegally clears a one-acre parcel with a cease and desist order to be issued and a \$300 per day fine be implemented and continued until the Director of Public Service Department approves a plan. (Unanimous)

P145-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - Item C on the agenda was a request to purchase city-owned land, Assessors Map 39, Parcel 23, which is Zero Willowdale Avenue. This item was held in committee until the application is completed and properly brought before us. It was not ready to be brought before us, so we held that matter in committee. (Report received)

P146-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - The last item was a proposal that any motor vehicle from any state displaying any variety or type of veterans license plate be allowed to park in any city parking meter free of charge. That item was brought to us, as all the councillors are aware, by a letter we received from a resident of Peabody, Daniel Heafey, who is a veteran himself. He thought it would be a good idea in honoring the veterans with this privilege. He came to speak to us this evening and we thank him both for his service and his suggestions to make the city a better place. Captain Berardino came and addressed the idea on behalf of the Police Department. We also know that Mayor Bettencourt has been moving in this direction as well with his veterans breakfast day that he held this year. I know that he had given out free parking to World War II veterans this year. So it's definitely something that is warmly received. Again we thank Mr. Heafey for presenting it. What we suggested, upon advice from Captain Berardino, is that the Community

Development Department, the Police Department and Mr. Heafey get together and kick around this idea further with the Main Street reconfiguration and to come back to us with a recommendation, in order to address this recommendation from Mr. Heafey. From this Committee the following motion was made. (Report received)

P147-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO request that Captain Berardino, Karen Sawyer and Mr. Heafey develop an ordinance, which would allow those with veterans plates to park free at metered parking spaces and report back to the city with their findings. (Unanimous)

### **MOTIONS, ORDERS & RESOLUTIONS**

P148-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds from Cemetery Perpetual Care Fund to Cemetery Capital Projects - \$300,000.00 and to refer to the Finance Committee. (Unanimous)

P149-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Patricia Davis Schaffer, Director of Finance, regarding School status of appropriations and to refer to the Finance Committee. (Unanimous)

P150-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Patricia Davis Schaffer, Director of Finance, regarding City status of appropriations and to refer to the Finance Committee. (Unanimous)

P151-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary 2/8/13 and to refer to the Finance Committee. (Unanimous)

(COUNCILLOR MANNING-MARTIN RECOGNIZED EARTH DAY, WHICH IS TO BE HELD ON SATURDAY, MARCH 23, 2013. EARTH DAY REPRESENTATIVES ARE ASKING RESIDENTS TO TURN OUT THEIR LIGHTS FOR ONE-HOUR AT 8:30 P.M.)

(COUNCILLOR MANNING-MARTIN INFORMED THE CITY COUNCIL THAT GREEN PEABODY HAS BEGUN PLANNING FOR GREENFEST WITH DETAILS TO FOLLOW.)

P152-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install a sign reading "Do Not Block Driveway - Handicapped person" to the left of the driveway at 22 Spring Street. (Unanimous)

P153-13 COUNCILLOR ATHAS - MOVE TO refer to the Municipal Safety Committee the issue of commercial businesses clearing their property of snow, so residents don't have to walk in the street in order to have access to their own home. (Unanimous)

P154-13 COUNCILLOR DRISCOLL – MOVE TO refer to the Municipal Safety Committee the issue of sidewalks being cleared of snow in the vicinity of schools. (Unanimous)

P155-13 COUNCILLOR GAMACHE – MOVE TO request that the City Collector's office explore the possibility of a mechanism to enable the City's Web site to be updated weekly so that outstanding real estate tax bills are not outdated. (Unanimous)

P156-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules Item 9-A Petition – Residents of Peabody regarding Request for pedestrian crossing lights in front of St. Adelaide's Church, 708 Lowell Street. (Unanimous)

P157-13 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department provide an updated estimate of the cost to add a sidewalk on Lowell Street at Birch Street to Lone Pine Lane and to refer said issue to the Municipal Safety Committee. (Unanimous)

P158-13 COUNCILLOR SINEWITZ – MOVE TO send a letter of congratulations to Eric Buckley, the new principal of Peabody Veterans Memorial High School. (Unanimous)

P159-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Sunoco, 1 Lynn Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P160-13 COUNCILLOR GOULD - MOVE TO request that the Public Services Department repair a pot hole at the corner of Abington Avenue and Gardner Street. (Unanimous)

#### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P161-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the appointment of Donald B. Cote, 32 Lake Street, Peabody, MA to the Cable Commission (Alternate Position) for a one-year term to expire 12/31/2013. (Unanimous)

#### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P162-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Mass DOT, 10 Park Plaza, regarding Mansfield Outdoor Advertising, 80 Newbury Street and 229 Newbury Street. (Unanimous)

P163-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Don's Power Equipment, 29 Newbury Street, regarding Special Permit application. (Unanimous)

#### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P164-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Use of the Wiggin Auditorium – Dance with Dena for Monday, April 1, 2013, subject to all papers being in order. (Unanimous)

P165-13 COUNCILLOR GAMACHE – MOVE TO receive Junk Dealer License (Transfer) Goldrush, MA, LLC, 210 Andover Street, and to set up a public hearing. (Unanimous)

P166-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the application for renewal of a Class 2 Motor Vehicle License from Northshore Auto Exchange, 134 Newbury Street, Suite 6, Peabody, MA subject to all papers being in order. (Unanimous)

P167-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Entertainment License (Renewal for 2013), subject to all papers being in order:

Carrabba's Italian Grill, 1A Newbury Street  
Gallo Nero, 89 Main Street  
Joe's American Bar & Grill, 210 Andover Street  
D & R Roadhouse Pub, 55 Pulaski Street  
Sugar Cane LLC, 106 Main Street  
Top's Churrascaria, Inc. c/o Oliveira's, 72-74 Walnut Street  
(Unanimous)

P168-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxi/Limousine Driver License – James Turner – License 117, subject to all papers being in order. (Unanimous)

P169-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxicab License Transfer, subject to all papers being in order:

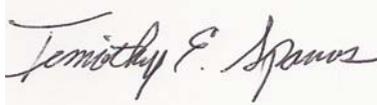
Tri City Services, Inc. – License #1  
North Shore Taxi, Inc. – Licenses #22 and #28  
(Unanimous)

#### **UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P170-13 COUNCILLOR GAMACHE – MOVE TO refer the issue of the BR zoning district to the Industrial & Community Development Committee. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 8, 2013  
 RETURNED BY HIS HONOR THE MAYOR, MARCH 8, 2013



ATTEST  
 (Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds from Cemetery Perpetual Care Fund to Cemetery Capital Projects - \$300,000.00

His Honor the Mayor re: Appointment – Donald B. Cote, 32 Lake Street to Cable Commission Alternate Member  
 Mass DOT, 10 Park Plaza, Boston re: Mansfield Outdoor Advertising, 80 Newbury Street and 229 Newbury Street

Patricia Davis Schaffer, Director of Finance re: School status of appropriations

Patricia Davis Schaffer, Director of Finance re: City status of appropriations

Patricia Davis Schaffer, Director of Finance re: General fund summary 2/8/13

Don's Power Equipment, 29 Newbury Street re: Special permit application

Sunoco, 1 Lynn Street re: Special Permit application

**PETITION:**

Residents of Peabody re: Request for pedestrian crossing lights in front of St. Adelaide's Church, 708 Lowell Street

**USE OF THE WIGGIN AUDITORIUM:**

Dance with Dena for Monday, April 1, 2013

**JUNK DEALER LICENSE:** (Transfer)

Goldrush, MA, LLC, 210 Andover Street

**CLASS 2 MOTOR VEHICLE LICENSE:** (Renewal for 2013)

Northshore Auto Sales, 134 Newbury Street, Suite 6

**ENTERTAINMENT LICENSE:** (Renewal for 2013)

Carrabba's Italian Grill, 1A Newbury Street

Gallo Nero, 89 Main Street

Joe's American Bar & Grill, 210 Andover Street

D & R Roadhouse Pub, 55 Pulaski Street

Sugar Cane LLC, 106 Main Street

Top's Churrascaria, Inc. c/o Oliveira's, 72-74 Walnut Street

**TAXI/LIMOUSINE DRIVER LICENSE:** (Renewal for 2013)

James Turner - License 117

**TAXICAB LICENSE TRANSFER:**

Tri City Services, Inc. – License #1

North Shore Taxi, Inc. – Licenses 22 & 28