

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 28, 2013

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

ABSENT: COUNCILLORS: 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.

P215-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of March 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.

HEARINGS

P216-13 COUNCILLOR LIACOS - MOVE TO continue the public hearing on the application from Country Club Motors, 90 Margin Street, Peabody, MA, until Thursday, April 25, 2013. (Unanimous)

A public hearing was duly held on the application from Amy E. McMath, 68 School Street, Salem, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P217-13 COUNCILLOR GAMACHE – MOVE TO approve the application from Amy E. McMath, 68 School Street, Salem, MA, for a Junk Dealers License at 96 Tremont Street, Peabody, MA, with a condition that the hours of operation be 9:00 a.m. to 6:00 p.m. on Monday, Tuesday, Wednesday, and Saturday and from 9:00 a.m. to 8:00 p.m. on Thursday and Friday, and subject to all papers being in order. (Carried 8-0; Councillors Gravel, Osborne and Mello absent)

P218-13 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Zoning Ordinance Amendments until later in the meeting. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
MARCH 26, 2013

P219-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met Tuesday evening, March 26th to discuss the request from Mayor Bettencourt asking the City Council to remove the positions of police chief and fire chief from the jurisdiction of Civil Service. In attendance that evening were myself as chair and also Councillor Liacos and Councillor Driscoll attended the meeting. Although they were not members they were good enough to attend the meeting and were voting members. Also appearing before us was Mayor Ted Bettencourt. Mayor Bettencourt presented his request to the committee. The request comes in light of Police Chief Robert Champagne announcing his retirement effective on or about June 1st, 2013. The mayor explained his reasoning, which was twofold. Number one, he would be given more flexibility in hiring without being required to pick from the Civil Service list -- that of the highest scorer of the test. He didn't want to be restricted to just the highest scorer of the test or the test takers. He felt he would have more flexibility, in order to get the most qualified person for the job. And number two, he said that by leaving Civil Service jurisdiction he would not be saddled with a lifelong appointment, if that chief was not performing the job. The mayor went on to say that he did not want to be locked into choosing from the three highest scores under the current Civil Service guidelines. The mayor would want the chief's position to be under some sort of contract subject to review based on performance, making sure the chief stayed sharp, acting in an appropriate manner, and doing what was in the best interest of the city. He explained that under Civil Service it's very difficult to remove a chief from his or her duties. If the council were to approve the request, a home-rule petition by the state legislature would be required. If the home-rule petition were approved, the assessment program would be

established by the administration. Councillor Liacos agreed with the mayor and thought this was a good idea. He likened the move to be more in line with the School Department hiring of the superintendent. Councillor Liacos believes that the mayor should have the authority to hire his own people. He felt that the mayor can submit a more formal plan after the council takes a vote authorizing the city to remove itself from Civil Service jurisdiction. Councillor Driscoll felt that this was a good idea as well and qualified his remarks by emphasizing that this will not affect the rank and file members who will still be promoted through our current process through Civil Service with no changes. Councillor Manning-Martin requested that more research be conducted by the mayor and more information be presented to the council before a vote be taken, such as what type of assessment program will be used, what criteria the mayor would be utilizing in the application process, and what was the cost to the taxpayers in changing to a new process and away from Civil Service. Councillor Manning-Martin stated that Civil Service provides an assessment center at minimal cost to the applicant and at no cost to the city. Councillor Manning-Martin did take into consideration potential police candidates who were in attendance at the meeting who had been under Civil Service their whole career, moved up through the ranks to now be in a position they dreamed of their entire careers to have a shot at becoming chief of police and she thought that the mayor's request now changes the rules on them midstream and this is not fair. The following motion was approved. (Report received)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO ANSWER QUESTIONS REGARDING HIS PROPOSAL.)

P220-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO approve the mayor's request to remove the positions of the Police Chief and Fire Chief from the jurisdiction of the Civil Service system. (Carried 8-1; Councillor Manning-Martin opposed; Councillors Osborne and Mello absent)

A public hearing was duly held on the Zoning Ordinance Amendments. Appearing to speak on behalf of the City was Karen Sawyer, Director of Community Development; and Ms. Stacey Bernson, Assistant Director of Community Development. No one appeared to speak in favor. No one appeared to speak in opposition.

P221-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-K communication from Planning Board regarding Zoning recommendation on various technical changes. (Unanimous)

P222-13 COUNCILLOR ATHAS – MOVE THAT there be no change to Section 7.3.9 and that the current language will remain the same as currently in the zoning ordinance. (Carried 9-0; Councillors Osborne and Mello absent)

P223-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the following amendments 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 THE FOLLOWING SECTIONS BE AMENDED AS FOLLOWS:

SECTION 2 DEFINITIONS
SECTION 3 ESTABLISHMENT OF ZONING DISTRICTS
SECTION 4 USE REGULATIONS
SECTION 6 SPECIAL REGULATIONS
SECTION 7 DIMENSIONAL REGULATIONS
SECTION 10 LANDSCAPING

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

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

SECTION 2 DEFINITIONS

Amend the definition in Section 2 for restaurant, fast food to read "fast food restaurant means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption, either on the premises or off the premises, and whose design or principal method

of operation is such that customers are normally served their foods, frozen desserts, or beverages in edible containers or in paper, plastic or other disposable containers." (Unanimous)

Modify the existing definition of "home occupation" by adding "owner-occupied" and basically leaving the definition of "live/work" as it exists today.

Add the following definition to Section entitled Vehicle, Commercial: (1) any vehicle designed, used or maintained, as a means of transportation of people, goods or things used in trade, services, or commerce in general; (2) any vehicle with a curb weight (vehicle only) exceeding 12,000 GVW (gross vehicle weight); (3) any vehicle having unenclosed space designed for and capable of carrying property, cargo, or bulk material and which unenclosed space is not occupied by passenger seating; or (4) any use in accordance with MGL/RMV as defined as commercial. All commercial vehicles shall bear, display, or have affixed to it marking, sign, lettering, logo, picture, symbol, number, or the like, whether alone, or in combination, which identifies or advertises or advertises a business or similar commercial venture or use related thereto, including any applicable license information.

SECTION 3 ZONING DISTRICTS

Add the following sentence to Section 3.2.5 BR Regional Business, 3.2.9 IL Light Industry and 3.2.11 DDD Designated Development District: "Outdoor storage and use is allowed". (Unanimous)

SECTION 4 TABLE OF USES

Amend Section 4.2.2 Agricultural and Others by modifying the existing use for "Commercial Greenhouse" to allow by Special Permit in the BN, BN-2, GB and DDD zoning districts.

Amend Section 4.2.2 Agricultural and Others by modifying the existing use for "Commercial Greenhouse" by adding a new use entitled "Mulching/Composting operation and/or Outdoor Storage" and to allow by special permit in the BR, IL and DDD.

Amend Section 4.2.4 Utilities; "Electric, gas or steam generator or storage plant" by correcting a scrivener's error changing the upper case S to lower case for SP under the column GBD.

Amend Section 4.2.5 Business as follows:

- 1) Add "taxi" to limousine and charter service
- 2) Allow "big box retail or retail facility larger than 50,000 square feet in size" by special permit in the IP and DDD
- 3) Amend "retail store for packaged alcoholic beverages" by deleting A (allowed use) in the IL and adding SP (allowed by special permit) in the IP.
- 4) Amend "convenience store" by deleting A in the IL column and allowing by SP special permit in the IP.
- 5) Amend "drive through establishment, other than restaurants" by allowing by special permit in the IP and DDD
- 6) Amend "commercial dry cleaning.." by allowing by special permit in the IP and DDD.
- 7) Amend "banks and financial institutions" by allowing by special permit in the IP.
- 8) Amend "office and shop with inside storage only" by allowing by special permit in the IP
- 9) Amend "office and shop with outdoor storage" by allowing by special permit in BR, IP & DDD
- 10) Amend "fast food restaurant" by allowing by special permit in BC, DDD and IP
- 11) Amend "restaurant with drive through window" by allowing by special permit in BC, DDD and IP
- 12) Amend all 5 restaurant uses; theater/public hall; and health club by eliminating all allowed uses in the IL zone
- 13) Create new use entitled "bakery, retail" by allowing by special permit in GB, GBD, BN, BN2, BR and BC (NOTE: NEED TO CREATE DEFINITION)
- 14) Amend "indoor recreation" by allowing by special permit in the IL, IP and DDD
- 15) Amend "veterinary and kennel" by allowing by special permit in the DDD
- 16) Amend "public garage" by allowing by special permit in the IP and DDD
- 17) Amend "automotive sales" by prohibiting use in the IP and allowing by special permit in DDD
- 18) Amend "automotive storage of undamaged and operable vehicles" by allowing by special permit in the IL and DDD

19) Amend “automotive repair” by allowing by special permit in the IP

20) Amend “automotive body or paint shop” by allowing by special permit in the IP

21) Amend “marine/boat sales and repair” by allowing by special permit in the IP and DDD

22) Amend “storage, self service” by allowing by special permit in the IP and DDD

23) Amend “radio and TV broadcasting” by allowing by special permit in the IP and DDD
(Unanimous)

Amend Section 4.2.6 Industrial as follows:

- 1) Correct scrivener's error for “printing/binding/publishing” to read A allowed use in DDD
- 2) Amend “electrical laboratories and shops” by allowing by special permit in Br and BC
- 3) Combine two manufacturing uses into one line to be entitled “manufacturing, light” to match existing definition
- 4) Correct scrivener's error – change or to “of” in use entitled “molding, shaping or assembly of products for sale from prepared materials”.
- 5) Amend “sign painting shop” to allow by right in the BR
- 6) Amend truck service use to read “truck services and repair provided all work is carried on inside a building, and outdoor storage is surrounded by a six-foot high, sight impervious fence

Amend Section 4.2.7 Accessory as follows:

- 1) Amend Family Accessory Living Area by correcting a scrivener's error to allow by right in all zoning districts (remove SP which was agreed upon by April 28, 2011 zoning amendment).
- 2) Modify existing use “renting of rooms to not more than four (4) persons” to five (5) persons per Mass Building Code
- 3) Modify existing use “the storage or keeping of not more than one commercial vehicle”; appropriate language shall be placed in the Parking Table 9.2

SECTION 6 SPECIAL REGULATIONS

Amend Section 6 Special Regulations as follows:

- 1) Amend Section 6.6.4 “permitted uses” in DDD by adding in parentheses (as allowed in Section 4.2) after A Permitted Uses and B Special Permit Uses.
- 2) Amend 6.7.1 C to allow in single family and two family with condition it be owner occupied
- 3) Amend 6.7.2 D to allow in single family and two family with condition it be owner occupied

SECTION 7 DIMENSIONAL REGULATIONS

Amend Section 7 as follows:

- 1) Amend Section 7.1.5 C by correcting a scrivener's error, the word “story” in the last sentence which was misspelled.
- 2) Add a new subsection F to 7.1.5 to read “Lot Coverage” as follows: Accessory structures shall not exceed five (5) percent of rear setback area or 500 square feet in area, whichever is smaller. Swimming pools are not considered to be accessory structures for the purpose of area calculation.
- 3) Amend Section 7.2 dimensional controls by eliminating the minimum frontage requirements in the BR zone and changing the frontage requirement from 100 to 40 feet.
- 4) Change Height to “Depth” under column labeled “Minimum Buildable Area”.
- 5) Add footnote (m) “At no point between the frontage line and principal structure shall the lot be narrower than seventy-five (75) percent of the required lot frontage. Place small m next to width.
- 6) Amend Section 7.3.9 Eliminate second sentence (“However, a deck must be built no higher than the first interior floor, or three feet from the mean grade, whichever is lower, and shall have no foundation.”)
- 7) Amend Section 7.10 Traffic Visibility Across Corners – Change 2 ½ to 4.
- 8) Add a new Section 7.11 entitled Wind Powered and Solar Powered Structures. To read “The installation, operation and maintenance shall be in compliance with the Commonwealth of Massachusetts State Building Code, last edition”.

SECTION 10 LANDSCAPING

Amend Section 10.4 General Regulations Applicable in All Zoning Districts – add new Subsection “I” to read “all site work involving changes in topography, grade or elevation, including removal, trenching or filling in of land, shall require a building permit”.

(Carried 9-0; Councillors Osborne and Mello absent)

COUNCILLOR DRISCOLL INTRODUCED BOY SCOUTS: JAMES MURPHY AND DOMENIC RUOCCO from Troop 119, ST. JOHN'S THE BAPTIST CHURCH, WHO ATTENDED TONIGHT'S CITY COUNCIL MEETING EARNING A MERIT BADGE FOR EAGLE SCOUT.

MOTIONS, ORDERS & RESOLUTIONS

P224-13 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Driscoll) - MOVE TO request that the Building Inspector provide the City Council with a status report regarding 3 Ethel Avenue. (Unanimous)

P225-13 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department repair a pothole situation on lower Franklin Street around number 20 and 51 Franklin Street. (Unanimous)

P226-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Arthur Pavlo, Acting Building Inspector, regarding Group homes and to request confirmation from the Community Development Department that these units have been added to our affordable housing inventory. (Unanimous)

P227-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-I communication from Karen Sawyer, Director, Community Development Department, regarding Housing production plan – request for a vote to approve and to refer to the Industrial & Community Development Committee. (Unanimous)

P228-13 COUNCILLOR GAMACHE – MOVE TO request that the Police Department investigate the addition of “yield” signs in the Centennial Industrial Park where people on a main street are now required to yield. It seems the signs were put on the wrong wide of the street. (Unanimous)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE MARCH 11, 2013

P229-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - We met on March 11th to discuss the remaining proposed technical corrections to the Zoning Ordinance. In attendance was the Director of Community Development, Karen Sawyer. Councillors in attendance were Councillor Athas, Councillor Gould and myself. The following motions were approved. (Report received)

P230-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 2 Definitions by adding Bakery, Retail - "An establishment primarily engaged in the retail sale of bakery products and which produces some or all of the products on the premises." (Unanimous)

P231-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE THAT there be no change to Section 9 Parking. (The committee recommendation was too amend the minimum standard for a parking space) (Unanimous)

P232-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO approve Section 9 in its entirety. (Unanimous)

P233-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.4 General Regulations Applicable in all Zoning Districts by adding a new Section 11.4.8 entitled Electronic Message Board Signs to read: “All electronic message board signs, whether free standing or wall mounted, shall be approved by Special Permit.” (Unanimous)

P234-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE to amend Section 11.5.1 due to a scrivener's error to read "Signs Permitted in any BC, GB, GBD, BN or BN2 District." (Unanimous)

P235-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.5.1 C to correct a scrivener's error eliminating the reference to IL in this section. (Unanimous)

P236-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.5.2 signs permitted in any BR District: Allow one free standing sign up to one hundred (100) square feet in area (change from 75 square feet). (Unanimous)

P237-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.5.2 B (3) as follows: To strike in the first sentence "which allows for manually changeable, non-electronic messages" and insert therein "for electronic message board sign". Add the following language after the last sentence to read: "Electronic message board signs shall not exceed thirty (30) percent of the base sign area. The message on the electronic message board sign shall not scroll or flash and shall alternate on not less than a fifteen-second cycle. The messaging shall be limited to advertising services offered at the site after business hours of operation. Lighting of the sign will be subject to ambient adjustments and shall provide for an automatic dimming apparatus. No advertising for any business not located upon the premises shall be conducted, with the only exception being if the sign is utilized as part of Peabody public services announcement program. No change in the message shall constitute a public safety or traffic hazard in the judgment of the building inspector." (Unanimous)

P238-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.6.6 Term of Permit under Billboards to read after the first sentence, "The petitioner shall have the ability to choose whether they want a permit fee structure or a linkage fee structure with the minimum fees still being \$15,000 for static and \$25,000 for electronic per year." (Unanimous)

P239-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.7 signs Requiring Building Inspector Review and Approval as follows: Item H, to strike "sixty (60)" square feet and insert "thirty-two (32)" square feet to read as follows: "One sign not to exceed 10 square feet in all residential districts or 32 square feet in all other districts." (Unanimous)

P240-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.7, by adding a new Item J to read: "Gasoline filling station price sign using electronic display." (Unanimous)

P241-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.8 B to strike the second sentence as follows: "An exception would be a sign indicating time or temperature with changes alternating on not less than a five-second cycle, when such time or temperature sign does not constitute a public safety or traffic hazard in the judgment of the building inspector." (Unanimous)

P242-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.9.1 Sign Application Process to correct a scrivener's error by eliminating Items G & H. (Unanimous)

P243-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO approve Section 11 in its entirety. (Unanimous)

P244-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 14.1 Applicability by adding to the end of the first sentence: "and a building permit from the Building Inspector." (Unanimous)

P245-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO approve Section 14. (Unanimous)

P246-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 15.2.1 Permit Requirements by striking the following words in the second sentence “this ordinance or with a decision of the board of appeals or the city council” and to insert therein “780 CMR Mass. Building Code to read as follows: “No such permit shall be issued until such proposed construction, alteration or use, as proposed, shall comply in all aspects with the provisions of 780 CMR Mass. Building Code.” (Unanimous)

P247-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 15.2.2 Plat of Lot as follows: Change six (6) copies of the plat of the lot to one (1). Add sentence after first sentence which shall read “Said plat of lot shall be stamped and certified by a registered land surveyor”. Eliminate sentence which reads, “the Planning Board shall be receive a copy of all permits issued within two (2) weeks after issuance”. (Unanimous)

P248-13 COUNCILLOR G GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 15.2.3 Building Permit Plan to strike the entire section and insert therein the following: Each application for a building permit shall be accompanied by a building permit plan, and shall comply with 780 CMR Mass. Building Code.” (Unanimous)

P249-13 COUNCILLOR G GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO add a new Section 15.2.6 entitled Denial to read “any building permit application not in compliance with this ordinance may be appealed.” (Unanimous)

P250-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO approve Section 15. (Unanimous)

P251-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO rezone the north side of Pulaski Street driveway to GB from IL, which includes all properties on the northerly side of the access road going into the industrial park from Pulaski Street. (Unanimous)

P252-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO rezone 22 Mason Street back to IL from GB. (Unanimous)

P253-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO notify property owners on said proposed map amendments similar to the requirements under a Special Permit. (Unanimous)

P254-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - MOVE TO refer the entire package of zoning amendments just approved by the City Council to the Planning Board to begin the zoning amendment process under Chapter 40A of the Massachusetts General Laws. (Unanimous)

P255-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-D communication from Robert Langley, Director, Public Services Department, regarding Clean out culvert on Cobb Avenue. (Unanimous)

P256-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-E communication from Robert Langley, Director, Public Services Department; regarding Revised Stormwater System ordinance. (Unanimous)

(COUNCIL PRESIDENT GOULD REMINDED THE AUDIENCE THAT A SPECIAL ELECTION IS BEING HELD ON TUESDAY, APRIL 2, 2013 FOR STATE REPRESENTATIVE FOR THE 12TH ESSEX DISTRICT.)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P257-13 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive communications 7-A, 7-B and 7-C from His Honor the Mayor regarding statement of interests for the Welch School, Burke School and Center School. (Carried 9-0; Councillors Osborne and Mello absent)

P258-13 COUNCILLOR GAMACHE – BE IT RESOLVED having convened in an open meeting on March 28, 2013, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 10, 2013 for the Welch School located at 50 Swampscott Avenue, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is “replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility”.

The specific objective to this SOI is to seek MSBA support for building repair including conversion of this all electrically heated school to natural gas, replacement of the existing, obsolete HVAC system and controls and replacement of windows and exterior doors throughout the school.

And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Peabody Regional School District to filing an application for funding with the Massachusetts School Building Authority.

(Carried 9-0; Councillors Osborne and Mello absent)

P259-13 COUNCILLOR GAMACHE – BE IT RESOLVED having convened in an open meeting on March 28, 2013, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submitted to the Massachusetts School Building Authority the Statement of Interest form dated April 10, 2013 for the **Burke School** located at 127 Birch Street, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is “Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy related costs in a school facility”.

The specific objective of this SOI is to partner with the MSBA to replace obsolete unit ventilators, cabinet heaters and gym and cafeteria air handling units with modern HVAC equipment and controls. The preliminary design for the unit ventilator and control portion of this work has already been accomplished. Repair of the heating distribution system and controls is necessary as HV equipment at the Burke has reached the end of its useful life.

And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Peabody Regional School District to filing an application for funding with the Massachusetts School Building Authority.

(Carried 9-0; Councillors Osborne and Mello absent)

P260-13 COUNCILLOR GAMACHE – BE IT RESOLVED having convened in an open meeting on March 28, 2013, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submitted to the Massachusetts School Building Authority the Statement of Interest form dated April 10, 2013 for the **Center School** located at 18 Irving Street, Peabody, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is “Replacement of or addition of obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.”

The specific objective of the SOI is to seek MSBA support for feasibility for replacement of the Center School. The educational deficits of the Center School are articulated in the Center School SOI and include the need for gym space, cafeteria space, food service server and kitchen space, much needed upgrades to classrooms, meeting rooms, electrical, plumbing and HVAC systems.

And the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Peabody Regional School District to filing an application for funding with the Massachusetts School Building Authority. (Carried 9-0; Councillors Osborne and Mello absent)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

(MS. JENNIFER DAVIS APPEARED BEFORE THE CITY COUNCIL TO DISCUSS THE REVISED SHADE TREE ORDINANCE.)

P260A-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Jennifer Davis; Director; Parks, Recreation & Forestry Department regarding Revised shade tree ordinance. (Unanimous)

P261-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Timothy Spanos, City Clerk, regarding Special State Primary Warrant for April 30, 2013. (Unanimous)

P262-13 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)

P263-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Chief Robert Champagne, Police Department, regarding Police Department annual report for 2012 and to thank Chief Champagne for said report. (Unanimous)

P264-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Mary Codair, City Collector, regarding Real estate taxes/updating on Web site. (Unanimous)

P265-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from JAM Enterprises, LLC, 7 Ashley Court, Lynnfield, MA, regarding Special Permit application for property at 55 Newbury Street, and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P266-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Junk Dealers License (Renewal for 2013) - A-1 Restaurant Trader, LLC, 119R Foster Street, subject to all papers being in order. (Unanimous)

P267-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Class 1 Motor Vehicle License (Renewal for 2013) – Kelly Fiat, 1 Cross Street, subject to all papers being in order. (Unanimous)

P268-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2013), subject to all papers being in order:

Mallia's Towing, Inc., 161-163 Washington Street
USA Speedy Auto, 108 Newbury Street
(Unanimous)

P269-13 COUNCILLOR GAMACHE– MOVE TO receive and approve the following Entertainment License (Renewal for 2013), subject to all papers being in order:

Outback Steakhouse, 300 Andover Street
Toscana's Restaurant, 3 Bourbon Street
(Unanimous)

P270-13 COUNCILLOR GAMACHE – MOVE TO receive the following Junk Dealers License (New) and to set up a public hearing:

ecoATM, Inc., 210 Andover Street
Custom Wireless, 210 Andover Street
(Unanimous)

P271-13 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (Transfer) – Motor Mania, LLC, 94 Foster Street, and to set up a public hearing. (Unanimous)

P272-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxi/Limousine Driver License – Charles Dyer – License 120, subject to all papers being in order. (Unanimous)

P273-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxicab License (Transfer) – North Shore Taxi, Inc., 27C Walnut Street, License 28, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 5, 2013

RETURNED BY HIS HONOR THE MAYOR, APRIL 5, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Statement of Interest – Green Repairs for Welch School
- His Honor the Mayor re: Statement of Interest – Green Repairs for Burke School
- His Honor the Mayor re: Statement of Interest – Replacement of Center School
- Timothy Spanos, City Clerk re: Special State Primary Warrant for April 30, 2013
- Willowdale Condominium Association, 246 Andover Street re: Request to purchase city-owned land
- Chief Robert Champagne, Police Department re: Police Department annual report for 2012
- Robert Langley, Director, Public Services Department re: Clean out culvert on Cobb Avenue
- Robert Langley, Director, Public Services Department re: Revised Stormwater System ordinance
- Arthur Pavlo, Acting Building Inspector re: Group homes
- Jennifer Davis, Director, Parks, Recreation & Forestry Department re: Revised shade tree ordinance
- Karen Sawyer, Director, Public Services Department re: Housing production plan – request for a vote to approved
- Mary Codair, City Collector re: Real estate taxes/updating on web site
- Planning Board re: Zoning recommendation on various technical changes

JUNK DEALER LICENSE: (Renewal for 2013)

A-1 Restaurant Trader, LLC, 119R Foster Street

CLASS 1 MOTOR VEHICLE LICENSE: (Renewal for 2013)

Kelly Fiat, 1 Cross Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2013)

Mallia's Towing, Inc., 161-163 Washington Street

USA Speedy Auto, 108 Newbury Street

ENTERTAINMENT LICENSE: (Renewal for 2013)

Outback Steakhouse, 300 Andover Street

Toscana's Restaurant, 3 Bourbon Street

JUNK DEALER LICENSE: (New)

ecoATM, Inc., 210 Andover Street

Custom Wireless, 210 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Motor Mania, LLC, 94 Foster Street

TAXI/LIMOUSINE DRIVER LICENSE:

Charles Dyer - License 120

TAXICAB LICENSE TRANSFER:

North Shore Taxi, Inc., 27C Walnut Street - License 28