

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**APRIL 10, 2013**

PRESENT: COUNCILLORS: GARABEDIAN, LIACOS, GRAVEL, DRISCOLL, ATHAS, GAMACHE, MELLO, SINEWITZ, AND GOULD

ABSENT: COUNCILLORS: OSBORNE AND 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 L. Gould.

Salute to the American Flag.

P274-13 COUNCILLOR ATHAS – MOVE TO amend the Minutes of March 28, 2013 to reflect that Section 7.3.9 remain as presented in the Zoning Ordinance. (Unanimous)

P275-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of March 28, 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**

A public hearing was duly held on the application from Custom Wireless, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Daniel Burke. No one appeared to speak in favor. No one appeared to speak in opposition.

P276-13 COUNCILLOR DRISCOLL – MOVE TO approve the application from Custom Wireless, 210 Andover Street, Peabody, MA, for a Junk Dealers License at said 210 Andover Street, Peabody, MA, subject to all papers being in order. (Carried 8-0; Councillors Osborne, Manning-Martin and Mello absent)

A public hearing was duly held on the application from ecoATM, Inc., 10515 Vista Sorrento Parkway, San Diego, CA. Appearing to speak on behalf of the application was Mr. Thomas Tully. No one appeared to speak in favor. No one appeared to speak in opposition.

P277-13 COUNCILLOR DRISCOLL – MOVE TO approve the application from ecoATM, Inc., 10515 Vista Sorrento Parkway, San Diego, CA, for a Junk Dealers License at 210 Andover Street, Peabody, MA, subject to all papers being in order. (Carried 8-0; Councillors Osborne, Manning-Martin, and Mello absent)

**REPORTS OF COMMITTEE**

**FINANCE COMMITTEE**  
**APRIL 10, 2013**

P278-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening there was a meeting of the Finance Committee; in attendance were Councillor Driscoll, Councillor Gamache, Councillor Liacos and Councillor Athas who are members of the committee and also in attendance were Councillor Gould and Councillor Sinewitz. Discussion revolved around the use of revolving funds in the amount of \$180,000 to put up a modular facility to house the H2A temporary farm workers who come to the site and work. After some discussion and a better understanding, the following motion was made. (Report received)

P279-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 27, 2013:

FROM:	TO:
Brooksby Farm Revolving Fund- \$180,000.00	Brooksby Modular Housing - \$180,000.00
(Carried 8-0; Councillors Osborne, Manning-Martin and Mello absent)	

P279-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-A communication from Attorney Adam Buckley, Assistant City Solicitor, regarding Legal opinion; Brooksby Farm appropriation of funds to construct housing for migrant workers. (Unanimous)

**COMMITTEE OF THE WHOLE**  
**APRIL 10, 2013**

P280-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole – We discussed the proposal by Total Outdoor and a motion was made by Councillor Liacos to deny the proposal from Total Outdoor and that passed unanimously. (Report received)

P281-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole – MOVE TO deny the settlement proposal by Total Outdoor Corp. (Carried 8-0; Councillors Osborne, Manning-Martin and Mello absent)

P282-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole - We also had a motion by Councillor Liacos to maintain public debate on any further proposal by Total Outdoor and that also passed unanimously. (Report received)

P283-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole – MOVE TO continue public debate on any further proposals by Total Outdoor Corp. (Carried 8-0; Councillors Osborne, Manning-Martin and Mello absent)

P284-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole - MOVE TO approve the 2012 Aggregate Industries Annual Report. (Unanimous)

**MOTIONS, ORDERS & RESOLUTIONS**

P285-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install a sign on the back wall of the city parking lot at the corner of Pierpont Street and Sewall Street reading, "Passenger car parking only." (Unanimous)

P286-13 COUNCILLOR ATHAS - MOVE TO amend the City Code to allow parking only on the even numbered side of Sewall Street from the corner of Pierpont Street going westerly towards Holten Street at a distance of 128 feet only with the installation of appropriate signage; and request that Public Services Department meet with me at that location to set that up. (Unanimous)

P287-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department replace missing signs on Sherman Street and Hancock Street indicating, "Parking this side only," which is on the right side of both of those streets. (Unanimous)

P288-13 COUNCILLOR GAMACHE - MOVE TO request that the Health Department go down to Northeast Nursery, 234 Newbury Street, and ask them to do a little bit of dust control and to ask whether they are going to put the privacy slats back on the fencing. Lately there's been a lot of dust flowing onto Goodale Street and Wildwood Lane. (Unanimous)

P289-13 COUNCILLOR SINEWITZ – MOVE TO request that the Community Development Department provide the City Council with a map showing all of the existing billboards, approved billboards, and where future billboards can be placed and also the current state regulations regarding billboards. (Unanimous)

P290-13 COUNCILLOR GOULD - MOVE TO request that the Peabody Municipal Light Plant look at the electrical box at 8 Centennial Drive at the entrance to the Marriott. The electrical box was hit by a plow and there are a couple of electrical ballasts/conduits that have been knocked over. (Unanimous)

P291-13 COUNCILLOR GOULD - MOVE TO request that Public Services Department repair the sidewalk at 4 Naumkeag Road due to trees roots that have created an extreme safety hazard. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P292-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding City's long-term credit rating by Moody's Investors Service, Inc., and to refer to the Finance Committee. (Unanimous)

P293-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Approval by MSBA for construction of a new Higgins Middle School/Higgins bond order in the amount of \$92,600,000.00 and to refer to the Finance Committee. (Unanimous)

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P294-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Attorney Michael Smerczynski, City Solicitor, regarding Legal opinion; AG ruling on medical marijuana zoning and to refer to the Industrial & Community Development Committee. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P295-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Institute Library for 9/11/13, subject to all papers being in order. (Unanimous)

P296-13 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (Transfer) – Matthew Mondello, 128 Newbury Street, and to set up a public hearing. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 7:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 17, 2013

RETURNED BY HIS HONOR THE MAYOR, APRIL 17, 2013



ATTEST \_\_\_\_\_  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: City's long term credit rating by Moody's Investors Service, Inc.

His Honor the Mayor re: Approval by MSBA for construction of a new Higgins Middle School/Higgins bond order in the amount of \$92,600,000.00

Attorney Adam Buckley, Assistant City Solicitor re: Legal opinion; Brooksby Farm appropriation of funds to construct housing for migrant workers

Attorney Michael Smerczynski, City Solicitor re: Legal opinion; AG ruling on medical marijuana zoning

**USE OF WIGGIN AUDITORIUM:**

Peabody Institute Library for 9/11/13

**CLASS 2 MOTOR VEHICLE LICENSE:** (Transfer)

Matthew Mondello, 128 Newbury Street