

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**JUNE 13, 2013**

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

ABSENT: COUNCILLORS: MELLO AND GAMACHE

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.

P428-13 COUNCILLOR SINEWITZ - MOVE TO receive and approve the minutes from the last regular meeting of May 23, 2013; the Special Meeting of May 30, 2013; and the Special Meeting of June 6, 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.

(COUNCIL PRESIDENT GOULD WELCOMED THE CIVICS CLASS OF MR. HOZZ FROM THE PEGASUS CLUSTER AT HIGGINS MIDDLE SCHOOL.)

COUNCILLOR SINEWITZ – MOVE TO go to Item 9-A Block Party Permit. (Unanimous)

(MS. RITA MARKOS APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 9-A BLOCK PARTY REQUEST 5-8 GLEN DRIVE)

P429-13 COUNCILLOR SINEWITZ – MOVE TO receive and approve under suspension of the rules, the following Item 9-A Block Party permit, subject to all papers being in order:

Alexandra Street & Travis Terrace – July 4, 2013  
4-19 Martinack Avenue – July 6, 2013  
5-8 Glen Drive – July 6, 2013 (music only allowed until 8:00 p.m.)  
(Unanimous)

**HEARINGS**

A public hearing was duly held on a Petition submitted by Lighttower Fiber Networks, 80 Central Street, Boxborough, MA. Appearing to speak on behalf of the application was Mr. Bill McLean. Ms. Paula Pennell, 18 Essex Green Lane, Peabody, MA, and Mr. Dean Collins, appeared to speak. No one appeared to speak in favor. No one appeared to speak in opposition.

P430-13 COUNCILLOR DRISCOLL – MOVE TO recess the public hearing on the Petition submitted by Lighttower Fiber Networks, 80 Central Street, Boxborough, MA; to request that the City Solicitor provide the City Council with an opinion regarding who owns Essex Center Drive and Essex Green Lane; and to further request that the Peabody Municipal Light Plant inform the City Council of who owns the light poles on Essex Center Drive and Essex Green Lane. (Unanimous)

A public hearing was duly held on the application from DC Trust, LLC d/b/a Auto Sense, 134-R Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Dean Collins. No one appeared to speak in favor. No one appeared to speak in opposition.

P431-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, a communication from Mr. Dean Collins, 18 Olsen Road, Peabody, MA regarding photographs of parking areas. (Unanimous)

P432-13 COUNCILLOR LIACOS - MOVE TO recess the public hearing on the Special Permit application from DC Trust, LLC d/b/a Auto Sense, 134-R Newbury Street, Peabody, MA. (Unanimous)

A public hearing was duly held on the application from DC Trust, LLC d/b/a Auto Sense, 134-R Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Dean Collins. No one appeared to speak in favor. No one appeared to speak in opposition.

P433-13 COUNCILLOR OSBORNE - MOVE TO recess the public hearing on the Class 2 Motor Vehicle License application from DC Trust, LLC d/b/a Auto Sense, 134-R Newbury Street, Peabody, MA. (Unanimous)

### REPORTS OF COMMITTEE

#### **FINANCE COMMITTEE**

**JUNE 12, 2013**

**JUNE 13, 2013**

P434-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – We had two Finance Committee meetings; one was held on June 12th and at that meeting present were Councillor Manning-Martin, Councillor Gould, Councillor Athas, Councillor Driscoll and Councillor Sinewitz and I chaired the meeting and it was a meeting of the Finance Committee working as a Committee of the Whole. During that period of time last evening we had a presentation by His Honor the Mayor on the overview of the budget. We had a presentation by the Director of Finance. And we also had a presentation by the City Auditor. We discussed and approved last night a series of motions for the general departments, excluding all of the fire. This evening we had a second meeting of the Finance Committee as a Committee of the Whole and present at that meeting were Councillor Manning-Martin, Councillor Gould, Councillor Athas, Councillor Driscoll, Councillor Sinewitz, Councillor Garabedian, Councillor Liacos, Councillor Osborne and myself as the chair. During this evening's meeting we had a review of the school budget and we also approved the fire and the emergency management, as well as the golf course budget. There was a lot of discussion and a lot of interest in terms of what was going on. I'll leave all that to the record. (Report received)

P435-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve and adopt the Fiscal Year 2014 City of Peabody Budget, as submitted by His Honor the Mayor, in the amount of \$146,032,194.00 as follows:

Total Personal Services:	\$106,242,307.00
Total Operating Expenses:	<u>\$ 39,794,487.00</u>
	\$146,032,194.00

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

P436-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT in accordance with the provisions of Section 53F ½ of Chapter 44 of M.G.L. to approve and adopt the Fiscal Year 2014 McVann O'Keefe Memorial Skating Rink Budget, as submitted by His Honor the Mayor, in the amount of \$630,000.00 as follows:

Total Personal Services:	\$302,200.00
Total Operating Expenses:	<u>\$327,800.00</u>
	\$630,000.00

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

P437-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE THAT in accordance with the provisions of Section 53F ½ of Chapter 44 of M.G.L. to approve and adopt the Fiscal Year 2014 Peabody Golf Course Budget, as submitted by His Honor the Mayor, in the amount of \$1,499,500.00 as follows:

Total Personal Services:	\$ 542,850.00
Total Operating Expenses:	<u>\$ 956,650.00</u>
	\$1,499,500.00

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

P438-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive various transfer of funds as submitted by His Honor the Mayor under date of June 6, 2013. (Unanimous)

P439-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of May 16 & 17, 2013:

<u>FROM</u>	<u>TO</u>
Unreserved Fund Balance, \$104,750.00	Various Depts. Salaries, \$104,750.00.
Retained Earnings Skating Rink - \$2,800.00	Skating Rink Salaries - \$2,800.00
Retaining Earnings Gold Course - \$4,900.00	Golf Course Salaries -
	440-6995-51110           \$2,600.00
	440-6998-51110 <u>\$2,300.00</u>
	\$4,900.00
Unreserved Fund Balance - \$17,000.00 (Carried 9-0; Councillors Mello and Gamache absent)	Library Salaries - \$17,000.00

P440-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of June 6, 2013:

<u>FROM</u>	<u>TO</u>
Reserve Fund - \$54,055.00	Veterans PT Wages - \$ 3,500.00
	Outside Services - \$44,000.00
	Community Program- <u>\$ 6,555.00</u>
	\$54,055.00
Reserve Fund – \$1,750.00	Community Programs/Memorial Day Parade - \$1,750.00
Reserve Fund - \$11,000.00 (Carried 9-0; Councillors Mello and Gamache absent)	Council on Aging - \$11,000.00

P441-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of June 6, 2013:

<u>FROM</u>	<u>TO</u>
Fire Alarm Salaries - \$20,850.00	Fire Alarm Cable Replacement- \$15,000.00
	Fire Alarm Outside Services - <u>\$ 5,850.00</u>
	\$20,850.00

(Carried 8-0; Councillor Manning-Martin abstained; Couns: Mello and Gamache absent)

P442-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of June 6, 2013:

<u>FROM</u>	<u>TO</u>
CPC Historic Fund Balance - \$501,250.00 (Carried 9-0; Councillors Mello and Gamache absent)	CPC Library Restoration - \$501,250.00

P443-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer of funds as submitted by His Honor the Mayor under date of June 6, 2013:

<u>FROM</u>	<u>TO</u>
Fund Balance Investment Income - \$224,412.75 (Carried 9-0; Councillors Mello and Gamache absent)	PVMHS HVAC Project - \$224,412.75

P444-13 COUNCILLOR GRAVEL – MOVE, under suspension of the rules, to go to items 10A, B & C.  
(Unanimous)

P445-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 18-20 Entitled Schedule of Compensation for Part-Time Positions and Section 18-21 Entitled Rates of Compensation for Full Time Positions Not Subject to Collective Bargaining of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-1; Councillor Manning-Martin opposed; Couns. Mello and Gamache absent)

P446-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 18-18C Which Establishes the Rates of Compensation for Police and Fire Personnel and Amending the Ordinance Establishing the Fringe Benefits for the Police and Fire Department of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-1; Councillor Manning-Martin opposed; Couns. Mello and Gamache absent)

P447-13 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody That An Ordinance Amending Chapter 28 of the Code of the City of Peabody creating a new Article V, Chapter 28, Sections 45-60 entitled Stormwater Systems be adopted as advertised and read. Item 10C (Carried 9-0; Councillors Mello and Gamache absent)

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

P448-13 COUNCILLOR GRAVEL - MOVE TO request that the Public Services Department remove the handicapped parking sign on Main Street, which is located in the area where the bumpout was extended. My understanding from talking to the landlord Arthur Gordon is that the handicapped parking sign was put there specifically for one business because they handled equipment specific for disabilities and that business is no longer in operation there. By removing that sign it will add one additional parking space to that area that can be used by the general public. (Unanimous)

P449-13 COUNCILLOR GRAVEL (Co-motion with Councillor Athas) - MOVE TO request that His Honor the Mayor and the Community Development Department investigate the process for moving an MBTA bus stop and sign on Washington Street from the current location in approximation to Lowe Street and push it back to approximately halfway between Clement Avenue and Putnam Street; and to further request a neighborhood meeting on same. The reason why I'm asking for this is because we have a new business down there, which is Dinis Restaurant, and there's just a small amount of parking spaces. (Unanimous)

P450-13 COUNCILLOR GRAVEL - MOVE TO request that the City Clerk work with the IT Department to determine if there is any feasible way to put the community calendar on the Web site so that we're all notified of events in a timely manner. Many of us have been receiving event notifications sometimes six hours before the event and we want the maximum amount of elected official participation. (Unanimous)

P451-13 COUNCILLOR GRAVEL - MOVE TO send a letter of commendation to Louisa Hiro and Mildred Giusto for their time, effort and energy to support Santa's Magic, which is an organization that provides gifts of warmth and comfort at Christmas to our veterans who are disabled, who are hospitalized, or who are dying. (Unanimous)

P452-13 COUNCILLOR GRAVEL – MOVE TO send a letter of commendation to Edward Sapienza for providing the City of Peabody with 41 years of service. (Unanimous)

P453-13 COUNCILLOR OSBORNE - MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Timothy E. Spanos, City Clerk, regarding Special state election warrant. (Unanimous)

P454-13 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from International Festival Committee, regarding Banner, subject to all papers being in order. (Unanimous)

P455-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Bob and Claire Kane, 5 Sparrow Lane, regarding Heavy commercial vehicle traffic on Sparrow Lane and to refer to the Municipal Safety Committee. (Unanimous)

P456-13 COUNCILLOR OSBORNE - MOVE TO request that the ordinance be amended to exclude heavy vehicles from Sparrow Lane. (Unanimous)

P457-13 COUNCILLOR OSBORNE (Co-motion with a Councillor Gravel) - MOVE TO receive, under suspension of the rules, Item 8-F communication from Cristina Odoardi, 84 Aborn Street, regarding Developer of property at 143 Lynnfield Street, and to refer to the public hearing. (Unanimous)

P458-13 COUNCILLOR OSBORNE (Co-motion with Councillor Gravel) - MOVE TO receive, under suspension of the rules, Item 8-G communication from Chief Robert Champagne, Police Department, regarding Raddin Road park crosswalk and to further request that the Public Services Department construct the crosswalk, according to the recommendations of Captain Berardino at the entrance to Raddin Road park. (Unanimous)

P459-13 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-B Junk Dealer License (Renewal for 2013) Best Buy Stores LP, 210 Andover Street, W117, subject to all papers being in order. (Unanimous)

P460-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-H communication from Norman Lee and James Gebo, 98 Main Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P461-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department inspect/repair the section of sidewalk on Granite Street between number 5 and number 25. The sidewalk has tree roots uplifting them. (Unanimous)

P462-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the potholes on Pierpont Street in the area of Sewall Street. (Unanimous)

P463-13 COUNCILLOR ATHAS - MOVE TO request that the Forestry Department trim the branches covering the "Stop here on red" sign at the Washington and Sherman Street intersection. (Unanimous)

P464-13 COUNCILLOR ATHAS - MOVE TO request that the Building Inspector contact the bank that owns the abandoned property at number 44 Home Street and notify them of the need to maintain the upkeep of that property. (Unanimous)

P465-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department again repair the potholes on Little's Lane with a more permanent solution. (Unanimous)

P466-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-C communication from Stacey Bernson, Assistant Director, Community Development Department, regarding Group home count. (Unanimous)

P467-13 COUNCILLOR SINEWITZ – MOVE TO request that the City Solicitor provide an opinion on the legality of charging a permitting fee for a group home that pays no real estate tax or in lieu of tax payment to the City and if there are different classifications of tax-exempt status. (Unanimous)

P468-13 COUNCILLOR SINEWITZ – MOVE TO send a communication to our state representatives requesting the status of the home-rule petition regarding removing the police/fire chief positions from Civil Service. (Unanimous)

P469-13 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Services Department inspect/repair the sidewalk at 32 Murdock Street. A tree has buckled the sidewalk. (Unanimous)

P470-13 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Services Department inspect/repair the culvert at 30 Quail Road. (Unanimous)

P471-13 COUNCILLOR GOULD (Co-motion with Councillor Athas) - MOVE TO request that the Public Services Department inspect/repair the sidewalk at 11 County Street. (Unanimous)

P472-13 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department provide a status update regarding the repairs on 14 Whitney Drive. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P473-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Alyse Barbash, Executive Director, Haven from Hunger, regarding Letter of thanks. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P474-13 COUNCILLOR GRAVEL– MOVE TO receive and approve Utility Contractor License – Capital Services, LLC, 243 Lexington Street, Watertown, MA, subject to all papers being in order. (Unanimous)

P475-13 COUNCILLOR GRAVEL – MOVE TO receive and approve Use of the Wiggin Auditorium – PVMHS Mock Trial – April 3 & 4, 2014, subject to all papers being in order. (Unanimous)

P476-13 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxicab License Transfer, subject to all papers being in order:

Tri City Services, Inc., 55R Walnut Street – License 8  
North Shore Taxi, Inc., 27 Walnut Street, Unit C – Licenses 11 & 24  
(Unanimous)

P477-13 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxicab/Limousine Driver License, (Renewal for 2013), subject to all papers being in order:

John Calley – License 9                      Rose Anderson – License 10  
Wayne Swiggard – License 11              Michel Paciulli - License 12  
Rene Aubertin – License 13                Daniel Sirois - License 14  
James Kozik – License 15                    Robert Ruest – License 16  
Scott Boyle – License 17                    Louis Anasoulis – License 18  
Peter Saffas – License 19                    Michael Bassetto – License 20  
(Unanimous)

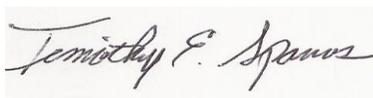
P478-13 COUNCILLOR GRAVEL – MOVE TO receive Entertainment License (New) – Heaven’s Taste Restaurant, 150 Main Street, and to set up a public hearing. (Unanimous)

P479-13 COUNCILLOR GRAVEL – MOVE TO receive Class 2 Motor Vehicle License, Limousine License & Taxicab License (Transfer) – Tri City Services, Inc., 27R Mason Street, and to set up a public hearing. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 19, 2013  
RETURNED BY HIS HONOR THE MAYOR, JUNE 19, 2013

ATTEST   
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds –

Reserve Fund to Veterans PT Wages; Outside Services and Community Program - \$54,055.00

Reserve Fund to Community Programs/Memorial Day Parade- \$1,750.00

Reserve Fund to Council on Aging \$11,000.00

His Honor the Mayor re: Transfer of funds

Fire Alarm Salaries to Fire Alarm Cable Replacement \$15,000.00

Fire Alarm Salaries to Fire Alarm Outside Services \$56,850.00

His Honor the Mayor re: Transfer of funds

CPC Historic fund balance to CPC Library Restoration – \$501,250.00

His Honor the Mayor re: Transfer of funds -

Fund Balance Investment Income to PVMHS HVAC Project- \$224,412.75

Timothy E. Spanos, City Clerk re: Special state election warrant

International Festival Committee re: Banner

Stacey Bernson, Asst. Director, Community Development Department re: Group home count

Alyse Barbash, Executive Director, Haven from Hunger re: Letter of thanks

Bob and Claire Kane, 5 Sparrow Lane re: Heavy commercial vehicle traffic on Sparrow Lane

Cristina Odoardi, 84 Aborn Street re: Developer of property at 143 Lynnfield Street

Chief Robert Champagne, Police Department re: Raddin Road park crosswalk

Norman Lee and James Gebo, 98 Main Street re: Special permit application

**BLOCK PARTY PERMIT:**

Alexandra Street & Travis Terrace – July 4, 2013

4-19 Martinack Avenue – July 6, 2013

5-8 Glen Drive – July 6, 2013

**JUNK DEALER LICENSES:** (Renewal for 2013)

Best Buy Stores, LP, 210 Andover Street, W117

**UTILITY CONTRACTOR LICENSE:**

Capital Services, LLC, 243 Lexington Street, Watertown

**USE OF THE WIGGIN AUDITORIUM:**

PVMHS Mock Trial – April 3 & 4, 2014

**TAXICAB LICENSE:** (Transfer)

Tri City Services, Inc., 55R Walnut Street – License 8

North Shore Taxi, Inc., 27 Walnut Street, Unit C – Licenses 11 & 24

**TAXICAB/LIMOUSINE DRIVER LICENSE:**

John Calley – License 9                      Rose Anderson – License 10

Wayne Swiggard – License 11              Michel Paciulli - License 12

Rene Aubertin – License 13              Daniel Sirois - License 14

James Kozik – License 15                      Robert Ruest – License 16

Scott Boyle – License 17                      Louis Anasoulis – License 18

Peter Saffas – License 19                      Michael Bassetto – License 20

**ENTERTAINMENT LICENSE:** (New)

Heaven's Taste Restaurant, 150 Main Street

**CLASS 2 MOTOR VEHICLE LICENSE, LIMOUSINE LICENSE 7 TAXICAB LICENSE:** (Transfer)

Tri City Services, Inc., 27R Mason Street