

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 10, 2013

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

ABSENT: COUNCILLOR OSBORNE

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.

P733-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of September 26, 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 Petition from Lightower Fiber Networks, 80 Central Street, Boxborough, MA. Appearing to speak on behalf of the application was Mr. William McLean. No one appeared to speak in favor. No one appeared to speak in opposition.

P734-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Roy Simoes, Peabody Municipal Light Plant, regarding Lightower Fiber Networks. (Unanimous)

P735-13 COUNCILLOR DRISCOLL – MOVE TO approve the Petition from Lightower Fiber Networks, 80 Central Street, Boxborough, MA, for permission to access the right of way on utility poles owned by the City of Peabody to build a fiber optic network on poles located on Lowell Street, Prospect Street, Essex Center Drive and Essex Green Drive, subject to all papers being in order. (Carried 10-0; Councillor Osborne absent)

The City Council reconvened the recessed public hearing on Petition 13-154 submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of the application was Mr. Brian Abcunas. No one appeared to speak in favor. No one appeared to speak in opposition.

P736-13 COUNCILLOR ATHAS - MOVE TO approve Petition 13-154 submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA, to locate one new sole owned pole approximately 50 feet from the existing pole #2 on the back of the sidewalk between #8 and #14 Hancock Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Osborne absent)

A public hearing was duly held on the application from Braz Auto Center, Inc., 9B Caller Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Antonio Babo. No one appeared to speak in favor. No one appeared to speak in opposition.

P737-13 COUNCILLOR ATHAS – MOVE TO approve the application from Braz Auto Center, Inc., 9B Caller Street, Peabody, MA, for the transfer of a Class 3 Motor Vehicle License from C & M Auto Body, Inc., 9B Caller Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Osborne absent)

P738-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Timothy E. Spanos, City Clerk, regarding Review of Special Permit #3-2013; Melissa Guevin, 558 Lowell Street. (Unanimous)

P739-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Mass. Dept. of Agricultural Resources, Boston, MA, regarding Complaint against Melissa Guevin, 558 Lowell Street. (Unanimous)

(MS. MELISSA GUEVIN APPEARED TO SPEAK BEFORE THE CITY COUNCIL.)

P740-13 COUNCILLOR GAMACHE – MOVE TO approve a six-month extension of Special Permit #3-2013 with the same conditions, and TO request that the Animal Control Officer perform six inspections over the next six months to make sure the conditions are being adhered to and to submit a report to the City Council at the end of the six-month period. (Carried 10-0; Councillor Osborne absent)

REPORTS OF COMMITTEE

PUBLIC SERVICE COMMITTEE **OCTOBER 10, 2013**

P741-13 COUNCILLOR DRISCOLL – Reporting for the Public Services Committee - We had a meeting this evening with regards to the project on Gardner Street. We decided to keep it in committee because the numbers weren't exact just now, so we're going to give Mr. Langley a little more time to evaluate and come up with firmer numbers for replacing the water mains along Gardner Street. (Report received)

FINANCE COMMITTEE **OCTOBER 10, 2013**

P742-13 COUNCILLOR GRAVEL– Reporting for the Finance Committee - We had a meeting this evening and present on behalf of the Finance Committee were Councillor Athas, Councillor Driscoll, Councillor Gamache, Councillor Liacos, and I acted as the chair; also in attendance were Councillor Gould, Councillor Mello and Councillor Gould. The purpose of the meeting was to request a movement from the revenue reserved for the appropriation for a land purchase at 16-20 Lowell Street in the amount of \$180,000. The mayor presented to us his rationale, some being flood mitigation, some being the fact that the building that's there is in disrepair. The bottom line was I think all councillors felt very comfortable that the plan was good and it was a positive thing. The following motions were made by Councillor Liacos. (Report received)

P743-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of September 18, 2013:

<u>FROM</u>	<u>TO</u>
Revenue Reserved for Appropriation-\$180,000.00	Land Purchase for 16-20 Lowell Street-\$180,000.00
(Carried 9-1; Councillor Sinewitz opposed; Councillor Osborne absent)	

P744-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor to enter into a Purchase and Sales Agreement with Lois M. Codair and Richard S. Codair, Trustees of Codman Realty Trust, for the purchase of property at 16-20 Lowell Street in the amount of \$180,000.00 and to further authorize His Honor the Mayor to enter into any other agreements/documents necessary to implement the same. (Carried 9-1; Councillor Sinewitz opposed; Councillor Osborne absent)

MOTIONS, ORDERS & RESOLUTIONS

P745-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Fiscal Year 2014 Capital Improvement Plan – Bond Order in the amount of \$5,100,000.00 and to refer to the Finance Committee. (Unanimous)

P746-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Establish revolving fund for Human Services Department regarding flu vaccines and to refer to the Finance Committee. (Unanimous)

P747-13 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department remove the handicap parking sign on the parking meter in front of the Arthur Gordon building. The tenant that originally requested the sign is no longer at that address. (Unanimous)

P748-13 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, copies of NSCAP newspaper articles and TO request that the Human Services Committee meet with NSCAP and any other interested parties, in order to discuss the ramifications of their lack of funding and how the City can prepare and have a plan in place to assist our residents. (Carried 9-0; Councillors Osborne and Sinewitz absent)

P749-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Business Liaison coordinate with the Howley Street businesses and employees affected by the land takings to assist them in helping their employees find parking. (Unanimous)

P750-13 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Human Services Committee meet with Sharon Cameron, Director of Public Health, and Robert Langley, Director of Public Services, to educate the City Council and residents regarding the drinking water treatment upgrades that residents were notified of. (Unanimous)

P751-13 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Athas) – MOVE TO request that the Park, Recreation & Forestry Department cut back the bushes on the Leather Common. They are overgrown in the back so much that if you sit in the back on the benches or if you sit in a chair or on a blanket you can't see over them. (Unanimous)

{10-A 5 Evans Road}

P752-13 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 Entitled Parking Prohibited Handicap Zone of the Code of the City of Peabody be adopted as advertised and read. (Unanimous)

P753-13 COUNCILLOR MELLO – MOVE TO request that the Public Services Department place a “handicap” sign in front of 5 Evans Road. (Unanimous)

P754-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from Joe Dasilva, Superintendent of Peabody Fire Alarm, regarding Traffic signals at Washington Street and Allen's Lane. (Unanimous)

P755-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-J communication from Norman Lee and James A. Gebo, 98 Main Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P756-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department post "No parking" signs on both sides of the pole on Stevens Street. (Unanimous)

P757-13 COUNCILLOR ATHAS – MOVE TO request that the Police Department enforce the no parking zone on the southerly side of Stevens Street. (Unanimous)

P758-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the sidewalks at 5 Calumet Street and 1 Carlton Street. (Unanimous)

P759-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department examine the possibility of having the city recycling center on Farm Avenue to be open for more weekend hours. (Unanimous)

P760-13 COUNCILLOR ATHAS - MOVE TO request that the Peabody Municipal Light Plant relocate the light pole, which is currently blocking a driveway at 3 Ayer Street. (Unanimous)

P761-13 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department repair the sidewalk at 24 Main Street. (Unanimous)

P762-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair both sidewalks on the Putnam Street extension side and the Clement Street side at the house located at 25 Clement Avenue and to also watch that the water main valve does not get cemented over. (Unanimous)

P763-13 COUNCILLOR ATHAS - MOVE TO request that the issue of locating the responsible person for the property at 44 Home Street, which is an abandoned property, be referred to His Honor the Mayor and to refer the issue to the Board of Health for inspection of possible vermin on site. (Unanimous)

P764-13 COUNCILLOR ATHAS – MOVE TO request that the Peabody Municipal Light Plant trim the branches that are touching the power lines at 44 Home Street. (Unanimous)

P765-13 COUNCILLOR ATHAS - MOVE TO request the Public Services Department repair the curbing that was damaged by a snowplow at 45 Home Street to the left of the driveway. (Unanimous)

P766-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the sidewalk at 11 Hourihan Street. (Unanimous)

P767-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the single section of sidewalk at 9-11 School Street, which has the water main valve. (Unanimous)

P768-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Bernard Horowitz, Chairman, Board of Health, regarding Aggregate Industries noise testing and analysis, Spring of 2013 and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P769-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-K communication from Scott Colby, Aggregate Industries, 1715 Broadway, Saugus, regarding Noise testing and analysis, Spring 2013 and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P770-13 COUNCILLOR GAMACHE (Co-motion with Councillor Sinewitz) - MOVE TO request that the Public Services Department repair the berms at 12 and 62 Catherine Drive that were damaged in last year's plowing. (Unanimous)

P771-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Timothy E. Spanos, City Clerk, regarding Municipal Election Warrant for November 5, 2013. (Unanimous)

P771A-13 COUNCILLOR GAMACHE – MOVE TO approve the Municipal Election Warrant for November 5, 2013 as submitted by the City Clerk. (Unanimous)

P772-13 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Services Department look at the street in front of 11 Kittredge Street and repair the pot holes. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P773-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Joseph A. Mastrocola, Superintendent of Schools, regarding Request City Council to create a street for the new Higgins Middle School named after James Liacos and to refer to the Public Services Committee. (Unanimous)

P774-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Jennifer Davis, Director, Parks & Recreation Department, regarding Response to motions 529, 608 and 652-13 and to thank Ms. Davis for her efforts. (Unanimous)

P775-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from GM Fine, LLC, 143 Lynnfield Street (2 Corwin Street), regarding Site plan. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P776-13 COUNCILLOR GAMACHE - MOVE TO receive and approve Taxicab License (Transfer) – North Shore Taxi, Inc., 27 Walnut Street, #C - Licenses 21 & 29, subject to all papers being in order. (Unanimous)

P777-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Utility Contractor’s License – A.F. Pacillo General Contracting, Inc., 196 Essex Street, Middleton, MA, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P778-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from His Honor the Mayor under date of October 3, 2013, regarding the appointment of John C. Olimpio, 7 Lone Pine Lane, Peabody, MA to the Board of Appeals (Alternate Member) for a two-year term to expire 12/31/2014 (Unexpired term of Stephen Patten). (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:35 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 18, 2013

RETURNED BY HIS HONOR THE MAYOR, OCTOBER 18, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Establish revolving fund for Human Services Department regarding flu vaccines

His Honor the Mayor re: Fiscal Year 2014 Capital Improvements Plan – Bond Order in the amount of \$5,100,000.00

Timothy E. Spanos, City Clerk re: Municipal Election Warrant for November 5, 2013

Roy Simoes, Peabody Municipal Light Plant re: Lighttower Fiber Networks

Bernard Horowitz, Chairman, Board of Health re: Aggregate Industries noise testing and analysis, Spring of 2013

Joe Dasilva, Superintendent of Peabody Fire Alarm re: Traffic signals at Washington Street and Allen’s Lane

Joseph A. Mastrocola, Superintendent of Schools re: Request City Council to create a street for the new Higgins Middle School named after James Liacos

Timothy E. Spanos, City Clerk re: Review of Special Permit #3-2013; Melissa Guevin, 558 Lowell Street

Mass Dept. of Agricultural Resources, Boston, MA re: Complaint against Melissa Guevin, 558 Lowell Street

Jennifer Davis, Director, Parks & Recreation Department re: Response to motions 529, 608 and 652-13

GM Fine, LLC, 143 Lynnfield Street (2 Corwin Street) re: Site plan

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

Scott Colby, Aggregate Industries, 1715 Broadway, Saugus re: Noise testing and analysis, Spring 2013

TAXICAB LICENSE: (Transfer)

North Shore Taxi, Inc., 27 Walnut Street #C – Licenses 21 & 29

UTILITY CONTRACTOR’S LICENSE:

A.F. Pacillo General Contracting, Inc., 196 Essex Street, Middleton, MA