

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**OCTOBER 24, 2013**

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

ABSENT: COUNCILLORS: GARABEDIAN, 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.

P779-13 COUNCILLOR OSBORNE - MOVE TO receive and approve the minutes from the last regular meeting of October 10, 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.

P780-13 COUNCILLOR GRAVEL – MOVE TO go to the Finance Committee report. (Unanimous)

**FINANCE COMMITTEE**  
**OCTOBER 17, 2013**

P781-13 COUNCILLOR GRAVEL– Reporting for the Finance Committee - The Finance Committee met on Thursday, October 17th to review and discuss the 2014 city capital projects bond order, as submitted by His Honor the Mayor. In attendance and serving on the Committee were myself as chair, Councillor Liacos, Councillor Manning-Martin, Councillor Driscoll and Councillor Athas; also in attendance were Councillor Gould and Councillor Sinewitz. Mayor Bettencourt and the Finance Director Patti Schaffer presented the capital projects plan to the Committee. The focus of the discussion really centered on the Fire Department's replacement of self-contained breathing apparatus and the purchase of a new fire truck for Engine One; the dredging and beautification of Crystal Lake; and the replacement of the football field with a turf field, which is really a multiuser field, and is no longer called a football field. We learned a lot during that meeting and there was a lot of discussion about the various items and the why and the how and the what. At that meeting Councillor Liacos moved to receive the following communications. (Report received)

P782-13 COUNCILLOR GRAVEL - Reporting for the Finance Committee - MOVE TO receive, under suspension of the rules, a rendition of Crystal Lake and Elginwood Pond that was submitted by His Honor the Mayor. (Unanimous)

P783-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, a communication from the Peabody Conservation Commission regarding In support of the restoration of Crystal Lake. (Unanimous)

P784-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO receive, under suspension of the rules, Item 8-J communication from Patricia D. Schaffer, Director of Finance, regarding Debt service schedule for capital bond. (Unanimous)

P785-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT ORDERED by the City Council of the City of Peabody that \$5,100,000.00 (Five Million One Hundred Thousand Dollars) is appropriated for the following capital projects: Building Improvements \$219,000.00; Equipment \$642,000.00; Technology \$224,000.00; Vehicles/Trucks \$770,000.00; Fire Engine \$585,000.00; Park Improvements \$160,000.00; Dredging of Crystal Lake \$800,000.00; High School Turf Field \$400,000.00; and Water Treatment Plant Improvements \$1,300,000.00 and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$5,100,000.00 (Five Million One Hundred Thousand Dollars) under Massachusetts General Laws, Chapter 44, or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out these projects, and that said Bond Order be advertised as read. (Carried 8-0; Councillors Garabedian, Mello and Gamache absent)

P786-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - At that meeting the Council also discussed a request from His Honor the Mayor and the Director of Human Services Sharon Cameron requesting the City Council to authorize the establishment of a revolving fund to utilize reimbursements that we receive to purchase flu vaccines and fund more public health clinics. After the discussion and understanding of what that specifically would do, Councillor Driscoll made the following motion. (Report received)

P787-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO establish a revolving fund, in accordance with Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, to enable the Human Services Department to utilize reimbursements for the purchase of flu vaccines and fund additional public health clinics. (Carried 8-0; Councillors Garabedian, Mello and Gamache absent)

P788-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Transfer of funds from Operating Budget Reserve Fund to Streets and Highways – Traffic lights - \$88,500.00 (St. Adelaide’s Church) and to refer to the Finance Committee. (Unanimous)

P789-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds from CPA Unreserved to CPC Administration - \$15,000.00 and to refer to the Finance Committee. (Unanimous)

P790-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds from CPC Open Space to CPC Crystal Lake/Elginwood Pond Dredging & Restoration project - \$800,000.00 and to refer to the Finance Committee. (Unanimous)

P791-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds from CPC Open Space to CPC PVMHS high school football field replacement project - \$400,000.00 and to refer to the Finance Committee. (Unanimous)

P792-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds from CPC Open Space to CPC Parks & Play Spaces Restoration Projects for FY14 \$152,000.00 and to refer to the Finance Committee. (Unanimous)

P793-13 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Transfer of funds from CPC Unreserved and State Match to CPC Various Reserve Funds and to refer to the Finance Committee. (Unanimous)

(MR. JACK MCMAHON OF 8 COBB AVENUE APPEARED TO SPEAK, REPRESENTING FRIENDS OF PEABODY LAKES, REGARDING THE RESTORATION OF CRYSTAL LAKE/ELGINWOOD POND)

### HEARINGS

P794-13 COUNCILLOR LIACOS - MOVE TO continue the public hearing on the Special Permit application from JAM Enterprises, Inc., 55 Newbury Street. (Unanimous)

A public hearing was duly held on the application from Sunshine Car Services, LLC, 153 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Joseph Mahan and Mr. Carmine Gaeta. No one appeared to speak in favor. No one appeared to speak in opposition.

P795-13 COUNCILLOR SINEWITZ – MOVE TO approve the application from Sunshine Car Services, LLC, 153 Newbury Street, Peabody, MA, for the use of three (3) Taxicab Licenses at said 153 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 8-0; Councillors Garabedian, Mello and Gamache absent)

P796-13 COUNCILLOR GRAVEL - MOVE THAT the Zoning Map Amendment – Nelson Gagnon, 15 Little’s Lane regarding Rezone Map 85, Parcel 109A, 15 Little’s Lane from R-2 to B-C, be allowed to be withdrawn, without prejudice. (Unanimous)

P797-13 COUNCILLOR GRAVEL - MOVE TO continue the public hearing on the Special Permit application from J. Vozella & Family, LLC d/b/a Orange Leaf Yogurt, 79 Lynnfield Street, regarding Fast food restaurant. (Unanimous)

P798-13 COUNCILLOR GRAVEL - MOVE TO continue the public hearing on the Special Permit application from Cove Outdoor Advertising, LLC, 200 Jubilee Drive regarding Billboard. (Unanimous)

P799-13 COUNCILLOR GRAVEL - MOVE TO continue the public hearing on the Special Permit application from 47 Newbury World Realty Trust, 47 Newbury Street, regarding Billboard. (Unanimous)

### **REPORTS OF COMMITTEE**

#### **MUNICIPAL SAFETY COMMITTEE**

##### **OCTOBER 24, 2013**

P800-13 COUNCILLOR GRAVEL – Reporting for the Municipal Safety Committee – The Municipal Safety Committee meeting was held this evening. In attendance on behalf of the Committee were myself acting as chair, Councillor Osborne and Councillor Sinewitz, sitting in for Councillor Garabedian was Councillor Gould, and sitting in for Councillor Gamache was Councillor Athas; also attending at the end of the meeting was Councillor Driscoll. The first item on the agenda this evening was a letter from Bob and Claire Kane of 5 Sparrow Lane regarding truck traffic on Sparrow Lane. Much discussion ensued about the hazards of GPS systems taking trucks down narrow roads and the following motion was made by Councillor Gould. (Report received)

P801-13 COUNCILLOR GRAVEL - Reporting for the Municipal Safety Committee - MOVE THAT a sign be placed at the end of Newcastle Road at Margin Street facing towards Treadwell's stating, "Narrow Road. No trucks allowed." (Unanimous)

P802-13 COUNCILLOR GRAVEL - Reporting for the Municipal Safety Committee - The next item on the agenda was a motion that had been referred by Councillor Gould regarding the residents at the Peabody House not being able to see around parked vehicles. As a result of discussions with the Department of Public Services, as well as the Police Department, as well as the Peabody House director, a motion was made Councillor Gould. (Report received)

P803-13 COUNCILLOR GRAVEL - Reporting for the Municipal Safety Committee - MOVE TO request that the Public Services Department install a sign at the Ice House driveway stating, "No parking between signs," which would represent no parking between the signs of the Ice House driveway and Peabody House driveway and that the street be appropriately marked with yellow hash marks. (Unanimous)

P804-13 COUNCILLOR GRAVEL – Reporting for the Municipal Safety Committee - MOVE TO request that the Public Services Department add curb cuts to the sidewalk in the vicinity of the Peabody House to make them handicapped accessible for people traveling with walkers and wheelchairs. (Unanimous)

P805-13 COUNCILLOR GRAVEL – Reporting for the Municipal Safety Committee - The next item on the agenda was one that was referred to the Committee by Councillor Athas whereby he was asking that an ordinance amending regarding prohibiting snowplowing snow on the corners of streets, which cover pedestrian sidewalks, be considered. After discussion with Director Langley, it was determined that Mr. Langley will meet with the area supervisors to further educate them on leaving snow on the heavily trafficked areas near schools and in busily crossed areas, so that pedestrians would be safe. Also I believe that Councillor Driscoll suggested that a Councillor could call the Public Services if they found that there was an area that needed the snow removed from a corner and the request could be made that Mr. Langley remove it as quickly as possible. So that was a work in progress. No motions were made. (Report received)

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

P806-13 COUNCILLOR GRAVEL (Co-motion with Councillor Athas) - MOVE TO request that the Police Department provide more of a police presence in the downtown to promote a sense of safety and to ensure that ordinances are enforced; and to request that the Police Chief provide comment to the City Council regarding the ability to provide a beat cop that will patrol the areas of downtown, which include Main Street, Washington Street, Foster Street, Walnut Street, Central Street and pieces of lower Lowell Street. (Unanimous)

P807-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Centennial Crossing, LLC, 4 First Avenue, Peabody, MA, regarding Special Permit for earth removal and to set up a public hearing. (Unanimous)

P808-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 9-B Entertainment License (amendment) – Vignalli, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street, and to set up a public hearing. (Unanimous)

P809-13 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 9-C Block Party – 38-55 Dexter Street for October 26, 2013, subject to all papers being in order. (Unanimous)

P810-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Thomas Grelish, The Peabody Citizen, regarding Letter of thanks for the Fire Department and to forward to the Fire Department. (Unanimous)

P811-13 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department repair the sidewalk in front of 22 Osborne Street. The resident is a handicapped senior who is having trouble using the sidewalk. (Unanimous)

P812-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department inspect and clean out the storm drains on Florence Road and the bend in the road. (Unanimous)

P813-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the sidewalk in front of 5 Swampscott Avenue. (Unanimous)

P814-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repaint the crosswalk at the intersection of School Street and Lowell Street and to add a pedestrian crosswalk sign. (Unanimous)

P815-13 COUNCILLOR ATHAS - MOVE TO request that Peabody Fire Alarm investigate the sensor at the Hingston/Washington Street intersection. Since the repaving of Washington Street and the lower part of Hingston, the sensor appears not to be working. (Unanimous)

P816-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install two "No parking here to corner" signs at the either end of Drake's Way. (Unanimous)

P817-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-I communication from Detective Michael Crane, Police Department, regarding Complaint regarding business practices of P.K. Motors, 195 Washington Street; and to request that a representative of P.K. Motors appear before the City Council before renewal of their license. (Unanimous)

P818-13 COUNCILLOR ATHAS – MOVE TO receive and approve, under suspension of the rules, Item 9-A communication from Peabody Downtown Association regarding Request sidewalk sale on Friday, November 29<sup>th</sup> to Monday, December 30<sup>th</sup>, subject to all papers being in order. (Unanimous)

P819-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-B communication from Senator Joan B. Lovely regarding Council motions regarding IT computer tax and gas tax index and to send a communication of thanks. (Unanimous)

P820-13 COUNCILLOR SINEWITZ – MOVE TO request that Blair Haney, Asst. Director of Planning, Community Development Department, provide the City Council in writing a detailed list of the permits needed for the Crystal Lake project. I want to know how many permits; I want to know how many have expired; I want to know what it takes in time to reinstate those permits; and I want them in detail, so we know what we are dealing with when we start to move forward in the process. (Unanimous)

P821-13 COUNCILLOR GOULD – MOVE TO request that a "Stop" sign be installed on Kingdom Terrace at Douglas Street. (Unanimous)

P822-13 COUNCILLOR GOULD - MOVE TO request that the Public Services Department level the water gate in front of 7 Ellsworth Road that is four to six inches above the surface of the sidewalk. (Unanimous)

P823-13 COUNCILLOR GOULD – MOVE to request that the Public Services Department repair the pavement in front of 7 Ellsworth Road that is sinking. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P824-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Appointment of Georgianna Melendez to the Board of Appeals as an alternate member. (Unanimous)

P824A-13 COUNCILLOR GRAVEL – MOVE TO approve the appointment of Georgiana Melendez, 56R Holten Street, Peabody as an alternate member of the Board of Appeals for a term to expire on December 31, 2014. (Unanimous)

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P825-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Chief Robert L. Champagne, Police Department, regarding Special permit responses for 15 Little's Lane, 79 Lynnfield Street, and 200 Jubilee Drive and to refer to the public hearings. (Unanimous)

P826-13 COUNCILLOR GRAVEL – MOVE TO receive and approve a communication from Office of the Building Inspector regarding Special permit transfer 22-2004; Joseph Espinola d/b/a Ragin Joe's, 297 Lynn Street, subject to all papers being in order. (Unanimous)

P827-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Edward J. Farley, Director, Office of Outdoor Advertising, Boston, MA, regarding Electronic billboard, 71 Newbury Street. (Unanimous)

P828-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Deputy Chief Martin Cohan, Peabody Police Department, regarding Truck exclusion permit/ordinance information. (Unanimous)

P829-13 COUNCILLOR GRAVEL – MOVE TO receive and approve a communication from Office of the Building Inspector regarding Special permit transfer 4-1981; Paul's Computer Repair, Suite 2E, 484 Lowell Street, subject to all papers being in order. (Unanimous)

P830-13 COUNCILLOR GRAVEL – MOVE TO receive a communication from Blair Haney, Asst. Director of Planning, Community Development Department, regarding Proposed zoning amendment, 15 Little's Lane. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P831-13 COUNCILLOR GRAVEL – MOVE TO receive Petition – Bay Ring Communications, Portsmouth, NH, regarding Install fiber optic cable vicinity of 245 Lynnfield Street, and set up a public hearing. (Unanimous)

P832-13 COUNCILLOR GRAVEL - MOVE TO receive and approve Taxi/Limousine Driver License – Stephen Plunkett – License 109, subject to all papers being in order. (Unanimous)

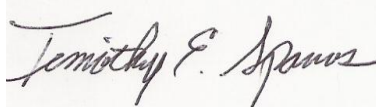
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

{10-A Deputy Chief of Police and Fire Salary Adjustment}

P833-13 COUNCILLOR GRAVEL – 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 8-0; Councillors Garabedian, Mello and Gamache absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 1, 2013  
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 1, 2013



ATTEST  
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(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds from CPA Unreserved to CPC Administration - \$15,000.00  
His Honor the Mayor re: Transfer of funds from CPC Open Space to CPC Crystal Lake/Elginwood Pond Dredging & Restoration project - \$800,000.00  
His Honor the Mayor re: Transfer of funds – CPC Open Space to CPC PVMHS high school football field replacement project - \$400,000.00  
His Honor the Mayor re: Transfer of funds – CPC Open Space to CPC Parks & Play Spaces Restoration Projects for FY14 - \$152,000.00  
His Honor the Mayor re: Transfer of funds – CPC Unreserved and State Match to CPC Various Reserve Funds  
His Honor the Mayor re: Appointment of Georgianna Melendez to the Planning Board as an alternate member  
Chief Robert L. Champagne, Police Department re: Special permit responses for 15 Little's Lane, 79 Lynnfield Street, and 200 Jubilee Drive  
Senator Joan B. Lovely re: Council motion regarding IT computer tax and gas tax index  
Thomas Grelish, The Peabody Citizen re: Letter of thanks for the Fire Department  
Office of the Building Inspector re: Special permit transfer 22-2004; Joseph Espinola d/b/a Ragin Joe's, 297 Lynn Street  
Edward J. Farley, Director, Office of Outdoor Advertising, Boston, MA re: Electronic billboard, 71 Newbury Street  
Deputy Chief Martin Cohan, Peabody Police Department re: Truck exclusion permit/ordinance information  
Office of the Building Inspector re: Special permit transfer 4-1981; Paul's Computer Repair, Suite 2E, 484 Lowell Street  
Centennial Crossing LLC, 4 First Avenue, Peabody, MA re: Special permit for earth removal  
Detective Michael Crane, Police Department re: Complaint regarding business practices of P. K. Motors, 195 Washington Street  
Patricia D. Schaffer, Director of Finance re: Debt service schedule for capital bond  
Blair Haney, Asst. Director of Planning, Community Development Department re: Proposed zoning amendment, 15 Little's Lane  
North Shore Taxi, Inc., 27 Walnut Street #C – Licenses 21 & 29

**SIDEWALK SALE:**

Peabody Downtown Association re: Request sidewalk sale on Friday, November 29<sup>th</sup> through Saturday, December 14<sup>th</sup>

**ENTERTAINMENT LICENSE:** (Amendment)

Vignalli, Inc. d/b/a Stonewood Tavern, 139 Lynnfield Street

**BLOCK PARTY:**

38-55 Dexter Street for October 26, 2013

**PETITION:**

Bay Ring Communications, Portsmouth, NH re: Install fiber optic cable vicinity of 245 Lynnfield Street  
A.F. Pacillo General Contracting, Inc., 196 Essex Street, Middleton, MA

**TAXI/LIMO/SINE DRIVER LICENSE:**

Stephen Plunkett – License 109