

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**APRIL 30, 2009**

PRESENT: COUNCILLORS: BETTENCOURT, GRAVEL, DRISCOLL, MELLO, GAMACHE, OSBORNE, ATHAS, MANNING, GARABEDIAN, LIACOS AND SINEWITZ

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Barry C. Sinewitz.

Salute to the American Flag.

P444-09 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of April 16, 2009. (Unanimous)

P445-09 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Rochelle Agneta, 54 Russell Street regarding Request to withdraw without prejudice. (Unanimous)

**HEARINGS**

The City Council reconvened the recessed public hearing on the Zoning Amendment - Map 35, Parcel 27 from R-1B to B-H2. Appearing to speak on behalf of said application was Attorney John Keilty. Mr. Brendan Callahan and Ms. Jean Delios appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P446-09 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending the Zoning Ordinance of the City of Peabody entitled "City of Peabody, Mass. Zoning Map, 1975, as heretofore amended, and which accompanies the Zoning Ordinance of the City of Peabody adopted June 27, 1978, as amended, is hereby further amended as follows and that said ordinance be adopted as advertised and read:

**SECTION ONE:** BE IT ORDAINED by the City Council of the City of Peabody that the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map 1975, Scale 1"=800', as amended, is hereby further amended as follows:

By redesignating a portion of that certain parcel of land shown on the City of Peabody Assessors Map 35, as Parcel 27, that portion being 51,535 square feet, from Residence (R-1B) to Business Highway (B-H2).

**SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:** This ordinance shall take effect as provided by law.  
(Carried 9-2; Councillors Manning and Sinewitz opposed)

P447-09 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the application from Walnut Street Auto Sales, 55-57 Walnut Street until the next regularly scheduled City Council meeting on May 14, 2009. (Unanimous)

A public hearing was duly held on the application from Palmetto Motor Sales, 100 Foster Street, Peabody, MA. Mr. Angel Cuevas, 15 Dexter Street, Peabody, MA appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P448-09 COUNCILLOR ATHAS - MOVE TO continue the public hearing on the application from Palmetto Motor Sales, 100 Foster Street, Peabody, MA until the next regularly scheduled City Council meeting on May 14, 2009. (Unanimous)

**REPORTS OF COMMITTEE****Crystal Lake Committee****April 30, 2009**

P449-09 COUNCILLOR GAMACHE - Reporting for the Crystal Lake Committee - Earlier this evening we met for the update on the Crystal Lake Committee. We had Blair Haney review as to where the City of Peabody is in the process of obtaining permits. They will be meeting next Wednesday with members of the Friends of Peabody Lakes and Community Development to further review the schedule that has been received. (Report received)

**Aggregate Closure Committee****April 22, 2009**

P450-09 COUNCILLOR SINEWITZ - Reporting for the Aggregate Closure Committee - Last Wednesday the Closure Committee met with Aggregate and, as everybody heard tonight, they will not present us a water closure plan. They've out-and-out said no they don't want to do it based on what's economically best for them. So it was very contentious. I'd say it got nasty. So after the meeting tonight with the Committee of the Whole we're going to look at our options and then we'll move forward. (Report received)

**Committee of the Whole****April 30, 2009**

P451-09 COUNCILLOR GAMACHE - Reporting for the Committee of the Whole - The Committee of the Whole did meet with members of Aggregate for their end of year report. I want to also thank all the councillors for being present, as well as Joe Finnegan, who gave us a report on behalf of some of the residents on the Closure Committee as well. (Report received)

P452-09 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, a report submitted by Mr. Joseph Finnegan submitting questions and comments regarding the annual report submitted by Aggregate Industries. (Unanimous)

P453-09 COUNCILLOR GAMACHE - Reporting for the Committee of the Whole - MOVE TO request that Aggregate Industries submit a report to the City Council detailing the amount of stone and asphalt brought on-site for 2008. (Unanimous)

P454-09 COUNCILLOR GAMACHE- Reporting for the Committee of the Whole - MOVE TO request that any correspondence between Aggregate Industries and the Department of Environmental Protection be provided to the City Council through the Mayor's office for dissemination. (Unanimous)

P455-09 COUNCILLOR GAMACHE- Reporting for the Committee of the Whole - MOVE TO continue the Committee of the Whole until both parties can get together to answer the questions posed this evening. (Unanimous)

P456-09 COUNCILLOR SINEWITZ - Reporting for the Committee of the Whole – By motion of Councillor Gamache, the Committee of the Whole met in Executive Sessions and there were two motions. (Report received)

P457-09 COUNCILLOR SINEWITZ - MOVE TO approve the Class 2 Motor Vehicle License (Renewal for 2009) from Larry's Auto Sales, 93 Lynn Street, subject to a six-month review. (Carried 7-3; Councillors Gravel, Manning and Liacos opposed; Councillor Mello voting present)

P458-09 COUNCILLOR SINEWITZ - MOVE TO approve the Class 2 Motor Vehicle License (Renewal for 2009) from North Shore Auto Exchange, 98 Foster Street, subject to a six-month review. (Carried 7-3; Councillors Gravel, Manning and Liacos opposed; Councillor Mello voting present)

**MOTIONS, ORDERS & RESOLUTIONS**

P459-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of rules, Item 8-E communication from Robert Langley, Director, Public Services Department regarding Coolidge Avenue WTP Project update and to thank our new Director of Public Services for a very detailed report on the Coolidge Avenue water treatment plant project. (Unanimous)

P460-09 COUNCILLOR BETTENCOURT - MOVE TO request that the Mayor provide to the City Council by May 21 the City Budget and then the School Budget by the end of May. (Unanimous)

P461-09 COUNCILLOR DRISCOLL (Co-motion with Councillor Liacos) - MOVE TO request that the Public Services Department erect a "Dangerous Curve" sign on the corner of Cortland Street and Baldwin Street. (Unanimous)

P462-09 COUNCILLOR MELLO - MOVE TO request that the Public Services Department erect, "No parking," signs on both sides of Pulaski Street Rear, which is the industrial park. (Unanimous)

P463-09 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 8-C communication from Chief Robert Champagne, Police Department, regarding Plowing dispute on Sabino Farm Road and to send a communication thanking Chief Champagne, Officer Berardino and Officer Heath for their efforts resolving the neighborhood issue there regarding plowing and a business. (Unanimous)

P464-09 COUNCILLOR GAMACHE - MOVE TO send a communication to Mass Highway to study the area at US Route 1 for redesign of the access from Lowell Street, as cars travel east to the northbound lane. The proposal is to widen the ramp at Lowell Street at the lights to make an additional lane to allow for vehicles to get out of the existing traffic and enter the northbound lane of Route 1. The current configuration is a two-lane configuration and it would allow for free access on to Route 1 without a backup. I'd like to ask that the state provide the City of Peabody with a date convenient with them to discuss this further. I would also request that our state representatives and state senator be notified of this proposal and ask that they follow this motion to make sure that the request is properly handled. (Unanimous)

P465-09 COUNCILLOR OSBORNE - MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from International Festival Committee regarding Banner request, subject to all papers being in order. (Unanimous)

P466-09 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-H communication from Dora Bettencourt, 15 Will Sawyer Road regarding Special Permit application and to set up a public hearing. (Unanimous)

P467-09 COUNCILLOR OSBORNE - MOVE TO request that the City Solicitor provide the City Council with an update on the status of the lease between the City of Peabody and the Peabody Historical Society for the land at Brooksby Farm that the City leased from the Historical Society; and if that lease has expired, which I understand it has, the status of negotiations between the City and the Historical Society. (Report received)

P468-09 COUNCILLOR ATHAS - MOVE TO refer Motion P409-09, which was an ordinance to specify the hours of use of the bike path, to the Legal Affairs Committee. (Unanimous)

P469-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 2 from Donald Preston, Habitat for Humanity, regarding Application for funding to home consortium and to refer to the Finance Committee. (Unanimous)

P470-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-F communication from Jean Delios, Community Development Department, regarding 70 Endicott Street update and to refer to the Industrial & Community Development Committee. (Unanimous)

P471-09 COUNCILLOR ATHAS - MOVE TO request that the Building Inspector provide to the City Council information regarding the amount of vehicles for sale allowed at 100 Foster Street, if the transfer of license from 218 Newbury Street is granted. (Unanimous)

P472-09 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department fix the berm at 7 Chase Circle. During the winter the plows damaged it. (Unanimous)

P473-09 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repaint the crosswalks on the Crystal Lake side of the street. (Unanimous)

P474-09 COUNCILLOR GARABEDIAN - MOVE TO request that the Public Services Department repaint the crosswalk going from Goodale Street to the plaza. (Unanimous)

P475-09 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair the pot hole at the intersection of Clinton Road and Hamilton Road. (Unanimous)

P476-09 COUNCILLOR SINEWITZ - MOVE TO request that the Department of Public Services clean out the storm drain in front of 21 Plymouth Road and Bristol Road. The water is backing up because it's filled with sand and dirt. (Unanimous)

P477-09 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department inspect the intersection of Styles Drive and Russell Street. I've had two e-mails about a dip in the road. There's been a motorcycle accident and last week a boat trailer hit the dip and the boat trailer fell off the trailer. (Unanimous)

P478-09 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector visit the Brunswick property and, if there's a landscaping plan, report what's happening with that; see what the situation is with the debris, the fences, and status of used cars being sold there. (Unanimous)

P479-09 COUNCILLOR SINEWITZ - MOVE TO request that the Board Health inspect the Brunswick property regarding a red liquid or whatever that is accumulating on the property. (Unanimous)

#### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P480-09 COUNCILLOR BETTENCOURT - MOVE TO receive and approve a communication from His Honor the Mayor regarding appointment of Judith Otto, 82 Franklin Street, Peabody, MA as a member of the Historical Commission for a one-year term to expire 12/31/2009. (Carried 11-0)

P481-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from His Honor the Mayor regarding Resolution - 45 Walnut Street. (Unanimous)

P482-09 COUNCILLOR MELLO - MOVE TO refer Item 7-B Resolution - 45 Walnut Street to the next regularly scheduled City Council meeting on May 14, 2009. (Unanimous)

#### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P483-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Ray & Persephone Santos, 381 Lowell Street, regarding Opposition to proposed subdivision. (Unanimous)

P484-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Attorney Jeremy Cohen, 30 Church Street, Salem, regarding Dog incident at 286 Newbury Street. (Unanimous)

P485-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from MassDevelopment, 160 Federal Street, Boston, regarding Project notification 11 Murray Street and 7 Gwinnett Road. (Unanimous)

P486-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Hayes Engineering, Inc., on behalf of Sonic, 55 Newbury Street, regarding Site plan. (Unanimous)

P487-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding School Summary Status. (Unanimous)

P488-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding City Status of appropriations. (Unanimous)

P489-09 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding General Fund summary. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P490-09 COUNCILLOR BETTENCOURT - MOVE TO receive Inflammables License - Aggregate Industries, 55 Russell Street and to set up a public hearing. (Unanimous)

P491-09 COUNCILLOR BETTENCOURT - MOVE TO receive Inflammables License - Michael Markos, 24-R Caller Street and to set up a public hearing. (Unanimous)

P492-09 COUNCILLOR BETTENCOURT - MOVE TO receive and approve Block party - Our Lady of Help, 61 Northend Street, subject to all papers being in order. (Unanimous)

P493-09 COUNCILLOR BETTENCOURT - MOVE TO receive and approve the following Junk Dealer Licenses (Renewals for 2009), subject to all papers being in order:

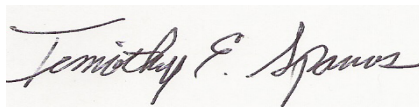
- Mandracchia Trading Co., 147 Summit Street, Bldg. 3D
  - Long's Jewelers Ltd., 35 Cross Street
  - GameStop 664, 300 Andover Street
  - GameStop 6409, 210 Andover Street
  - GameStop 6278, 637 Lowell Street
  - Azorean Holy Ghost, 20 Howley Street
  - Ginger's Closet, 101 Lynn Street
  - Twice Is Nice, 47-49 Central Street
  - Golden Link, 515 Lowell Street
- (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P494-09 COUNCILLOR OSBORNE - MOVE TO receive late communication Item 3 from Jose D. & Sonia Del Valle, 18 Shamrock Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 7, 2009  
RETURNED BY HIS HONOR THE MAYOR, MAY 7, 2009



ATTEST

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(Timothy E. Spanos, City Clerk)