

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 24, 2011

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

ABSENT: NONE.

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Anne M. Manning-Martin.

Salute to the American Flag.

P140-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of February 10, 2011. (Unanimous)

COUNCILLOR MANNING-MARTIN - 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 Petition 01-2011 submitted by Verizon, 28 Diana Lane, Dracut, MA. Appearing to speak on behalf of said petition was Mr. Joseph Gleason, Right of Way Agent. No one appeared to speak in favor. No one appeared to speak in opposition.

P141-11 COUNCILLOR OSBORNE - MOVE TO approve Petition 01-2011 submitted by Verizon, 28 Diana Lane, Dracut, Mass. to install one new joint-owned pole in front of property at 240 Lynnfield Street, Peabody, MA. (Carried 10-0; Councillor Mello absent)

A public hearing was duly held on the Special Permit application from Daniel Terenzoni, 35 MacArthur Circle, Peabody, MA. Appearing to speak on behalf of said application was Mr. Daniel Terenzoni. Mr. Richard Medina, 1B Laurel Street, Peabody, MA appeared to speak in favor. No one appeared to speak in opposition.

P142-11 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Daniel Terenzoni, 35 MacArthur Street, Peabody, MA for a Special Permit to construct a 4-unit multifamily dwelling with the existing single family structure to remain on premises at 86 Endicott Street, Peabody, MA, as filed in accordance with Section 1.5 and 4.4 of the Peabody Zoning Ordinance, be approved based on the following reasons:

REASON: Owing to the fact that the use as approved satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody. (Carried 11-0)

A public hearing was duly held on the application from Motor Mania, LLC, 211 Jefferson Avenue, Salem, MA. Appearing to speak on behalf of said application was Mr. Michael Francois. No one appeared to speak in favor. No one appeared to speak in opposition.

P143-11 COUNCILLOR ATHAS - MOVE TO approve the application from Motor Mania, LLC, 211 Jefferson Avenue, Salem, MA for the transfer of a Class 2 Motor Vehicle License from Palmetto Motor Sales, Ltd., 98 Foster Street, Peabody, MA subject to all conditions on the previous license. (Carried 11-0)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
FEBRUARY 24, 2011

P144-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee - The Legal Affairs Committee met earlier this evening and on the agenda was to discuss the designation of attorney Charles Le Ray as a Special

Municipal Employee of the City of Peabody. On the committee and present were Councillors: Bettencourt, Driscoll, Osborne, Sinewitz, as well as myself. There were a number of other councillors in attendance as well. We discussed the rationale behind the need for this and it was Mr. Le Ray's opinion that this is necessary for him to work and represent the City of Peabody's interest through the Community Development Department and not give up the opportunity for his firm to also engage in business in the City of Peabody with other people doing business in the city of Peabody, so in order to do that he wanted to have this Special Municipal Employee designation. (Report received)

P145-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - MOVE TO designate the position of outside counsel to the office of Community Development Department as a Special Municipal Employee. (Carried 11-0)

FINANCE COMMITTEE
FEBRUARY 24, 2011

P146-11 COUNCILLOR GAMACHE - Reporting for the Finance Committee - The Finance Committee met earlier this evening. Present were myself and Councillors: Athas, Driscoll, Gravel and Liacos. We also had Dr. Burnett; Roger Bourgeois, Superintendent of Essex Agricultural & Technical High School; Patti Schaffer; His Honor the Mayor; Jarrod Hochman was also here on behalf of the School Committee. We took up the matter that was voted on November 10 of 2009. The matter was for the regional vocational school. Back on November 10 the City Council approved our commitment to the new technical vocational high school and the bond counsel sent the city of Peabody a request. Upon further review of that request it does not need advertisement. It is a simple process that they want us to attribute to the bond that we are going to enter into. In committee Councillor Gravel made the motion to approve the bond order for our bond company, which is Edwards, Angle, Palmer & Dodge, LLP and it was voted unanimously. (Report received)

P147-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Chapter 71, Section 16(d) of the General Laws, the City hereby approves the \$133,770,000.00 borrowing authorized by vote of the Essex North Shore Agricultural and Technical School District (the "District") on January 6, 2011 to pay costs of designing, constructing, originally equipping and furnishing a new District High School to be located at Maple Street in Hathorne (the "Project"); that the portion of the total Project cost eligible for grant funding from the Massachusetts School Building Authority ("MSBA") is expected to be approximately \$125,000,000.00; that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-two percent (62%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the total amount of the borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA, and reduced further upon the District's receipt of a grant from the Commonwealth's Division of Capital Asset Management to pay additional Project costs (which is expected to be \$21,101,250.00) and further by all amounts that may be realized by the District upon the sale of the land and buildings currently occupied by the North Shore Vocational and Technical School District. (Carried 8-3; Councillors Bettencourt, Mello and Sinewitz opposed)

MOTIONS, ORDERS & RESOLUTIONS

P148-11 COUNCILLOR GAMACHE - MOVE TO place the issue of salary review of the City Council and His Honor the Mayor on the next regular agenda. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P149-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Letter regarding Legal Department. (Unanimous)

P150-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Re-Appointments to the Legal Department: Attorney Brian Barrett, Assistant City Solicitor; Attorney Daniel Cocuzzo, Assistant City Solicitor. (Unanimous)

P151-11 COUNCILLOR GAMACHE - MOVE TO approve the appointment of Brian Barrett, 53 Emerson Avenue, Peabody, MA as Assistant City Solicitor for a one-year term to expire 12/31/2011. (Carried 11-0)

P152-11 COUNCILLOR GAMACHE - MOVE TO approve the appointment of Daniel Cocuzzo, 74 Walnut Street, Everett, MA as Assistant City Solicitor for a one-year term to expire 12/31/2011. (Carried 7-4; Councillors Gravel, Liacos, Sinewitz and Manning-Martin opposed)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P153-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Planning Board regarding Minutes (2/3/11) and agenda (2/17/11). (Unanimous)

P154-11 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer, Vincent P. Meoli, M.D., 484 Lowell Street, subject to all papers being in order. (Unanimous)

P155-11 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from North Shore Cancer Walk regarding Banner request, subject to all papers being in order. (Unanimous)

P156-11 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from Timothy E. Spanos, City Clerk, regarding 2011 City Election Calendar. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P157-11 COUNCILLOR DRISCOLL - MOVE TO receive and approve One Day Entertainment License - Boston Children's Hospital, 10 Centennial Drive, for March 12, 2011, subject to all papers being in order. (Unanimous)

P158-11 COUNCILLOR GAMACHE - MOVE TO receive Class 2 Motor Vehicle License (New) - North Shore Automotive, 100 Birney Street, Unit 7, and to set up a public hearing. (Unanimous)

P159-11 COUNCILLOR GAMACHE - MOVE TO receive Class 2 Motor Vehicle License (Transfer) - USA Speedy Auto, 108 Newbury Street, and to set up a public hearing. (Unanimous)

P160-11 COUNCILLOR GAMACHE - MOVE TO receive Taxicab License/Limousine License (Amendment for Increase) North Shore Taxi, Inc., 27-C Walnut Street, and to set up a public hearing. (Unanimous)

P161-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Edward F. Churchill - License 121
Paul Rizzo - License 127
Louis Carpinto - License 128
Thomas McCarthy - License 119
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A regarding Stop Signs re: Kyleigh Lane; Serena Terrace; Christopher Terrace}

P162-11 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 19 of the City Code Entitled Motor Vehicles and Traffic (Stop Signs) of the Code of the City of Peabody be adopted as advertised and read. (Unanimous)

P163-11 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 1 from GT Construction, Inc. c/o Ciampa Apothecary, 104 Newbury Street, regarding Site plan. (Unanimous)

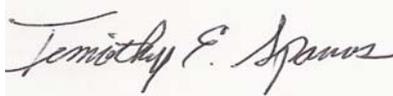
P164-11 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 2 from Patricia Davis Schaffer, Finance Director, regarding Status of appropriations for Schools as of February 24, 2011 and to refer to the Finance Committee. (Unanimous)

P165-11 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 3 from Patricia Davis Schaffer, Finance Director, regarding Status of appropriations for City as of February 24, 2011 and to refer to the Finance Committee. (Unanimous)

P166-11 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 4 from Patricia Davis Schaffer, Finance Director, regarding General fund summary as of February 24, 2011 and to refer to the Finance Committee. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 4, 2011
RETURNED BY HIS HONOR THE MAYOR, MARCH 4, 2011



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Planning Board re: Minutes (2/3/11) and agenda (2/17/11)
Kevin Goggin Building Commissioner re: Special Permit transfer;
Vincent P. Meoli, M.D., 484 Lowell Street
North Shore Cancer Walk re: Banner request
Timothy E. Spanos, City Clerk re: 2011 City Election Calendar
Patricia Davis-Schaffer, Director of Finance re: Financial reports as of February 24, 2011

ONE DAY ENTERTAINMENT LICENSE

Boston Children's Hospital, 10 Centennial Drive for March 12, 2011

CLASS 2 MOTOR VEHICLE LICENSE (NEW)

Northshore Automotive, 100 Birney Street, Unit 7

CLASS 2 MOTOR VEHICLE LICENSE (TRANSFER)

USA Speedy Auto, 108 Newbury Street

TAXICAB LICENSE/LIMOUSINE LICENSE

North Shore Taxi, Inc., 27-C Walnut Street

TAXI/LIMOUSINE DRIVER LICENSE

Edward F. Churchill - License 121
Paul Rizzo - License 127
Louis Carpinto - License 128
Thomas McCarthy - License 119