

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 10, 2011**

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

ABSENT: COUNCILLORS DRISCOLL AND ATHAS

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.

P167-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of February 24, 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 the application from Tae J. Lee to A & D Parks, Inc., d/b/a USA Speedy Auto, 108 Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Tae J. Lee and Mr. Daniel Parks. No one appeared to speak in favor. No one appeared to speak in opposition.

P168-11 COUNCILLOR GAMACHE - MOVE TO approve the application for the transfer of a Class 2 Motor Vehicle License from Tae J. Lee to A & D Parks, Inc., d/b/a USA Speedy Auto, 108 Newbury Street, Peabody, MA. (Carried 9-0; Councillors Driscoll and Athas absent)

A public hearing was duly held on the application from North Shore Taxi, Inc., 26-C Walnut Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. John McKinnon and Mr. Sean McKinnon. Appearing to speak on behalf of the City was Officer Patrick Berardino. No one appeared to speak in favor. No one appeared to speak in opposition.

P169-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 1 from Building Commissioner regarding Request for parking plan regarding North Shore Taxi, Inc., 27C Walnut Street for Taxi Cab License increase and one Limousine License. (Unanimous)

P170-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 2 from Police Department regarding Opposed to Limousine License only North Shore Taxi, Inc., 27C Walnut Street for Taxi Cab License increase and one Limousine License. (Unanimous)

P171-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 3 from North Shore Taxi, Inc., 27C Walnut Street, regarding Parking plan. (Unanimous)

P172-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 4 from North Shore Taxi, Inc., 27C Walnut Street, regarding Memo in response to Police Department. (Unanimous)

P173-11 COUNCILLOR MELLO - MOVE TO approve the application from North Shore Taxi, Inc., 27-C Walnut Street, Peabody, MA for an additional three (3) Taxicab Licenses and one (1) Limousine License, with the condition that the parking plan be approved by the Building Commissioner. (Carried 9-0; Councillors Driscoll and Athas absent)

A public hearing was duly held on the Special Permit application from Habitat for Humanity-North Shore, Inc., 215 Maple Street, Lynn, MA. Appearing to speak on behalf of said application was Attorney Philip Posner and Mr. Donald Preston. Mr. Peter McGinn, 8 Park Street, Peabody, MA appeared to speak in favor. No one appeared to speak in opposition.

P174-11 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, late communication Item 5 from Councillor Arthur Athas regarding Letter in support of Habitat for Humanity Special Permit. (Unanimous)

P175-11 COUNCILLOR GRAVEL - MOVE TO receive, under suspension of the rules, late communication Item 6 from Habitat for Humanity-North Shore, Inc., 215 Maple Street, Lynn, MA regarding Revised site plan. (Unanimous)

P176-11 COUNCILLOR GRAVEL - BE IT ORDERED by the City Council of the City of Peabody that the application from Habitat for Humanity-North Shore, Inc., 215 Maple Street, Lynn, MA for a Special Permit to allow for the renovation and construction of three (3) multi-unit buildings each containing two 3-bedroom units at 12-14 Park Street, Peabody, MA, as filed in accordance with Section 4.2; 4.2.1 and 1.5.1 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 9-0; Councillors Driscoll and Athas absent)

### REPORTS OF COMMITTEE

#### **AD HOC COMMITTEE ON MUNICIPAL CONSOLIDATION & EFFICIENCY MARCH 10, 2011**

P177-11 COUNCILLOR GRAVEL - Reporting for the Ad Hoc Committee on Municipal Consolidation & Efficiency - A meeting was held tonight at 6:00 p.m. here in the Wiggin Auditorium. Present from the committee were Councillor Gamache and myself and stepping in place and offering themselves as substitutes were Councillor Manning-Martin and Councillor Bettencourt. We had a discussion about the purpose of the committee. We adopted a purpose of basically three items. One is to look at areas where consolidation of services might affect some efficiencies. In other words, to look at where cost savings from within a budget might be obtained, and the third was to look at areas where efficiencies might also result in cost savings. So once we agreed upon where we're going, we also talked about items that we would like to get from the city to start this whole process. We took a suggestion, in terms of developing a list of stakeholders who might be affected and inviting them to future meetings as we look at all of this information. We asked for copies of the last budget in Excel format so we can work with it electronically. We also asked for some organization charts, some insurance information and for some pension liability information. Councillor Gamache offered the suggestion that if any of this information is too difficult to achieve during the period of time where they're preparing the new budget that we make some allowance for that which we said we would, although I believe most of the information we're requesting is readily available. So with that we will be scheduling a second meeting. (Report received)

#### **COMMITTEE OF THE WHOLE MARCH 10, 2011**

P178-11 COUNCILLOR MANNING-MARTIN - Reporting for the Committee of the Whole - The Committee of the Whole met this evening at 7:15 to discuss two issues: The mayor's salary and the review of the City Council salary. The first subject was the mayor's salary. And all councillors present here this evening were present with two absent. Councillor Driscoll and Councillor Athas were absent. The discussion again was on the mayor's salary that the City Council must meet annually to review each February. The current salary for the Mayor is \$94,933.39. Motion by Councillor Gamache to increase the Mayor's salary to \$110,000.00 effective January 1, 2012 failed in committee. The following motions were made. (Report received).

P179-11 COUNCILLOR MANNING-MARTIN - MOVE THAT the Mayor's salary be increased to \$110,000.00 effective January 1, 2012. (Failed 6-3; Councillors Osborne, Gamache and Garabedian in favor; Councillors Driscoll and Athas absent)

RECONSIDERATION BY COUNCILLOR MELLO – Immediate reconsideration hoping same shall not prevail. (Failed 5-4; Councillors Osborne, Liacos, Gamache and Garabedian in favor; Councillors Driscoll and Athas absent)

P181-11 COUNCILLOR MANNING-MARTIN - MOVE THAT no action be taken on the City Council salary and to remain the same as outlined in Section 2-14 of the City Code (\$7,466.39). (Carried 9-0; Councillors Driscoll and Athas absent)

**MOTIONS, ORDERS & RESOLUTIONS**

P182-11 COUNCILLOR GRAVEL - MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Request to establish new position - Facilities Manager and to refer to the Ad Hoc Committee on Municipal Consolidation & Efficiency. (Unanimous)

P183-11 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-A communication from John A. Christopher, City Solicitor, regarding Lowe's/Walmart Project-bond; to forward to the Community Development Department requesting if any action will be taken; and to refer to the Ad Hoc Committee on Spring Pond. (Unanimous)

P184-11 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-K communication from James A. Kekeisen, 147 Summit Street #3C, regarding Special Permit and to set up a public hearing. (Unanimous)

P185-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 7 from Councillor Rico Mello regarding Photograph of 60 Pulaski Street. (Unanimous)

P186-11 COUNCILLOR MELLO - MOVE TO request that the Fire Department report back to the City Council as to whether anyone has a license to fuel buses at 60 Pulaski Street. (Unanimous)

P187-11 COUNCILLOR MELLO - MOVE TO request that His Honor the Mayor inform the City Council of the status of the \$800,000.00 grant that was issued for the cleanup of Crystal Lake. (Unanimous)

P188-11 COUNCILLOR SINEWITZ - MOVE TO receive, under suspension of the rules, Item 8-H communication from Aggregate Industries, 55 Russell Street, regarding Annual Report for year 2010. (Unanimous)

P189-11 COUNCILLOR SINEWITZ - MOVE TO request that a Committee of the Whole meeting be scheduled in reference to the Aggregate Industries Annual Report. (Unanimous)

P190-11 COUNCILLOR MANNING-MARTIN - MOVE TO request His Honor the Mayor gather, through appropriate staff, energy usage data for our city buildings over the last year. Given the cost of fuel and the condition of our buildings I'd like to look into a citywide energy audit for cost savings and the feasibility of that. Given the cost of fuel these days we need to take a look at these drafty buildings and see what we can do. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P191-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Eagle Scout Citation - Matthew J. Harrington. (Unanimous)

(COUNCILLOR GAMACHE READ ITEM 7-A INTO THE RECORD)

Official Citation of Community Achievement is presented to: Matthew James Harrington.

Whereas: It is my distinct honor to recognize Matthew James Harrington for his attainment of the prestigious rank of Eagle Scout; and

Whereas: On September 8, 1995, Matthew Harrington was born, the handsome son of Francis & Karen Harrington. Matthew resides at 19 Emily lane, in the heart of the great City of Peabody, with his wonderful older brothers, Brian & Paul and his sister, Kelly; and

Whereas: Matthew is a freshman at Essex Agricultural & Technical High School and has spent many purposeful and meaningful years as a member of Pack #58 and Troop #119, nobly and conscientiously undertaking the many duties and responsibilities consistent with the finest traditions of the Boy Scouts of America; and

Whereas: Over the years, Matthew has distinguished himself in extraordinary ways, earning the Ad Altare Dei Religious Emblem, completing National youth Leadership Training and attending the Boy Scout National Jamboree; and

Whereas: Matthew has preserved and enriched Troop #119 by carrying out his duties as a Boy Scout, especially by serving in the most dedicated and conscientious manner possible, distinguishing himself among his peers by earning twenty-one merit badges and awards and is currently a patrol leader of Troop #119 and is also the chapter chief of the Ascutegnick Chapter of the Nanepashemet Lodge of the order of the arrow; and

Whereas: The rank of Eagle Scout is the highest honor that can be attained by a Boy Scout; and

Whereas: Attainment of the rank of Eagle Scout involved completing a community service project where Matthew provided the leadership to construct and install stations of the cross at St. Adelaide's Parish in Peabody; and

Whereas: Because of Matthew's efforts, he has earned the respect and admiration of his fellow Scouts, scout leaders and community members alike; and

Whereas: In earning this high rank, Matthew joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, medicine, government, education and other sectors of society; and

Whereas: Matthew's personal style, sophisticated sense of humor, unique technical know-how and tremendous devotion to his friends, family, and community have won him admiration from all, especially from the Citizens of the City of Peabody; and

Whereas: It is fitting that the City of Peabody should recognize Mr. Harrington for his volunteerism, his hard work, and his dedication to the highest ideals of community and public service; and

Now therefore: I, Michael J. Bonfanti, Mayor of the City of Peabody, Massachusetts, do hereby present this Citation of Meritorious Service to:

Matthew James Harrington

in Peabody, Massachusetts and urge others to join me in extending congratulations to Matthew for his demonstration of outstanding qualities of leadership, a willingness to be of help to others and his superior skills as recognized by the rank of Eagle Scout.

Be it resolved, that a copy of this citation be presented to the honorable Peabody City Council to be read into the permanent record of the city of Peabody, Massachusetts.

In witness whereof, I have hereunto set my hand and caused to be affixed the Seal of the City of Peabody, Massachusetts, this 27<sup>th</sup> day of February 2010.

Michael J. Bonfanti, Mayor  
City of Peabody, Massachusetts

P192-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Ordinance Amendment - Snow removal from sidewalks in vicinity of schools and to refer to the Municipal Safety Committee. (Unanimous)

P193-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Request to increase municipal lien certificate fees and to refer to the Finance Committee. (Unanimous)

P194-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Proposed fee increase for white good stickers and to refer to the Finance Committee. (Unanimous)

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

P195-11 COUNCILLOR GAMACHE - MOVE TO receive late communication from D.C. Trust, 134R Newbury Street, regarding amendment to a Class 2 Motor Vehicle License and to set up a public hearing. (Unanimous)

P196-11 COUNCILLOR OSBORNE - MOVE TO receive and approve a communication from Peabody/Lynn YMCA, 259 Lynnfield Street, regarding Banner, subject to all papers being in order. (Unanimous)

P197-11 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from Peabody Chamber of Commerce, 24 Main Street, regarding Banner, subject to all papers being in order. (Unanimous)

P198-11 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from Hospice of the North Shore, 75 Sylvan Street, Danvers regarding Banner, subject to all papers being in order. (Unanimous)

P199-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Public Services Department regarding Snow clearing, Central Street corridor and to refer to the Municipal Safety Committee. (Unanimous)

P200-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Planning Board regarding Agenda and minutes. (Unanimous)

P201-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Status of Class 2 Motor Vehicle License/recommendations and to refer to the Legal Affairs Committee. (Unanimous)

P202-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Danversbank, 37 Cross Street, regarding Site plan. (Unanimous)

P203-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Blair Haney, Community Development Department, regarding Flood mitigation program presentation/request for meeting. (Unanimous)

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P204-11 COUNCILLOR GAMACHE - MOVE TO receive Class 2 Motor Vehicle License (Renewal) - North Shore Auto Exchange, 134-A Newbury Street and to set up an Executive Session meeting. (Unanimous)

P205-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2011), subject to all papers being in order:

Mario's Used Cars, 245 Andover Street  
Mike's Auto Sales, 100 Birney Street  
Oasis Auto & Truck Center, 7 ½ Mason Street  
(Unanimous)

P206-11 COUNCILLOR GAMACHE - MOVE TO receive Class 3 Motor Vehicle License (Renewal for 2011) Palmetto Auto Salvage, 0 Corwin Street and refer to the next regular meeting pending payment of taxes in arrears. (Unanimous)

P207-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Entertainment License (Renewals for 2011), subject to all papers being in order:

Greg's Lounge, 50 Walnut Street  
Oliveira's Steak House, 72-74 Walnut Street  
Pellana LLC, 9 Rear Sylvan Street  
The Peabody Coffee House, 59 Walnut Street  
Seawitch Restaurant, 203 Newbury Street  
(Unanimous)

P208-11 COUNCILLOR GAMACHE - MOVE TO receive and approve Fortune Teller License (Renewal for 2011) - Mario Sabatine, 245 Andover Street, subject to all papers being in order. (Unanimous)

P209-11 COUNCILLOR GAMACHE - MOVE TO receive and approve Innholder License (Renewal for 2011) - Springhill Suites by Marriott, 43 Newbury Street, subject to all papers being in order. (Unanimous)

P210-11 COUNCILLOR GAMACHE - MOVE TO receive and approve Pool & Billiard License (Renewal for 2011) - World Class Billiards, 82 Newbury Street, subject to all papers being in order. (Unanimous)

P211-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Alan Marchesini - License 130  
Raymond LaChance - License 129  
(Unanimous)

P212-11 COUNCILLOR GAMACHE - MOVE TO receive and approve Taxi Cab License Transfer - North Shore Taxi, Inc., 27C Walnut Street, License #22, subject to all papers being in order. (Unanimous)

P213-11 COUNCILLOR GAMACHE - MOVE TO receive and approve Use of the Wiggin Auditorium - The Ferrin Group for May 1, 2011, subject to all papers being in order. (Unanimous)

P214-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Chamber of Commerce for March 30, 2011, subject to all papers being in order. (Unanimous)

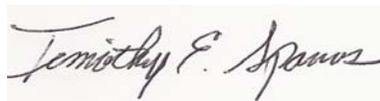
#### **UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 16, 2011  
RETURNED BY HIS HONOR THE MAYOR, MARCH 16, 2011

ATTEST



(Timothy E. Spanos, City Clerk)

#### **COMMUNICATIONS:**

John A. Christopher, City Solicitor re: Lowes/Walmart Project-bond  
Peabody/Lynn YMCA, 259 Lynnfield Street re: Banner  
Peabody Chamber of Commerce, 24 Main Street re: Banner  
Hospice of the North Shore, 75 Sylvan St., Danvers re: Banner  
Public Services Department re: Snow clearing, Central Street corridor  
Planning Board re: Agenda and minutes  
Timothy Spanos, City Clerk re: Status of Class 2 Motor Vehicle License/recommendations  
Aggregate Industries, 55 Russell Street re: Annual Report for year 2010  
Danversbank, 37 Cross Street re: Site plan  
Blair Haney, Community Development Dept. re: Flood mitigation program presentation/request for meeting  
James A. Kekeisen, 147 Summit Street #3C, Peabody re: Special Permit

**CLASS 2 MOTOR VEHICLE LICENSE** (Renewal for 2011)  
North Shore Auto Exchange, 134-A Newbury Street

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Mario's Used Cars, 245 Andover Street  
Mike's Auto Sales, 100 Birney Street  
Oasis Auto & Truck Center, 7 ½ Mason Street

**CLASS 3 MOTOR VEHICLE LICENSE** (Renewal for 2011)  
Palmetto Auto Salvage, 0 Corwin Street

**ENTERTAINMENT LICENSE** (Renewal for 2011)  
Greg's Lounge, 50 Walnut Street  
Oliveira's Steak House, 72-74 Walnut Street  
The Peabody Coffee House, 59 Walnut Street

**FORTUNE TELLER LICENSE** (Renewal for 2011)  
Mario Sabatine, 245 Andover Street

**INNHOLDER LICENSE** (Renewal for 2011)  
Springhill Suites by Marriott, 43 Newbury Street

**POOL & BILLIARD LICENSE** (Renewal for 2011)  
World Class Billiards, 82 Newbury Street

**TAXI/LIMOUSINE LICENSE**  
Alan Marchesini - License 130  
Raymond LaChance - License 129

**TAXI CAB LICENSE TRANSFER**  
North Shore Taxi, Inc., 27C Walnut Street - License #22

**USE OF THE WIGGIN AUDITORIUM**  
The Ferrin Group for May 1, 2011