

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 13, 2008**

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

ABSENT: COUNCILLOR MANNING

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Arthur W. Athas.

Salute to the American Flag.

P193A-08 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of February 28, 2008. (Unanimous)

**HEARINGS**

A public hearing was duly held in accordance with Superior Court Civil Action 6-657B remanding the City Council's Special Permit decision of March 23, 2006 back to the City Council for the issuance of a Special Permit, subject to reasonable conditions, as deemed appropriate by the Peabody City Council to Bruce Rollins, 73 Lynn Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. Mr. Ralph Carrick, 71 Lynn Street, Peabody, MA and Mr. Richard Graham, 8 Brown Street, Peabody, MA appeared to speak in favor. No one appeared to speak in opposition.

P194-08 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Bruce Rollins, 73 Lynn Street, Peabody, MA for a Special Permit to allow the demolition of an existing 19 X 19 foot structure to be replaced with a 19 X 33 foot structure to be used for the storage of auto parts and tire repair at said 73 Lynn Street, Peabody, MA, as filed in accordance with Section 1.5 and 1.5.1 of the Peabody Zoning Ordinance, be approved based on the following reasons and subject to the following conditions:

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.

**CONDITIONS:**

- 1 Hours of operation shall be Monday through Friday 8:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 6:00 p.m.
  - 2 Subject to a memorandum submitted by the Peabody Fire Department received February 15, 2006 and Department of Public Services received February 10, 2006.
- (Carried 10-0; Councillor Manning absent)

**COUNCILLOR ATHAS LEFT THE CITY COUNCIL MEETING DUE TO A PERSONAL MATTER AND COUNCILLOR DRISCOLL ASSUMED THE CHAIR.**

A public hearing was duly held on the application from Pioneer Garage, Inc., 11-13 Washington Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Philip Chmiel, 54 Prospect Street, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P195-08 COUNCILLOR MELLO - MOVE TO approve the application from Pioneer Garage, Inc., 11-13 Washington Street, Peabody, MA for a transfer of a Class 2 Motor Vehicle License to 77 Walnut Street #7, Peabody, MA, subject to the following conditions:

**CONDITIONS:**

1. Hours of operation shall be Monday through Saturday from 8:00 a.m. to 5:00 p.m. ; and
  2. Indoor storage of vehicles not to exceed four (4).
- (Carried 9-0; Councillors Manning and Athas absent)

A public hearing was duly held on the application from Jeweler's Workbench, 210 Andover, Peabody, MA. Appearing to speak on behalf of said application was Mr. Langdon Laws, 9 Ogden Lane, Middleton, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P196-08 COUNCILLOR DRISCOLL - MOVE TO approve the application from Jeweler's Workbench, 210 Andover Street, Peabody, MA for a Junk Dealers License, subject to the following conditions:

1. Subject to all papers being in order.
2. Hours of operation shall be 10:00 a.m. to 10:00 p.m. Monday through Saturday; 11:00 a.m. to 6:00 p.m. on Sunday. (Carried 9-0; Councillors Manning and Athas absent)

A public hearing was duly held on the Special Permit application from Richard A. Hetherington, 15 Tamarack Lane, Raymond, NH for premises at 3 First Avenue, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty and Mr. Richard Hetherington. Mr. Kevin Goggin, Building Inspector, appeared on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P197-08 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-I communication from Community Development Department regarding Special Permit memo, 3 First Avenue. (Unanimous)

P198-08 COUNCILLOR OSBORNE - MOVE TO recess the public hearing on the Special Permit application from Richard A. Hetherington for premises at 3 First Avenue until Thursday, March 27, 2008. (Carried 9-0; Councillors Manning and Athas absent)

(COUNCILLOR DRISCOLL WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: LIZ WALSH, COUNCILLOR AT LARGE; KRISTEN KELLY, COUNCILLOR AT LARGE; and KRISTEN TGAVALEKOS, COUNCILLOR AT LARGE.)

### **REPORTS OF COMMITTEE**

Finance Committee  
March 6, 2008

P199-08 COUNCILLOR BETTENCOURT - Reporting for the Finance Committee - There was a Finance Committee meeting held last Thursday, March 6 here in the auditorium. Present and the voting members of the committee were myself as Chairman; Councillors: Mello, Gravel, Driscoll and Sinewitz. Also present were all other councillors. There was a full council meeting. There was one item on the agenda and the item was a bond authorization request from the mayor totaling \$950,000 relating to the cost of improvements to the Coolidge Avenue water treatment plant required as a result of the Massachusetts Department of Environmental Protection administrative consent order. The order included the removal of residuals from lower Spring Pond, along with the installation of a floating submersible suction decamp pump to prevent future discharges and that work has to be done by October 1. There was a lengthy debate, there was a slide presentation made by our finance director, Patti Schaffer, as well as our Public Works director, Richard Carnevale. As I stated, all councillors took part in a lively debate. There were two motions from that meeting. The first motion was made by Councillor Mello. He moved to reduce the bond order regarding improvements to the Coolidge Avenue water treatment plant from \$950,000 to \$550,000 and that voted failed three to two. Then Councillor Gravel made a motion to approve the bond order request totaling \$950,000 relating to the cost of improvements to the Coolidge Avenue water treatment plant and to recommend adoption to the full City Council. And that motion was approved three to two. (Report received)

P200-08 COUNCILLOR BETTENCOURT - MOVE TO approve the bond order totaling \$950,000.00 relating to the costs of improvements to the Coolidge Avenue water treatment plant.  
(Carried 7-2; Councillors Sinewitz and Mello opposed; Councillors Manning and Athas absent)

**Municipal Safety Committee**  
**March 13, 2008**

P201-08 COUNCILLOR GARABEDIAN - Reporting for the Municipal Safety Committee - (Councillor Garabedian read into the record two letters regarding traffic concerns: One from Christine and Richard Ierardi, 1 Baldwin Street, Peabody, MA and one from Marylinda Antoniello, 15 Mount Pleasant Street, Peabody, MA.) Just so you know tonight there was probably about 20 people from Felton Street area, Baldwin Street here. We heard their cries and we made several motions, but we'll do that in the next meeting, so that's my report of progress. (Report received)

**Legal Affairs Committee**  
**March 13, 2008**

P202-08 COUNCILLOR LIACOS - Reporting for the Legal Affairs Committee - Prior to the regular meeting at 6:45 or more like 7:15, Legal Affairs met finally. Myself, Councillor Driscoll, Councillor Gamache, Councillor Gravel substituting for Councillor Manning and Councillor Osborne I believe were present. The first order of business was a review of Mass. General Laws Chapter 39, which is known as the Mullen Law, which allows members of different boards to vote on items, even though they're not present at the time, providing that they review the testimony and the tapes and the minutes of the meetings. There was a discussion about it and I believe the motion was by Councillor Gamache that this remains in committee for further work and study and to get some rulings on whether this can apply to just certain boards, excluding the Council and how we can apply it. (Report received)

P203-08 COUNCILLOR LIACOS - MOVE TO request that Assistant City Solicitor Brian Barrett provide a legal opinion as to whether or not Mass. General Law Chapter 39, Section 23D can apply to just certain boards, excluding the City Council. (Unanimous)

P204-08 COUNCILLOR LIACOS - Reporting for the Legal Affairs Committee - The second was an item to adopt new Entertainment License rules and regulations, as submitted and that was before the committee and there were 12 items listed by City Clerk Tim Spanos that hadn't been changed since 1978. And those 12 items on the rules and regulations governing the issuances of an Entertainment License issued by the Peabody City Council was approved unanimously. (Report received)

P205-08 COUNCILLOR LIACOS - MOVE TO approve the proposed changes to the Entertainment License rules & regulations, as submitted by the City Clerk, Timothy E. Spanos. (Unanimous)

**MOTIONS, ORDERS & RESOLUTIONS**

P206-08 COUNCILLOR BETTENCOURT - MOVE TO request that the subcommittee meetings of Finance, Legal Affairs and Industrial & Community Development be televised by Peabody Access TV. (Unanimous)

(COUNCILLOR SINEWITZ NOTIFIED THE CITY COUNCIL OF AN AGGREGATE INDUSTRIES CLOSURE COMMITTEE MEETING TO TAKE PLACE WEDNESDAY, MARCH 19, 2008 AT 6:30 P.M. IN THE FRANK L. WIGGIN AUDITORIUM.)

P207-08 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from The Ferrin Group c/o Natalie Maga regarding Use of the Wiggin Auditorium on Sunday, May 4, subject to all papers being in order. (Unanimous)

P208-07 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 2 Entertainment License renewal regarding Wardhurst Club, Inc., 31 Lynnfield Street, subject to all papers being in order. (Unanimous)

P209-07 COUNCILLOR MELLO -MOVE TO respectfully request that the Public Services Department repair the potholes on North Central Street or add it to the repaving list for the spring. (Unanimous)

P210-07 COUNCILLOR MELLO – MOVE TO request that the Police Department Traffic Division submit their recommendations to the City Council in trying to come up with a solution to prohibit standing vehicles from blocking the intersection of Pulaski Street at North Central Street. (Unanimous)

On the motion: They're having some problems over there, as you drive east on 114 to try to access North Central street from Pulaski street they block the intersection. There's been an accident, I think last June. There's a lot of heavy traffic there. If Lieutenant Cohan could come up with maybe some solution to find a way to open that. I know it's probably a tough thing to do. I believe there's already a sign that says "Do not block intersection," but they just keep -- maybe a line or something, just look for some solutions and a way to deal with that.

P211-07 COUNCILLOR MELLO - MOVE TO petition Mass Highway to prohibit heavy commercial vehicles or 2.5 tons on the following streets: Mount Vernon Street, Fulton Street, Tracey Street, Harris Street, Paleologos Street and Union Street; and to further request the Traffic Division to submit the necessary paperwork to Mass Highway informing them that we do have alternate truck routes in that area. (Unanimous)

P212-08 COUNCILLOR MELLO - MOVE TO approve North Central Street as a dead end pending all interested parties meeting with the different safety departments, PMLP, Fire and Police, regarding the issue of making sure there's emergency access through the gate at the rear access point into the Pulaski Street Industrial Park. (Unanimous)

P213-08 COUNCILLOR GRAVEL -MOVE THAT City Council provide a citation to commend the efforts of Coach Braz and the High School boys track team for achieving the status of national track champions. (Unanimous)

P214-08 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-C communication from Hayes Engineering to Executive Office of Environmental Affairs regarding Boulderwood subdivision - in support of full waiver request; to refer to the Legal Affairs Committee; that Community Development Department provide plans for the original subdivision for Boulderwood and any subsequent plans filed due to any Conservation Commission restrictions, any restrictions from Public Services Department or any changes that the contractor may have made; I also request that the Building Inspector make available at that meeting a report on the progress of any permitting issued for the Boulderwood project; I also request that His Honor the Mayor request that the director of Public Services and the Chairman of the Planning Board attend a meeting to provide insight as to the progression of changes for the Boulderwood project from its original submittal to what is final approval and that the Public Services director explain the status of all state permitting required for the Boulderwood subdivision; and I also request that His Honor the Mayor request that the City Solicitor also attend that meeting. (Unanimous)

P215-08 COUNCILLOR OSBORNE -MOVE THAT the City Council notify the Executive Office of Environmental Affairs to the attention of the MEPA office and express our feelings that we hope that they do not grant this waiver and that the environmental impacts of that subdivision get recognized and they get recognized through the Massachusetts Department of Environmental Protection rather than through an engineering firm hired by the developer. (Unanimous)

P216-08 COUNCILLOR DRISCOLL - MOVE TO request the Public Services Department to eliminate the double yellow lines on Felton Street, Mount Pleasant and Baldwin Street.  
(Failed 5-4, 2 absent (Councillors Bettencourt, Sinewitz, Gamache and Liacos opposed)

P217-08 COUNCILLOR LIACOS - MOVE TO request that the Public Services Department install a single, yellow line on Felton Street, Mount Pleasant and Baldwin Street. (Unanimous)

P218-08 COUNCILLOR DRISCOLL - MOVE TO request that the Police Department conduct a special speed regulation survey for the speed zone on Felton Street to reduce the speed limit to 25 miles per hour, as requested by the neighborhood, and to forward the same to the Mass Highway Department for approval. (Unanimous)

P219-08 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department remove the speed signs for 30 miles per hour on Felton Street, Mount Pleasant and Baldwin Street. (Unanimous)

P220-08 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department place crosswalks on Baldwin Street and Felton Street, Long Street and Mount Pleasant Street and Olsen Road and Hog Hill Road.  
(Unanimous)

P221-08 COUNCILLOR DRISCOLL - MOVE TO request that the Police Department provide a feasibility study of a four-way stop sign at the intersection of Olsen Road and Hog Hill Road. (Unanimous)

P222-08 COUNCILLOR SINEWITZ - MOVE TO request that the Community Development Department inform the City Council if there's been any discussions on the feasibility of bringing the Registry of Motor Vehicles to Peabody.  
(Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

None.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P223-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Community Development Department regarding Crystal Lake update and to refer to the Ad Hoc Committee on Crystal Lake. (Unanimous)

P224-08 COUNCILLOR SINEWITZ - MOVE TO receive a communication from Aggregate Industries, 1715 Broadway, Saugus regarding Environmental staff changes. (Unanimous)

P225-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Human Services Department regarding Commercial trash pickup. (Unanimous)

P226-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Mas Bakery Café c/o Perfectos, 515 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P227-08 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from Hospice of the North Shore, 10 Elm Street, Danvers, regarding Banner request, subject to all papers being in order. (Unanimous)

P228-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Temple Beth Shalom, 489 Lowell Street, regarding Banner request and be withdrawn as requested. (Unanimous)

P229-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from John & Nancy Jodoin, 9 Albert Road regarding Special Permit application and to set up a public hearing. (Unanimous)

(COUNCILLOR MELLO SCHEDULED A MEETING OF THE INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE FOR TUESDAY, APRIL 8, 2008 AT 6:30 P.M. IN THE FRANK L. WIGGIN AUDITORIUM.)

P230-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Community Development Department regarding Economic target area designation. (Unanimous)

P231-08 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody to designate Peabody as an Economic Target Area and to further authorize His Honor the Mayor to enter into agreements/documents necessary with the Executive Office of Housing and Economic Development to implement the same. (Carried 9-0, 2 absent)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P232-08 COUNCILLOR GAMACHE - MOVE TO receive and approve Class 2 Motor Vehicle License (transfer) from Oliveira's Auto Sales to North Shore Auto Exchange, 98 Foster Street, subject to all papers being in order. (Unanimous)

P233-08 COUNCILLOR GAMACHE - MOVE TO receive License for the Carriage of Passengers for Hire - Pantages Transit Co., Inc., 7 Linden Avenue, Gloucester, MA and to set up a public hearing. (Unanimous)

P234-08 COUNCILLOR GAMACHE - MOVE TO receive and approve Use of Wiggin Auditorium - Historical Society - April 18, 2008, subject to all papers being in order. (Unanimous)

P235-08 COUNCILLOR GAMACHE - MOVE TO receive and approve Taxi Cab License (transfer) - Tri City Services - License #2, subject to all papers being in order. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

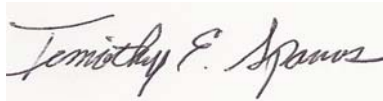
{Bond Order - Coolidge Avenue Water Treatment Plant}

P236-08 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that \$950,000 is appropriated for the purpose of financing the design and construction of improvements to the Coolidge Avenue Water Treatment Plant including, without limitation, the installation of a suction dredge, a dewatering belt filter press, a floating submersible suction decant pump, a residual/sludge removal system and two finish water pumps, and also including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$950,000 and issue bonds or notes therefore under G.L. c.44 and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, and said Bond Order be adopted as advertised and read.

**(Failed 7-2; Councillors Mello and Sinewitz opposed; Councillors Manning and Athas absent)**

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 19, 2008  
RETURNED BY HIS HONOR THE MAYOR, MARCH 19, 2008



ATTEST \_\_\_\_\_  
(Timothy E. Spanos, City Clerk)