

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 26, 2015**

PRESENT: COUNCILLORS: GOULD, GARABEDIAN, SASLAW, MCGINN, MANNING-MARTIN, OSBORNE, DRISCOLL, SINEWITZ, AND WALSH

ABSENT: MOUTSOULAS AND GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas P. Walsh.

Salute to the American Flag.

P177-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of March 12, 2015. (Unanimous)

(MR. MICHAEL TANSEY AND MR. JACK WOODS, STUDENTS AT HIGGINS MIDDLE SCHOOL AND MR. TODD BUSEY, PRINCIPAL, APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING PROJECT 351 AMBASSADORS REPRESENTING PEABODY.)

P178-15 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Peabody Downtown Association, 71 Main Street, regarding Permission to close Main Street on June 1, 2015, to host a car show. (Unanimous)

(CAPTAIN SCOTT RICHARDS AND MS. JOAN MORRISSEY, PEABODY DOWNTOWN ASSOCIATION, APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING COMMUNICATION ITEM 8-F)

P179-15 COUNCILLOR MCGINN – MOVE TO approve the application subject to applicant's compliance with all conditions documented prior to the event by the Police Department, Fire Department, Health Department, Department of Public Services, Community Development Department and other City Departments and subject to applicant's participation in one or more planning meetings as scheduled by the Community Development Department at their discretion. (Carried 9-0; Councillor Moutsoulas and Councillor Gravel absent)

**HEARINGS**

P180-15 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney John Keilty on behalf of Harry, Inc., 44 Margin Street, regarding Request to withdraw, without prejudice. (Unanimous)

**REPORTS OF COMMITTEE**

**AD HOC COMMITTEE ON MUNICIPAL GOLF COURSE/SKATING RINK**  
**MARCH 26, 2015**

P181-15 COUNCILLOR DRISCOLL – Reporting for the Ad Hoc Committee on Municipal Golf Course/Skating Rink – Tonight we had a very informative meeting concerning the golf course and skating rink. The golf course is doing quite well. They have a marvelous number of golfers participating up there and they financially seem to be moving right along. It was noted in a short time hopefully the bond will be paid off and there will be nothing but profit. There was some discussion about the purchase of land to serve as a buffer zone up there and we were going to keep that in committee. There was also discussion concerning adult beverages being used and expanding the use of the grill area for the golf course for perhaps special events and that also was kept committee. Then we went to the skating rink and we had a presentation by Paul Logiudice. He explained the good news that it's a marvelous community center, especially for our youth and it's actively being used and they're well financially. His problems, as he noted, was the lease agreements that we have with the state. Sometimes the city would like to do some things, but they run into the roadblocks and they're not getting a heck of a lot of help. One of the concerns mentioned was the ladies locker rooms up there. There was an interesting comment by Councillor Manning-Martin to the fact that the state supposedly owns the area, but yet the Title 9 problem

was forced on the city where the City was held responsible for building a ladies locker room, but not another locker room, and there's certainly need for more locker rooms up there because the rink was built way back in the 1970's and the locker room sizes are very small. So Councillor Manning-Martin made the following motion. (Report received)

P182-15 COUNCILLOR DRISCOLL – Reporting for the Ad Hoc Committee on Municipal Golf Course/Skating Rink - MOVE TO request that the City Solicitor advise the City Council of who is responsible for adherence to Title 9, whether it be state or the city, and who perhaps should be contributing more in case there's some fiscal needs to build more locker rooms at the Skating Rink. (Unanimous)

P183-15 COUNCILLOR DRISCOLL – Reporting for the Ad Hoc Committee on Municipal Golf Course/Skating Rink - MOVE TO request State Senator Joan Lovely, State Representative Leah Cole, and State Representative Ted Speliotis provide the City Council with information regarding the feasibility of the City of Peabody buying the skating rink. (Unanimous)

**PUBLIC SERVICES COMMITTEE**  
**MARCH 26, 2015**

P184-15 COUNCILLOR MANNING-MARTIN – Reporting for the Public Services Committee – Public Services Committee met this evening; present were Councillor Saslaw, Councillor Walsh, Councillor McGinn, Councillor Gould and Councillor Driscoll sat in this evening. Also in attendance, in addition to the council, representing Public Services was David Terenzoni, the assistant director of the Public Services Department; the Director of Finance, Ms. Patti Schaffer; and Mary Codair Martin, the City Collector. We discussed the status of pothole repairs in the city and the finances involved. Mr. Terenzoni reported that he had two independent contractors working on potholes since about a week after the first storm and two of our own crews. Since then we have been repairing using just our own city crews. The mayor is currently prioritizing which streets will be paved and public services will coordinate around those streets as it is prioritizing which remaining potholes will be filled. The city is on track to meet the deadlines imposed for reimbursement by the state for the latest awards by the state of \$189,000 of the \$30 million awarded through Governor Baker's winter assistance program. We are expecting more road damage caused by upcoming frost heaves so residents are encouraged to continue to call the pothole hotline at 978-536-7119 and we are asking that this number also be posted on PAT TV. We discussed the matter of filing claims with the city for damages through its insurance company caused by potholes to vehicles. Unfortunately it was reported that of the 43 claims that were filed by residents so far this year, 31 have been denied and the remaining have yet to be decided or basically they haven't been denied yet. This was discouraging news for the council and it is a decision that is made by the insurance company. The insurance company the city uses is Trident Insurance. What was noticed in the denial letters to the residents on their claims was the lack of any information from Trident Insurance of a suggestion or information of their right to file an appeal. Ms. Martin, the tax collector for the city, will advise the council how residents can go about appealing and she will also notify Trident of the city's displeasure that the information is not afforded to the applicants in their denial letters. This was again very discouraging, but we hope that the applicants get a fairer shake from Trident Insurance Company during the appeal process. It was also evident that the long winter is not only taking its toll on our roads, but it is also taking a toll on the temperament of department of Public Services. That was rather off-putting, but it has been a long winter for all: Staff and citizens and taxpayers. On a more positive note the following motion was made. Peabody has been awarded \$635,000 in January, \$189,000 just this week and will be awarded \$1,280,000 geared towards the year 2016 when those moneys are released. We have a lot of work to do on our roads and we appreciate all the help that we've received in financing the repairs caused by such a terrible winter. (Report received)

P185-15 COUNCILLOR MANNING-MARTIN - Reporting for the Public Services Committee - MOVE TO send a letter of thanks to Governor Baker and Lieutenant Governor Polito for their continued assistance to cities and towns by releasing Chapter 90 money for road repairs and additional winter recovery assistance program allocations, specifically for potholes.

**COMMITTEE OF THE WHOLE**  
**MARCH 26, 2015**

P186-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole – The Committee met to review Sections 2-13 and 2-13.1 and there was a motion made by Councillor Osborne to take no action. (Report received)

P187-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole – The Committee met to review Section 2-14 and there was a motion made by Councillor Osborne to take no action. (Report received)

P188-15 COUNCILLOR WALSH – Reporting for the Committee of the Whole - MOVE TO request that the City Solicitor clarify the ordinance regarding the salaries of the mayor and the City Council and the possibility of separating so that the council salary is not a percentage of the mayor's salary and also whether the possibility exists of creating a salary for the office of mayor and then whoever holds that position has the prerogative of accepting that increase, if it is voted by the council. (Carried 8-1; Councillor Sinewitz opposed; Councillor Moutsoulas and Councillor Gravel absent)

### **MOTIONS, ORDERS AND RESOLUTIONS**

P189-15 COUNCILLOR GARABEDIAN - MOVE TO request that Captain Richards count the number of cars in the used car lot at Auto Haus on Andover Street and report back to the City Council. (Unanimous)

P190-15 COUNCILLOR MANNING-MARTIN - MOVE TO refer to the Legal Affairs Committee the issue of posting at a business the Class 2 Motor Vehicle License with the number of vehicles that are allowed on a used car lot. (Unanimous)

P191-15 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from Anthony Alba, 288 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P192-15 COUNCILLOR MCGINN - MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Attorney John C. Mihos, 7 Franklin Street, Lynn, MA, regarding Request to schedule recessed public hearing; Special Permit, Nikolay Polinovsky, 158-160 Main Street for April 9, 2015; submission of amended site plan. (Unanimous)

P193-15 COUNCILLOR MANNING-MARTIN - MOVE TO request that an Executive Session be scheduled regarding potential litigation that may stem from South Essex Sewerage District AFSCME Local 1886 grievance and to further request that the City Solicitor update the City Council on outstanding litigation relative to billboards. (Unanimous)

P194-15 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the signage for Oak Avenue, in particular where Oak Avenue and Scenic Road meet. We had an incident one night where the emergency vehicles got crossed up and they went to Scenic Road instead of Oak Avenue. (Unanimous)

(COUNCILLOR DRISCOLL REMINDED THE CITY COUNCIL THAT THE WARD 4 SCHOLARSHIP GOLF TOURNAMENT WILL BE HELD ON MONDAY, MAY 4TH AT 3:00 P.M. AT THE MEADOWS.)

(COUNCILLOR MANNING-MARTIN REMINDED THE CITY COUNCIL THAT THE FIFTH ANNUAL GREENFEST WILL BE HELD ON SATURDAY, MAY 2<sup>ND</sup> AT THE BROWN SCHOOL)

P195-15 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair a pothole at 9 Catherine Drive. (Unanimous)

P196-15 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector's office be alerted that there was a Special Permit violation at Aggregate Industries and we're going to be addressing that after the annual report. (Unanimous)

P197-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Paul Kolodziej, Building Commissioner, regarding 5 Hoover Avenue and 14 Margaret Road and to refer it back to the Building Commissioner requesting a report regarding what was found out during the investigation. (Unanimous)

P198-15 COUNCILLOR SINEWITZ – MOVE TO request that the City Solicitor and Community Development Department provide the City Council with the status of Motion P119 and 120-15. (Unanimous)

P199-15 COUNCILLOR SINEWITZ – MOVE TO request that Councillor Osborne contact Stonewood to make sure the sign is turned off at night. (Unanimous)

P200-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 2 from Timothy Spanos, City Clerk regarding status of Class 2 Motor Vehicle Licenses and to refer to the Legal Affairs Committee. (Unanimous)

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

P201-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from His Honor the Mayor regarding Letter to the City Council indicating no increase to the Mayor's salary for Fiscal Year 2016. (Unanimous)

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

P202-15 COUNCILLOR OSBORNE – MOVE TO receive a communication from Planning Board regarding Agenda and minutes. (Unanimous)

P203-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Raymond Silva, Commander, Peabody Veteran's Council, regarding Notice of the Memorial Day Parade on May 25, 2015. (Unanimous)

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

P204-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Area Chamber of Commerce regarding Mary Upton Ferrin Awards, April 7, 2015, subject to all papers being in order. (Unanimous)

P205-15 COUNCILLOR OSBORNE - MOVE TO receive and approve Taxi/Limousine Driver License (Renewal for 2015) Brendan Post – License 156, subject to all papers being in order. (Unanimous)

P206-15 COUNCILLOR OSBORNE – MOVE TO receive Class 2 Motor Vehicle License (Transfer) from Stanley Lignos d/b/a Tremont Auto Sales to Stephanos Frangias d/b/a Tremont Auto Sales, 97½ Tremont Street and to set up a public hearing. (Unanimous)

P207-15 COUNCILLOR OSBORNE – MOVE TO receive Entertainment License – Central Street Tavern, LLC, 43 Central Street, and to set up a public hearing. (Unanimous)

P208-15 COUNCILLOR OSBORNE – MOVE TO receive Class 2 Motor Vehicle License (New) Anthony Alba, 288 Newbury Street, and to set up a public hearing. (Unanimous)

P209-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Taxicab License (Transfer) North Shore Taxi, Inc., 27 Walnut Street, Licenses #11 and #28, subject to all papers being in order. (Unanimous)

P210-15 COUNCILLOR OSBORNE – MOVE TO receive Inflammables License (Rescind) – Myra Distributing, Inc., 5 Webster Street, and to set up a public hearing. (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, APRIL 1, 2015  
RETURNED BY HIS HONOR THE MAYOR, APRIL 1, 2015



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

**COMMUNICATIONS:**

His Honor the Mayor re: Letter to the City Council indicating no increase to the Mayor's salary for Fiscal Year 2016

Paul Kolodziej, Building Commissioner re: 5 Hoover Avenue and 14 Margaret Road

Planning Board re: Agenda and minutes

Attorney John C. Mihos, 7 Franklin Street, Lynn, MA re: Request to schedule recessed public hearing; Special Permit, Nikolay Polinovsky, 158-160 Main Street for April 9, 2015; submission of amended site plan

Raymond Silva, Commander, Peabody Veteran's Council re: Notice of the Memorial Day Parade on May 25, 2015

Anthony Alba, 288 Newbury Street re: Special permit application

Peabody Downtown Association, 71 Main Street re: Permission to close Main Street on June 1, 2015 to host a car show

**USE OF THE WIGGIN AUDITORIUM:**

Peabody Area Chamber of Commerce re: Mary Upton Ferrin Awards, April 7, 2015

**TAXI/LIMOUSINE DRIVER LICENSE:**

Brendan Post – License 156

**CLASS 2 MOTOR VEHICLE LICENSE:** (Transfer)

From Stanley Lignos d/b/a Tremont Auto Sales to Stephanos Frangias d/b/a Tremont Auto Sales, 97½ Tremont Street

**ENTERTAINMENT LICENSE:** (New)

Central Street Tavern, LLC, 43 Central Street

**INFLAMMABLES LICENSE:** (Rescind)

Myra Distributing, Inc., 5 Webster Street

**CLASS 2 MOTOR VEHICLE LICENSE:** (New)

Anthony Alba, 288 Newbury Street

**TAXICAB LICENSE:** (Transfer)

North Shore Taxi, Inc., 27 Walnut Street, Licenses #11 and #28