

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 27, 2008

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

ABSENT: COUNCILLOR GARABEDIAN

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.

P237-08 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of March 13, 2008. (Unanimous)

P238-08 COUNCILLOR ATHAS - MOVE, under suspension of the rules, to go to Item 10-B Notice of Reconsideration - Bond Order for Coolidge Avenue Water Treatment Plant \$950,000.00. (Unanimous)

P239-08 COUNCILLOR GRAVEL – NOTICE OF RECONSIDERATION filed in accordance Section 11 of the City Council's Rules or Order re: Coolidge Avenue Water Treatment Plant Bond Order. (Carried 8-2; Councillors Sinewitz and Mello opposed; Councillor Garabedian absent)

P240-08 COUNCILLOR GRAVEL - MOVE TO defer the Bond Order for Coolidge Avenue Water Treatment Plant \$950,000.00 until the next regular meeting on Tuesday, April 8, 2008. (Carried 8-2; Councillors Mello and Liacos opposed; Councillor Garabedian absent)

HEARINGS

A public hearing was duly held on the application from Pantages Transit Co., Inc., 7 Linden Avenue, Gloucester, MA. Appearing to speak on behalf of said application was Mr. Scott Pantages. No one appeared to speak in favor. No one appeared to speak in opposition.

P241-08 COUNCILLOR GRAVEL - MOVE TO approve the application from Pantages Transit Co., Inc., 7 Linden Avenue, Gloucester, MA for a License for the Carriage of Passengers for hire, pursuant to Massachusetts General Laws, Chapter 159A, Section 1. (Carried 10-0; Councillor Garabedian absent)

(COUNCILLOR ATHAS WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: KRISTEN TGAVALEKOS, COUNCILLOR AT LARGE; PHILIP BUGLER, WARD 3 COUNCILLOR; ALEX GOMES, WARD 6 COUNCILLOR; KRISTEN KELLY, COUNCILLOR AT LARGE; and ELIZABETH WALSH, COUNCILLOR AT LARGE.)

The City Council reconvened the recessed public hearing on the Special Permit application from Richard A. Hetherington, 15 Tamarack Lane, Raymond, NH. Appearing to speak on behalf of said application was Attorney John R. Keilty and Mr. Richard Hetherington. No one appeared to speak in favor. No one appeared to speak in opposition.

(For the record, Councillors Athas and Manning recused themselves from the following Special Permit matter in that they were absent from a previous public hearing – Councillor Driscoll assumed the Chair)

P242-08 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-A communication from Attorney John R. Keilty, 40 Lowell Street, regarding Special Permit for 3 First Avenue - issue to Autobahn Performance, Inc. (Unanimous)

P243-08 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from Richard A. Hetherington d/b/a Autobahn Performance, Inc., 3 First Avenue, Peabody, MA for a Special Permit to operate an auto repair facility and sell auto parts and accessories incidental thereto at 3 First Avenue, Peabody, MA, as filed in accordance with Section 4.2.5 and 4.4 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. That there will be no parking of tow trucks on the premises;
 2. That there will be no outside overnight storage of automobiles;
 3. That the business is not to be used as an auto body repair, paint or inspection station; and
 4. That any transfer of ownership or any change in ownership of this business will require approval of the City Council.
- (Carried 8-0; Councillors Athas, Manning and Garabedian absent)

A public hearing was duly held on the application from Brothers Kouzina, 25 Newbury Street, Peabody, MA. Appearing to speak on behalf of the applicant was Ms. Penny Christopher, 4 Quail Road, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P244-08 COUNCILLOR GAMACHE - MOVE TO approve the application from Brothers Kouzina, 25 Newbury Street, Peabody, MA for an amendment to their current Entertainment License by adding the use of live entertainment, subject to the following conditions:

CONDITIONS:

1. That there be only up to three (3) people; and
 2. That the hours of operation shall be Monday through Saturday, 6:00 p.m. to 12:45 a.m.
- (Carried 10-0; Councillor Garabedian absent)

A public hearing was duly held on the application from CCatino, LLC, d/b/a North Shore Auto Exchange, 98 Foster, Peabody, MA. Appearing to speak on behalf of said application was Mr. Chris Catino, 29 Park Avenue, Wakefield, MA and Mr. Angel Cuevas. No one appeared to speak in favor. No one appeared to speak in opposition.

P245-08 COUNCILLOR DRISCOLL - MOVE TO approve the transfer of a Class 2 Motor Vehicle License application to CCatino, LLC, d/b/a North Shore Auto Exchange, 98 Foster Street, Peabody, MA subject to the following condition:

CONDITION:

1. That a maximum of sixteen (16) unregistered vehicles on the premises at any one time, for sale or not for sale, sold or not sold. (Carried 10-0; Councillor Garabedian absent)

REPORTS OF COMMITTEE

Ad Hoc Committee on Aggregate Industries
March 19, 2008

P246-08 COUNCILLOR SINEWITZ - Reporting for the Ad Hoc Committee on Aggregate Industries - The closure committee met last Wednesday night. In attendance was myself and Councillor Bettencourt, and the neighborhood representatives and two representatives from Aggregate Industries. Aggregate presented to the committee two plans: A water closure plan and a fill closure plan. They also supplied a closure agreement plan from a plant in Ashland. (Report received)

P247-08 COUNCILLOR SINEWITZ - MOVE TO receive from Aggregate Industries, a water closure plan, a fill closure plan and a closure agreement plan from a plant in Ashland. (Unanimous)

P249-08 COUNCILLOR SINEWITZ - Reporting for the Ad Hoc Committee on Aggregate Industries - There was a lot of discussion on those plans. They were a little vague, so we were a little disappointed that we didn't receive more information from the quarry. We moved on talking about hiring an environmental consultant to guide us through the process -- because it's quite an overwhelming task -- and that Aggregate would bear the cost of that consultant. There was discussion about what to do with the asphalt plant, whether the asphalt plant is going to stay open or

closed, and there was quite a bit of discussion about that. Nothing was really conclusive on it. The main thing is we felt, in order to move forward on the committee, we needed to find out which way we're going. How can we have a closure plan if we don't know if it's going to be filled with water, filled with dirt, water/dirt? So Councillor Bettencourt made a motion to request that the neighborhood meet and try to get a consensus on a preferred type of closure plan, either water, solid fill or both, and report their findings at the next meeting. The committee will then discuss the next step in bringing the city departments to comment on the same. (Report received)

P250-08 COUNCILLOR SINEWITZ - Reporting for the Ad Hoc Committee on Aggregate Industries = MOVE TO request that the neighborhood meet and try to get a consensus on a preferred type of closure plan and to notify the committee of their desire. (Unanimous)

P251-08 COUNCILLOR SINEWITZ - Reporting for the Ad Hoc Committee on Aggregate Industries - So basically what's happening now is the neighborhood is meeting and they're going to come back to us with what they'd like to see. Then we're going to present it to Community Development, the fire department, and conservation and get their input. And then we're going to make a decision and we're going to move forward. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

(COUNCILLOR BETTENCOURT SCHEDULED A MEETING OF THE AD HOC COMMITTEE ON DRUG EDUCATION & AWARENESS FOR APRIL 8, 2008 AT 7:00 P.M.)

P252-08 COUNCILLOR SINEWITZ - WHEREAS an emergency condition exists affecting the health, safety and welfare of the citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Public Services Department install two signs alerting motorists of a deaf child in the neighborhood at 60 Harrison Avenue under an emergency preamble.

(Emergency Preamble - Carried 10-0; Councillor Garabedian absent)

(Motion to adopt - Carried 10-0; Councillor Garabedian absent)

P253-08 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department report on the feasibility of placing a mirror at Lowell Street and Catherine Drive. The way the land comes over at a rise and cars are coming over that hill about 40 miles an hour and when you're coming out of Catherine Drive you can't see. (Unanimous)

P254-08 COUNCILLOR GAMACHE - MOVE TO request that a streetlight be erected at the corner of Goodale Street and Lowell Street on the southerly side, opposite Crystal Lake. It's a real dark area, I'd like to have that lit up. (Unanimous)

P255-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 1 from Councillor Arthur W. Athas regarding Bond yields and to refer to the April 8, 2008 regular meeting. (Unanimous)

P256-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Lauri & James Rawls, 376 Hale Street, Beverly, regarding Special Permit application and to set up a public hearing and also be referred to the Industrial & Community Development Committee for review. (Unanimous)

P257-08 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, Use of Wiggin Auditorium - Peabody Institute Library - April 14, 2008, subject to all papers being in order. (Unanimous)

P258-08 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department repair the sidewalk in front of 39 Tracey Street. (Unanimous)

P259-08 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department repair potholes on Tremont Street, specifically, up near the Salem line. (Unanimous)

P260-08 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department repair the potholes on Walnut Street. (Unanimous)

P261-08 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department repair the sidewalk in front of 43 Northend Street. (Unanimous)

P262-08 COUNCILLOR MANNING - MOVE TO amend City Council rules, Section 24, as follows:

“ No item of business shall be included on the agenda for a regular meeting, unless received by the clerk by 10:00 a.m. on the Friday preceding such regular meeting. Subject to Section 13 hereof, items appearing on the agenda shall be deemed to have been moved in the order of their receipt by the clerk and shall appear in that order on the agenda. Items not appearing on the agenda may be considered only in accordance with Section 25 hereof.”

(Carried 8-2; Councillors Sinewitz and Mello opposed; Councillor Garabedian absent)

P263-08 COUNCILLOR GRAVEL - MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Zoning revision project. (Unanimous)

P264-08 COUNCILLOR GRAVEL - MOVE TO request that the Community Development Department provide a status update to the City Council prior to the April 29, 2008 regular meeting on what their efforts have been on downtown revitalization. (Unanimous)

P265-08 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, communication Item 8-B from Public Services Department regarding Bartholomew Street paving and to refer to the Municipal Safety Committee. (Unanimous)

P266-08 COUNCILOR OSBORNE - MOVE TO receive, under suspension of the rules, communication Item 8-D from Public Services Department regarding Sidewalk repairs and to refer to the Municipal Safety Committee. (Unanimous)

P267-08 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department submit a plan for the upgrade of the infrastructure that's more aggressive than just doing the sidewalks with Chapter 90 money. (Unanimous)

(COUNCILLOR ATHAS APPOINTED COUNCILLOR MANNING TO SERVE AS AN ALTERNATE ON THE COMMUNITY PRESERVATION COMMITTEE.)

P268-08 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department install two, "No parking here to corner," signs on both sides of Beacon Street at the Aborn Street end of Beacon Street. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P269-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Weights and Measure Fees and to refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P270-08 COUNCILLOR GAMACHE - MOVE TO receive a communication from Richard Carnevale, Director, Public Services Department, regarding Resolution in support of MassRecycle Paper Campaign. (Unanimous)

P271-08 WHEREAS, the Massachusetts Department of Environmental Protection estimates that the citizens and businesses of Massachusetts throw away 1.5 million tons of paper each year; and

WHEREAS, it costs the taxpayers of Massachusetts an estimated \$100 million per year to dispose of this paper; and

WHEREAS, post consumer paper is a valuable commodity that, when recycled, generates millions of dollars for cities, towns and businesses; and

WHEREAS, recycling paper saves energy and reduces greenhouse gas emissions; and

WHEREAS, recycling adds significantly to the Massachusetts economy through the creation of nearly 20,000 recycling industry jobs with a combined annual payroll of \$557 million; and

WHEREAS, many of the Commonwealth's citizens and businesses are not aware of the broad spectrum of paper products that can be recycled instead of thrown away.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Peabody to:

1. Join MassRecycle's "**Mass Recycles Paper!**" Campaign by endeavoring to educate its citizens about the importance of recycling paper for environmental and economic reasons.
2. Encourage its residents to use the paper recycling services provided to the maximum extend possible.
3. Serve as a role model by recycling waste paper from all of its municipal offices.

(Carried 10-0, 1 absent)

P272-08 COUNCILLOR SINEWITZ - MOVE TO receive a communication from Knox & Lucas, 681 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P273-08 COUNCILLOR DRISCOLL - MOVE TO receive and approve a communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer, George McCracken c/o PC Dynamix, 101 Lynn Street. (Unanimous)

P274-08 COUNCILLOR SINEWITZ - MOVE TO receive a communication from Aggregate Industries, 55 Russell Street, regarding Annual report and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P275-08 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Innholder Licenses (Renewal for 2008), subject to all papers being in order:

Spring Hill Suites by Marriott, 43 Newbury Street	Holiday Inn, One Newbury Street
Peabody Marriott, 8A Centennial Drive	(Unanimous)

P276-08 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Entertainment Licenses (Renewal for 2008), subject to all papers being in order:

Borders Books & Music, 151 Andover Street	Brodies Pub, 10 1/2 Lowell Street
Brothers Kouzina, 25 Newbury Street	Peabody Marriott, 81 Centennial Drive
Courthouse Pub, 43 Central Street	Misono Japanese Steakhouse, 82 Newbury Street
Buddha's Tavern, 144-146 Washington Street	Holiday Inn, 1 Newbury Street
(Unanimous)	

P277-08 COUNCILLOR DRISCOLL - MOVE TO receive and approve Use of Wiggin Auditorium - Jon Simmons c/o Peabody High School - Concert on April 16, 2008, subject to all papers being in order. (Unanimous)

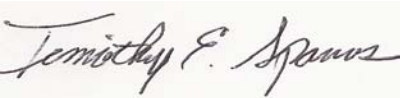
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-B - License Fees}

P278-08 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance amending Article II of Chapter 16 Entitled, "License Fees" of the Code of the City of Peabody be adopted as amended and read. (Carried 10-0; Councillor Garabedian absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 2, 2008
RETURNED BY HIS HONOR THE MAYOR, APRIL 2, 2008

ATTEST 
 (Timothy E. Spanos, City Clerk)