

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MAY 12, 2011**

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

ABSENT: COUNCILLORS: GAMACHE AND LIACOS

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.

P326-11 COUNCILLOR OSBORNE - MOVE TO receive and approve the minutes from the last regular meeting of April 28, 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 Elite Design & Consign II, 101 Lynn Street, Peabody, MA. Appearing to speak on behalf of said application was Ms. Nancy Glidden. No one appeared to speak in favor. No one appeared to speak in opposition.

P327-11 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Health and Police Department regarding Elite Design & Consign II, 101 Lynn Street. (Unanimous)

P328-11 COUNCILLOR OSBORNE - MOVE TO approve the application for a Junk Dealers License from Elite Design & Consign II, 101 Lynn Street, Peabody, MA. (Carried 9-0; Councillors Liacos and Gamache absent)

A public hearing was duly held on the application from Justin Ballard d/b/a Goldrush, MA, LLC, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Justin Ballard. No one appeared to speak in favor. No one appeared to speak in opposition.

P329-11 COUNCILLOR DRISCOLL - MOVE TO approve the application for a Junk Dealers License from Justin Ballard d/b/a Goldrush, MA, LLC, 210 Andover Street, Peabody, MA. (Carried 9-0; Councillors Liacos and Gamache absent)

**REPORTS OF COMMITTEE**

**INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE**  
**MAY 5, 2011**

P330-11 COUNCILLOR GRAVEL – Reporting for the Industrial & Community Development Committee - A meeting of the Industrial & Community Development Committee met on Thursday evening, May 5, 2011. Present that evening were myself as chair, Councillor Osborne, Councillor Mello, Councillor Manning-Martin and Councillor Driscoll. Absent were Councillors: Liacos, Gamache and Garabedian. It was a lively conversation that evening. The discussion points were 60 Pulaski Street and 58-R Pulaski Street. Neighbors of the area presented their comments and the complaints to the City Council regarding the zoning matter involving bus storage and parking at 60 Pulaski Street. Appearing on behalf of the neighborhood were Darryl Ann McCarthy, Caroline Busta, Kathy Wells and John Surman. Also appearing was Lou Murray, owner of US Roofing, and BMC Realty at 58-R Pulaski Street. Again there was a fairly lengthy discussion on noxious fumes, disposal of trash, whether or not buses were called automobiles and automobiles were called buses. It resulted in motions from Councillor Mello. (Report received)

P331-11 COUNCILLOR GRAVEL - MOVE TO request that the Building Commissioner issue a cease and desist order on bus storage and parking at 60 Pulaski Street, which is a prohibited use in our Zoning Ordinance, both old and current. The building inspector's decision to allow the storage and the parking of buses is a gross misinterpretation of the Zoning Ordinance and the City Council does not agree with said interpretation. (Carried 9-0; Councillors Liacos and Gamache absent)

P332-11 COUNCILLOR GRAVEL - MOVE TO request that the City Council inform the Zoning Board of Appeals that it is the City Council's opinion that the decision of the building inspector to allow buses to be stored and parked at 60 Pulaski Street is a gross misinterpretation of the Zoning Ordinance and the City Council has requested that the Building Commissioner issue a cease and desist order on bus storage and parking at 60 Pulaski Street, which is a prohibited use in our Zoning Ordinance. (Carried 9-0; Councillors Liacos and Gamache absent)

P333-11 COUNCILLOR GRAVEL – Reporting for the Industrial & Community Development Committee - A second agenda item that evening pertained to 58-R Pulaski Street. Mr. Martins from Webster Industries addressed the committee regarding no parking on both sides of the road along Pulaski Street Rear. Mr. Martins been trying for months to have "No parking" signs posted, in accordance with an Ordinance by the City Council. He's been very unsuccessful. Webster Industries has paid for the "No parking" signs at no cost to the city and they're asking that the city install the signs. The neighbors in the Pulaski Street area also submitted photos of the properties at 58-R and 60 Pulaski Street with regards to illegal dumping of trash and debris, possible illegal filling of the land and wetlands, outdoor sales of construction materials -- which I've since driven by and they're still selling construction materials -- and complaints that the Special Permit conditions regarding Wayside at 58-R Pulaski Street are not being adhered to. The building inspector and director of Human Services did address the committee on matters regarding 58-R Pulaski Street. Several departments in the city, including building and health, Conservation Commission and Community Development are assembling an action plan to correct the zoning violations and other violations, such as illegal dumping and noise occurring at 58-R Pulaski Street. The building inspector did indicate that he has dedicated one inspector from his office to review and inspect all properties located at 58-R Pulaski Street and is assembling a plan to better identify and describe all boundaries for the properties within said park. He did indicate that night that he was lacking a computer and I think we ought to just buy him one so he can just keep track of the properties. Councillor Manning moved to receive the photographs of the properties at 60 and 58-R Pulaski, as submitted by the Pulaski Street neighbor and that was approved unanimously. (Report received)

P334-11 COUNCILLOR GRAVEL – MOVE TO receive photographs of the properties at 60 and 58-R Pulaski Street. (Unanimous)

P335-11 COUNCILLOR GRAVEL - BE IT ORDAINED BY THE CITY COUNCIL of the City of Peabody that an emergency condition exists affecting the health, safety and welfare of the citizens and businesses in Peabody as it relates to the condition of the public way known as Pulaski Street Rear, and MOVE TO request that the Department of Public Services install "No parking" signs on both sides of the way along Pulaski Street Rear. Said signs have already been purchased by private business owners within the park and need assistance in having those signs posted in accordance with the no parking ordinance adopted by the City Council on January 12, 2006. (Unanimous)  
(Emergency Preamble - Carried 9-0; Councillors Liacos and Gamache absent)  
(Motion to adopt - Carried 9-0; Councillors Liacos and Gamache absent)

**AD HOC COMMITTEE ON MUNICIPAL CONSOLIDATION & EFFICIENCY**  
**MAY 5, 2011**

P336-11 COUNCILLOR GRAVEL - That evening we had kind of an informative session. Present at the session was Patti Schaffer on behalf of the City and the members who sat in on the Industrial & Community Development Committee also sat in on this particular meeting. There was discussion that they had hired a consultant to do a consolidation study and we were brought up-to-date as to where they currently stood. The study is expected to arrive by June 15. In the interim we are going to be meeting again to look at the budget and look at areas where we feel we can contribute from the perspective of thoughts on consolidation. (Report received).

**AD HOC COMMITTEE ON AGGREGATE INDUSTRIES**  
**MAY 12, 2011**

P337-11 COUNCILLOR SINEWITZ - Reporting for the Ad Hoc Committee on Aggregate Industries -The subcommittee on Aggregate Industries met earlier tonight to review a violation that occurred at the quarry on April 16. There were numerous violations, but the main one was staying open past the hours of operation. We listened to testimony from Aggregate and from the contractors who were there. The building inspector concurred and issued a \$200 fine to Aggregate Industries. And we were sure to tell them that if it continues down this path, the penalties will get severe and we hope that they would abide by their Special Permit. They didn't respect our police department after the police department went in and told the workers that were there beyond their hours of operation to leave. They continued to stay after the police left and the police had to come back again. The police were actually on a drunk driving call. That's what that call was. So we don't want to be pulling officers off drunk driving calls to be at something like this. So there was one motion that came up. (Report received)

P338-11 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector see if outside contractors working on Aggregate's site need a Special Permit from the City Council under Special Permit Item L. (Unanimous)

**FINANCE COMMITTEE**  
**MAY 12, 2011**

P339-11 COUNCILLOR DRISCOLL - The Finance Committee met this evening. Due to the fact that Councillor Gamache wasn't present, I chaired the meeting. Present were Councillor Manning, Councillor Gravel, Councillor Garabedian and myself. There were a number of different requests for transfer of funds which were all recommended for approval in committee. We'll take each one separately. (Report received)

P340-11 COUNCILLOR DRISCOLL - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 21, 2011:

**FROM:**

Golf Course - Retained Earnings - \$40,000.00  
 (Carried 9-0; Councillors Liacos and Gamache absent)

**TO:**

Golf Course Equipment- \$40,000.00

P341-11 COUNCILLOR DRISCOLL - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 21, 2011:

**FROM:**

Skating Rink - Retained Earnings - \$55,000.00  
 (Carried 9-0; Councillors Liacos and Gamache absent)

**TO:**

Skating Rink – Repairs - \$55,000.00

P342-11 COUNCILLOR DRISCOLL - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 21, 2011:

**FROM:**

Cemetery Interest - \$42,000.00  
 (Carried 9-0; Councillors Liacos and Gamache absent)

**TO:**

Cemetery Capital Projects - \$42,000.00

P343-11 COUNCILLOR DRISCOLL - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of April 21, 2011:

**FROM:**

Reserve Fund - \$36,200.00  
 (Carried 9-0; Councillors Liacos and Gamache absent)

**TO:**

Brooksby Farm – Part time Wages - \$36,200.00

P344-11 COUNCILLOR DRISCOLL - Reporting for the Finance Committee - Just a point of information. Ms. Schaffer spoke to us with regards to Item 7-A stating that it was not a need for an emergency for the new pumper truck for Tremont Street station and so with that I would refer that to the Finance Committee. (Report received)

P345-11 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Emergency request to waive bidding process to purchase a new pumper truck for the Tremont Street fire station and to refer to the Finance Committee. (Unanimous)

**COMMITTEE OF THE WHOLE**  
**MAY 12, 2011**

P346-11 COUNCILLOR MANNING-MARTIN - Reporting for the Committee of the Whole – The Committee of the Whole met this evening to discuss in Executive Session the 2011 Class 2 Motor Vehicle License application of Christopher Catino, North Shore Auto Exchange, 134 Newbury Street. Present during that meeting was Councillors: Gravel, Bettencourt, Osborne, Garabedian, Mello, Sinewitz, Driscoll, Athas and myself. The motion made to approve the renewal of a Class 2 motor vehicle license for Christopher Catino, North Shore Auto Exchange, 134 Newbury Street for the year 2011 and that motion passed seven to two. (Report received)

P347-11 COUNCILLOR MANNING-MARTIN – MOVE TO approve the Class 2 Motor Vehicle License (Renewal for 2011) Christopher Catino d/b/a North Shore Auto Exchange, 134 Newbury Street, subject to all papers being in order. (Carried 7-2; Councillors Gravel and Manning-Martin opposed; Councillors Liacos and Gamache absent)

**MOTIONS, ORDERS & RESOLUTIONS**

P348-11 COUNCILLOR BETTENCOURT - MOVE TO request that the Finance Director Patti Schaffer provide the City Council with an update of our debt service listing of our current bonds, the payments per year, and the expected years that the bonds will be paid off. (Unanimous)

P349-11 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from International Festival Committee regarding Banner, subject to all papers being in order. (Unanimous)

P350-11 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department and Park, Recreation & Forestry Department remove the brush and dead trees in the area completely surrounding Brown's Pond. We have a lot of dead trees that have fallen and brush leaning up against other trees and against the high-tension wires. (Unanimous)

P351-11 COUNCILLOR OSBORNE - MOVE TO request that the Recreation Department report as to whether improvements can be made to the playground at Lake Shore Park or if there is a recommendation that we seek alternate funding and a volunteer effort to improve that playground. (Unanimous)

P352-11 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department provide the City Council with an update on the street sweeper schedule and how it is progressing and to request that when the street sweepers are scheduled for South Peabody that it be sent to Lake Shore Park as soon as possible. (Unanimous)

P353-11 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 3 from Chief Robert Champagne, Police Department, regarding Snow emergency system and to refer to the Municipal Safety Committee. (Unanimous)

P353A-11 COUNCILLOR OSBORNE – MOVE THAT the Ad Hoc Committee on Energy Efficiency and Renewal Energy schedule a meeting on Thursday evening, May 19<sup>th</sup> at 6:00 p.m. to discuss Peabody's future participation in the Green Communities Act as established by Chapter 169 of the Acts of 2008. Request to invite the Mayor, Director of Community Development, Superintendent of Schools, School Committee, Municipal Light Plant Manager, Municipal Light Commission, and Green Peabody Committee. (Unanimous)

P354-11 COUNCILLOR MELLO - MOVE THAT in furtherance of the recommendations from the Industrial & Community Development Committee, on behalf of the citizens of Peabody being aggrieved by the Building Commissioner's failure to take enforcement action, TO respectfully request that the City Council send a letter to the Building Commissioner, Kevin Goggin, seeking enforcement of the Zoning Ordinance as it relates to 60 Pulaski Street and 58-R Pulaski Street pursuant to General Laws, Chapter 40A, Section 8. (Carried 9-0; Councillors Liacos and Gamache absent)

P355-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, late communication Item 1 from Kevin Goggin, Building Commissioner, regarding Special Permit violation notice, Aggregate Industries, 55 Russell Street. (Unanimous)

P356-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-K from John Barry, Chairman, Board of Health, regarding Aggregate Industries 2010 annual report. (Unanimous)

P357-11 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department add 28 Glen Drive to the paving list. (Unanimous)

P358-11 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department add the cul de sac Caruso Court to the paving list. (Unanimous)

P359-11 COUNCILLOR SINEWITZ – MOVE TO request that the Building Commissioner inform the City Council as to why a reader board sign is being installed at Bonkers. (Unanimous)

P360-11 COUNCILLOR DRISCOLL – MOVE TO thank the Health Department and Bill Pasquale on a recent issue in Ward 4. (Unanimous)

P361-11 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-C communication from Public Services Department regarding 31 Pierpont Street; install guardrail. (Unanimous)

P362-11 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department clear the debris and rubbish at 0 May Street, the recently purchased parcel. (Unanimous)

P363-11 COUNCILLOR ATHAS - MOVE TO request that the Peabody Municipal Light Plant replace the street lamp bulbs on the Main Street section between Foster and Park Street. (Unanimous)

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

P364-11 COUNCILLOR OSBORNE – MOVE TO receive a communication from His Honor the Mayor regarding Proposed Ordinance – Salary adjustment for Library Aides and Pages and to refer to the Finance Committee. (Unanimous)

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

P365-11 COUNCILLOR MELLO – MOVE TO receive a communication from Christopher Tighe, Emergency Management Administration, regarding Local emergency planning committee. (Unanimous)

P366-11 COUNCILLOR MELLO – MOVE TO receive a communication from Peabody Veterans Council regarding Memorial Day Parade Orders, May 30<sup>th</sup>. (Unanimous)

P367-11 COUNCILLOR MELLO – MOVE TO receive and approve a communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer; 17-1990 to Essex County Honey Company, 18 Lake Street, subject to all papers being in order. (Unanimous)

P368-11 COUNCILLOR MELLO – MOVE TO receive and approve a communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer; 17-2001 to Philip & Linda Lavoie, 4 Lake Street, subject to all papers being in order. (Unanimous)

P369-11 COUNCILLOR MELLO – MOVE TO receive a communication from Peabody Council on Aging, 79 Central Street, regarding Site plan. (Unanimous)

P370-11 COUNCILLOR MELLO – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary. (Unanimous)

P371-11 COUNCILLOR MELLO – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of City appropriations. (Unanimous)

P372-11 COUNCILLOR MELLO – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of School appropriations. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P373-11 COUNCILLOR MELLO - MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2011), subject to all papers being in order:

Chris Logue - License 1  
Christopher Genest - License 2  
(Unanimous)

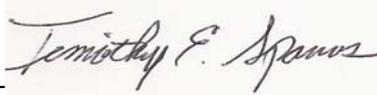
P374-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Use of the Wiggin Auditorium – North Shore Community Action Program for June 16, 2011, subject to all papers being in order. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 19, 2011  
RETURNED BY HIS HONOR THE MAYOR, MAY 19, 2011



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

**COMMUNICATIONS:**

His Honor the Mayor: Emergency request to waive bidding process to purchase a new pumper truck for the Tremont Street fire station  
His Honor the Mayor: Proposed Ordinance – Salary adjustment for Library Aides and Pages  
International Festival Committee re: Banner  
Christopher Tighe, Emergency Management Administration re: Local emergency planning committee  
Public Services Department re: 31 Pierpont Street-install guardrail  
Peabody Veterans Council re: Memorial Day Parade Orders, May 30th  
Kevin Goggin Building Commissioner re: Special Permit transfer; 17-1990 Essex County Honey Company, 18 Lake Street  
Kevin Goggin, Building Commissioner re: Special Permit transfer; 17-2001 Philip & Linda Lavoie, 4 Lake Street  
Peabody Council on Aging, 79 Central Street re: Site plan  
Patricia Davis Schaffer, Director of Finance re: General fund summary  
Patricia Davis Schaffer, Director of Finance re: Status of City appropriations  
Patricia Davis Schaffer, Director of Finance re: Status of School appropriations  
John Barry, Chairman, Board of Health re: Aggregate Industries 2010 annual report  
Kevin Goggin, Building Commissioner, re: Special Permit violation notice, Aggregate Industries, 55 Russell Street  
Health and Police Department re: Elite Design & Consignment II, 101 Lynn Street  
Chief Robert Champagne, Police Department, re: Snow emergency system

**TAXI/LIMOUSINE DRIVER LICENSE**

Chris Logue – License 1  
Christopher Genest – License 2

**USE OF THE WIGGIN AUDITORIUM**

North Shore Community Action Program for June 16, 2011