

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 9, 2011

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

ABSENT: COUNCILLORS: BETTENCOURT AND DRISCOLL

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.

P423-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of May 26, 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

None.

REPORTS OF COMMITTEE

FINANCE COMMITTEE
JUNE 9, 2011

P424-11 COUNCILLOR GAMACHE– Reporting for the Finance Committee – This evening we had a Finance Committee meeting. Present were myself, Councillor Athas and Councillor Osborne. We had item on the agenda and that was the salary adjustments for library aides and pages. Martha Holden was here from the library, as well as Patti Schaffer. They have had not an increase in the library aides and pages since 2006. It's going to be about a \$7,000 increase. It was unanimously approved out of committee. (Report received)

P425-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee – MOVE THAT An Ordinance Amending the Classification and Compensation Plan of the City of Peabody; Section 18-20A, entitled “Schedule of Compensation of Hourly Rated Positions Not Subject to Collective Bargaining” Library Pages be advertised as read. (Carried 9-0; Councillors Bettencourt and Driscoll absent)

LEGAL AFFAIRS COMMITTEE
JUNE 9, 2011

P426-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee – Earlier this evening there was a meeting of the Legal Affairs Committee. Present were myself, Councillor Manning-Martin, Councillor Mello, Councillor Osborne and Councillor Sinewitz. The first item of business was a gift of land to the city of Peabody by Florence W. Munz of land located on Arnold Avenue and a vote of five to nothing was passed, to request that the Mayor enter into a purchase & sales agreement with the donor. (Report received)

P427-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee – MOVE TO request that His Honor the Mayor enter into a Purchase & Sales Agreement with Florence W. Munz for the property located on Arnold Avenue. (Carried 9-0; Councillors Bettencourt and Driscoll absent)

P428-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The next item was a request for an easement at 10 Elm Street. This property was acquired through the CPC funding. One of the buildings in the front was going to be maintained as affordable housing. The owner requests the City to enter into an agreement for a slope easement at 10 Elm Street for a small wall that will be coming down once the driveway is finished. The motion passed five to nothing. (Report received)

P429-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee –BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor enter into a agreement for a slope easement for the property at 10 Elm Street. (Carried 8-1; Councillor Sinewitz opposed; Councillors Bettencourt and Driscoll absent)

P430-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee – The third item of business was the issue of 60 Pulaski Street having buses stored at that location and these buses were not registered to the city of Peabody, so the city of Peabody never received any excise tax money as a result. At that meeting attorney Keilty represented the business and said that their intent was to immediately notify the Registry of Motor Vehicles of an address change of these buses that have been stored there, so from this point on the city of Peabody will be receiving the excise taxes on those buses. Other matters were discussed regarding the issue of the appropriateness of that location for the storage of buses, but basically the issue of being able to collect the excise money seems to have been resolved and it's just a report of progress. (Report received)

COMMITTEE OF THE WHOLE
JUNE 9, 2011

P431-11 COUNCILLOR MANNING-MARTIN - Reporting for the Committee of the Whole - The Committee of the Whole did meet this evening just prior to this meeting to receive a Hazardous Mitigation Plan update. Present at the meeting were Blair Haney from Community Development and also Mr. Sam Cleaves who's a regional planner from the Metropolitan Area Planning Council. The purpose of this meeting was to give us a report of progress. The city is required by FEMA to have a plan in place and our plan has been in place and needs to be adopted every five years, so we did get an update from these two gentlemen. The plans are required in order for Peabody to become eligible for grants and they're required to be updated and approved by the council, as I said, every five years. The plan will be posted on the city Web site for the public to review and comment and they're welcome to do so. With the Hazard Mitigation Plan, as it has been in effect for several years, Peabody has been already successful in the application process by way of millions of dollars, most of which has been directed to phase 1 of the flood mitigation project. Just a quick definition of hazard mitigation is, it is to permanently reduce or prevent losses of life, injury and property following natural hazards by using long-term strategies. So again we got an update on that and the public is welcome to check it out on the Peabody Web site and add their comments. That was a report of progress. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P432-11 COUNCILLOR GRAVEL - MOVE TO request that the Building Commissioner and/or Community Development look into the use of 16 Myles Road. I received several calls from the neighbors there indicating that it was once a group home and has kind of changed to a different dimension and they are being somewhat harassed by the residents who are coming up to their doors and asking for money. So it seems like the nature of the home has changed a little bit. (Unanimous)

P433-11 COUNCILLOR GRAVEL - MOVE TO request that the Community Development Department provide an update to the City Council regarding the Crystal Lake cleanup. I would like to know the status of the grant, how much has been spent, and what's remaining. (Unanimous)

P434-11 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department add Fairview Avenue to the street repaving list. (Unanimous)

P435-11 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department provide a sidewalk repair at 7 Quail Road. This is a request that's been in there for a number of years and the city has actually marked it out and for some reason the repairs have not been made. If they could give me an update on when they expect to be doing those repairs. (Unanimous)

P436-11 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Lynnfield Street Donuts, Inc., 79 Lynnfield Street, regarding Revised Special Permit application and to set up a public hearing. (Unanimous)

Patricia Schaffer 20 Federal Street, Unit 7 Salem, MA 01970	Director of Finance	02/01/2012
James O'Brien 6 Cider Mill Road Peabody, MA 01960	Housing Authority	02/01/2012
Minas Dakos 24 Buxton Street Peabody, MA 01960	Licensing Board	02/01/2012
John Ford Post Office Box 4093 Peabody, MA 01960	Planning Board	02/01/2012
Judy Otto 82 Franklin Street Peabody, MA 01960	Planning Board (Alternate Member)	02/01/2012

(Carried 7-2; Councillors Gravel and Manning-Martin opposed; Councillors Bettencourt and Driscoll absent)

P447-11 COUNCILLOR LIACOS - MOVE TO receive the communication from His Honor the Mayor under date of June 7, 2011 submitting the re-appointment of Steve Kalivas to the Board of Health. (Unanimous)

P448-11 COUNCILLOR LIACOS – MOVE TO approve the appointment of Steve Kalivas, 2 Karelitz Road, Peabody, MA to the Board of Health (Regular Position) and to set the term to expire on February 1, 2012.. (Carried 7-2; Councillors Gravel and Manning-Martin opposed; Councillors Bettencourt and Driscoll absent)

P449-11 COUNCILLOR LIACOS – MOVE TO receive the communication from His Honor the Mayor under date of June 7, 2011 submitting the appointment of David Titelbaum to the Cable Commission. (Unanimous)

P450-11 COUNCILLOR LIACOS - MOVE TO approve the appointment of David Titelbaum, 112 Lowell Street #2, Peabody, MA to the Cable Commission and to set the term to expire on February 1, 2012. (Carried 7-2; Councillors Gravel and Manning-Martin opposed; Councillors Bettencourt and Driscoll absent)

P451-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding various transfer of funds and to refer to the Finance Committee. (Unanimous)

P452-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding Transfer; Library Sales to Library Utilities - \$12,000.00 and to refer to the Finance Committee. (Unanimous)

P453-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding Submission of the Fiscal Year 2012 City of Peabody Operating Budget and to refer to the Finance Committee sitting as the Committee of the Whole. (Unanimous)

P454-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding Various transfer of funds: A, Financial Admin-Reserve Fund to Snow & Ice \$275,000.00; B, CPC fund balance to CPC Habitat for Humanity \$250,000.000; and C, Fire Salaries to Fire Alarm-Bldg. Maintenance \$49,000.00 and to refer to the Finance Committee. (Unanimous)

P455-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor submitting the Executive Summary to the proposed Fiscal Year 2012 City of Peabody Operating Budget and to refer to the Finance Committee sitting as the Committee of the Whole. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P456-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Repair road; Hannaford Plaza @ Crystal Lake. (Unanimous)

P457-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Street sweeper schedule. (Unanimous)

P458-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Sidewalk repair; 28 Glen Drive. (Unanimous)

P459-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Caruso Court; street added to paving list. (Unanimous)

P460-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding 0 May Street; clear debris and rubbish. (Unanimous)

P461-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Herrick Road @ Bow St; Sidewalk repair. (Unanimous)

P462-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Planning Board regarding Agenda (6/02) and minutes (5/19). (Unanimous)

P463-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Planning Board regarding Site plan; Peabody Alpha Realty, 130 Newbury Street. (Unanimous)

P464-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Update on debt service payments. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P465-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Entertainment License (Renewals for 2011), subject to all papers being in order:

Willowtree Restaurant, 135 Washington Street Portuguese Benefit Society, 61 Northend Street
(Unanimous)

P466-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2011), subject to all papers being in order:

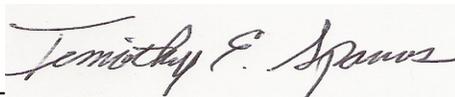
Carlos Escoto - License 8 Scott Hendrix - License 10
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

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

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 16, 2011

RETURNED BY HIS HONOR THE MAYOR, JUNE 16, 2011



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor: Various re-appointments

His Honor the Mayor: Various transfer of funds

His Honor the Mayor: Transfer; Library Salaries to Library Utilities - \$12,000.00

His Honor the Mayor: Transfer; Revenue Reserved MTBE to Capital Projects - Fire Truck - \$350,000.00

His Honor the Mayor: Submission of the Fiscal Year 2012 City of Peabody Operating Budget
Public Services Department re: Repair road; Hannaford Plaza@ Crystal Lake
Public Services Department re: Street sweeper schedule
Public Services Department re: Sidewalk repair; 28 Glen Drive
Public Services Department re: Caruso Court; street added to paving list
Public Services Department re: 0 May Street; clear debris and rubbish
Public Services Department re: Herrick Road @ Bow St; Sidewalk repair
Planning Board re: Agenda (6/02) and minutes (5/19)
Planning Board re: Site plan; Peabody Alpha Realty, 130 Newbury Street
Patricia Davis Schaffer, Director of Finance re: Update on debt service payments

BLOCK PARTY

Upham Street – July 2nd
26 Griffin Road to 23 St. Ann's Avenue – July 3rd
4 to 14 Martinack Avenue – July 3rd

ENTERTAINMENT LICENSES (Renewal for 2011)

Willowtree Restaurant, 135 Washington Street
Portuguese Benefit Society, 61 Northend Street

TAXI/LIMOUSINE DRIVER LICENSE

Carlos Escoto – License #8
Scott Hendrix – License #10