

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 8, 2011

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

ABSENT: NONE

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.

P664-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of August 25, 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

P665-11 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application from John K. Psiakis, 100 Colonial Drive, Ipswich, MA until Thursday, September 22, 2011. (Unanimous)

A public hearing was duly held on the application from DC Motors, LLC d/b/a Foster St Motors, 92 Foster Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. David Cloutman. No one appeared to speak in favor. No one appeared to speak in opposition.

P666-11 COUNCILLOR ATHAS – MOVE TO approve the application for the transfer of a Class 2 Motor Vehicle License from Joseph A. Miller to DC Motors, LLC d/b/a Foster St Motors, 92 Foster Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Gravel absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
SEPTEMBER 8, 2011

P667-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee - Earlier this evening we had a meeting of the Legal Affairs Committee. In attendance were myself, Councillor Driscoll, Councillor Osborne, Councillor Manning-Martin and Councillor Gamache. At that meeting there were two items. The first was a request to purchase city-owned land at 0 Farnham Avenue, Map 83, Parcel 29. After hearing the request from the Gustafsons, the following motion was made by Councillor Osborne and the motion carried four to nothing. (Report received)

P668-11 COUNCILLOR ATHAS – MOVE TO keep the matter of 0 Farnham Avenue, Map 83, Parcel 29 in Committee, to request comments from City departments, and to request that the Assessor provide the City Council with a fair market value of the property. (Unanimous)

P669-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The second item was a request from Tri City Services to review the taxi fare rates. There has not been an increase in the taxi fare rates since May of 2006. At that meeting we did not have any of the figures for the present taxi rates in front of us and Councillor Gamache made the following motion which carried four to nothing. (Report received)

P670-11 COUNCILLOR ATHAS - MOVE to keep the matter of reviewing taxi fare rates in Committee and to request that the City Clerk provide the City Council with current taxi rates for surrounding cities and towns. (Unanimous)

FINANCE COMMITTEE
SEPTEMBER 8, 2011

P671-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee – The Finance Committee met this evening. Present was myself, Councillor Athas, Councillor Driscoll, Councillor Liacos, and Councillor Osborne. There were other councillors in attendance as well. The first item on the agenda was the bond authorization for \$4,200,000 to the Green Repair projects for the Burke and Welch elementary schools. This was already advertised so the motion would be to approve and adopt and that motion was made by Councillor Osborne. Also present with us was David Keniston from the School Department and Patti Schaffer. (Report received)

P672-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody that the City appropriate the sum of Four Million Two Hundred Thousand Dollars (\$4,200,000) for the MSBA Green Repair Project filed for the Burke Elementary School, 127 Birch Street, Peabody, MA and the Welch Elementary School, 50 Swampscott Avenue, Peabody, MA, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the City Treasurer is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 53% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA and said bond order be adopted as advertised and read. Carried 10-0; Councillor Gravel absent)

P673-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - Another item on the agenda was a transfer of funds from CPC Historic Preservation to CPC City Hall Archives Preservation for \$38,860 and present was Bill Power, as well as Patti Schaffer. Councillor Driscoll made the following motion, which passed unanimously. (Report received)

P674-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee -MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor, under date of July 25, 2011:

<u>FROM:</u>	<u>TO:</u>
CPC-Historic Preservation Fund Balance	CPC-City Hall Archives Preservation Project
\$38,860.00	\$38,860.00
(Carried 10-0; Councillor Gravel absent)	

P675-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - Next item on the agenda was the transfer of funds CPC Open Space to CPC 45 Walnut Street Redevelopment Project for \$264,824. With us this evening was Community Development director Karen Sawyer, as well as Bill Power and Patti Schaffer. There were questions posed to Karen Sawyer concerning some of the incurred costs that went along with this. The motion by Councillor Athas to approve was unanimously approved. (Report received)

COUNCILLOR GAMACHE – Reporting for the Finance Committee- MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor, under date of July 25, 2011:

<u>FROM:</u>	<u>TO:</u>
CPC-Open Space Fund Balance	CPC-45 Walnut Street Redevelopment Project
\$264,824.00	\$264,824.00
(Carried 9-1; Councillor Sinewitz opposed; Councillor Gravel absent)	

P676-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - The last one was a transfer of funds for the CPC Unreserved Fund Balance to CPC Administrative Funds for \$15,000. Mr. Power explained that the committee could have used upwards of \$80,000 for administrative funding. They are looking for \$15,000 for the administrative fees. That was motioned by Councillor Athas and approved unanimously. (Report received)

P677-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee- MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor, under date of July 25, 2011:

<u>FROM:</u>	<u>TO:</u>
CPC-Unreserved Fund Balance	CPC-Administrative Funds
\$15,000.00	\$15,000.00
(Carried 10-0; Councillor Gravel absent)	

MOTIONS, ORDERS & RESOLUTIONS

P678-11 COUNCILLOR BETTENCOURT - MOVE TO send a communication to Eastman Gelatine requesting information regarding the origin of the odor emanating from the plant and whether this is a temporary situation. (Unanimous)

P679-11 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer 1-1999 W.L. Winston Insurance Agency, Inc., 108 Lynn Street, subject to all previous conditions. (Unanimous)

P680-11 COUNCILLOR GAMACHE - MOVE TO send a communication to Roy Simoes at the Peabody Municipal Light Plant to request a streetlight at Goodale Street and Benevento Circle. (Unanimous)

P681-11 COUNCILLOR GAMACHE - MOVE TO request that Public Services Department cut back the brush between Forbes Way and 22 Goodale Street. It's over the sidewalk and people have been complaining that they have to walk in the street. (Unanimous)

P682-11 COUNCILLOR GAMACHE (Co-motion with Councillor Mello) - MOVE TO send a communication to the Public Services Department thanking them for their successful efforts cleaning out the catch basins before Hurricane Irene came to town, which resulted in a lack of streets flooding. (Unanimous)

P683-11 COUNCILLOR MELLO – MOVE TO request that the Peabody Municipal Light Plant install a streetlight on the pole in front of 20 Tracey Street. There's a handicapped individual having difficulties getting in and out of their car at night because it's too dark. (Unanimous)

P684-11 COUNCILLOR MELLO – MOVE TO refer to the Municipal Safety Committee the issue of speeding on Loris Road and to request a representative of the Police Department also attend said meeting. The speeding issue has revived itself over there and some of the things we've done in the past are no longer effective. (Unanimous)

P685-11 COUNCILLOR MELLO - MOVE TO request that the Building Commissioner, Board of Health and Animal Control officer inspect the abandoned house at the corner of Northend Street and Dark Lane. I have been getting reports of raccoons and other animals going in and out of the building. (Unanimous)

P686-11 COUNCILLOR MELLO - MOVE TO request that the Community Development Department update the City Council on the status of the Pulaski Street Rear numbering project. (Unanimous)

P687-11 COUNCILLOR MELLO (Co-motion with Councillor Manning-Martin) - MOVE TO request that the Building Commissioner inform the City Council prior to the next regular meeting of how he's going to direct the enforcement for 60 Pulaski Street. (Carried 10-0, 1 absent; Councillor Gravel)

P688-11 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair a pot hole in front of 746 Lowell Street. (Carried 11-0)

P689-11 COUNCILLOR SINEWITZ – MOVE TO request that the Parks and Recreation Department inspect a tree in front of 663 Lowell Street, which is on City property, that has dead limbs overhanging the street and either trim the tree or if the tree is dead, to remove it. (Unanimous)

P690-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-C communication from David Wall, Troop 59, regarding Eagle Scout – Thomas Croteau and to send a letter of commendation. (Unanimous)

P691-11 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department remove the ragweed and brush and clean out the sidewalks between Forest Street and Jennifer Lane on the westbound side of Lowell Street and also westbound in front of 82 Franklin to Hill House. (Unanimous)

P692-11 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department place a "Caution children" sign at 9 Jacob Street and also on the pole at 7 Stevens Street. (Unanimous)

P693-11 COUNCILLOR GRAVEL – MOVE TO request that the Public Services Department remove the brush at the corner of Sandra Road and John Road and also on Lynnfield Street on the sidewalk down in front of the YMCA. (Unanimous)

P694-11 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Community Development Department regarding Updating of 2006 Recreation and Open Space Plan; request for 1 City Council member to serve on advisory committee. Councillor Gamache has graciously volunteered to accept this challenge so I am going to appoint him to that position. (Unanimous)

P695-11 COUNCILLOR MANNING-MARTIN – Matter of the Record - INFORMED THE CITY COUNCIL OF AN ARTICLE IN GOLF NORTH MAGAZINE REGARDING THE GOOD WORK DONE BY PETER CRONIN OF THE MEADOWS IN CONJUNCTION WITH PETER HARRINGTON OF THE OLDE SALEM GREENS TO SEND GOLF CLUBS AND GOLF BALLS OVER TO THE TROOPS IN AFGHANISTAN. "I would like to extend our appreciation to Peter Cronan and The Meadows for their hard work and for promoting such a good deed and representing the city so well.")

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P696-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Commonwealth of Massachusetts, Local Election District Review Commission regarding Approval of the Peabody Re-Precincting Plan effective December 31, 2011. (Unanimous)

P697-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from St. Vasilios Greek Orthodox Church, 5-7 Paleologos Street, regarding Banner, subject to all papers being in order. (Unanimous)

P698-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Division of Marine Fisheries, Boston, MA regarding Closed to taking of all shellfish. (Unanimous)

P699-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Completed Council motions. (Unanimous)

P700-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Minar Corporation, 10 Margin Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P701-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P702-11 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (Amendment) PK Motors, Inc., 195 Washington Street, and set up a public hearing. (Unanimous)

P703-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2011), subject to all papers being in order:

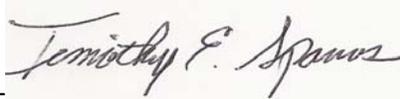
- Richard Gary – License 74
- Robert Bezzati – License 75
- Elizabeth Mullen – License 76
- Bill Flynn – License 79
- (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 16, 2011
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 16, 2011



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- Commonwealth of Massachusetts, Local Election Districts Review Commission re: Approval of the Peabody Re-Precincting Plan effective December 31, 2011
- St. Vasilios Greek Orthodox Church, 5-7 Paleologos Street re: Banner
- David Wall, Troop 59 re: Eagle Scout – Thomas Croteau
- Division of Marine Fisheries, Boston, MA re: Closed to taking of all shellfish
- Public Services Department re: Completed Council motions
- Kevin Goggin, Building Commissioner re: Special Permit transfer 1-1999 W.L. Winston Insurance Agency, Inc., 108 Lynn Street
- Minar Corporation, 10 Margin Street re: Special permit application
- Planning Board re: Minutes and agenda
- Community Development Department re: Updating of 2006 Recreation and Open Space Plan; request for 1 City Council member to serve on advisory committee

CLASS 2 MOTOR VEHICLE LICENSE (Amendment)
PK Motors, Inc., 195 Washington Street

TAXI/LIMOUSINE DRIVER LICENSES

- Richard Gary – License 74
- Robert Bezzati – License 75
- Elizabeth Mullen – License 76
- Bill Flynn – License 79