

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 22, 2015

PRESENT: COUNCILLORS: MOUTSOULAS, GOULD, GARABEDIAN, GRAVEL, MCGINN, MANNING-MARTIN, OSBORNE, DRISCOLL, AND WALSH

ABSENT: COUNCILLORS: SASLAW AND SINEWITZ

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.

P769-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the Regular Meeting of October 8, 2015. (Unanimous)

COUNCILLOR WALSH - 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.

P770-15 COUNCILLOR MCGINN – MOVE, under suspension of the rules, to receive a communication from His Honor the Mayor, Item 7-E, submitting the appointments of Joseph C. Foti as Director of Public Services and Christopher J. Morfis as the City Collector. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO DISCUSS ITEM 7-E AND TO INTRODUCE MR. JOSEPH C. FOTI)

P771-15 COUNCILLOR GRAVEL – MOVE TO approve the appointment of Joseph C. Foti, 25 Valley Road, North Reading, MA, to the position of Director of Public Services for a three-year term to expire on December 31, 2017 filling the unexpired term of Robert Langley. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO DISCUSS ITEM 7-E AND TO INTRODUCE MR. CHRISTOPHER J. MORFIS)

P772-15 COUNCILLOR OSBORNE – MOVE TO approve the appointment of Christopher J. Morfis, 14 Kittredge Street, Peabody, MA, to the position of City Collector for a one-year term to expire on December, 31, 2016. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

(TODD AND LISA BUCKLEY APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING THE SECOND ANNUAL COLTON BUCKLEY 5K TO BE HELD ON SUNDAY, NOVEMBER 8, 2015, at 10:00 AM)

AD HOC COMMITTEE ON DRUG EDUCATION & AWARENESS
OCTOBER 15, 2015

P773-15 COUNCILLOR MANNING-MARTIN – Reporting for the Ad Hoc Committee on Drug Education & Awareness - The Drug Education & Awareness subcommittee met; members were Councillor Saslaw, Councillor Driscoll and Councillor Osborne, as were many other members in attendance. A motion was made to make a donation from our Drug Education & Awareness fund in the amount of \$1,500 to the Second Annual Colton Buckley 5K, which will be held Sunday, November 8, 2015, at 10:00 a.m. (Report received)

P774-15 COUNCILLOR MANNING-MARTIN – Reporting for the Ad Hoc Committee on Drug Education & Awareness – MOVE THAT the City Council make a donation from our Drug Education & Awareness fund in the amount of \$1,500 to the Second Annual Colton Buckley 5K, which will be held Sunday, November 8, 2015, at 10:00 a.m. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

HEARINGS

A public hearing was duly held on the application from BayRing Communications, 359 Corporate Place, Portsmouth, NH. Appearing to speak on behalf of the application was Mr. Steve Bond. Ms. Mary Goyette, 7 Outlook Hill, Salem, MA, appeared to speak in favor. No one appeared to speak in opposition.

P775-15 COUNCILLOR MCGINN – MOVE TO approve the application from BayRing Communications, 359 Corporate Place, Portsmouth, NH, for permission to install fiber optic cable on telephone pole locations on Chestnut Street, St. John's Avenue, and Church Street, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

A public hearing was duly held on the application from Ondina Ortiz, 258 Washington Street, Peabody, MA. Ms. Ondina Ortiz and Ms. Celeste Colon appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Michael Indilicato, 34R Tremont Street, Peabody, MA, appeared to speak in opposition.

P776-15 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Ondina Ortiz, 258 Washington Street, Peabody, MA, for a Special Permit seeking permission to operate a consignment shop at 36-A Tremont Street, Peabody, MA, as filed in accordance with Sections 1.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

A public hearing was duly held on the application from Ondina Ortiz, 258 Washington Street, Peabody, MA. Ms. Ondina Ortiz appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P777-15 COUNCILLOR MOUTSOULAS – MOVE TO approve the application from Ondina Ortiz, 258 Washington Street, Peabody, MA, for a Junk Dealers License to operate at 36-A Tremont Street, Peabody, MA, subject to all papers being in order. (Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

A public hearing was duly held on the Zoning Amendment – Section 6.12 General Attendance Events. No one appeared to speak in favor. No one appeared to speak in opposition.

P778-15 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Planning Board regarding Zoning Amendment recommendation creating a new Section 6.12 General Attendance Events. (Unanimous)

P779-15 COUNCILLOR GRAVEL – BE IT ORDERED by the City Council of the City of Peabody that the following amendment to the Peabody Zoning Ordinance be adopted as advertised and read:

SECTION ONE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY THAT the Zoning Ordinance of the City of Peabody entitled "City of Peabody Zoning Ordinance Adopted April 28, 2011, and Amended through August 27, 2015," is hereby further amended as follows:

By amending Section 6 entitled Special Regulations and inserting a new Section 6.12 entitled General Attendance Events as follows:

- Section 6.12.1: Definitions
- Section 6.12.2: Purpose
- Section 6.12.3: Applicability
- Section 6.12.4: Intra-Municipal Coordination
- Section 6.12.5: Consultant Fees
- Section 6.12.6: Appeal
- Section 6.12.7: Severability
- Section 6.12.8: Noninterference

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE **OCTOBER 15, 2015**

P780-15 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – Last week the Municipal Safety Committee met. Councillor Manning, Councillor Gould, Councillor McGinn, and Councillor Walsh were all present. We had Chief Griffin and Captain Richards go over the statistics compiled by the Peabody Police Department on domestic violence. Everything we all want to know about was in that report. I can't obviously go over the whole thing, but what I thought we would do is keep it in subcommittee and go over that report together. There were no motions on that. The other issue was a proposed ordinance amendment to allow parking on Wallis Street from 6:00 p.m. to 6:00 a.m. The council decided to make no change on that. (Report received)

FINANCE COMMITTEE **OCTOBER 15, 2015**

P781-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a meeting of the Finance Committee last Thursday evening. It was a little later than 7:15 because Councillor Garabedian wouldn't get out of the seat. We did have present for the Finance Committee myself, as well as Councillor Driscoll, Councillor Manning-Martin, Councillor Gould, and Councillor McGinn. All councillors except for Councillor Sinewitz were present. There was a motion made regarding the transfer of funds from fire extra detail administration, which is account 100-2200-51170 to fire replacement, which is account number 100-2200-58312 in the amount of \$31,000 and that transfer was approved unanimously. (Report received)

P782-15 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of October 2, 2015:

FROM:

Fire – Extra Detail Admin
100-2200-51170 - \$31,000.00

(Carried 9-0; Councillor Saslaw and Councillor Sinewitz absent)

TO:

Fire – Vehicle Replacement
100-2200-58312 - \$31,000.00

MOTIONS, ORDERS AND RESOLUTIONS

P782A-15 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, the following Banner requests, subject to all papers being in order:

West Memorial Elementary School, 15 Bow Street
Higgins PTO, 1 King Street
St. Vasilios Greek Orthodox Church, 5-7 Paleologos Street
(Unanimous)

P783-15 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-D communication from Raymond Silva, Commander, Peabody Veteran's Council, regarding Veteran's Day ceremony on Wednesday, November 11th. (Unanimous)

P784-15 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Block Party – Evans Road on October 31, 2015, subject to all papers being in order. (Unanimous)

P785-15 COUNCILLOR GOULD – MOVE TO request that the Public Services Department investigate 19 Whitney Drive where tree roots are growing into the sewer system and into the foundation of the house. (Unanimous)

P786-15 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – MOVE TO request that the Pubic Services Department investigate the paper street behind 33 Pulaski Street. It is city property and a major limb has come off a tree and landed in an elderly resident's backyard. (Unanimous)

P787-15 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Request to create a debt stabilization fund and to refer to the Finance Committee. (Unanimous)

P788-15 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds from Fund Balance Reserve Accounts to Debt Service Stabilization and to refer to the Finance Committee. (Unanimous)

P789-15 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds to CPC various reserve accounts and to refer to the Finance Committee. (Unanimous)

P790-15 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds to CPC administration and to refer to the Finance Committee. (Unanimous)

P791-15 COUNCILLOR GRAVEL – MOVE THAT the Finance Committee receive the following items in advance of our Finance Committee meeting with the regular meeting package as follows:

1. An updated debt schedule for all currently issued bonds
2. A proforma debt schedule which would include the sale of bonds that are anticipated to be issued for projects we have already approved.
3. A copy of MGL 40 Section 5B
4. An analysis of the tax impact of the debt service.
5. A schedule of where the funds for the proposed debt stabilization fund will be coming from.

On the motion: The request is that His Honor the Mayor in conjunction with the Director of Finance, with respect to the creation of a debt stabilization fund and the fund balance reserve accounts, provide to the City Council in advance of the meeting -- not at the meeting -- with our regularly scheduled packet an updated debt schedule that has all of the debt that's encumbered currently for bonds that have been sold; we'd also like a pro forma debt schedule, which would include planned bonds, which are going to be sold for the completion of activities that we are engaged in, such as the Higgins Middle School and the downtown revitalization and movement of the monument; I'd also like us to have a copy of the section of MGL 40 applicable to this so that everybody has a chance to review the entire section; and an analysis of the tax impact of the debt and the source of funds to be used for this stabilization. I would further request that His Honor the Mayor and the Finance Director attend said Finance Committee meeting. If His Honor the Mayor and the Finance Director cannot attend the committee meeting, as the chairman of the committee I will recommend that we do not proceed. (Unanimous)

P792-15 COUNCILLOR GRAVEL – MOVE THAT in conjunction with the referrals to the Finance Committee to request that the Mayor and the Finance Director be at said Finance Committee meeting to explain the requests. (Unanimous)

P793-15 COUNCILLOR GRAVEL – MOVE TO request that the City Council send a letter of commendation to former Peabody Fire Chief Joe Mendonca, who is being honored on November 5th as the recipient of the 2015 Harry Ankeles Community Service Award, which is given out by the Peabody Area Chamber of Commerce. (Unanimous)

P794-15 COUNCILLOR MCGINN – MOVE TO request that the Peabody Municipal Light Plant install a streetlight at pole number 97/6 on Sutton Street. (Unanimous)

P795-15 COUNCILLOR OSBORNE – MOVE TO request that the Park, Recreation & Forestry Department prepare a status report regarding a previous motion for the removal of a dead tree at 7 Quail Road. (Unanimous)

P796-15 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department inspect a fence at the end of Fay Avenue to determine whether or not the city owns the fence or whether or not the private party owns the fence. If the city owns it, perhaps they could repair it due to the snowstorm damage. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P797-15 COUNCILLOR OSBORNE – MOVE TO receive and approve the Election Warrant as submitted by Timothy E. Spanos, City Clerk, regarding November 3, 2015. (Unanimous)

P798-15 COUNCILLOR GOULD – MOVE to receive a communication from Jennifer Davis, Director, Park, Recreation & Forestry Department, regarding Motion P431-15 completed - trim tree at 19 Colonial Road. (Unanimous)

P799-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Daniel Doucette, Purchasing Agent, regarding Motion P546-15; rates for plow vehicles by size and to request that the Purchasing Agent provide the City Council with a follow-up, in terms of what are the recommended rates for Peabody. (Unanimous)

P800-15 COUNCILLOR GRAVEL – MOVE TO receive a communication from Planning Board regarding Minutes and agenda. (Unanimous)

P801-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Topsfield Prestige Motors of Peabody, 1R Newbury Street, regarding Special Permit; transfer to 257 Andover Street, and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P802-15 COUNCILLOR OSBORNE – MOVE TO receive and approve Taxi/Limousine Driver License – Albert Marini – License 79, subject to all papers being in order. (Unanimous)

P803-15 COUNCILLOR OSBORNE – MOVE TO receive Class 2 Motor Vehicle License (Transfer) – Topsfield Prestige Motors of Peabody, Inc., 257 Andover 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 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 30, 2015
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 30, 2015



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Request to create a debt stabilization fund

His Honor the Mayor re: Transfer of funds from Fund Balance Reserve Accounts to Debt Service Stabilization

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His Honor the Mayor re: Transfer of funds to CPC various reserve accounts

His Honor the Mayor re: Transfer of funds to CPC administration

His Honor the Mayor re: New appointments: Joseph C. Foti, 25 Valley Road, No. Reading, as
Director of Public Services: Christopher J. Morfis, 14 Kittredge Street, as City Collector

Timothy E. Spanos, City Clerk re: Election Warrant, November 3, 2015

Banner Requests: West Memorial Elementary School, 15 Bow Street Higgins PTO, 1 King Street St.
Vasilios Greek Orthodox Church, 5-7 Paleologos Street

Jennifer Davis, Director, Park, Recreation & Forestry Department re: Motion P431-15 completed – trim
tree @ 19 Colonial Road

Raymond Silva, Commander, Peabody Veterans Council re: Veterans Day ceremony on Wednesday,
November 11th

Planning Board re: Minutes and agenda

Daniel Doucette, Purchasing Agent re: Motion P546-15; rates for plow vehicles by size

Topsfield Prestige Motors of Peabody, 1R Newbury Street re: Special permit; transfer to 257 Andover
Street

BLOCK PARTY:

Evans Road on October 31, 2015

TAXI/LIMOUSINE DRIVER LICENSE:

Albert Marini - License 79

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Topsfield Prestige Motors of Peabody, Inc., 257 Andover Street