

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 24, 2008

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

ABSENT: COUNCILLORS: GARABEDIAN AND GAMACHE

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.

P44-08 COUNCILLOR OSBORNE – MOVE TO receive and approve the minutes from the last regular meeting of January 10, 2008. (Unanimous)

P45-08 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various appointments dated January 14, 2008. (Unanimous)

(MS. LORETTA TENAGLIA INTRODUCED HERSELF TO THE CITY COUNCIL)

P46-08 COUNCILLOR BETTENCOURT - MOVE TO approve the appointment of Loretta Tenaglia, 101 Brooksby Village Drive, #111, Peabody, MA to the Housing Authority for a five-year term to expire on 12/31/2012. (Carried 9-0; Councillors Garabedian and Gamache absent)

(MR. PETER ARVANITES INTRODUCED HIMSELF TO THE CITY COUNCIL)

P47-08 COUNCILLOR BETTENCOURT - MOVE TO approve the appointment of Peter J. Arvanites, 9 Randall Road, Peabody, MA to the Planning Board for a five-year term to expire 12/31/2012. (Carried 9-0; Councillors Garabedian and Gamache absent)

(MR. CHRISTOPHER FREDERICK INTRODUCED HIMSELF TO THE CITY COUNCIL)

P48-08 COUNCILLOR OSBORNE - MOVE TO approve the appointment of Christopher Frederick, 13 Dooling Circle, Peabody, MA to the Cultural Council for a two-year term to expire 01/24/2010. (Carried 9-0; Councillors Garabedian and Gamache absent)

HEARINGS

A public hearing was duly held on the application from Heather R. Scanlan, 27 East Main Street, Gloucester, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P49-08 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-F communication from Kevin Goggin, Building Inspector, regarding Transfer of Special Permit 53-2000 from William Saxonis to Heather Scanlan. (Unanimous)

P50-08 COUNCILLOR OSBORNE - MOVE TO approve the application for a Junk Dealers License from Heather R. Scanlan, 27 East Main Street, Gloucester, MA, to operate a consignment shop at 101 Lynn Street, Peabody, MA subject to all papers being in order. (Carried 9-0; Councillors Garabedian and Gamache absent)

P51-08 COUNCILLOR OSBORNE - MOVE TO approve the Transfer of Special Permit 53-2000 from William Saxonis to Heather Scanlan, 27 East Main Street, Gloucester, MA, to operate a consignment shop at 101 Lynn Street subject to the same conditions as specified on said Special Permit. (Unanimous)

A public hearing was duly held on the application from Turnpike @ Winona, LLC, 128 Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. No one appeared to speak in favor. Mr. Jack Irwin, 12 Winona Street, Peabody, MA appeared to speak in opposition.

P52-08 COUNCILLOR OSBORNE - MOVE TO approve the application for a Transfer of a Pool & Billiard License from Country Cue Billiards to Turnpike @ Winona, LLC, for premises at 128 Newbury Street, Peabody, MA for the use of 22 tables. (Carried 8-1; Councillor Mello opposed; Councillors Garabedian and Gamache absent)

A public hearing was duly held on the application from Skalkos Brothers, Inc., 12-14 Foster Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. George Skalkos, 26 Priscilla Way, Lynn, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P53-08 COUNCILLOR ATHAS - MOVE TO approve the application for a Transfer of a Lodging House License from Tram & Anh Enterprise Realty Trust to Skalkos Brothers, Inc., 12-14 Foster Street, Peabody, MA, subject to the following conditions:

CONDITIONS:

1. That the license is for 15 rooms with a maximum of 19 persons;
 2. That a maintenance and cleaning schedule, as submitted, be adhered to;
 3. That a register be kept; and
 4. That approval will be contingent on positive responses by city departments.
- (Carried 8-1; Councillor Mello opposed; Councillors Garabedian and Gamache absent)

A public hearing was duly held on the application from C & M Auto Motor of Peabody, Inc., 100 Foster Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Jobson D. Costa, 195 Washington Street, Lynn, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P54-08 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 1 from Kevin Goggin, Building Commissioner, regarding recommended conditions relative to the application for a transfer of a Class 2 Motor Vehicle License at 100 Foster Street. (Unanimous)

P55-08 COUNCILLOR ATHAS - MOVE TO approve the application for a transfer of a Class 2 Motor Vehicle License from Inman Motor Sales of Peabody to Jobson D. Costa doing business as C & M Auto Motor of Peabody, Inc., 100 Foster Street, Peabody, MA, subject to the following conditions:

CONDITIONS:

1. That a certified plot plan be submitted to the Building Commissioner for approval showing the location of spaces for the vehicles, which are for sale;
 2. To provide three (3) off-street parking spaces for employees/customers, one of which shall be handicapped accessible;
 3. To install an employee bathroom in the sales office; and
 4. A building permit shall be obtained before starting any construction.
- (Carried 9-0; Councillors Garabedian and Gamache absent)

REPORTS OF COMMITTEE

Legal Affairs Committee
January 24, 2008

P56-08 COUNCILLOR LIACOS - Reporting for the Legal Affairs Committee - Prior to the regular meeting this evening at 7 o'clock in the Frank L. Wiggin Auditorium the Legal Affairs Committee met. Present was myself, for the committee: Councillor Driscoll, Councillor Gravel serving for Councillor Gamache, Councillor Manning, Councillor Osborne and I believe Councillor Bettencourt was also in attendance as well. Before us was a request by the City Clerk for an increase in certain license fees, which hadn't been changed for many, many years, and some of them were approved and some of them were not approved. The following include: Auctioneer, Auctioneer (Yearly); Bowling Alley; Class 1, 2 & 3 Motor Vehicle; Coffee House; Entertainment no live; Entertainment with live; Fortune Teller, Junk Dealer, Lodging House; Pool & Billiard, Transient Vendor were all approved as recommended by the City Clerk. (Report received)

P57-08 COUNCILLOR LIACOS - MOVE TO approve and advertise the first page of the license fee increases as follows, according to the recommendations of the City Clerk.

License	Current	Proposed
Auctioneer (daily)	\$50.00	\$75.00
Auctioneer (yearly)	\$50.00	\$100.00
Bowling Alley	\$40.00 1st alley/\$25.00 each add.	\$45.00/\$30.00
Class 1, 2, & 3 Motor Vehicle	\$100.00	\$200.00
Coffee House	\$25.00	\$50.00
Entertainment no live	\$25.00	\$50.00
Entertainment with live	\$50.00	\$100.00
Fortune Teller	\$25.00	\$50.00
Junk Dealer	\$100.00	n/a
Lodging House/Innholder	\$50.00	n/a
Pool & Billiard	\$40.00 1st table/\$25.00 each add.	\$45.00/\$30.00
Transient Vendor (daily)	\$50.00	\$100.00

(Carried 9-0; Councillors Garabedian and Gamache absent)

P58-08 COUNCILLOR LIACOS - Reporting for the Legal Affairs Committee - On the second page these license increases were for fuel storage and the only one that was approved was Inflammables License, Fuel oil and gasoline from 1 gallon to 10,000 gallons the fee would go from the current \$50 to \$100. (Report received)

P59-08 COUNCILLOR LIACOS - MOVE TO approve and advertise the license fee increases for Inflammables License, fuel oil and gasoline from 1 gallon to 10,000 gallons from \$50 to \$100. (Carried 9-0; Councillors Garabedian and Gamache absent)

MOTIONS, ORDERS & RESOLUTIONS

P60-08 COUNCILLOR DRISCOLL - MOVE TO send a communication to the Police Department requesting them to investigate the feasibility of putting a "left turn only," sign at the intersection of Lowell Street and Endicott Street heading east. (Unanimous)

P61-08 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds - \$25,000.00 for Fire equipment repairs/supplies and to refer to the Finance Committee. (Unanimous)

P62-08 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of funds - \$356,000.00 for City Hall windows-phase II , to refer to the Finance Committee and to request in advance some information about the project such as: What they have spent, who is doing the work, whether this work was put out for bid, the cost of each window, the time frame of the project, any energy savings and benefits of the project and a representative to appear before the subcommittee that could answer some detailed questions about this project. (Unanimous)

(COUNCILLOR BETTENCOURT SCHEDULE A MEETING OF THE FINANCE COMMITTEE FOR THURSDAY, FEBRUARY 28, 2008 AT 6:30 P.M.)

P63-08 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 8-B communication from Community Development Department regarding Crystal Lake update and to refer to the Ad Hoc Committee on Crystal Lake. (Unanimous)

P64-08 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector send a communication to the West Side Restaurant to stop all deliveries before 8 o'clock in the morning and to stop all dumpster pickups before 7 o'clock in the morning by City Code. (Unanimous)

P65-08 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector send a communication to JRM reminding them no dumpsters should be picked up in the city before 7 o'clock in the morning, as it's a violation of the city ordinance and to refer that issue to the Health Department. (Unanimous)

P66-08 COUNCILLOR SINEWITZ - MOVE TO request that City Solicitor John Christopher appear at the Ad Hoc Committee on Aggregate Industries next Thursday, January 31, 2008. (Unanimous)

P67-08 COUNCILLOR SINEWITZ - MOVE TO request information from the Public Services Department regarding a time frame for the possible paving of Styles Drive. I've had some phone calls and they were promised three years ago and they're still waiting. (Unanimous)

P68-08 COUNCILLOR MELLO - MOVE TO request that the City Clerk send a letter of congratulations to Mr. Fausto Pinho of 3 Oakland Street, who will be celebrating his 100th birthday on January 31, 2008. (Unanimous)

P69-08 COUNCILLOR MELLO - MOVE TO set up a meeting of the Municipal Safety Committee and to refer to the committee the issue of heavy commercial vehicles using Mount Vernon Street, Fulton Street, Tracey Street, Harris Street, Paleologos Street and Union Street as a cut-through; to request that the City Clerk notify Mr. Richard Ramirez of Mount Vernon Street when that subcommittee is scheduled to address this issue; and to also request that a representative from the Police Department attend the subcommittee meeting, so we can discuss some options on how to reduce that truck traffic. (Unanimous)

P70-08 COUNCILLOR MELLO - MOVE TO request that the Public Services Department add Wiseman Drive to the list of streets needing repairs or paving. (Unanimous)

P71-08 COUNCILLOR MELLO - MOVE TO send a communication to the Public Services Department thanking them for updating the City Council on the work they've been doing throughout the city. It's been very helpful. (Unanimous)

P72-08 COUNCILLOR MANNING - MOVE TO refer to the Legal Affairs Committee a review of all forms and applications that are presented to the City Council. (Unanimous)

(COUNCILLOR LIACOS SCHEDULED A MEETING OF THE LEGAL AFFAIRS COMMITTEE FOR THURSDAY, FEBRUARY 14, 2008 AT 6:45 P.M.)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P73-08 COUNCILLOR OSBORNE - MOVE TO receive communication from Executive Office of Transportation, 10 Park Plaza, Boston, MA regarding Noise barrier/Route 128. (Unanimous)

P74-08 COUNCILLOR OSBORNE - MOVE TO receive communication from Public Services Department regarding Council motions requests update. (Unanimous)

P75-08 COUNCILLOR OSBORNE - MOVE TO receive communication from Tri City Services, 55R Walnut Street, regarding Taxi fare rate increase request and to set up a public hearing. (Unanimous)

P76-08 COUNCILLOR OSBORNE - MOVE TO receive and approve late communication Item 2, the following Class 2 Motor Vehicle Licenses (Renewal for 2008), subject to all papers being in order:

Mallia Towing, Inc., 161 Washington Street Oasis Auto & Truck Center, 7 ½ Mason Street
(Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P77-08 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Class 1 Motor Vehicle Licenses (Renewal for 2008), subject to all papers being in order:

Acura of Peabody, 209 Andover Street	BMW of Peabody, 221 Andover Street
Herb Chambers Chrysler Jeep Dodge, 233 Andover Street	Lamborghini of Boston, 215 Andover Street
Land Rover Peabody, 247 Newbury Street	Mini of Peabody, 246 Andover Street
NFR Custom Cycles, 101-R Foster Street	North Shore Lincoln Mercury, Inc., 1 Cross Street
(Unanimous)	

P78-08 COUNCILLOR MELLO - MOVE TO receive and approve the following Class 2 Motor Vehicle Licenses (Renewal for 2008), subject to all papers being in order:

Allen's Auto Trim, Inc., 27 Howley Street	American Auto Expert, 9 Main Street
Alex Auto Sales, 480 Lowell Street	Auto Choice of Peabody, Inc., 249 Andover Street
Auto Graphics & Sales, 220B Newbury Street	Auto Transporters of N.E., R55 Lynnfield Street
Bay State Motors LLC, 90A Newbury Street	Bill's Auto Sales, 256 Newbury Street
C & C Auto, 180 Newbury Street	Car Craft, 258 Newbury Street
Country Club Motors, 90 Margin Street	DC Trust LLC, 134R Newbury Street
D & R Auto Sales & Repair, 10R Caller Street	Desi's Used Cars, 108 Newbury Street
European Car Haus, 218 Andover Street	Exotic Auto Sales, 16 Spring Street
Fat Boy Cycles, 11 Caller Street	Elite Motor Cars, 58R Pulaski Street
Foster Street Motors, 92 Foster Street	Four Star Service, Inc., 222 Newbury Street
Herb Chambers Chrysler Jeep Dodge, 233 Andover Street	Island Motor Sports, 248 Newbury Street
JN MacArthur Towing, 58 Pulaski Street	JRM Auto Sales, 80 Newbury Street
Justinjanice, LLC, 243-245 Newbury Street	Larry's Auto Sales, 93 Lynn Street
Louie's BMW, Ltd, 260 Newbury Street	Mario's Used Cars, 245 Andover Street
Mike's Auto Sales, 100 Birney Street	Peabody Auto Clinic, 3 Birney Street
Pioneer Garage Co., Inc., 11-13 Washington Street	Russ' Used Cars, 20 Wallis Street
Sacco's, 119-121 Lynn Street	Summit Auto Sales, 14 Newbury Street
Tremont Auto Sales, 97 Tremont Street	Tri City Services, 55R Walnut Street
USA Speedy Auto Tire Center, 108 Newbury Street	Wilson Square Auto Sales, 2 Andover Street
Walnut Street Auto Sales, 55-57 Walnut Street	(Unanimous)

(MR. JOSEPH BARRASSO, 5 WILD MEADOW ROAD, BOXFORD, MA APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING FOUR STAR TOWING.)

P79-08 COUNCILLOR GRAVEL - MOVE TO receive and approve the following Class 3 Motor Vehicle Licenses (Renewal for 2008), subject to all papers being in order:

Gurrisi Brothers Auto & Truck Sales, 0 Corwin Street	Peterson's Automotive, Inc., 114 Newbury Street
(Unanimous)	

P80-08 COUNCILLOR GRAVEL - MOVE TO receive and approve the following General Licenses (Renewal for 2008), subject to all papers being in order:

Auctioneer License – A-1 Restaurant Trader, 119 Foster Street
Bowling Alley License – Metro Bowl, 63 Foster Street
Coffee House License – Jimmy's Coffee House, 82 Walnut Street
Fortune Teller License – Janice Sabatine, 245 Andover Street
Fortune Teller License – Mrs. Russell's Psychic Studio, 259 Andover Street

Limousine License – Sir Charles Limousine, 108 Newbury Street
 Limousine License – Town Car International, 1 Newbury Street Rear
 Limousine License – Tri City Services, 55R Walnut Street
 Limousine License – Fox Run Limousine, 134 Newbury Street
 Limousine License – Michael’s Limousine, 161 Lynn Street
 Limousine License – Road House Limousine, 55 Pulaski Street
 Pool & Billiard License – Metro Bowl, 63 Foster Street
 Taxi Cab License – Tri City Services, 55R Walnut Street
 Taxi Cab License – Community Taxi, 27R Caller Street
 (Unanimous)

P81-08 COUNCILLOR GRAVEL - MOVE TO receive and approve the following Taxi/Limousine Driver Licenses, subject to all papers being in order:

David White, 50 Warren Street, Peabody	Charles Doucette, 35 Lynn Street, Peabody
Angel Pignataro, 78 Orchard Street, Salem	Robert Ruest, 6 Dustin Street, Peabody
Robert Berzon, 135 Grove Street, Melrose	Andrew Tache, 5 Veterans Memorial Drive, Peabody
Joshua Sosa, 25 Johnson Street, Lynn	Brian Salem, 35 Hill Street, Beverly
Jeffrey Alexander, 104 Holten Street, Danvers	Sharon Smith, 60 Estes Street, Lynn

(Unanimous)

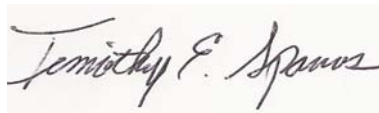
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P82-08 COUNCILLOR OSBORNE - MOVE TO receive Item 8-E communication from Four Star Towing, 222 Newbury Street, regarding Amend Special Permit and to set up a public hearing. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 31, 2008
 RETURNED BY HIS HONOR THE MAYOR, JANUARY 31, 2008

ATTEST



(Timothy E. Spanos, City Clerk)