

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**JANUARY 26, 2012**

PRESENT: COUNCILLORS: ATHAS, GOULD, MANNING-MARTIN, MELLO, GRAVEL, OSBORNE, GAMACHE, DRISCOLL, AND LIACOS

ABSENT: COUNCILLORS: SINEWTIZ AND GARABEDIAN

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, James K. Liacos.

Salute to the American Flag.

P47-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of January 12, 2012. (Unanimous)

COUNCILLOR LIACOS - 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**

P48-12 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application from SKM, LLC, 117 Newbury Street, Peabody, MA, until Thursday, February 9, 2012. (Unanimous)

P49-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Blair Haney, Community Development Department, regarding Special Permit memo, 117 Newbury Street, and to refer to the public hearing.

P50-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Chief Robert Champagne, Police Department, regarding Special Permit memo, 117 Newbury Street, and to refer to the public hearing.

A public hearing was duly held on the application from Dan Inez, 35 Garfield Avenue, Saugus, MA. Appearing to speak on behalf of the application was Mr. Dan Inez. No one appeared to speak in favor. No one appeared to speak in opposition.

P51-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Dan Inez, 35 Garfield Avenue, Saugus, MA for a Special Permit to allow for the outdoor storage of automobiles that will require autobody repair/painting services at 147 Summit Street, Building #10, Peabody, MA, as filed in accordance with Section 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and condition:

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.

CONDITION:

1. That all cars will be stored within the fenced-in area only.  
(Carried 9-0; Councillors Sinewitz and Garabedian absent)

## REPORTS OF COMMITTEE

### **FINANCE COMMITTEE** **JANUARY 26, 2012**

P52-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee - Earlier this evening we had a Finance Committee meeting. Present were myself, Councillor Driscoll, Councillor Gould and Councillor Gravel. A motion out of committee was a transfer of funds for the skating rink retained earnings to skating rink refrigeration system of \$300,000. That passed unanimously. (Report received)

P53-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee – MOVE TO approve the transfer of funds from Skating Rink-Retained Earnings, \$300,000.00 to Skating rink-Refrigeration System; \$300,000.00 as submitted by His Honor the Mayor under date of January 6, 2012.  
(Carried 9-0, Councillors Sinewitz and Garabedian absent)

P54-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee - The other item on the agenda of the Finance Committee was the bond order for \$1.4 million to skating rink refrigeration system. A motion was made by Councillor Gravel out of committee. (Report received)

P55-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody that \$1,400,000.00 (One Million Four Hundred Thousand Dollars) is appropriated to fund the costs associated with a new refrigeration plant and various other renovations and upgrades at the McVann O'Keefe Skating Rink including costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,400,000.00 (One Million Four Hundred Thousand Dollars) under Massachusetts General Laws, Chapter 44 or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out these projects, and that said Bond Order be adopted as advertised and read. (Carried 9-0, Councillors Sinewitz and Garabedian absent)

### MOTIONS, ORDERS & RESOLUTIONS

P56-12 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-A communication from Atty. Mark Bobrowski, Concord, MA, regarding Withdrawal of lawsuit, Linear Retail Peabody #1, LLC, 79 Lynnfield Street. (Unanimous)

P57-12 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-B communication from Linear Retail Peabody #1, LLC, 79 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P58-12 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-C communication from David P. Cole for 7F Webster Street regarding Special Permit application and to set up a public hearing. (Unanimous)

P59-12 COUNCILLOR MELLO – MOVE TO receive and approve, under suspension of the rules, Item 8-I communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer, 88 ½ Tremont Street, Kaubi Hair Design, subject to all papers being in order. (Carried 9-0; Councillors Sinewitz and Garabedian absent)

P60-12 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer 54-1995; The Cutting Edge Barber Shop, 98 Lynn Street, subject to all papers being in order. (Carried 9-0; Councillors Sinewitz and Garabedian absent)

P61-12 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department inspect the condition of Alden Road and also the damage to the roadway due to tree roots and to report back to the City Council. (Unanimous)

P62-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Correction to Item 7-A; term of Barry Feinstein (3 years 12/31/2014) and David Cronin as alternate member to Historical Commission. (Unanimous)

P63-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Transfer of funds for CPC Felton Sr. House roof \$41,045.00 and to refer to the Finance Committee requesting the presence of the Historical Society at said meeting. (Unanimous)

P64-12 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 3 from Timothy Spanos, City Clerk, regarding Renewal of 2012 License:

Class 2 Motor Vehicle License  
Oasis Auto & Truck Center, 7 ½ Mason Street  
Elite Motor Cars, 93 Lynn Street  
(Unanimous)

P65-12 COUNCILLOR GAMACHE – MOVE TO reschedule the regular meeting of February 23<sup>rd</sup> to Tuesday, February 28, 2012 because of school vacation. (Unanimous)

P66-12 COUNCILLOR ATHAS – MOVE TO request that the Police Department prepare an updated traffic report for the area of 79 Lynnfield Street to be provided to the City Council before the March 8, 2012 regular meeting and to request a police representative at said meeting. (Unanimous)

P67-12 COUNCILLOR MANNING-MARTIN - MOVE TO request that the City Solicitor provide a legal opinion regarding whether or not the accident report that the Police Department has provided to the City Council regarding the 79 Lynnfield Street area constitutes a traffic study, as has been explained to us in the legal opinions that have been put forward to us throughout the year regarding this Dunkin' Donuts case. (Unanimous)

P68-12 COUNCILLOR DRISCOLL - MOVE TO request that the Community Development Department and the Public Services Department investigate a water runoff problem on the north and east sides of Emerson Park, especially concerning the neighborhood on Walker Road and Perkins Street. The runoff certainly affects the flooding downtown. Both departments have corrected the problems on the south side of Emerson Park and the west side, but the other two sides have a long way to go. Any help in rectifying this problem will be greatly appreciated. (Unanimous)

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

P69-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from His Honor the Mayor regarding the following various reappointments:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Frances Gallugi 582 Lowell Street Peabody, MA 01960	Board of Appeals	12/31/2014 (3-Year Term)
Melissa Comak 17 Emily Lane Peabody, MA 01960	Cable Commission	12/31/2014 (3-Year Term)
Al Barcamonte 13 Jennings Circle Peabody, MA 01960	Cable Commission	12/31/2013 (2-Year Term)
John Anezis 99 Birch Street Peabody, MA 01960	Cemetery Commission	02/02/2014 (3-Year Term)
Rudy VanOeveren One Norwich Road Peabody, MA 01960	Comm. Dev. Authority	02/02/2014 (1-Year Term)

Barry Feinstein, Esq. 41 Coleman Street Peabody, MA 01960	Comm. Dev. Authority	12/31/2014 (3-Year Term)
Vera Burke 41 Fairview Avenue Peabody, MA 01960	Historical Commission	12/31/2014 (3-Year Term)
Francis Hardy One Danforth Street Peabody, MA 01960	Historical Commission	12/31/2013 (2-Year Term)
David Cronin 20 Livingston Drive Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2012 (1-Year Term)
Gerald Bellew 88 Washington Street Peabody, MA 01960	Historical Commission	12/31/2013 (2-Year Term)
Jim Smerczynski 5 Livingston Drive Peabody, MA 01960	Park Commission	12/31/2016 (5-Year Term)
Ronald Sheehan 721 Lowell Street Peabody, MA 01960	Park Commission	12/31/2016 (5-Year Term)
JoAnn Smyrnios 39 Home Street Peabody, MA 01960 (Carried 9-0; Councillors Sinewitz and Garabedian absent)	Trust Fund	12/31/2012 (1-Year Term)

P70-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the appointment of Richard Weitzman, 76 Birch Street, Peabody, MA to the Cable Commission (Regular Position) for a three-year term to expire 12/31/2014. (Carried 9-0; Councillors Sinewitz and Garabedian absent)

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

P71-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from North Shore Medical Center, 81 Highland Avenue, Salem, regarding Banner request, subject to all papers being in order. (Unanimous)

P72-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Peabody Chamber of Commerce, 24 Main Street, Peabody, regarding Banner request, subject to all papers being in order. (Unanimous)

#### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P73-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

John Skalkos – License 119  
Steven Talbot – License 120  
(Unanimous)

P74-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Entertainment License (Renewal for 2012) Ancient Order of Hibernians Division 11, 58 Lowell Street, subject to all papers being in order. (Unanimous)

P75-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2012) Antoine's Service Inc. d/b/a Alex Auto Sales, 484 Lowell Street, subject to all papers being in order. (Unanimous)

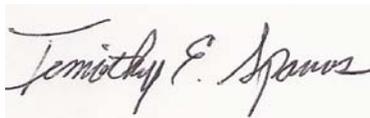
P76-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2012) Peabody Auto Salvage, 0 Corwin Street, subject to all papers being in order. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 31, 2012  
RETURNED BY HIS HONOR THE MAYOR, JANUARY 31, 2012



ATTEST  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

Atty. Mark Bobrowski, Concord, MA re: Withdrawal of lawsuit, Linear Retail Peabody #1 LLC, 79 Lynnfield Street  
Linear Retail Peabody #1 LLC, 79 Lynnfield Street re: Special permit application  
David P. Cole for 7F Webster Street re: Special Permit application  
Kevin Goggin, Building Inspector re: Special Permit transfer 54-1995; The Cutting Edge Barber Shop, 98 Lynn St  
North Shore Medical Center, 81 Highland Avenue, Salem re: Banner request  
Peabody Chamber of Commerce, 24 Main Street, Peabody re: Banner request  
Blair Haney, Community Development Department re: Special permit memo, 117 Newbury Street  
Chief Robert Champagne, Police Department re: Special permit memo, 117 Newbury Street  
Kevin Goggin, Building Inspector re: Special permit transfer, 88 ½ Tremont Street, Kaubi Hair Design

**TAXI/LIMOUSINE DRIVER LICENSE**

John Skalkos - License #119

Steven Talbot – License #120

**ENTERTAINMENT LICENSE** (Renewal for 2012)

Ancient Order of Hibernians Division 1, 58 Lowell Street

**CLASS 2 MOTOR VEHICLE LICENSE** (Renewal for 2012)

Antoine's Service Inc. d/b/a Alex Auto Sales, 484 Lowell Street

**CLASS 3 MOTOR VEHICLE LICENSE** (Renewal for 2012)

Peabody Auto Salvage, 0 Corwin Street

**LATE COMMUNICATIONS:**

His Honor the Mayor regarding Correction to Item 7-A; term of Barry Feinstein (3 years 12/31/2014) and David Cronin as alternate member to Historical Commission

His Honor the Mayor regarding Transfer of funds for CPC Felton Sr. House roof \$41,045.00

Timothy Spanos, City Clerk, regarding Renewal of 2012 License:

**Class 2 Motor Vehicle License**

Oasis Auto & Truck Center, 7 ½ Mason Street

Elite Motor Cars, 93 Lynn Street