

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**JANUARY 27, 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.

P51-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of January 13, 2011. (Carried 10-0, 1 absent)

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.

(MR. FREDERICK MARTINI, BOARD OF ASSESSORS, APPEARED BEFORE THE CITY COUNCIL TO DISCUSS HOW PROPERTY VALUES ARE DETERMINED.)

**HEARINGS**

A public hearing was duly held on Petition 08-228, to install one new pole on the westerly side of Allen's Lane at the railroad tracks from Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of said application was Mr. Bryan Abcunas. No one appeared to speak in favor. No one appeared to speak in opposition.

P52-11 COUNCILLOR ATHAS - MOVE to approve Petition 08-228, as submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA, to install one new pole on the westerly side of Allen's Lane at the railroad tracks, Peabody, MA. (Carried 10-0; Councillor Mello absent)

P53-11 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, the following appointments, as submitted by His Honor the Mayor under date of December 9, 2010:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Paul F. Ricci 22 Bristol Road Peabody, MA 01960	Rent Control Board (Alternate Member)	12/31/2011 (One-Year Term)
Michael Doherty 88 Winona Street Peabody, MA 01960	Rent Control Board (Alternate Member)	12/31/2011 (One-Year Term)
Thomas O'Leary 278 Newbury Street, Lot 36 Peabody, MA 01960 (Carried 10-0; Councillor Mello absent)	Rent Control Board	12/31/2012 (Five-Year Term)

The City Council reconvened the recessed public hearing on the Special Permit application from Gilberto Aleixo-Filho, 5 Dansreau Place, Middleton, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P54-11 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-E communication from Attorney John R. Keilty, 40 Lowell Street, Peabody, regarding Revised site plan for 128 Newbury Street. (Unanimous)

P55-11 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Gilberto Aleixo-Filho, 5 Dansreau Place, Middleton, MA for a Special Permit to allow for the outdoor sales and/or storage of motor vehicles at 128 Newbury Street, Peabody, MA, as filed in accordance with Section 4.2.5 and 4.4 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 there be a maximum of fifty (50) unregistered motor vehicles allowed for sale at any one time. (Carried 10-0; Councillor Mello absent)

A public hearing was duly held on the application from Gilberto Aleixo-Filho, 5 Dansreau Place, Middleton, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P56-11 COUNCILLOR GAMACHE - MOVE TO approve the application from Gilberto Aleixo-Filho, 5 Dansreau Place, Middleton, MA for the transfer of a Class 2 Motor Vehicle License to 128 Newbury Street, Peabody, MA, with the condition that there be a maximum of fifty (50) unregistered motor vehicles allowed for sale any one time. (Carried 10-0; Councillor Mello absent)

**REPORTS OF COMMITTEE**

**FINANCE COMMITTEE**

**JANUARY 27, 2011**

P57-11 COUNCILLOR GAMACHE - Reporting for the Finance Committee - Earlier this evening we had a Finance Committee meeting and there were motions made by Councillor Gravel. (Report received)

P58-11 COUNCILLOR GAMACHE - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of December 13, 2010, subject to a deed restriction that the property will revert back to the City of Peabody upon the sale of the property:

**FROM:**

**TO:**

CPC - Historic Preservation Fund Balance -\$110,000.00  
CPC - Affordable Housing Fund Balance \$110,000.00

CPC - Purchase 10 Elm Street \$220,000.00

(Carried 8-2; Councillors Bettencourt and Sinewitz opposed; Councillor Mello absent)

P59-11 COUNCILLOR GAMACHE - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of December 13, 2010:

**FROM:**

**TO:**

Cemetery Interest Income - \$10,000.00  
(Carried 10-0; Councillor Mello absent)

Cemetery - Capital Projects \$10,000.00

**AD HOC COMMITTEE ON COUNCIL RULES**

**JANUARY 27, 2011**

P60-11 COUNCILLOR BETTENCOURT - Reporting for the Ad Hoc Committee on Council Rules - There was an Ad Hoc Committee on Council Rules meeting prior to this meeting tonight. Present were myself as Chairman, voting members Councillors: Driscoll, Gamache, Liacos and Councillor Athas; as well as Councillor Manning. We had one item on the agenda, which was a request to amend Section 18 of the City Council. Section 18 being

Committees. The request was to designate the Industrial & Community Development Committee to sit as the Committee of the Whole during zoning review revision deliberations. And after a brief discussion the recommendation was made to keep Section 18 as is and to not make the proposed amendment and that was unanimously approved five to zero. (Report received)

### **MOTIONS, ORDERS & RESOLUTIONS**

P61-11 COUNCILLOR GRAVEL - MOVE TO receive, under suspension of the rules, late communication Item 3 from Karen Sawyer, Director, Community Development Department, regarding Proposed revisions to the zoning map. (Unanimous)

P62-11 COUNCILLOR BETTENCOURT - MOVE TO request that His Honor the Mayor begin the process of forming a committee to undertake the task of reviewing the master plan. (Unanimous)

P63-11 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-F communication from Jason Silva, Chief Administrative Aide, Office of Mayor Kimberly Driscoll, Salem, MA regarding Memorandums relative to Wal-Mart project/Spring Pond watershed concerns and to refer to the Ad Hoc Committee on Spring Pond. (Unanimous)

P64-11 COUNCILLOR OSBORNE - MOVE TO request that the Peabody Municipal Light Plant install lighting at the far end of Stacia Road and, if necessary, install a pole to provide for that lighting. I've been approached by a couple members of the Police Department saying that they have increased patrols in that area and it is starting to be a gathering place for some undesirable activity. (Unanimous)

P65-11 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from His Honor the Mayor regarding Loan Order - Essex North Shore Agricultural & Technical School District and to refer to the Finance Committee. (Unanimous)

P66-11 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds - Higgins Middle School Designer Fees and to refer to the Finance Committee. (Unanimous)

P67-11 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, Item 8-D communication from Daniel Terenzoni, 86 Endicott Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P68-11 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-A communication from Public Services Department regarding Handicap sign posted, 2 Lowe Street. (Unanimous)

P69-11 COUNCILLOR ATHAS - MOVE TO request that the Community Development Department, the Police Department and the Public Services Department explore ways to improve downtown pedestrian safety, ways of removing snow blocking motorists views, and the clearing of fire hydrants and to also refer that to the Municipal Safety Committee meeting. (Unanimous)

P70-11 COUNCILLOR MELLO - Whereas an emergency conditions exists affecting the health, safety and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that Comcast and Verizon be notified of wires falling off telephones poles in the area of 13 Water Street and 19 Highland Park and to refer to the Municipal Safety Committee.

(Emergency Preamble - Carried 11-0)

(Motion to adopt - Carried 11-0)

P71-11 COUNCILLOR GAMACHE - MOVE TO request that contacts for Comcast and Verizon appear before the next meeting of the Municipal Safety Committee. (Unanimous)

P72-11 COUNCILLOR MELLO - MOVE TO request that the Department of Public Services inspect the corners of Walnut Street and Central Street, up as far as elderly housing on 120 Central Street and 79 Central Street, to make sure that the corners are clear. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P73-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Essex North Shore Agricultural & Technical School District, 30 Log Bridge Road, Middleton, regarding Authorization of bonds and notes. (Unanimous)

P74-11 COUNCILLOR GAMACHE - MOVE TO receive a communication from Tim Decareau, 5 Evans Road, regarding Snowplowing and sanding complaint and to refer to the Municipal Safety Committee. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P75-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Entertainment License (Renewals for 2011), subject to all papers being in order:

Champions Pub, 114 Foster Street  
 Courthouse Pub, 43 Central Street  
 (Unanimous)

P76-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Keith Currier - License 106  
 Nicholas Leck - License 117  
 (Unanimous)

P77-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxicab License Transfer, subject to all papers being in order:

Community Taxi, 27-R Caller Street - Licenses 13 and 16  
 Tri City Services, Inc., 55R Walnut Street - License 4  
 (Unanimous)

P78-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following General Licenses (Renewals for 2011), subject to all papers being in order:

Auctioneer License - A-1 Restaurant Trader, 119 Foster Street  
 Innholder License - Holiday Inn Peabody, 1 Newbury Street  
 Limousine License - Tri City Services, 55R Walnut Street  
 Taxicab License - Tri City Services, 55R Walnut Street  
 (Unanimous)

P79-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Entertainment License (Renewals for 2011), subject to all papers being in order:

Fire Bull Restaurant, 5 Central Street  
 Holiday Inn Peabody, 1 Newbury Street  
 Toscana's Restaurant & Café, 3 Bourbon Street  
 (Unanimous)

P80-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewals for 2011), subject to all papers being in order:

Auto Graphics & Sales, 220-B Newbury Street  
 American Auto Export, 9 Main Street  
 Car Craft, 258 Newbury Street  
 Desi's Used Cars, 108 Newbury Street  
 JRM Auto Sales, 80 Newbury Street  
 Mallia's Towing, Inc., 161-163 Washington Street  
 Tri City Services, Inc., 55R Walnut Street  
 (Unanimous)

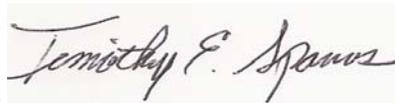
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P81-11 COUNCILLOR GAMACHE - MOVE TO receive a late communication from His Honor the Mayor regarding Legal Department appointments. (Unanimous)

P82-11 COUNCILLOR MANNING-MARTIN - MOVE TO request that His Honor the Mayor follow up on the section of Motion P28-11 regarding "and to request whether the contract of Assistant City Solicitor Cocuzzo is still in effect or whether he will be an appointee." (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 3, 2011  
 RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 3, 2011



ATTEST

(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor: Appointments to the Rent Control Board  
 His Honor the Mayor: Transfer of funds – Higgins Middle School Designer Fees  
 Public Services Department re: Handicap sign posted, 2 Lowe Street  
 Essex North Shore Agricultural & Technical School District,  
 30 Log Bridge Road, Middleton re: Authorization of bonds and notes  
 Tim Decareau, 5 Evans Road re: Snow plowing and sanding complaint  
 Daniel Terenzoni, 86 Endicott Street re: Special Permit application  
 Atty. John R. Keilty, 40 Lowell Street, Peabody re: Revised site plan for 128 Newbury Street  
 Jason Silva, Chief Administrative Aide, Office of Mayor Kimberly Driscoll,  
 Salem, MA re: Memorandums relative to Walmart project/Spring Pond watershed concerns  
 His Honor the Mayor re: Legal Department appointments  
 His Honor the Mayor re: Loan Order - Essex North Shore Agricultural & Technical School District  
 Karen Sawyer, Director, Community Development Department re: Proposed revisions to the zoning map

**Entertainment License**

Champions Pub, 114 Foster Street  
 Courthouse Pub, 43 Central Street

**Taxi/Limousine Driver License**

Keith Currier – License 106  
 Nicholas Leck – License 117

**Taxi Cab License Transfer**

Community Taxi, 27-R Caller Street – Licenses 13 & 16  
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**General Licenses** (Renewal for 2011)

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**Class 2 Motor Vehicle License** (Renewal for 2011)

Auto Graphics & Sales, 220-B Newbury Street

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