

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 8, 2007

PRESENT: COUNCILLORS GARABEDIAN, MURTAGH, BETTENCOURT, SELESNICK, DRISCOLL, OSBORNE, GAMACHE, ATHAS, LIACOS, ZELLEN AND MELLO

ABSENT: NO COUNCILLORS ABSENT

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Rico E. Mello.

Salute to the American Flag.

P106-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of January 25, 2007. (Unanimous)

HEARINGS

A public hearing was duly held on the Entertainment License application from Sugar Cane Restaurant, 106 Main Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Raymond Tham, 15 Elsie Street, Malden, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P107-07 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Sugar Cane Restaurant, 106 Main Street, Peabody, MA for an Entertainment License for the use of a radio, electric phonograph/CD Player and television, be approved, subject to the condition that there will be no dancing or live entertainment. (Carried 11-0)

P108-07 COUNCILLOR GARABEDIAN - MOVE TO receive, under suspension of the rules, late communication from the Peabody Firefighters Union relative to manpower concerns and to refer to the Municipal Safety Committee. (Unanimous)

A public hearing was duly held on the Entertainment License application from Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney David L. Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

P109-07 COUNCILLOR ATHAS (Co-motion with Councillor Bettencourt) – BE IT ORDERED by the City Council of the City of Peabody that the application from Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, Peabody, MA for an Entertainment License for the use of a radio, electric phonograph/CD Player, television and live entertainment, be approved. (Carried 11-0)

A public hearing was duly held on the Transfer of a Class 2 Motor Vehicle License application from Deans Auto Sales to EMSAT, Inc., d/b/a Euro Car Haus, 218 Andover Street, Peabody, 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.

P110-07 COUNCILLOR DRISCOLL - MOVE TO approve the Transfer of a Class 2 Motor Vehicle License application from Deans Auto Sales, 81R Prospect Street to EMSAT, Inc., d/b/a Euro Car Haus, 218 Andover Street, Peabody, MA, subject to the following conditions:

Conditions:

1. No repairs of any kind on site.
2. A maximum of thirty-five (35) unregistered vehicles on the premises at any one time for sale or not for sale, sold or not sold.
3. Separate ingress and egress.
4. Hours of operation shall be Monday through Saturday 8:00 a.m. to 9:30 p.m. and Sunday 12:00 p.m. to 5:00 p.m.
5. No dumpster or outside refuse to be stored on the property.
6. A six-month review of said license shall be conducted. (Carried 11-0)

A public hearing was duly held on the application from Tanner City Auto School, 200 Washington Street, Peabody, MA for a Special Permit to operate a driving school at 18 Lake Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Edward Bettencourt. No one appeared to speak in favor. No one appeared to speak in opposition. (COUNCILLOR BETTENCOURT RECUSED HIMSELF FROM SAID HEARING.)

P111-07 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Tanner City Auto School, 200 Washington Street, Peabody, MA for a Special Permit to operate a driving school at 18 Lake 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 subject to the following 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: Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Friday. (Carried 10-0, 1 absent)

REPORTS OF COMMITTEE

Committee of the Whole
February 8, 2007

P112-07 COUNCILLOR MELLO - Reporting for the Committee of the Whole - I just one have report for the Committee of Whole. All the councillors were here for that meeting. And the basic understanding is that the annual Mayor's salary and the Council's salary will remain the same. The following two motions are being reported out of committee. (Report received)

P113-07 COUNCILLOR MELLO - MOVE THAT the Mayor's salary remain the same as outlined in Section 2-13 of the City Code (\$94,933.39). (Carried 7-4; Councillors Driscoll, Osborne, Gamache and Athas opposed)

P114-07 COUNCILLOR MELLO - MOVE THAT the Council's salary remain the same as outlined in Section 2-14 of the City Code (\$7,466.47). (Carried 9-2; Councillors Athas and Gamache opposed)

MOTIONS, ORDERS & RESOLUTIONS

P115-07 COUNCILLOR MURTAGH - MOVE TO recognize Councillor Gamache's efforts on behalf of the City regarding the Zoning Amendment to the Wetlands Conservancy District. (Unanimous)

P116-07 COUNCILLOR MURTAGH - MOVE THAT the Industrial & Community Development Committee meet with Community Development Department to establish a plan to attract more commercial industrial development. (Unanimous)

P117-07 COUNCILLOR MURTAGH - MOVE TO request that His Honor the Mayor meet with the Finance Committee to establish some parameters for the Fiscal 2008 budget. (Unanimous)

P118-07 COUNCILLOR BETTENCOURT - MOVE TO request that His Honor the Mayor forward to the City Council a job description and list of qualifications for the position of Code Enforcement Officer. (Unanimous)

P119-07 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 8-A communication from Tony Vidinha, 3 Union Street, regarding Neighborhood complaint and to refer to the Municipal Safety Committee. (Unanimous)

P120-07 COUNCILLOR BETTENCOURT - MOVE TO request the Police Department investigate the area of 3 Union Street regarding a blocked driveway. (Unanimous) (MR. TONY VIDINHA ADDRESSED THE CITY COUNCIL REGARDING NEIGHBORHOOD COMPLAINTS.)

P121-07 COUNCILLOR BETTENCOURT - MOVE TO request the Public Health Department investigate the area of 3 Union Street regarding an accumulation of trash. (Unanimous)

P122-07 COUNCILLOR SELESNICK - MOVE TO receive, under suspension of the rules, late communication Item 3 from Community Development Department regarding FALA memorandums and to refer to the Industrial & Community Development Committee meeting set for Tuesday, February 13, 2007. (Unanimous)

P123-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, Item 8-D communication from Simon Properties, Northshore Mall, regarding Site plan. (Unanimous)

P124-07 COUNCILLOR DRISCOLL - MOVE TO request that a communication be sent to the Department of Public Services to check an odor complaint on the sewerage discharge close to the water tower near the Peabody High School. (Unanimous)

P125-07 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-E communication from Representative Joyce Spiliotis regarding Request Council vote to re-file legislation for abandonment of Old Lynnfield Street and to request that His Honor the Mayor send a communication to our local legislature requesting the home rule petition. (Unanimous)

P126-07 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from R.D. Toomey Construction, Inc. - Utility Contractor License, subject to all papers being in order. (Unanimous)

P127-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 1 from Rent Control Board regarding Notice of public hearing, Discontinuance Permit, Red Hill Estates. (Unanimous)

P128-07 COUNCILLOR GAMACHE - MOVE THAT a "No parking" restriction be drafted from the corner of Lowell Street to 7 Johnson Street. (Unanimous)

P129-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-B communication from JEO, LLC, Rear 119 Foster Street, regarding Site plan. (Unanimous)

P130-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-C communication from EH Porter Construction, Inc., 15-17 Wallis Street, regarding Site plan. (Unanimous)

P131-07 COUNCILLOR ZELLEN - BE IT HEREBY known to all that the Peabody City Council and His Honor the Mayor, hereby offer their sincerest congratulations to Miss Amy Despres in recognition of her official adoption by Jean F. and Charles J. Despres on January 31, 2007. The entire city government extends its very best wishes on this memorable occasion and expresses the hope for continued good fortune. (Unanimous)

P132-07 COUNCILLOR MELLO - MOVE TO respectfully request the Department of Public Services put a handicapped parking sign in front of 73 Wallis Street. (Unanimous)

P133-07 COUNCILLOR MELLO - MOVE TO respectfully request the Department of Public Services place a "Slow Children at Play" sign at the beginning of Loris Road and to paint a crosswalk at that location of the playground across that road. (Unanimous)

P134-07 COUNCILLOR MELLO - MOVE TO respectfully request the Peabody Municipal Light Plant to remove two sets of double poles on Haskell Street. (Unanimous)

P135-07 COUNCILLOR MELLO - MOVE TO send a communication to MassHighway Department requesting an update on when construction will be complete on the pedestrian footbridge connecting Sabino Farm Road to North Central Street. (Unanimous)

P136-07 COUNCILLOR MELLO - MOVE TO request that the City Assessor's Office reduce the assessed property value used to estimate property taxes by 20 percent for homeowners on the following streets: Mount Vernon, Fulton, Tracey, Harris and Paleologos streets. This reduction in assessed property values to take into account the reduced financial value of homes, the financial burden on homeowners and their ability to rent their properties and the reduction of quality of life for an untold number of residents, including creating a public safety issue caused by the elimination of parking. (Failed 10-1; Councillor Mello voting in favor)

P137-07 COUNCILLOR SELESNICK - MOVE THAT the Community Development Department send the City Council the revised Zoning Ordinance package at least one week in advance of the next presentation. (Unanimous)

P138-07 COUNCILLOR ATHAS - MOVE THAT the final revision of the draft Zoning Ordinance package be sent to the Ad Hoc Committee on Zoning and the Industrial & Community Development Committee. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P139-07 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from His Honor the Mayor regarding appointment of Alan Klapman, 22 Alden Road, Peabody, MA to the Conservation Commission for a term to expire on 09/20/2008. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

No communications.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P140-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Use of the Wiggin Auditorium - Jon Simmons, March 21, 2007, subject to all papers being in order. (Unanimous)

P141-07 COUNCILLOR GAMACHE - MOVE THAT the following Class 2 Motor Vehicle License renewal applications be approved, subject to all papers being in order and subject to all taxes being paid to the City Clerk:

Sylvan Street Auto Sales & Service	1 ½ Sylvan Street
Brasped Auto Sales & Service	195 Washington Street (Unanimous)

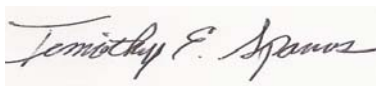
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 14, 2007
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 14, 2007

ATTEST



(Timothy E. Spanos, City Clerk)