

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**FEBRUARY 9, 2012**

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

ABSENT: COUNCILLORS: NONE

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.

P77-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of January 26, 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.

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-A COMMUNICATION REGARDING REQUEST TO ACCEPT SECTION 21-23 OF CHAPTER 32B HEALTH INSURANCE REFORM)

P78-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding a request to accept Section 21-23 of Chapter 32B Health Insurance Reform and to refer to a Special Meeting of the City Council on Tuesday, February 28, 2012. (Carried 11-0)

**HEARINGS**

A public hearing was duly held on the application from SKM, LLC, 3 Pluff Avenue, North Reading, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P79-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from SKM, LLC, 3 Pluff Avenue, North Reading, MA for a Special Permit to allow for an additional drive-through window; add remote ATM machine, replace/add convenience store as co-tenant at 117 Newbury Street, Peabody, MA, as filed in accordance with Section 4.1, 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) This Special Permit as issued to SKM, LLC, 117 Newbury Street for the use as a Dunkin Donuts restaurant as described in the special permit application under items 6 and 12 shall terminate upon the change of ownership of the business, sale of the business, or cessation of the business as described in the application.

(Carried 10-1; Councillors Gravel opposed)

A public hearing was duly held on the application from Robert C. Capone, 12 Lisburn Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Robert Capone. No one appeared to speak in favor. No one appeared to speak in opposition.

P80-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Community Development Department, regarding Special Permit memo, Robert Capone, 6-8 Bourbon Street. (Unanimous)

P81-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Robert C. Capone, 12 Lisburn Street, Peabody, MA for a Special Permit to operate a boarding kennel, dog day care, grooming service and to offer retail sales of pet-related items at 6-8 Bourbon Street, Peabody, MA, as filed in accordance with Section 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

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.

CONDITIONS:

1. That there be a posted plan for emergencies on the premises;
2. That there be biweekly disposal of dog waste;
3. That all dogs on the premises have updated tags;
4. That there be no outdoor use of the premises, unless dogs are going to or from a vehicle;
5. That an attendant shall be on the premises at all times for overnight stays; and
6. That the hours of operation shall be 6:30 a.m. to 7:00 p.m.

(Carried 11-0)

P82-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Various appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO INTRODUCE MS. JEANNE CARNEVALE)

P83-12 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Jeanne M. Carnevale, 82 Fairview Avenue, Peabody, MA as City Treasurer for a one-year term to expire 12/31/2012. (Carried 11-0)

P84-12 COUNCILLOR GAMACHE - MOVE TO approve the appointment of Judith Otto, 82 Franklin Street, Peabody, MA to the Planning Board (Regular Position) for a five-year term to expire 05/31/2014. (Carried 11-0)

P85-12 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding appointment of Mark D. Smith, 18 Douglas Street, Peabody, MA to the Conservation Commission (Alternate Member) for a two-year term to expire 09/30/2012. (Carried 11-0)

### **REPORTS OF COMMITTEE**

#### **FINANCE COMMITTEE**

##### **FEBRUARY 9, 2012**

P86-12 COUNCILLOR GAMACHE – Reporting for the Finance Committee – This evening we met with Finance. All Councillors on the committee were available. We looked at the transfer of funds of \$41,045 to the repair of the Felton house roof. In committee we decided that we would like to see the bids and what the job actually entailed, so we held that over until we get the bids. (Report received)

#### **COMMITTEE OF THE WHOLE**

##### **FEBRUARY 9, 2012**

P87-12 COUNCILLOR LIACOS – Reporting for the Committee of the Whole - The Committee of the Whole met in Executive Session with the City Solicitor to discuss matters in litigation. That meeting took place at 7:00 o'clock and was adjourned prior to this meeting. (Report received)

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

P88-12 COUNCILLOR GOULD (Co-motion with Councillor Osborne) - MOVE TO request that the Public Services Department look at the condition of the road in front of 14 Spring Pond and report back to the City Council. (Unanimous)

P89-12 COUNCILLOR SINEWITZ – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from West Congregational Church, 27 Johnson Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P90-12 COUNCILLOR SINEWITZ - MOVE TO send a communication of support regarding Stephanie's Law to Senator Fred Berry, state Rep. Joyce Spiliotis and state Rep. Ted Spiliotis. (Unanimous)

P91-12 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Sinewitz) - MOVE TO request that His Honor the Mayor direct respective department heads to advertise and announce in various ways such as through PAT community access, the Police Department's Nixle texting service, the School Department's ConnectEd, and also the Peabody Municipal Light Plant electric bills, that the state primary election will be held on Thursday, September 6, 2012. (Unanimous)

P92-12 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, late communication Item 3 from Brian D. Kelly, 151 Andover Street (former Border Books) regarding Special Permit application for automotive storage of vehicles and to set up a public hearing. (Unanimous)

P93-12 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Neil Papamechail, 43A Paleologos Street, regarding Taxicab fare increases, to refer to the Ad Hoc Committee on Taxis & Limousines, and to notify Mr. Papamechail of the committee meeting date. (Unanimous)

P94-12 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Jerry Halberstadt, 20 Central Street, #504, regarding Pedestrian safety downtown and to refer to the Municipal Safety Committee. (Unanimous)

P95-12 COUNCILLOR GRAVEL - MOVE TO request that the City Solicitor provide a legal opinion to the City Council regarding who is eligible to participate in the February 28th meeting regarding health insurance reform. (Unanimous)

P96-12 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department meet with the Ward 1 Councillor to reposition stop signs as previously adopted on February 24, 2011 that requires cars to stop coming from Michelle Road to the other side of the intersection that would require a stop for people coming down Michelle Road from the other way and that the "Stop" sign at the top of Michelle Road at Kiley at the end of the intersection be removed. (Unanimous)

P97-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 4 from Pinto Recycling, Inc., 147 Summit Street, Building #3, regarding Junk Dealers License and to set up a public hearing. (Unanimous)

P98-12 COUNCILLOR OSBORNE – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Timothy Spanos, City Clerk, regarding Warrant for Presidential Primary, March 6, 2012. (Unanimous)

P99-12 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, Item 9-A Entertainment License (Renewal for 2012) Bonkers Funhouse Pizza, 535 Lowell Street, subject to all papers being in order. (Unanimous)

P100-12 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 9-B Entertainment License (New) P.F. Changs China Bistro, 210 Andover Street, and to set up a public hearing. (Unanimous)

P101-12 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 9-C Inflammables License (Rescind) Exxon/Mobil, 227 Andover Street, and to set up a public hearing. (Unanimous)

P102-11 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, the following Taxi/Limousine Driver License, subject to all papers being in order:

John Doyle – License 116  
 Darryl Fanning – License 118  
 Raymond St. Pierre – License 121 (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P103-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from Planning Board regarding Agenda and minutes. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

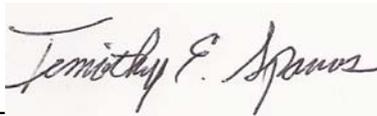
Previously received.

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P104-12 COUNCILLOR OSBORNE – MOVE TO receive and approve late communication Item 3 from Kevin Goggin, Building Inspector, regarding Special Permit transfer 4-1981, Affordable Chimney Sweeps, 484 Lowell Street, subject to all papers being in order. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 16, 2012  
RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 16, 2012



ATTEST \_\_\_\_\_  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

- His Honor the Mayor re: Appointment – Mark D. Smith as Alternate Member Conservation Commission
- His Honor the Mayor re: Request to accept Section 21-23 of Chapter 32B Health Insurance Reform
- His Honor the Mayor re: Various appointments
- Neil Papamechail, 43A Paleologos Street re: Taxi cab fare increases
- Community Development Department re: Special permit memo, Robert Capone, 6-8 Bourbon Street
- Jerry Halberstadt, 20 Central Street #504 re: Pedestrian safety downtown
- Planning Board re: Agenda and minutes
- West Congregational Church, 27 Johnson Street re: Banner request

**ENTERTAINMENT LICENSE** (Renewal for 2012)

Bonkers Funhouse Pizza, 535 Lowell Street

**ENTERTAINMENT LICENSE** (New)

P.F. Changs China Bistro, 210 Andover Street

**INFLAMMABLES LICENSE** (Rescind)

Exxon/Mobil, 227 Andover Street

**TAXI/LIMOUSINE DRIVER LICENSE**

John Doyle - License #116

Darryl Fanning - License #118

Raymond St. Pierre – License #121

**LATE COMMUNICATIONS:**

Timothy Spanos, City Clerk, regarding Warrant for Presidential Primary, March 6, 2012

Kevin Goggin, Building Inspector, regarding Special Permit transfer 4-1981, Affordable Chimney Sweeps, 484 Lowell Street

Brian D. Kelly, 151 Andover Street (former Border Books) regarding Special Permit application for automotive storage of vehicles

Pinto Recycling, Inc., 147 Summit Street, Building #3, regarding Junk Dealers License