

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 28, 2012

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

ABSENT: COUNCILLORS: ATHAS AND GAMACHE

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.

P104-12 COUNCILLOR OSBORNE - MOVE TO receive and approve the minutes from the last regular meeting of February 9, 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

A public hearing was duly held on the application from O'Keefe Plumbing & Heating, Inc., 5A Hutchinson Drive, Danvers, MA. Appearing to speak on behalf of the application was Attorney Joseph Cattoggio. Mr. John Surman, 53 Pulaski Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P105-12 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that the application from O'Keefe Plumbing & Heating, Inc., 5A Hutchinson Drive, Danvers, MA for a Special Permit to allow for overnight parking of motor vehicles in an I-L zone at 56 Pulaski Street, Unit A, known as the Waterways Industrial Park, 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 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. Overnight parking limited to 10 vehicles: Vehicle type to be vans, rack body and pickup trucks.
2. No operation of vehicles stored overnight except for 1 or 2 vehicles needed for emergency calls.
3. Deliveries and unloading during hours of operation only
4. Hours of operation shall be 6:00 a.m. to 6:00 p.m.
5. Signs to be posted stating "quiet loading during early morning" and "no idling of trucks".
6. Overnight parking locations as highlighted on site plan dated June 26, 1987 and application submitted to City Council be made part of the record.

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

A public hearing was duly held on the application from David P. Cole, 25 Oak Street, Peabody, 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.

P106-12 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that the application from David P. Cole, 25 Oak Street, Peabody, MA for a Special Permit to operate a machine shop and automotive repair facility at 7F Webster Street, 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 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. No overnight parking of vehicles.
2. Deliveries and unloading during hours of operation only
3. Hours of operation shall be 7:00 a.m. to 9:00 p.m. Monday through Saturday
4. All work to be conducted inside the building.
5. Special Permit application be made part of the record.
6. The Special Permit is granted subject to a payment agreement and approval by the City Collector and City Treasurer with regards to unpaid taxes.
7. There shall be a one year review of the Special Permit with regards to adherence of said payment agreement on or about March 1, 2013.
(Carried 9-0; Councillors Athas and Gamache absent)

(DR. LEIGH ANN MANSBERGER APPEARED TO INTRODUCE HERSELF TO THE CITY COUNCIL)

P107-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Item 7-A communication from His Honor the Mayor regarding the appointment of Dr. Leigh Ann Mansberger, 2002 Pheasant Creek Lane, Peabody, MA to the Board of Health for a three-year term to expire First Monday in February 2013 filling the unexpired term of Dr. Eugene Smith. (Carried 9-0; Councillors Athas and Gamache absent)

P108-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the appointment of Dennis M. Feld, 192 Lowell Street, Peabody, MA to the Planning Board (Alternate Member) for a five-year term to expire 05/31/2014 filling the unexpired term of Judy Otto. (Carried 9-0; Councillors Athas and Gamache absent)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE **FEBRUARY 9, 2012**

P109-12 COUNCILLOR GARABEDIAN– Reporting for the Municipal Safety Committee – On February 9th the Municipal Safety Committee met. Councillor Gould, Councillor Sinewitz, Councillor Osborne, and Councillor Gamache were present. The Committee met on that Thursday evening to discuss an update on the winter parking ban, safety crosswalks on Main Street, and the 911 calls to Brooksby Village. Regarding the winter parking plan Deputy Chief Cohan updated the Committee on the status of the blue lights and delivery system to notify residents of a snow emergency. Currently the hardware which enables messages to be broadcast over 1640 AM radio is housed at Peabody Access Telecommunications and is being relocated to the police station. This will allow access to messaging by the Police Department on a 24-hour basis. Once that is completed and with coordination of the blue lights, Deputy Chief Cohan will report back to the Committee. The Committee discussed when those changes are completed to recommend elimination of the winter parking ban. Councillor Gamache made the following motion. (Report received)

P110-12 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the Police Department notify the Municipal Safety Committee when the transfer of 1640 AM hardware is completed and jurisdiction is turned over to the Police Department. (Unanimous)

P111-12 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - On the crosswalk safety on Main Street Mr. Gerry Halberstadt from 20 Central Street addressed the Committee to support pedestrian safety in the downtown area. There was a request for the city to post freestanding pedestrian crosswalk signs at four locations on Main Street and Councillor Gould made his first motion. (Report received)

P112-12 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the Public Services Department install freestanding pedestrian crosswalk signs at four locations on Main Street. (Carried 9-0; Councillors Athas and Gamache absent)

P113-12 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - The last issue we talked about was the 911 calls to Brooksby Village. The matter of the 911 calls was discussed. The Committee received a report from the fire chief as to the number of calls in 2011. An additional report was received from the Police Department for calendar years '08 through '11 and the matter was held for further discussion in the Committee. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P114-12 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Green Peabody, 24 Lowell Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P115-12 COUNCILLOR MANNING-MARTIN - MOVE TO send a letter of appreciation to Mr. Ray Hendrickson, President and owner of Christian Books Distributors, who donated \$12,000 to the Tanner Coop program to allow the 13 players that make up the roster to enjoy another season at the high school. (Unanimous)

P116-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Frederick Kimball, 18 Mason Street, regarding Request for zoning map amendment; 18 & 18R Mason Street from R-4 to I-L and to refer to the Planning Board. (Unanimous)

P117-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Barbara Previte, Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Double poles on Lynnfield Street. (Unanimous)

P118-12 COUNCILLOR OSBORNE (Co-motion with Councillor Athas) - MOVE TO request that the Public Services Department repair the sidewalk at 13 State Street. (Unanimous)

P119-12 COUNCILLOR DRISCOLL – MOVE TO reschedule the regular meeting of March 8th to Tuesday, March 13, 2012. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P120-12 COUNCILLOR OSBORNE - MOVE TO receive and approve a communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer; Fox Run Limousine, 484 Lowell Street. (Unanimous)

P121-12 COUNCILLOR OSBORNE - MOVE TO receive and approve a communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer; Maptech Navigation, 484 Lowell Street. (Unanimous)

P122-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from Mass Development, 160 Federal Street, Boston, regarding Notice of refinancing for properties at 209 Lowell Street and 6 Intervale Avenue. (Unanimous)

P123-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from 116 Main Street, LLC, 314 Clark Street, North Andover, regarding Special Permit application for 116 Main Street and to set up a public hearing. (Unanimous)

P124-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary and to refer to the Finance Committee. (Unanimous)

P125-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status school appropriations and to refer to the Finance Committee. (Unanimous)

P126-12 COUNCILLOR OSBORNE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status city appropriations and to refer to the Finance Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P127-12 COUNCILLOR OSBORNE – MOVE TO receive Limousine License (Transfer) – Fox Run Limousine, 484 Lowell Street, Suite D5, and to set up a public hearing. (Unanimous)

P128-12 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Justin L. Hudon – License 124
Michael Bloomberg – License 125
(Unanimous)

P129-12 COUNCILLOR OSBORNE – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2012) North Shore Auto Sales, 134 Newbury Street, Suite 1, subject to all papers being in order. (Unanimous)

P130-12 COUNCILLOR OSBORNE – MOVE TO receive and approve Entertainment License (Renewal for 2012) Portuguese Benefit Society, 61 Northend Street, subject to all papers being in order. (Unanimous)

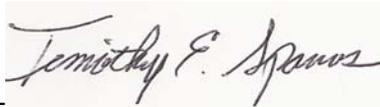
P131-12 COUNCILLOR OSBORNE – MOVE TO receive and approve Innholder License (Renewal for 2012) Homestead Studio Suites, 200 Jubilee Drive, subject to all papers being in order. (Unanimous)

P132-12 COUNCILLOR OSBORNE – MOVE TO receive and approve Use of the Wiggin Auditorium – The Ferrin Group – May 20, 2012, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 9, 2012
RETURNED BY HIS HONOR THE MAYOR, MARCH 9, 2012



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appointment of Dr. Leigh Ann Mansberger to Board of Health

His Honor the Mayor re: Appointment of Dennis M. Feld to the Planning Board Alternate Member

Frederick Kimball, 18 Mason Street re: Request for zoning map amendment; 18 & 18R Mason Street from R-4 to I-L

Barbara Previte, Peabody Municipal Light Plant, 201 Warren Street Ext re: Double poles on Lynnfield Street

Kevin Goggin, Building Inspector re: Special permit transfer; Fox Run Limousine, 484 Lowell Street

Kevin Goggin, Building Inspector re: Special permit transfer; Maptech Navigation, 484 Lowell Street

Mass Development, 160 Federal Street, Boston re: Notice of refinancing for properties at 209 Lowell Street and 6 Intervale Avenue

116 Main Street LLC, 314 Clark Street, No. Andover re: Special permit application for 116 Main Street

Patricia Davis Schaffer, Director of Finance re: General fund summary

Patricia Davis Schaffer, Director of Finance re: Status school appropriations

Patricia Davis Schaffer, Director of Finance re: Status city appropriations

LIMOUSINE LICENSE (Transfer)

Fox Run Limousine, 484 Lowell Street, Suite D5

TAXI/LIMOUSINE DRIVER LICENSE

Justin L. Hudon – License 124

Michael Bloomberg – License 125

CLASS 2 MOTOR VEHICLE LICENSE (Renewal for 2012)

North Shore Auto Sales, 134 Newbury Street, Suite 1

ENTERTAINMENT LICENSE (Renewal for 2012)

Portuguese Benefit Society, 61 Northend Street

INNHOLDER LICENSE (Renewal for 2012)

Homestead Studio Suites, 200 Jubilee Drive

USE OF THE WIGGIN AUDITORIUM

The Ferrin Group – May 20, 2012

LATE COMMUNICATIONS

Green Peabody, 24 Lowell Street, regarding Banner request