

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 24, 2011

PRESENT: COUNCILLORS: GRAVEL, BETTENCOURT, OSBORNE, GAMACHE, GARABEDIAN, MELLO, SINEWITZ, ATHAS, AND MANNING-MARTIN

ABSENT: COUNCILLORS DRISCOLL AND LIACOS

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.

Councillor Manning-Martin welcomed the students who will represent the City Council and City Clerk in the 2011 Student Government Day program.

COUNCILLOR MANNING-MARTIN - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV.

P215-11 COUNCILLOR GAMACHE - MOVE TO receive the minutes from the last regular meeting of March 10, 2011. (Unanimous)

P216-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive the communication from the City Clerk requesting correction to the March 10th minutes. (Unanimous)

P217-11 COUNCILLOR GAMACHE – MOVE TO amend the March 10th minutes by correcting P176-11 to read as follows:

P176-11 COUNCILLOR GRAVEL - BE IT ORDERED by the City Council of the City of Peabody that the application from Habitat for Humanity-North Shore, Inc., 215 Maple Street, Lynn, MA for a Special Permit to allow for the renovation and construction of three (3) multi-unit buildings each containing two 3-bedroom units at 12-14 Park Street, Peabody, MA, as filed in accordance with Section 4.2; 4.2.1 and 1.5.1 of the Peabody Zoning Ordinance, be approved based on the following reasons:

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. (Carried 9-0; Councillors Driscoll and Athas absent)

(Carried 9-0, 2 absent)

P218-11 COUNCILLOR GAMACHE – MOVE TO amend the March 10th minutes by correcting P179-11 and P181-11 as follows:

P179-11 COUNCILLOR MANNING-MARTIN - MOVE THAT the Mayor's salary be increased to \$110,000.00 effective January 1, 2012. (Failed 6-3; Councillors Osborne, Gamache and Garabedian in favor; Councillors Driscoll and Athas absent)

RECONSIDERATION BY COUNCILLOR MELLO – Immediate reconsideration hoping same shall not prevail. (Failed 5-4; Councillors Osborne, Liacos, Gamache and Garabedian in favor; Councillors Driscoll and Athas absent)

P181-11 COUNCILLOR MANNING-MARTIN - MOVE THAT no action be taken on the City Council salary and to remain the same as outlined in Section 2-14 of the City Code (\$7,466.39). (Carried 9-0; Councillors Driscoll and Athas absent)

(Carried 9-0, 2 absent)

P219-11 COUNCILLOR GAMACHE – MOVE TO approve the March 10th minutes as amended. (Unanimous)

HEARINGS

A public hearing was duly held on the application from Northshore Automotive, 100 Birney Street, Unit 7, Peabody, MA. Appearing to speak on behalf of said application was Mr. Dana Roby, 14 Westview Circle, Peabody. No one else appeared in favor. Appearing in opposition was Attorney John R. Keilty, 40 Lowell Street, Peabody, MA. No one else appeared to speak in opposition.

P220-11 COUNCILLOR ATHAS - MOVE THAT the Class 2 Motor Vehicle License application from Northshore Automotive, 100 Birney Street, Unit 7, Peabody, MA be recessed to April 14, 2011. (Unanimous)

A public hearing was duly held on the proposed revisions to the Peabody Zoning Ordinance and Peabody Zoning Map-2011. Appearing to speak on behalf of the City of Peabody was Ms. Karen Sawyer, Director, Community Development and Planning. Appearing to speak in favor was Ms. Michelle Talisman, Government Affairs Committee Chairperson from the Peabody Chamber of Commerce, 24 Main Street, Peabody, MA and Mr. Peter McGinn, 8 Park Street, Peabody, MA. Appearing to speak in opposition was Mr. Richard Medina, 1-B Laurel Street.

P221-11 COUNCILLOR GAMACHE – MOVE THAT the proposed amendments to the Peabody Zoning Ordinance-2011 and City of Peabody Zoning Map-2011 be recessed to April 28, 2011. (Unanimous)

A public hearing was duly held on the application to amend a Class 2 Motor Vehicle License from DC Trust LLC, 134-R Newbury Street, Peabody, MA. Appearing to speak in favor of the application was Mr. Dean Collins, 18 Olsen Road, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P222-11 COUNCILLOR GAMACHE – MOVE THAT the application to amend a Class 2 Motor Vehicle License from DC Trust, LLC, 134-R Newbury Street, Peabody, MA be recessed to April 14, 2011. (Unanimous)

REPORTS OF COMMITTEE

FINANCE COMMITTEE

MARCH 24, 2011

P223-11 COUNCILLOR GAMACHE - Reporting for the Finance Committee – The Finance Committee met prior to this evening's regular meeting to discuss a proposed increase for Municipal Lien Certificates. The proposal submitted by His Honor the Mayor would increase the lien certificates from \$25.00 to \$50.00. The current cost for lien certificates has been in place for over 20 years. The committee approved the following recommendation. (Report received)

P224-11 COUNCILLOR GAMACHE - Reporting for the Finance Committee – MOVE THAT in accordance with Chapter 40, Section 2F of the Massachusetts General Laws, the City Council authorizes the increase in fee for Municipal Lien Certificates from \$25.00 to \$50.00 effective April 1, 2011. (Carried 8-1, 2 absent; Councillor Mello voting in opposition)

MUNICIPAL SAFETY COMMITTEE

MARCH 10, 2011

P225-11 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee met on March 10, 2011. The first item discussed was removal of snow from sidewalks in the downtown area. Mr. Jerry Halberstadt from 20 Central Street addressed the Committee regarding concerns about enforcement of the ordinance to make the downtown area accessible for pedestrian traffic. The matter was held in committee for further discussion. It was requested that the Building Commissioner and Public Services Department appear before the Municipal Safety Committee. The second matter discussed was the snow emergency system. The committee was in favor of the new proposed system and requested that the Police Chief appear before the committee to discuss the same. (Report received)

P226-11 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO request that the Mayor and Chief of Police inform the City Council how the new proposed snow emergency system will work. (Unanimous)

P227-11 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee The last item discussed was commercial vehicles parked in residential areas. The Building Commissioner appeared before the Committee. The consensus of the committee was to not affect the private business owner who had one vehicle such as a pickup truck, but discussed enforcing problem areas in the city where businesses have larger, multiple vehicles and where employees gather early in the morning. The committee discussed increasing fines, idling of vehicles, and the new proposed language in the zoning ordinance prohibiting a vehicle over a certain gross weight.. The matter was held in committee for further discussion. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P228-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive the late communication from Timothy Spanos, City Clerk, relative to the 6-month review regarding hours of operation on the Special Permit issued to Work Out World, 212 Newbury Street, Peabody, MA. (Unanimous)

P229-11 COUNCILLOR GAMACHE – MOVE TO permanently approve the hours of operation on Special Permit 18-2010 issued to Unos Dos Fitness d/b/a Work Out World, 212 Newbury Street, Peabody, MA to reflect 24 hours a day, 7 days a week. Condition #2 stating “*the hours of operation for 24/7 shall be allowed on a 6-month trial period and subject to review on or before April 14, 2011*” shall be deleted. (Carried 9-0, 2 absent)

P230-11 COUNCILLOR MELLO – MOVE, under suspension of the rules, to receive the communication from Kevin Goggin, Building Commissioner, submitting a transfer of Special Permit for premises at 10 Margin Street, Peabody, MA. (Unanimous)

P231-11 COUNCILLOR MELLO – MOVE TO approve the transfer of Special Permit 34-1986 and Special Permit 43-1988 to Maria Stasinis d/b/a Mediterranean Bakery & Deli, 10 Margin Street, Peabody, MA subject to all papers being in order. (Unanimous)

P232-11 COUNCILLOR MELLO – MOVE TO request that the matter concerning the parking of buses and conservation issues at 60 Pulaski Street be referred to the Industrial & Community Development Committee and to request the presence of the City Solicitor, Building Commissioner, Public Services Department, and Board of Health. (Unanimous)

P233-11 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department post two (2) children signs at both ends of the Pierpont Street playground, one approaching the playground from Main Street and the other approaching from Aborn Street. (Unanimous)

P234-11 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department install a guardrail at the sharp turn near 31 Pierpont Street at the end of the straight run from Main Street. (Unanimous)

P235-11 COUNCILLOR ATHAS – MOVE, under suspension of the rules, to receive the communication from the Chief of Police, Robert Champagne, regarding the traffic lights at the crosswalk at Bill & Bob’s and Central Street and be referred to the Municipal Safety Committee. (Unanimous)

P236-11 COUNCILLOR ATHAS – MOVE TO request that the proposed amendments to the Peabody Zoning Ordinance and Zoning Map be located in conspicuous areas of the library easily accessible to the public. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P237-11 COUNCILLOR GAMACHE – MOVE TO receive the communication from His Honor the Mayor submitting the transfer of funds for purchase of 0 May Street and be referred to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P238-11 COUNCILLOR GAMACHE – MOVE TO receive the communication from Kevin Goggin, Building Commissioner, relative to 60 Pulaski Street and be referred to the Industrial & Community Development Committee. (Unanimous)

P239-11 COUNCILLOR GAMACHE – MOVE TO receive the communication from Florence W. Munz, 23641 Tampico Bay, Monarch Beach, CA requesting to donate property to the City located on Arnold Avenue, Assessors Map 82, Parcel 09 and be referred to the Legal Affairs Committee. Further request comments from various City departments regarding acceptance of the same. (Unanimous)

P240-11 COUNCILLOR GAMACHE – MOVE TO receive the March 17th agenda and March 3rd minutes from the Peabody Planning Board. (Unanimous)

P241-11 COUNCILLOR GAMACHE – MOVE TO receive the Special Permit application from Shree Sairam Corp. for 672 Lowell Street and a public hearing be scheduled on the same. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P242-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the application for Taxi Cab License (Renewal for 2011) from North Shore Taxi, Inc., 27-C Walnut Street subject to all papers being in order. (Unanimous)

P243-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the application for Taxi Cab License Transfer from Tri City Services, Inc., 55-R Walnut Street (License #10) subject to all papers being in order. (Unanimous)

P244-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the application for Class 3 Motor Vehicle License (Renewal for 2011) from Palmetto Auto Salvage, 0 Corwin Street subject to all papers being in order. (Unanimous)

P245-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following applications for Taxi/Limousine Driver License:

David Berson – License 126	James Costello III – License 131
Joseph Hamilton – License 132	Howard Bent – License 133
Menileke Dunwell – License 134	(Unanimous)

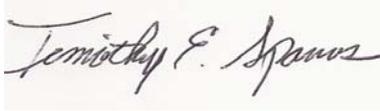
P246-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive and approve the application for Use of the Wiggin Auditorium from Dance with Dena, 59 Main Street, Peabody, MA for Monday, April 11, 2011 subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 28, 2011
RETURNED BY HIS HONOR THE MAYOR, MARCH 28, 2011

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Transfer of funds – CPC Open Space to CPC purchase of land end of May Street \$10,000.00

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Kevin Goggin, Building Commissioner re: 60 Pulaski Street
Florence W. Munz, Arnold Avenue re: Request to donate land to City

Chief Robert Champagne, Police Department re: Lights at crosswalk, Central Street at Bill & Bob's
Planning Board re: Agenda (3/17) and Minutes (3/03)
Shree Sairam Corp., 672 Lowell Street re: Special Permit application (Hearing necessary)
Building Commissioner re: Transfer of Special Permit 34-1986 and 43-1988 to Maria Stasinis d/b/a
Mediterranean Bakery & Deli, 10 Margin Street
Timothy Spanos, City Clerk re: Review of Special Permit 18-2010; Work Out World, 212 Newbury Street
Timothy Spanos, City Clerk re: Correction to March 10th minutes

PRESENTATION OF PETITIONS/MEMORIALS/REMONSTRANCE'S

Use of Wiggin Auditorium – Dance with Dena for April 11, 2011
Taxi Cab License (Renewal for 2011)
North Shore Taxi, Inc., 27-C Walnut Street
Taxi Cab License Transfer
Tri City Services, Inc., 55-R Walnut Street (License #10)
Class 3 Motor Vehicle License (Renewal for 2011)
Palmetto Auto Salvage, 0 Corwin Street
Taxi/Limousine Driver License
David Berson – License 126
James Costello III – License 131
Joseph Hamilton – License 132
Howard Bent – License 133
Menileke Dunwell – License 134