

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 23, 2011

PRESENT: COUNCILLORS: GRAVEL, BETTENCOURT, LIACOS, GAMACHE, MELLO, DRISCOLL, ATHAS AND MANNING-MARTIN

ABSENT: COUNCILLORS: OSBORNE, GARABEDIAN AND SINEWITZ

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.

P476-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of June 9, 2011. (Unanimous)

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.

HEARINGS

P477-11 COUNCILLOR GAMACHE - MOVE THAT the Special Permit application from Lynnfield Street Donuts, Inc., 85 Lynnfield Street, Peabody, MA be allowed to be withdrawn, without prejudice. (Carried 8-0; Councillors Osborne, Garabedian and Sinewitz absent)

A public hearing was duly held on the Special Permit application from One Stop Market, 288 Washington Street, Peabody, MA. Appearing to speak on behalf of said application was Ms. Jody Linger. No one appeared to speak in favor. No one appeared to speak in opposition.

P478-11 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from One Stop Market, 288 Washington Street, Peabody, MA for a Special Permit to allow use of a single exterior window for the retail sales of ice cream products at said 288 Washington Street, Peabody, MA, as filed in accordance with Section 1.5.1 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:

1) The Hours of Operation shall be 11:00 a.m. to 9:00 p.m. seven days a week.
(Carried 8-0; Councillors Osborne, Garabedian and Sinewitz absent)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
JUNE 23, 2011

P479-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - Earlier this evening the Legal Affairs Committee met. On the Committee was myself, Councillor Bettencourt, Councillor Driscoll, Councillor Manning-Martin and Councillor Gamache. There were two basic items on the agenda. The first was the status of some Class 2 Motor Vehicle Licenses from some businesses that have never pursued finishing the licensing process, and there was a motion by Councillor Gamache. (Report received)

P480-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee- MOVE THAT the following Class 2 Motor Vehicle Licenses be returned to the City for failure to renew for 2011:

Exotic Auto Sales, 16 Spring Street
 Fat Boy Cycles, 11 Caller Street
 JN MacArthur Towing, 58C Pulaski Street
 Universal Auto Center, 36-42 Foster Street
 (Unanimous)

P481-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The second motion had to do with 100 Foster, Palmetto Motor Sales, Ltd.. Under two different businesses it seems he owes the City over \$2,000 in back excise taxes, which is still outstanding, so Councillor Gamache made the motion to set up a public hearing to have the owner of the property at 100 Foster Street appear at our next City Council meeting, in order to determine if he's going to be paying those taxes and if he should be getting a motor vehicle used car sales from the City and that motion passed unanimously. (Report received)

P482-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee- MOVE TO set up a public hearing in accordance with Section 16-4 of the City Code for non-payment of motor vehicle excise taxes as it relates to the 2011 renewal application for a Class 2 Motor Vehicle License from Palmetto Motor Sales, Ltd., 100 Foster Street, Peabody, MA. (Unanimous)

P483-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The third item was the issue of getting applicants to submit their paperwork in a timely manner to the City Clerk for used car licenses. With regard to Section 16-29 the City Clerk submitted language in paragraphs E and F and a motion was made by Councillor Bettencourt to amend Section 16-29 to include those two paragraphs and it passed unanimously (Report received)

P484-11 COUNCILLOR ATHAS – MOVE TO amend Section 16-29 of the City Code to include new paragraphs E and F as submitted by the City Clerk, and to have the proper ordinance drafted and advertised as read. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P485-11 COUNCILLOR GAMACHE - MOVE TO request that a show cause hearing be scheduled for Boston Canine, Inc. located at 134 Rear Newbury Street; TO notify all abutters on Hazel Street, Anderson Street, as well as 1 to 17 and 2 to 18 Winona Street; and TO request any reports generated by the Animal Control Officer, Police Department, Building Inspector, and Board of Health regarding 134 Rear Newbury Street be submitted to the City Council for said hearing. (Unanimous)

P486-11 COUNCILLOR GAMACHE - MOVE TO request that the City Clerk provide the City Council with a copy of the Special Permit for Boston Canine, Inc. (Denise O'Brien), 134 Rear Newbury Street and the Minutes of said public hearing. (Unanimous)

P487-11 COUNCILLOR MELLO - MOVE TO request that the Public Services Department update the City Council on future repairs regarding the water main break between 1 and 7 Gardner Street. (Unanimous)

P488-11 COUNCILLOR MELLO - MOVE TO request that the Peabody Municipal Light Plant expedite the removal of the bracing pole at 24 Margin Street. (Unanimous)

P489-11 COUNCILLOR MELLO – MOVE TO request that the Public Services Department investigate for the location of a streetlight at pole R-20 ,which is in front of 51 Paleologos Street. There's a senior citizen there and it's a very dark area and the sidewalk's a little out of shape. (Unanimous)

P490-11 COUNCILLOR MELLO - MOVE TO request a handicapped sign for 27 North Central Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

P491-11 COUNCILLOR DRISCOLL – MOVE TO request that the Public Services Department investigate for the installation of streetlights on existing poles 9S, 8 and 18 at the intersection of Warren Street Extension and Endicott Street. (Unanimous)

P492-11 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-M communication from Lynnfield Street Donuts, Inc., 79 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P493-11 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department repair the sidewalk at 19 Goodridge Street. (Unanimous)

P494-11 COUNCILLOR ATHAS - MOVE TO request that the Peabody Municipal Light Plant repair the telephone pole at the corner of Chestnut Street and Lowell Street right opposite the courthouse. There appear to be some wires that are exposed. (Unanimous)

P495-11 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds from Chapter 90 to Road Improvement Projects - \$1,280,923.00. (Unanimous)

P496-11 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department amend the street repaving list attached to the Chapter 90 road improvements list to reflect that the following streets are not in Ward 2: Collins Street, Dennis Street, Smidt Avenue and Tracey Street. (Unanimous)

P497-11 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Community Development Department update the City Council on what plans they have for the old electric light/School Department building, if there are any plans for that dilapidated building on that corner; and I also would like to request how much it costs for us to continue to insure that building. (Unanimous)

P498-11 COUNCILLOR MANNING-MARTIN – MOVE TO congratulate Camille Bartlett and her staff at PAT for the prestigious awards they've won recently through the 2011 Alliance for Community Media Hometown Video Awards. They won an award for overall excellence in public education and government access programming and also they won high regard for having the best Web site and also best music video. Both of those two items were designed by a proud graduate of PVMHS by the name of Derek Gauvain. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P499-11 COUNCILLOR GAMACHE – MOVE TO receive the communication from His Honor the Mayor submitting various appropriations under date of June 15, 2011. (Unanimous)

P500-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to approve the following appropriations, as submitted by His Honor the Mayor, under date of June 15, 2011:

FROM:

TO:

Reserve Fund - \$7,000.00

Veterans Benefits – Expenses \$7,000.00

Reserve Fund - \$9,000.00

Rent Control Board – Expenses \$9,000.000

(Carried 8-0; Councillors Osborne, Garabedian and Sinewitz absent)

P501-11 COUNCILLOR GAMACHE - MOVE TO receive the communication from His Honor the Mayor submitting the appropriation for Chapter 90 road improvements under date of June 16, 2011. (Unanimous)

P502-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, TO approve the following appropriation for Chapter 90 road improvements, as submitted by His Honor the Mayor, under date of June 16, 2011:

FROM:

TO:

Chapter 90 Projects – FY 2011 \$1,280,923.00

Road Improvement Projects - \$1,280,923.00

(Carried 8-0; Councillors Osborne, Garabedian and Sinewitz absent)

P503-11 COUNCILLOR GAMACHE - MOVE TO receive the Veto Message from His Honor the Mayor regarding Motion P446-11; P448-11 and P450-11 and be referred to the next regularly scheduled City Council meeting in accordance with Section 9 of the City Charter. (Unanimous)

P504-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, TO receive late communication Item 1 from His Honor the Mayor regarding Appointments as informational and be referred to the next regularly scheduled City Council meeting. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P505-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Tri City Services, Inc., 55R Walnut Street, regarding Request to address taxi fare rates in the City and to refer to the Legal Affairs Committee. (Unanimous)

P506-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Peabody Police Department regarding Banner request, subject to all papers being in order. (Unanimous)

P507-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Dennis Giustra, Pennoni Associates, Andover, MA regarding Release abatement measure status report notification – 58-R Pulaski Street and to refer to the Industrial & Community Development Committee. (Unanimous)

P508-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding Various Council motions/work orders completed. (Unanimous)

P509-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from The Progeria Research Foundation regarding Banner request, subject to all papers being in order. (Unanimous)

P510-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Planning Board regarding Agenda (6/16) and Minutes (6/02). (Unanimous)

P511-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Robert C. Capone, 6 Bourbon Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P512-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Public Services Department regarding 0 May Street – clear debris/rubbish. (Unanimous)

P513-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Chief Robert Champagne, Police Department, regarding Special Permit memo, 288 Washington Street. (Unanimous)

P514-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Spinelli's LLC, 10 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P515-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer; 24-1998, Luxury Nail and Hair Salon, 1 Andover Street. (Unanimous)

P516-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary of FY-11 revenues thru June 17, 2011. (Unanimous)

P517-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations for FY-11 thru June 17, 2011. (Unanimous)

P518-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer; 23-1993 to Tri State Auto Sales, 248 Newbury Street. (Unanimous)

P519-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Frank Martino's Pizzeria, 202 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P520-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Michelle Kennedy, 1 Bourbon Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P521-11 COUNCILLOR GAMACHE – MOVE TO receive Class 2 Motor Vehicle License (Transfer) – Tri State Auto Sales, 248 Newbury Street and to set up a public hearing. (Unanimous)

P522-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

27 Evans Road to 12 Evans Road – July 3rd
 Bay State Road and Lake Shore Road – July 4th
 20 Rainbow Circle to end – July 2nd
 1 to 8 Scott Drive – July 16th
 45 Benevento Circle to 27 Benevento Circle – July 30th
 Northend St. between Shamrock/Kenwood/Principal – August 19-21st
 (Unanimous)

P523-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2011), subject to all papers being in order:

Jean Joseph – License 11
 Ben Hammond – License 12
 Christie Richie – License 13
 Anthony Zucchari – License 14
 Kilton Joyce, Jr. – License 15
 (Unanimous)

P524-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxi Cab License (Transfer) North Shore Taxi, Inc., 27-C Walnut Street – License 24, subject to all papers being in order. (Unanimous)

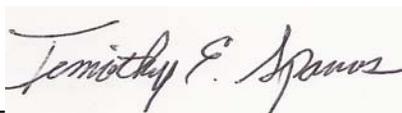
P525-11 COUNCILLOR GAMACHE – MOVE TO receive Junk Dealer License (Transfer) North Shore Nasr, Inc. d/b/a Jewelers Workbench, 210 Andover Street and to set up a public hearing. (Unanimous)

P526-11 COUNCILLOR GAMACHE – MOVE TO receive late communication Item 2 from Lynnfield Street Properties, Inc., 139 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 1, 2011
 RETURNED BY HIS HONOR THE MAYOR, JULY 1, 2011



ATTEST _____
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor: Transfer of funds; Veteran Benefits Expenses \$7,000.00; Rent Control Board Expenses \$9,000.00
 His Honor the Mayor: Transfer of funds from Chapter 90 to Road Improvement Projects - \$1,280,923.00
 His Honor the Mayor: Mayors Veto Message – Appointments submitted to City Council P446-11; P448-11 and P450-11
 Tri City Services, Inc., 55R Walnut Street re: Request to address taxi fare rates in the City
 Peabody Police Department re: Banner request
 Dennis Giustra, Pennoni Associates, Andover, MA re: Release abatement measure status report notification – 58-R Pulaski Street
 Public Services Department re: Various Council motions/work orders completed
 The Progeria Research Foundation re: Banner request
 Planning Board re: Agenda (6/16) and Minutes (6/02)
 Robert C. Capone, 6 Bourbon Street re: Special permit application
 Public Services Department re: 0 May Street – clear debris/rubbish
 Chief Robert Champagne, Police Department re: Special Permit memo, 288 Washington Street
 Spinelli's LLC, 10 Newbury Street re: Special permit application
 Kevin Goggin, Building Inspector re: Special permit transfer; 24-1998, Luxury Nail and Hair Salon, 1 Andover Street
 Frank Martino's Pizzeria, 202 Newbury Street re: Special Permit application
 Lynnfield Street Donuts, Inc., 79 Lynnfield Street re: Special Permit application
 Patricia Davis Schaffer, Director of Finance re: General fund summary of FY-11 revenues thru June 17, 2011.
 Patricia Davis Schaffer, Director of Finance re: Status of appropriations for FY-11 thru June 17, 2011
 Kevin Goggin, Building Inspector re: Special Permit transfer; 23-1993 to Tri State Auto Sales, 248 Newbury Street
 Michelle Kennedy, 1 Bourbon Street re: Special Permit application

CLASS 2 MOTOR VEHICLE LICENSE (Transfer)

Tri State Auto Sales, 248 Newbury Street

BLOCK PARTY

27 Evans Road to 12 Evans Road – July 3rd
 Bay State road and Lake Shore Road – July 4th
 20 Rainbow Circle to end – July 2nd
 1 to 8 Scott Drive – July 16th
 45 Benevento Circle to 27 Benevento Circle – July 30th
 Northend St between Shamrock/Kenwood/Principal – August 19-21st

TAXI/LIMOUSINE DRIVER LICENSES

Jean Joseph – License 11
 Ben Hammond – License 12
 Christie Richie – License 13
 Anthony Zucchari – License 14
 Kilton Joyce, Jr. – License 15

TAXICAB LICENSE (Transfer)

North Shore Taxi, Inc., 27-C Walnut Street – License #24

JUNK DEALER LICENSE (Transfer)

North Shore Nasr, Inc. d/b/a Jewelers Workbench, 210 Andover Street