

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 28, 2012

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

ABSENT: 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.

P396-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of June 14, 2012 and the special meeting of June 19, 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

P397-12 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the application from North Shore Taxi, Inc., 27 Walnut Street, Unit C, Peabody, MA, until the next regular meeting on July 17, 2012. (Unanimous)

A public hearing as duly held on the application from Stahl USA, Inc., 13 Corwin Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. David Cuzdrawl, Business Director; and Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P398-12 COUNCILLOR OSBORNE – MOVE TO approve the application from Stahl USA, Inc., 13 Corwin Street, Peabody, MA, for an Inflammables License requesting permission for the additional storage of 75,000 gallons of paints and paint related materials and 2,500 gallons of solvents. Currently there are 10,000 gallons #2 fuel oil stored on-site at said 13 Corwin Street, Peabody, MA, subject to all papers being in order and subject upon the implementation of the required modifications listed in the Warehouse Fire Safety Analysis per NFPA 30 dated March 16, 2012. Renovations shall be completed no later than 180 days from the issuance of the license.
(Carried 10-1; Councillor Athas opposed)

A public hearing was duly held on the application from Henry LaBrecque and Brendan LaBrecque, 73 Bartholomew Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Henry LaBrecque and Mr. Brendan LaBrecque. No one appeared to speak in favor. No one appeared to speak in opposition.

P399-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 1 Abutters Statement regarding 73 Bartholomew Street. (Unanimous)

P400-12 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from Henry LaBrecque and Brendan LaBrecque, 73 Bartholomew Street, Peabody, Mass. for a Special Permit to convert the existing structure to a two-family residential dwelling duplex at said 73 Bartholomew Street, Peabody, Mass., as filed in accordance with Section 1.5 and 15.7 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 11-0)

P401-12 COUNCILLOR OSBORNE – MOVE THAT Henry LaBrecque and Brendan LaBrecque, 73 Bartholomew Street, Peabody, MA, be relieved from the variance requirements for the addition of the front steps at said 73 Bartholomew Street, Peabody, MA. (Carried 11-0)

P402-12 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the application from Abacus Restaurant, Inc., d/b/a Su Chang's, 373 Lowell Street, Peabody, MA, until Thursday, August 23, 2012. (Unanimous)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE **JUNE 28, 2012**

P403-12 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee – The Safety Committee met and we spoke about creating our new emergency ban notice ordinance for snow removal calling it the emergency ban, which we're going to hopefully have this all done within the next month. We spoke about a lot of issues that pertain to this emergency ban; one is that we want to look at the ordinances of the other cities and towns that have it. We spoke about enforcement, fines, towing; a lot of things that go along with this so we make sure that the public is not put out but they understand that when these blue lights go on, that it means that things are going to happen. Also we're going to be looking for certain areas for parking for some areas of the city like down by the east end to make sure that they're not put out. There's going to be a lot to go over but I feel very confident that we'll get it done within the next month or so. There was one motion out of that meeting by Councillor Gould. (Report received)

P404-12 COUNCILLOR GARABEDIAN - Reporting for the Municipal Safety Committee – MOVE TO request that the Public Services Department, Fire Department and Police Department develop a rough draft for an ordinance to institute an emergency parking plan for the City Council to approve and to include a maximum amount for tow fees. (Unanimous)

COMMITTEE OF THE WHOLE **JUNE 28, 2012**

P405 12 COUNCILLOR LIACOS – Reporting for the Committee of the Whole – Prior to this Regular Meeting this evening we met in Executive Session as a Committee of the Whole and we did so for pending lawsuits regarding recently enacted Zoning Ordinance adopted by the City Council on April 28th, 2011. I would just ask that that be entered into the record as a report of progress. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P406-12 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department place "No parking" signs at the entrance to the bike path on the Middleton side of Russell Street and across the street on Russell Street. (Unanimous)

P407-12 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Chief Robert Champagne, Police Department, regarding Heavy commercial vehicles on Dobbs Road and to refer to the Municipal Safety Committee. (Unanimous)

P408-12 COUNCILLOR GRAVEL - MOVE TO request that the City Solicitor provide the City Council with a legal opinion on what can be done with abandoned properties or properties taken back by foreclosure within the city. I have noticed more and more of the buildings that are being taken over by foreclosure by the banks are being left in disrepair, much to the demise of the rest of the neighborhoods that surround them. (Unanimous)

P409-12 COUNCILLOR GRAVEL - MOVE TO request that His Honor the Mayor provide the City Clerk with the ability to work with the IT Department to provide the City Council with agenda materials electronically. (Unanimous)

P410-12 COUNCILLOR OSBORNE - MOVE TO request that the Fire Department provide the City Council with the blasting plan and current updates on the blasting that will be taking place on Bartholomew Street. (Unanimous)

P411-12 COUNCILLOR SINEWITZ - MOVE TO request that the Fire Department, Board of Health, Community Development Department, Building Inspector, Peabody Municipal Light Plant and National Grid provide to the City Council any information they have regarding the Bartholomew Street blasting plan and if anything has been put in place to protect the neighborhood and make them aware of what's going to happen on Monday. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P412-12 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive Item 7-A communication from His Honor the Mayor regarding Transfer of funds; Public Services Department salaries - \$35,000.00. (Unanimous)

P413-12 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to approve the following appropriation, as submitted by His Honor the Mayor, under date of June 22, 2012:

<u>FROM</u>	<u>TO</u>
Solid Waste – Rubbish Contract -\$35,000.00 (Carried 11-0)	Public Works Administration – Salaries \$35,000.00

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P414-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Clear Channel Outdoor, 89 Maple Street, Stoneham, MA, regarding Proposed linkage fee agreement with City of Peabody. (Unanimous)

P415-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Calvary Baptist Church 4 Coolidge Road, regarding Banner, subject to all papers being in order. (Unanimous)

P416-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Chief Robert Champagne, Police Department, regarding Rules and regulations regarding tow trucks towing vehicles and to refer to the Legal Affairs Committee. (Unanimous)

P417-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Class 2 Motor Vehicle License applications; Palmetto Motor Sales, 100 Foster Street, and Mike's Auto Sales, 100 Birney Street and to set up show cause hearings. (Unanimous)

P418-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Blair Haney, Asst. Director of Planning, regarding Special Permit memo, 73 Bartholomew Street. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P419-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Block Party requests, subject to all papers being in order:

1 to 13 Raymond Circle – July 14, 2012	
1 to 12 Scott Drive – July 21, 2012	
Winnegance Avenue – September 1, 2012	(Unanimous)

P420-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Barry Neely, Jr. – License 11	Shane P. Kieran – License 12
Gary Richard – License 13	Homayoon Kermanshani – License 14
Rene Aubertin – License 15	Michael Paciulli – License 16
Edmund Neves, Jr. – License 17	James Kallilis – License 18
James Kozik – License 19	Alejandro Fernandez – License 20
Howard Bent – License 21	Marco Aleixo – License 22
Ryan Gilbert – License 23	David Benson – License 24
Steven Talbot – License 25	Darryl Fanning – License 26
Dennis Kitchen, Jr. - License 27	Kevin Dunn, Jr. – License 28

Richard Lohnes – License 29	John Kozlowski – License 30
Alan Marchesini – License 31	Wayne Swiggard – License 32
Brad Dunbar – License 33	Donald MacPherson – License 34
Daniel Sirois – License 35	William Doucette – License 36
Louis Anasoulis – License 37	Thomas McCarthy – License 38
William Rasmussen – License 39	Rita Rasmussen – License 40
Alfred Porter – License 41	(Unanimous)

P421-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Pool & Billiard License (Renewal for 2012) World Class Billiards, 82 Newbury Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P422-12 COUNCILLOR GAMACHE – MOVE TO receive and approve Entertainment License (Renewal for 2012) Donn Carr School of Music, 13R Main Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P423-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Junk Dealers License (Renewal for 2012), subject to all papers being in order:

Jewelers Workbench, 210 Andover Street
 Newbury Comics, Inc., 240 Andover Street
 (Unanimous)

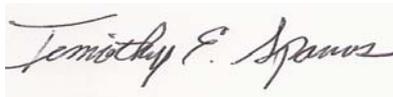
THE JULY 12, 2012 REGULAR MEETING OF THE PEABODY CITY COUNCIL WILL BE RESCHEDULED TO TUESDAY, JULY 17, 2012.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 5, 2012
 RETURNED BY HIS HONOR THE MAYOR, JULY 5, 2012

ATTEST 
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds; Public Services Department Salaries - \$35,000.00
 Clear Channel Outdoor, 89 Maple Street, Stoneham, MA re: Proposed linkage fee agreement with City of Peabody
 Calvary Baptist Church, 4 Coolidge Road re: Banner
 Chief Robert Champagne, Police Department re: Rules and regulations regarding tow trucks towing vehicles
 Chief Robert Champagne, Police Department re: Heavy commercial vehicles on Dobbs Road
 Timothy Spanos, City Clerk re: Class 2 Motor Vehicle License applications; Palmetto Motor Sales, 100 Foster Street and Mike's Auto Sales, 100 Birney Street
 Blair Haney, Asst. Director of Planning re: Special Permit memo, 73 Bartholomew Street

BLOCK PARTY PERMITS FOR 2012:

1 to 13 Raymond Circle – July 14, 2012
 1 to 12 Scott Drive – July 21, 2012
 Winnegance Avenue – September 1, 2012

TAXI/LIMOUSINE DRIVER LICENSE:

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 Gary Richard – License 13
 Rene Aubertin – License 15
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 James Kozik – License 19
 Howard Bent – License 21

Shane P. Kieran – License 12
 Homayoon Kermanshani – License 14
 Michael Paciulli – License 16
 James Kallilis – License 18
 Alejandro Fernandez – License 20
 Marco Aleixo – License 22

Ryan Gilbert – License 23
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 Daniel Sirois – License 35
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 Wayne Swiggard – License 32
 Donald MacPherson – License 34
 William Doucette – License 36
 Thomas McCarthy – License 38
 Alfred Porter – License 41

POOL & BILLIARD LICENSE (Renewal for 2012)

World Class Billiards, 82 Newbury Street

ENTERTAINMENT LICENSE (Renewal for 2012)

Donn Carr School of Music, 13R Main Street

JUNK DEALER LICENSE: (Renewal for 2012)

Jewelers Workbench, 210 Andover Street
 Newbury Comics, Inc., 240 Andover Street