

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 23, 2012

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

ABSENT: COUNCILLOR ATHAS

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.

P460-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of July 17, 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.

P461-12 COUNCILLOR GOULD – MOVE, under suspension of the rules, to receive item 7-B, communication from His Honor the Mayor, submitting the appointment of Jarrod Richards as an alternate member of the Cable Commission. (Unanimous)

P462-12 COUNCILLOR GOULD – MOVE TO approve the appointment of Jarrod Richards, 4 Newcastle Road, Peabody, MA as an alternate member of the Cable Commission for a one year term to expire on December 31, 2012. (Unanimous)

HEARINGS

The public hearing with respect to the application for Special Permit from Mansfield Outdoor Advertising LLC, 80 Newbury Street, Peabody, MA was opened and immediately recessed with no testimony given.

P463-12 COUNCILLOR GAMACHE – MOVETO recess the public hearing on the Special Permit application from Mansfield Outdoor Advertising LLC, 80 Newbury Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

The public hearing with respect to the application for Special Permit from Mansfield Outdoor Advertising LLC, 229 Newbury Street, Peabody, MA was opened and immediately recessed with no testimony given.

P464-12 COUNCILLOR GAMACHE – MOVETO recess the public hearing on the Special Permit application from Mansfield Outdoor Advertising LLC, 229 Newbury Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

The public hearing with respect to the application for Special Permit from Total Outdoor Corp., 258 Newbury Street, Peabody, MA was opened and immediately recessed with no testimony given.

P465-12 COUNCILLOR GAMACHE – MOVETO recess the public hearing on the Special Permit application from Total Outdoor Corp., 258 Newbury Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

The public hearing with respect to the application for Special Permit from Total Outdoor Corp., 210 Andover Street, Peabody, MA was opened and immediately recessed with no testimony given.

P466-12 COUNCILLOR DRISCOLL – MOVETO recess the public hearing on the Special Permit application from Total Outdoor Corp., 210 Andover Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

The public hearing with respect to the application for Special Permit from Clear Channel Outdoor, 71 Newbury Street, Peabody, MA was opened and immediately recessed with no testimony given.

P467-12 COUNCILLOR GAMACHE – MOVETO recess the public hearing on the Special Permit application from Clear Channel Outdoor, 71 Newbury Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

The public hearing with respect to the application for Special Permit from Clear Channel Outdoor, 203 Newbury Street, Peabody, MA was opened and immediately recessed with no testimony given.

P468-12 COUNCILLOR GAMACHE – MOVETO recess the public hearing on the Special Permit application from Clear Channel Outdoor, 203 Newbury Street, Peabody, MA to Thursday, November 8, 2012. (Unanimous)

A public hearing was duly held on the proposed zoning amendment to Section 8.3 Flood Boundary District as proposed by the Department of Community Development and Planning. Appearing to speak on behalf of Community Development Department were Ms. Karen Sawyer, Director, and Mr. Blair Haney, Assistant Director of Planning. No one appeared to speak in favor. Appearing to speak in opposition was Mr. Russell Donovan, 12 Quail Road, Peabody, MA.

P469-12 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive a revision to the proposed zoning amendment to Section 8.3 “Flood boundary District Use Regulations” as submitted by the Department of Community Development & Planning entitled “July 17, 2012 version recommended for adoption”. (Unanimous)

P470-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the Zoning Ordinance of the City of Peabody entitled City of Peabody Revised Zoning Ordinance adopted April 28, 2011 is hereby amended as follows:

SECTION ONE: The Zoning Ordinance of the City of Peabody entitled City of Peabody Revised Zoning Ordinance adopted April 28, 2011 is hereby amended as follows:

TO DELETE IN ITS ENTIRETY SECTION 8.3 FLOOD PLAIN DISTRICT USE REGULATIONS, SECTION A AND B, AS ADOPTED ON APRIL 28, 2011:

AND INSERT THEREIN A NEW SECTION 8.3 ENTITLED FLOOD BOUNDARY DISTRICT USE REGULATIONS, SPECIFICALLY, SECTIONS A, B, C AND D AS SUBMITTED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING UNDER DATE OF MAY 18, 2012.

SECTION TWO: All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.

And that said zoning amendment as adopted as amended and read incorporating the revisions as submitted by the Department of Community Development entitled “July 17, 2012 version recommended for adoption”.
(Carried 8-2, 1 absent; Councillors Sinewitz and Manning-Martin opposed)

A public hearing was duly held on the Inflammables License application from P & M Realty Trust, 131 Newbury Street, Peabody, MA for the aboveground storage of an additional 2,000 gallons LP Gas. Appearing to speak on the behalf of the application was Mr. Tim Lovell, Osterman Propane, 321 Merrimack Street, Methuen, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P471-12 COUNCILLOR GAMACHE – MOVE TO approve the Inflammables License application from P & M Realty Trust, 131 Newbury Street, Peabody, MA requesting the above ground storage of an additional 2,000 gallons of liquefied petroleum gas subject to all papers being in order. (Unanimous)

REPORTS OF COMMITTEE

Municipal Safety Committee was rescheduled to Thursday, September 13, 2012.

MOTIONS, ORDERS & RESOLUTIONS

P472-12 COUNCILLOR MANNING-MARTIN – MOVE, under suspension of the rules, to receive the communication from His Honor the Mayor requesting to enact a child sex offender ordinance and be referred to the Legal Affairs Committee. (Unanimous)

P473-12 COUNCILLOR MELLO – MOVE, under suspension of the rules, to receive item 8-H, communication from Councillor Arthur Athas, requesting to rescind a handicapped parking ordinance for 2 Lowe Street, and request that the same be approved, and to director the Public Services Department to remove said sign. (Unanimous)

P474-12 COUNCILLOR OSBORNE – MOVE TO request that the Park Department asses the condition of Whitney Drive Park that is in need of repairs and to report back to the City Council their intentions and when improvements will be implemented. (Unanimous)

P475-12 COUNCILLOR GAMACHE – MOVE TO request that the Public Services Department investigate for the installation of a street light at 49 Goodale Street. (Unanimous)

P476-12 COUNCILLOR DRISCOLL – MOVE, under suspension of the rules, to receive item 8-A, banner request from the Higgins PTO to display a banner across Lowell Street at City Hall from September 19th through October 21st and to approve the same subject to all papers being in order. (Unanimous)

P477-12 COUNCILLOR DRISCOLL – MOVE, under suspension of the rules, to receive item 8-C, application to purchase city owned land from James & Rachel Retos, 20 Farnham Avenue and to refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P478-12 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive the communication from His Honor the Mayor submitting the re-appointment of Judith Blodgett to the Board of Registrars. (Unanimous)

P479-12 COUNCILLOR GAMACHE – MOVE TO approve the re-appointment of Judith A. Blodgett, 18 Princeton Street, Peabody, MA to the Board of Registrars for a three year term to expire on April 1, 2015. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS & OTHERS

P480-12 COUNCILLOR GAMACHE – MOVE TO receive the communication from Chief Robert Champagne, Police Department relative to Special permit memos regarding billboard, and be referred to the recessed public hearings. (Unanimous)

P481-12 COUNCILLOR GAMACHE – MOVE TO receive the application for Special Permit from Pamela J. Zerber, 17 Washington Street and request a public hearing be scheduled on the same. (Unanimous)

P482-12 COUNCILLOR DRISCOLL – MOVE TO receive the communication from Chief Robert Champagne, Police Department relative to tow companies utilized by Police Department. (Unanimous)

P483-12 COUNCILLOR GAMACHE – MOVE TO receive the communication from Stacey Bernson, Assistant Community Development Director relative to Park Street units and affordable housing inventory. (Unanimous)

P484-12 COUNCILLOR GAMACHE – MOVE TO receive the Special Permit application from Gary Nadeau, 167 Washington Street, and a public hearing be scheduled on the same. (Unanimous)

P485-12 COUNCILLOR GAMACHE – MOVE TO receive the Special Permit application from P & B Kerkorian Life Estate Trust, 31 ½ Tremont Street, and a public hearing be scheduled on the same. (Unanimous)

PRESENTATION OF PETITIONS/MEMORIALS/REMONSTRANCE'S

P486-12 COUNCILLOR GAMACHE – MOVE TO receive the petition from BayRing Communications, 359 Corporate Drive, Portsmouth, NH and a public hearing be scheduled on the same. (Unanimous)

P487-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following renewals for Junk Dealer License for 2012 subject to all papers being in order:

- Belden Jewelers #2228, 210 Andover Street
- Kay Jewelers #1244, 210 Andover Street
- Mandracchia Trading Co., Inc., 147 Summit Street, Bldg 3D (Unanimous)

P488-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License applications subject to all papers being in order:

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| <ul style="list-style-type: none"> Ruben Bocchetti – License 44 Robert Gray, Jr. – License 53 Betsy McNaughton – License 55 John Doyle – License 58 Dennis Giannias – License 60 Abdul Sheriff – License 62 Ben Bisconti – License 64 James Tate – License 66 John Skalkos – License 68 Paul Ventre – License 70 Thomas Chopelas – License 72 Diegoelia Pacheco – License 74 Robert Roderick, Jr., License 76 Scott Boyle – License 78 Adel Gergess – License 80 | <ul style="list-style-type: none"> Benjamin Potter – License 52 Robert L. Bezzati – License 54 Sean McKinnon – License 56 Leonard Brown – License 59 Kimberly Kyslowsky – License 61 Antonello Verdiglione – License 63 Bill O’Neill – License 65 John Shaw – License 67 Marc Margosian – License 69 Ronald Fearon – License 71 Richard Demeule – License 73 John Calley, Jr., - License 75 Moulaycherie Moulaye – License 77 Adam Yeary – License 79 |
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P489-12 COUNCILLOR GAMACHE – MOVE TO receive the application for a One Day Entertainment License from Grossi & Denisco Inc. d/b/a Latitude Sports Club re: Global Fight League and to schedule a public hearing on the same. (Unanimous)

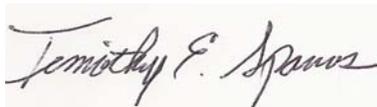
P490-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the application for Block Party from the residents of Northfield Road to hold a block party at the bottom of Northfield Road for September 1, 2012 subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P491-12 COUNCILLOR GAMACHE – BE IT ORDAINED by the City Council of the City of Peabody that an Ordinance Amending Chapter 19-94 of the Peabody City Code entitled Parking Prohibited on Certain Streets, Russell Street, from Glen Drive at 159 Russell Street both sides in a westerly direction to Boston Street on the Middleton/Peabody line be adopted as advertised and read. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 27, 2012
RETURNED BY HIS HONOR THE MAYOR, AUGUST 27, 2012



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Re-Appointment of Judith Blodgett to the Board of Registrars
 Appointment of Jarrod Richards to the Cable Commission Alternate Member
 Request for an ordinance regarding child sex offenders
 Higgins PTO, 1 King Street Ext re: Banner request
 Chief Robert Champagne, Police Department re: Special permit memos;hearings 4-C thru 4-H
 James & Rachel Retos, 20 Farnham Avenue re: Purchase city owned land
 Pamela J. Zerber, 17 Washington Street re: Special permit application
 Chief Robert Champagne, Police Department re: Tow companies utilized by Police Department
 Stacey Bernson, Asst. Community Development Director re: Park Street units and affordable housing inventory
 Gary Nadeau, 167 Washington Street re: Special Permit application
 Councillor Arthur Athas re: Rescind handicap parking ordinance @ 2 Lowe Street
 P & B Kerkorian Life Estate Trust, 31 ½ Tremont Street re: Special permit application

Petition - BayRing Communications, 359 Corporate Drive, Portsmouth, NH

Junk Dealer License (Renewal for 2012)

Belden Jewelers #2228, 210 Andover Street
 Kay Jewelers #1244, 210 Andover Street
 Mandracchia Trading Co., Inc., 147 Summit Street, Bldg 3D

Taxi/Limousine Driver License

Ruben Bocchetti – License 44	Benjamin Potter – License 52
Robert Gray, Jr. – License 53	Robert L. Bezzati – License 54
Betsy McNaughton – License 55	Sean McKinnon – License 56
John Doyle – License 58	Leonard Brown – License 59
Dennis Giannias – License 60	Kimberly Kyslowsky – License 61
Abdul Sheriff – License 62	Antonello Verdiglione – License 63
Ben Bisconti – License 64	Bill O'Neill – License 65
James Tate – License 66	John Shaw – License 67
John Skalkos – License 68	Marc Margosian – License 69
Paul Ventre – License 70	Ronald Fearon – License 71
Thomas Chopelas – License 72	Richard Demeule – License 73
Diegoelia Pacheco – License 74	John Calley, Jr., - License 75
Robert Roderick, Jr., License 76	Moulaycherie Moulaye – License 77
Scott Boyle – License 78	Adam Yeary – License 79
Adel Gergess – License 80	

One Day Entertainment License – Grossi & Denisco Inc. d/b/a Latitude Sports Club re: Global Fight League event, Saturday, September 15, 2012 (Hearing necessary)
 Block Party – Bottom of Northfield Road for September 1, 2012