

**REGULAR MEETING OF THE PEABODY CITY COUNCIL  
OCTOBER 11, 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.

P568-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of September 27, 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.

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING VARIOUS APPOINTMENTS)

P569-12 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding the following Appointments to the Cable Commission and Cultural Council:

NAME:	POSITION:	TERM TO EXPIRE:
Christopher M. Gallagher P.O. Box 3494 Peabody, MA 01960	Cable Television Commission (Alternate Member)	12/31/2012 (One-Year Term)
Catherine Geomelos 3 Jayne Circle Peabody, MA 01960	Cultural Council	06/01/2014 (Two-Year Term)
Deborah A. Ryan 13 Olsen Road Peabody, MA 01960	Cultural Council	06/01/2014 (Three-Year Term)
Jodi Landry 15 Felton Street Peabody, MA 01960 (Carried 11-0)	Cultural Council	06/01/2014 (Three-Year Term)

P570-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the appointment of Thomas J. Pappas, 173 Winona Street, Peabody, MA to the Cable Commission (Alternate Member) for a one-year term to expire 12/31/2012. (Carried 11-0)

**HEARINGS**

A public hearing was duly held on the application from Michael's Motors, 1 Sylvan Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Dana Bornstein and Mr. David Bornstein. No one appeared to speak in favor. No one appeared to speak in opposition.

P571-12 COUNCILLOR MELLO - MOVE to approve the application from Michael's Motors, 1 Sylvan Street, Peabody, MA, to amend a Class 2 Motor Vehicle License requesting to clarify condition #3, specifically separating the business of Michael's Motors from the auto repair business of L & L Automotive, at 1 Sylvan Street, Peabody, MA, with the following conditions:

CONDITIONS:

1. Total of 55 vehicles allowed for sale or not for sale, sold or not sold;
  2. Limiting to 15 vehicles to be displayed for sale in front of said property; and
  3. All vehicles (those for sale, in for repair, and employee vehicles) must be stored inside the fenced-in area of the lot.
- (Carried 11-0)

A public hearing was duly held on the application from L.D. Restaurant, Inc. d/b/a Dinis Restaurant & Lounge, 135 Washington Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Luciano Dinis. No one appeared to speak in favor. No one appeared to speak in opposition.

P572-12 COUNCILLOR ATHAS – MOVE TO approve the Entertainment License from L.D. Restaurant, Inc. d/b/a Dinis Restaurant & Lounge, 135 Washington Street, Peabody, MA, for none live entertainment, in particular, radio, CD player, and television, with the condition that the hours of entertainment be 11:00 a.m. to 12:45 a.m., six days a week (Monday through Saturday) (Carried 11-0)

**REPORTS OF COMMITTEE****LEGAL AFFAIRS COMMITTEE**  
**OCTOBER 11, 2012**

P573-12 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met this evening; present were members: Driscoll, Garabedian and Councillor Sinewitz with Councillor Gould sitting in for Councillor Mello; and by the end of the meeting all councillors were present. We had several agenda items; however, many were deferred to the next meeting as most of our time was spent on one item, which was the proposed child sex offender ordinance. Many members of the public did attend and several chose to speak and share their support of the ordinance. Those individuals were Jessica O'Hara, Dave Cummins, Jim Guiry, School Committee Brandi Carpenter spoke as well in support of the ordinance representing the Peabody School Committee, and of course His Honor the Mayor Ted Bettencourt spoke and he presented the sex offender ordinance. I have to commend the mayor for not only his leadership in addressing this issue but for his due diligence in preparing the ordinance, as well as his command of the subject matter as he fielded many questions from the council and he clearly articulated the intent and the enforcement of the procedure in the ordinance. He really did a great job in presenting it and he feels we are on solid constitutional ground. He researched and utilized an ordinance already in existence in New Bedford, which has already withstood a constitutional challenge. And again the community and the City Council are in full support of his effort. Everybody really worked together, shared some thoughts, and had civil discourse in a very sensitive subject matter. And again I commend the mayor for his leadership in this role. And with that, we had one motion which passed unanimously. (Report received)

P574-12 COUNCILLOR MANNING-MARTIN - MOVE TO approve and advertise an ordinance creating Section 20-4 Child Sex Offender in Child Safety Zones. (Carried 11-0)

**MOTIONS, ORDERS & RESOLUTIONS**

P575-12 COUNCILLOR SINEWITZ – MOVE TO request that the Community Development Department provide the City Council with a recommendation as to the number of billboards the City Council should allow in the city and to include how many billboards already exist. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P576-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds Cemetery Capital Projects and to refer to the Finance Committee. (Unanimous)

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P577-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from West Memorial School, 15 Bow Street, Banner, subject to all papers being in order. (Unanimous)

P578-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Timothy Spanos, City Clerk, regarding State Election Warrant. (Unanimous)

P579-12 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Arthur Pavlo, Acting Building Inspector, regarding Special Permit transfer 25-2011 to Foti’s Garage, 7C Webster Street, subject to all papers being in order. (Carried 11-0)

P580-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from D & D Auto Sales, 36 Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P581-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Karen Sawyer, Director, Community Development Department, regarding Main Street corridor realignment project update. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P582-12 COUNCILLOR GAMACHE– MOVE TO receive Class 2 Motor Vehicle License (Transfer of Location) D & D Auto Sales from 147 Summit Street to 36 Walnut Street and to set up a public hearing. (Unanimous)

P583-12 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2012), subject to all papers being in order:

Charland Appliance Center, Inc., 15 Spring Street  
Harvest of Hope, 26 Howley Street  
(Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

{10-A regarding Declaration of Snow/Ice and Emergency Parking Ban}

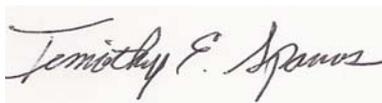
P584-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 27 of the City Code of the City of Peabody creating a new Section 27-76 Declaration of Snow/Ice and Emergency Parking Ban be adopted as advertised and read. (Carried 11-0)

{10-B regarding 64 Foster Street}

P585-12 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 Parking Prohibited – Handicap Zone of the Code of the City of Peabody be adopted as advertised and read. (Carried 11-0)

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

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 18 2012  
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 18, 2012



ATTEST  
\_\_\_\_\_  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Appointment to the Cable Commission and Cultural Council

His Honor the Mayor re: Appointment to Cable Commission

West Memorial School, 15 Bow Street re: Banner

Timothy Spanos, City Clerk, re: State Election Warrant

Arthur Pavlo, Acting Building Inspector, re: Special Permit transfer 25-2011 to Foti’s Garage, 7C Webster Street

D & D Auto Sales, 36 Walnut Street, re: Special Permit application

Karen Sawyer, Director, Community Development Department, re: Main Street corridor realignment project update

**CLASS 2 MOTOR VEHICLE LICENSE:** (Transfer of Location)

D & D Auto Sales from 147 Summit Street to 36 Walnut Street

**JUNK DEALER LICENSE:** (Renewal for 2012)

Charland Appliance Center, Inc., 15 Spring Street

Harvest of Hope, 26 Howley Street;