

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 27, 2011

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

ABSENT: COUNCILLOR OSBORNE

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.

P816-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of October 13, 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

P817-11 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty on behalf of Lowell Street CVS Peabody, 530-532 Lowell Street, to continue the public hearing until Thursday, November 17, 2011. (Unanimous)

P818-11 COUNCILLOR DRISCOLL - MOVE TO continue the public hearing on the application from Constantine G. Scrivanos, 3 Pluff Avenue, North Reading, MA, until Thursday, November 17, 2011. (Unanimous)

A public hearing was duly held on the application from Best Buy Stores L.P., Cart W117, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Ryan J. Beaver. No one appeared to speak in favor. No one appeared to speak in opposition.

P819-11 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-G communication from Chief Robert Champagne, Police Department, regarding Best Buy Mobile license memo. (Unanimous)

P820-11 COUNCILLOR DRISCOLL – MOVE TO approve the application from Best Buy Stores L.P., Cart W117, 210 Andover Street, Peabody, MA for a Junk Dealers License, subject to the condition that any transactions of trade-ins that fall under the “Junk Dealer” definition be reported to the Peabody Police Department. (Carried 10-0; Councillor Osborne absent)

A public hearing was duly held on the application from Michael Markos, 24-R Caller Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Michael Markos. No one appeared to speak in favor. No one appeared to speak in opposition.

P821-11 COUNCILLOR ATHAS– MOVE TO approve the application from Michael Markos, 24-R Caller Street, Peabody, MA for an Inflammables License for the storage of 16,800 gallons diesel fuel in fuel oil trucks (5), subject to all papers being in order. (Carried 10-0; Councillor Osborne absent)

The City Council reconvened the recessed public hearing on the application from Washington 4, LLC, 314 Clark Street, North Andover, MA. Appearing to speak on behalf of said application was Attorney Athan Vontzalides and Mr. Norman Lee. No one appeared to speak in favor. No one appeared to speak in opposition.

P822-11 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Washington 4, LLC, 314 Clark Street, North Andover, MA, for a Special Permit to allow the premises located at 9 Washington Street to be used as a multifamily dwelling containing four residential units in a B-C zone, as filed in accordance with Section 4.2, 6.1 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 10-0; Councillor Osborne absent)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE OCTOBER 27, 2011

P823-11 COUNCILLOR MANNING-MARTIN - Reporting for the Committee of the Whole – The Committee of the Whole met this evening prior to this meeting and all Councillors that are present were present for that meeting as well. We had a review of the flood mitigation plan project 1: A presentation of the route alignment for the underground culvert with traffic management plan and outreach update. Ms. Sawyer from Community Development was present, Dan Walker of AECOM and also Mayor Michael Bonfanti presented. They presented as they returned at 30 percent design to give the council an update on the design project and they announced that the lowest cost route moving forward through the preliminary design was the actual design that was chosen. The key features of the culvert alignment would be, one, that the culvert next to the monument will require that the monument be removed temporarily, in order that construction can go forward without damaging the monument. Utilities they want to relocate for functionality during construction and this is an important focus during the construction to maintain services: Verizon and the gas line and whatnot to maintain a focus on keeping the utilities functioning. Traffic management is such to keep the flow of traffic in the square with the same number of lanes as currently configured. There are three phases of work but what they're attempting to do, once they get into the square, is to get in and get out of the square with the least disruption as possible. To go in once and to get out. They also are planning to coordinate with the Main Street corridor project. There are property owners that were approached and have been in communication with Community Development -- there are nine of them that are directly affected. There are no land takings involved at this point -- and all have been contacted and kept apprised of the progress of the project. Ms. Sawyer also emphasized that local businesses that will be open for business during this project will be kept in the loop and Community Development will keep in constant contact with them throughout the construction of this project to help them with their business so that they aren't adversely affected as much as possible. There is a time line for this project contingent upon His Honor the Mayor coming forward with a bond request. December the City Council will be requested of a bond authorization; in February the council will again get an update of when the construction project is at 70 percent design; in March the construction design will be completed; in June the construction is scheduled to start; and completion date for this project -- again should all the other things fall into place -- would be September 2014. And that is a report of progress on the flood mitigation project 1. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P824-11 COUNCILLOR BETTENCOURT – MOVE TO request that the City Council receive a copy of the flood mitigation presentation presented this evening. (Unanimous)

P825-11 COUNCILLOR BETTENCOURT – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from City Clerk regarding City Council's appointment to the Community Development Authority – Gary J. Bua, 14 Pocahontas Drive. (Unanimous)

P826-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Chief Robert Champagne, Police Department, regarding Inspection of abandoned dwelling corner of Northend Street and Dark Lane and to thank the Police Department for the information. (Unanimous)

P827-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 8-C communication from Luso American Credit Union, 37 Tremont Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P828-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-D communication from Attorney Athan Vontzalides, 27 Lowell Street, regarding Notice of eviction proceedings, Pinto Recycling, 58R Pulaski Street. (Unanimous)

P829-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-I communication from Joel Whitman, owner, 27 Walnut Street Realty, LLC, 27 Walnut Street regarding In support of downtown flood mitigation project. (Unanimous)

P830-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-J communication from Conservation Commission regarding 58R Pulaski Street – Wayside Trailers. (Unanimous)

{10-A regarding 15 Fulton Street}

P831-11 COUNCILLOR MELLO – 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 10-0; Councillor Osborne absent)

P832-11 COUNCILLOR MELLO – MOVE TO request that the Public Services Department install a handicapped sign for 15 Fulton Street. (Unanimous)

P833-11 COUNCILLOR SINEWITZ – MOVE TO request that the Peabody Municipal Light Plant install a streetlight at 19 Styles Drive, which is at the corner of Whipple Road. (Unanimous)

P834-11 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department clean the storm drain out between 62 and 64 Catherine Drive. (Unanimous)

P835-11 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department look at the storm drain at the bottom of Waldingfield Lane and provide the City Council with an estimate of the cost to put an extension of the storm drains. (Unanimous)

P836-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Public Services Department regarding 692 Lowell Street/Bow/Shannon Street. (Unanimous)

P837-11 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Mall at Northshore LLC, 210 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P838-11 COUNCILLOR ATHAS – MOVE TO request that the IT Department remove and fix the documents in the Zoning Ordinance Use Table on the City's Web site. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P839-11 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Chabad Lubavitch of Peabody, 83 Pine Street, regarding Banner for 2012, subject to all papers being in order. (Unanimous)

P840-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Blair Haney, Community Development Department, regarding Lease of MBTA RR Right of Way and refer to the Legal Affairs Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P841-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Block Party – 38-55 Dexter Street for October 29, 2012, subject to all papers being in order. (Unanimous)

P842-11 COUNCILLOR GAMACHE - MOVE TO receive Taxi Cab License (New) Witch City Taxi & Livery, LLC, 1 Willard Street, and to set up a public hearing. (Unanimous)

P843-11 COUNCILLOR MELLO – MOVE TO receive and approve Use of Wiggin Auditorium – Daughters of Penelope, 98 Central Street, for April 29, 2012, subject to all papers being in order. (Unanimous)

P844-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Ryan Gilbert – License 93
Karyn Milaszewski – License 94
(Unanimous)

P845-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Taxi Cab/Limousine License transfers, subject to all papers being in order:

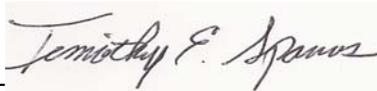
Tri City Services, Inc., 55R Walnut Street – Taxi Cab License 8 & 10
North Shore Taxi, Inc., 27 Walnut Street – Taxi Cab License 21 & 28
North Shore Taxi, Inc., 27 Walnut Street – Limousine License 178
(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P846-11 COUNCILLOR GAMACHE – MOVE TO receive late communication Item 2 from His Honor the Mayor regarding Transfer of funds from CPC Open Space to CPC South Peabody Trail project - \$102,817.00 and to refer to the Finance Committee. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 4, 2011
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 4, 2011



ATTEST
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- Public Services Department re: 692 Lowell Street/Bow/Shannon Street
- Chief Robert Champagne, Police Department re: Inspection of abandoned dwelling corner of Northend Street and Dark Lane
- Luso American Credit Union, 37 Tremont Street re: Special permit application
- Attorney Athan Vontzalides, 27 Lowell Street re: Notice of eviction proceedings, Pinto Recycling, 58R Pulaski Street
- Chabad Lubavitch of Peabody, 83 Pine Street re: Banner for 2012
- Blair Haney, Community Development Department re: Lease of MBTA RR Right of Way
- Chief Robert Champagne, Police Dept. re: Best Buy Mobile license memo
- Mall at Northshore LLC, 210 Andover Street re: Special permit application
- Joel Whitman, owner, 27 Walnut Street Realty LLC, 27 Walnut Street re: In support of downtown flood mitigation project
- Conservation Commission re: 58R Pulaski Street, Wayside Trailers

BLOCK PARTY

38-55 Dexter Street for October 29, 2011

TAXI CAB LICENSE (New)

Witch City Taxi & Livery LLC, 1 Willard Street

USE OF THE WIGGIN AUDITORIUM

Daughters of Penelope, 98 Central Street, for April 29, 2012

TAXI/LIMOUSINE DRIVER LICENSE

Ryan Gilbert – License 93

Karyn Milaszewski - License 94

TAXI CAB/ LIMOUSINE LICENSE TRANSFERS

Tri City Services, Inc., 55R Walnut Street – Taxi Cab License 8 & 10

North Shore Taxi, Inc., 27 Walnut Street – Taxi Cab License 21 & 28

North Shore Taxi, Inc., 27 Walnut Street – Limousine License 178

LATE COMMUNICATIONS

City Clerk re: City Council's appointment to the Community Development Authority – Gary J. Bua,
14 Pocahontas Drive

His Honor the Mayor re: Transfer of funds from CPC Open Space to CPC South Peabody Trail project -
\$102,817.00

Attorney John R. Keilty on behalf of Lowell Street CVS Peabody, 530-532 Lowell Street