

**REGULAR MEETING OF THE PEABODY CITY COUNCIL  
DECEMBER 8, 2011**

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

ABSENT: NONE

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.

P918-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of November 17, 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**

A public hearing was duly held on the application from Witch City Taxi & Livery, LLC, 63 Jefferson Avenue, Salem, MA. Appearing to speak on behalf of said application was Mr. Bill Flynn. No one appeared to speak in favor. Mr. John Surman, 53 Pulaski Street, Peabody, MA; and Mr. Will Murray, 58 Pulaski Street, Peabody, MA, appeared to speak in opposition.

P919-11 COUNCILLOR GAMACHE – MOVE THAT the Taxicab License application from Witch City Taxi & Livery, LLC, 63 Jefferson Avenue, Salem, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

A public hearing was duly held on the application from Costa Auto Service, Inc., 195 Washington Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Julian and Ms. Cristiane N. Costa. No one appeared to speak in favor. Mr. Rick Tower, 119R Foster Street, Peabody, MA, appeared to speak in opposition.

P920-11 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Costa Auto Service, Inc., 195 Washington Street, Peabody, MA, for a Special Permit to operate an automobile repair service at said 195 Washington Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 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. That a clear right-of-way path for vehicles be allowed for the rear property owners.  
(Carried 11-0)

A public hearing was duly held on the application from Auto Choice of Peabody, 249 Andover Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Glen Pierce. No one appeared to speak in favor. Mr. John Yoh, 3 Cleary Lane, Topsfield, MA, appeared to speak in opposition.

P921-11 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Auto Choice of Peabody, 249 Andover Street, Peabody, MA, for a Special Permit to allow for the storage of undamaged and operable vehicles at 6 Bourbon Street, Unit 6, Peabody, MA, as filed in accordance with Sections 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 11-0)

A public hearing was duly held on the application from Robert C. Capone, 12 Lisburn Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Robert Capone. No one appeared to speak in favor. No one appeared to speak in opposition.

P922-11 COUNCILOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-S communication from Community Development Department, regarding Special Permit memo, 535 Lowell Street – dog daycare. (Unanimous)

P923-11 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Robert C. Capone, 12 Lisburn Street, Peabody, MA, for a Special Permit to operate a boarding kennel, dog day care, grooming service and to offer retail sales of pet related items at 535 Lowell Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

CONDITIONS:

- 1. Dogs shall be kept inside at all times..
  - 2. That there will be no dog waste containers stored outdoors.
  - 3. That dog waste will be picked up twice a week at a minimum and, if needed, more often.
- (Carried 11-0)

P924-11 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Attorney John R. Keilty on behalf of M Zone Motoring, LLC, 7 Webster Street, Peabody, MA, regarding Withdraw Special Permit application, without prejudice. (Unanimous)

P925-11 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Michael Maurello, Clear Channel, regarding Withdraw Special Permit applications without prejudice. (Unanimous)

A public hearing was duly held on the application from Walnut Street Auto Sales, 57 Walnut Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John Keilty. No one appeared to speak in favor. Ms. Amy Maguire, 5B Webster Street, Peabody, MA appeared to speak in opposition.

P926-11 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that the application from Walnut Street Auto Sales, 57 Walnut Street, Peabody, MA, for a Special Permit to allow for auto detailing and office at 7A Webster Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

## CONDITIONS:

1. That there be no deliveries outside the hours of operation;
2. That the Hours of Operation shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday; no Sunday hours.
3. That there be no deliveries on Sundays; and
4. That there are no sales or storage of vehicles outside the building.  
(Carried 10-1; Councillor Sinewitz opposed)

A public hearing was duly held on the application from Arrington Towing Co., 20 Webster Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P927-11 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that the application from Arrington Towing Co., 20 Webster Street, Peabody, MA, for a Special Permit to allow for the office of a towing company and automobile service repairs at 7C Webster Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

## CONDITIONS:

1. That all deliveries be within the Hours of Operation;
2. That the Hours of Operation shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday; and
3. That if work has to be done outside of the office hours they should use the Walnut Street/Upton Street egress.
4. That the application, as submitted, be attached to the Special Permit;  
(Carried 11-0)

A public hearing was duly held on the application from Ruddy's Towing Co., 71 Palmer Street, Salem, MA. Appearing to speak on behalf of said application was Attorney John Keilty. No one appeared to speak in favor. Ms. Amy Maguire, 5B Webster Street, Peabody, MA, appeared to speak in opposition.

P928-11 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that the application from Ruddy's Towing Co., 71 Palmer Street, Salem, MA, for a Special Permit to allow for the office of a towing company and automobile service repairs at 7D Webster Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

## CONDITIONS:

1. That the application, as submitted, be attached to the Special Permit;
2. That all minor repairs to be done inside the building;
3. That there be no outdoor storage of vehicles;
4. Deliveries only within the Hours of Operation;
5. That the Hours of Operation shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday, no Sundays; and
6. All operating to be done within the Hours of Operation.  
(Carried 11-0)

P929-11 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 6 from Amy Maguire, 5B Webster Street, regarding 7 Webster Street. (Unanimous)

A public hearing was duly held on the application from Tire Man of Massachusetts, 24 Crescent Drive, Salem, MA. Appearing to speak on behalf of said application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P930-11 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that the application from Tire Man of Massachusetts, 24 Crescent Drive, Salem, MA, for a Special Permit to allow for the purchase and sales of new and used auto and truck tires at 7E Webster Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

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.

CONDITIONS:

1. That the application, as submitted, be attached to the Special Permit;
  2. That there is no outdoor storage of tires;
  3. Deliveries only within the Hours of Operation;
  4. That the Hours of Operation shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday, no Sundays;
  5. All operating to be done within the Hours of Operation; and
  6. With approval by the Building Commissioner and Fire Department.
- (Carried 11-0)

A public hearing was duly held on the application from Pinto Recycling, Inc., 1 Willard Street, Suite 16, Peabody, MA. Appearing to speak on behalf of said application was Attorney John Keilty and Joanna Russo, General Manager, Pinto Recycling. Mr. Will Murray, 58 Pulaski Street, Peabody, MA, appeared to speak in favor. Mr. William Toomey, 33 Abington Avenue, Peabody, MA; Ms. Lola Busta, 44 Pulaski Street, Peabody, MA; Ms. Darryl Ann McCarthy, 47 Pulaski Street, Peabody, MA; Mr. John Surman, 53 Pulaski Street, Peabody, MA; Ms. Kathy Wells, 22 Westview Circle, Peabody, MA; and Mr. Alex Martins, Chelsea Industries, 58-R Pulaski Street, Peabody, MA appeared to speak in opposition.

P931-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, late communication Item 7 from John Surman, 53 Pulaski Street, regarding Photographs. (Unanimous)

P932-11 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 8 from Lola Busta, 44 Pulaski Street, regarding Photographs. (Unanimous)

P933-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-L communication from Sharon Cameron, Human Services Department, regarding 58 Pulaski Street. (Unanimous)

P934-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-R communication from Community Development Department, regarding Special Permit memo, 58 Pulaski Street – indoor recycling. (Unanimous)

P935-11 COUNCILLOR MELLO – MOVE TO not approve the Special Permit application from Pinto Recycling, Inc., 1 Willard Street, Suite 16, Peabody, MA, for a Special Permit to allow recycling and recovery of solid waste materials inside a building at 58 Pulaski Street, Unite L-3, Assessors Map 53, Parcel 83, Peabody, MA based on the following reasons:

It is the judgment of the City Council that the use for which the permit is sought will not satisfy a desirable local need, that its design and appearance is injurious to the established or future character of the vicinity and the neighborhood, and that it is not in harmony with the general purpose and intent of this ordinance. (Carried 10-1; Councillor Gamache opposed)

(Appearing before the City Council to speak regarding Item 8-M Linear Retail Peabody #1 LLC, 79 Lynnfield Street regarding Determination by City Council if specific and material changes to special permit application shall continue forward for public hearing, was Attorney John Keilty on behalf of Linear Retail Peabody #1 LLC. Appearing on behalf of the City was Attorney Brian Barrett.)

P936-11 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 5 from Councillor Arthur Athas regarding Special Permit application, Linear Retail, 79 Lynnfield Street. (Unanimous)

P937-11 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-U communication from Community Development Department, regarding Traffic plan improvements update for vicinity of 79 Lynnfield Street/Summit Street. (Unanimous)

P938-11 COUNCILLOR GAMACHE – MOVE the question. (Failed 6-5; Councillors: Gravel, Osborne, Liacos, Gamache and Manning-Martin in favor)

P939-11 COUNCILLOR ATHAS – MOVE TO vote that specific and material changes exist in the new application for Special Permit as filed by Linear Retail Peabody #1 LLC for property at 79 Lynnfield Street, Peabody, MA seeking to amend use and hours set forth in Special Permit #21 of 1998 so as to allow retail sale of bakery goods, coffee and other non-alcoholic beverages within a portion of the premises formerly occupied by video store and to amend the original opening hours of 8:00 a.m. to 5:00 p.m. opening and to issue special permit for fast foods facility in a B-N zoning district.. (Failed 7-4; Councillors Mello, Sinewitz, Driscoll and Athas opposed)

## **REPORTS OF COMMITTEE**

### **INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE DECEMBER 8, 2011**

P940-11 COUNCILLOR GRAVEL - Reporting for the Industrial & Community Development Committee – Tonight the Industrial & Community Development Committee met. In attendance were Councillor Liacos, Councillor Gamache, Councillor Garabedian and Councillor Osborne and myself representing the Committee, as well as attendance by Councillor Athas and Councillor Manning. Two topics on the agenda: The continued discussion of traffic action plan in the vicinity of 79 Lynnfield Street. There was a presentation of a plan to change crosswalks, put some striping in, and put some median strip in the -- in the 79 Lynnfield Street exit. Basically it was presentation. There were no motions made. The second item was the continued discussion on the cost estimate for the sewer on Farm Ave. There was a motion made by Councillor Gamache based on a comment made by Councillor Manning to request the continuance of this and to get information from Community Development on any other parcels in the city that are requiring sewage. (Report received)

P941-11 COUNCILLOR GRAVEL - Reporting for the Industrial & Community Development Committee – MOVE TO request that the Public Services Department submit a list to the City Council of any other areas of the City that do not receive the benefit of City sewerage. (Unanimous)

### **FINANCE COMMITTEE NOVEMBER 29, 2011**

P942-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee – November 29th the Finance Committee met. Present were Councillors: Athas, Driscoll, Gravel, Liacos and other Councillors were in attendance, which were Bettencourt, Manning-Martin and Osborne. With us that evening was Mayor Bonfanti, Karen Sawyer, Martha Holden, Patti Davis Schaffer, and the consulting team for the flood mitigation project. The two matters that were on the agenda were discussed: The emergency repairs waiver of bid list for the library repairs and bond request for flood mitigation project. With regard to the waiver of bid requirements for the library repairs, Martha Holden, library director, appeared before the Committee and Ms. Holden informed the Finance Committee that the Mayor is withdrawing the waiver request because DCAM would not support the waiver request at the state level, due to the extended period of time that repairs were required; i.e., facilities manager probably would have taken care of that but I defer. Ms. Holden indicated that the Mayor was submitting an appropriation, which we will be getting on December 8th at a council meeting to fund structural repairs to the building and the City would proceed through normal bidding requirements. Councillor Liacos made the motion to

withdraw the emergency request from the library director to waive the bidding requirements. That motion passed five to nothing. Flood mitigation bond order: The Committee met with Ms. Karen Sawyer, Director of Community

Development; the flood mitigation consulting team; and Ms. Patti Schaffer, finance director, to discuss the request for an \$18 million bond order to fund the cost of the flood mitigation project. A PowerPoint presentation regarding costs finding and economic benefits were presented to the Committee. Some Committee members stated their concerns regarding the overall debt service impacts to next year's budget with this bond, in addition to other projects on line, such as the Higgins Middle School repairs and regional vocational project. The concern was to hold the bond over to early next year to allow the new administration to review the economic and financial impacts and get a better handle on the actual cost to the taxpayers. Other Committee members indicated the desire to move forward with the bond request indicating that there was no actual impact to the budget or the taxpayers by approval of the bond. After a lengthy discussion the following motion was approved in Committee and that motion carried 4-1 with Councillor Gravel opposed. And that's the report out of Committee. I would move that we go with the recommendation of the Finance Committee. (Report received)

P943-11 COUNCILLOR LIACOS – Reporting for the Finance Committee - MOVE TO defer action on the flood mitigation bond request and to hold in committee until the new administration has time to review the matter. (Unanimous)

### **MOTIONS, ORDERS & RESOLUTIONS**

P944-11 COUNCILLOR BETTENCOURT – MOVE THAT the City Council send a floral arrangement to Officer Eric Zawacki expressing our concern and hope for a speedy recovery. (Unanimous)

P945-11 COUNCILLOR OSBORNE - MOVE TO request increased police presence on Sunset Drive in the area known as the back road by Spring Pond. (Unanimous)

P946-11 COUNCILLOR OSBORNE - MOVE TO request that the Police Department investigate a situation on MacArthur Road and report back to the Municipal Safety Committee regarding any findings or recommendations. It seems that at the time of the pickup and drop-off there is parking on both sides of the road. A lot of the elderly residents that live on the circle have complained that it's very difficult to get out onto Lynn Street and very dangerous. (Unanimous)

P947-11 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate extending the sidewalk on MacArthur Road in the vicinity of the side yard of 168 Lynn Street and report back to the Municipal Safety Committee regarding any findings or recommendations. It's right where all the cars park to drop their kids off for school. (Unanimous)

P948-11 COUNCILLOR GAMACHE (Co-motion with Councillor Sinewitz) - MOVE TO request that the Peabody Municipal Light Plant install a street light at 2 Maddabon Place. (Unanimous)

P949-11 COUNCILLOR GAMACHE - MOVE TO request that the Public Services Department be notified of an undermining of pavement located on Jubilee Drive. The problem is located where the fire hydrant line crosses Jubilee Drive near 8 Farm Avenue. (Unanimous)

P950-11 COUNCILLOR GAMACHE (Co-motion with Councillor Osborne) - MOVE TO send the issue of the winter parking ban to the Municipal Safety Committee. (Unanimous)

P951-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Suzanne & Wayne Barker, 6 Tremont Place, regarding Encroachment of land and to send to the Legal Affairs Committee. (Unanimous)

P952-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-D communication from John A. Christopher, City Solicitor, regarding 58R Pulaski Street, Wayside special permit consent decree – other business activities and to refer to the Legal Affairs Committee. (Unanimous)

P953-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-E communication from John A. Christopher, City Solicitor, regarding Bus contract/ZBA decision and to refer to the Legal Affairs Committee. (Unanimous)

P954-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-F communication from John A. Christopher, City Solicitor, regarding Private citizens named as defendants in zoning appeal and to refer to the Legal Affairs Committee. (Unanimous)

P955-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-G communication from John A. Christopher, City Solicitor, regarding Zoning opinion; truck terminal and to refer to the Legal Affairs Committee. (Unanimous)

P956-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-H communication from Jan & Marvin Menovich, 23 Sheffield Drive, regarding Ponding in front of property and to refer to the Legal Affairs Committee. (Unanimous)

P957-11 COUNCILLOR MELLO – MOVE TO receive and approve, under suspension of the rules, Item 8-Q communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer; The Peabody Diner, 10 Margin Street, subject to all papers being in order. (Unanimous)

P958-11 COUNCILLOR MELLO – MOVE TO request that the City Solicitor render a legal opinion regarding Willard Street. Is it recognized by the city, does it need to be recognized by the Peabody Planning Board; and is it a legal street, if not, what are the implications for that. (Unanimous)

P959-11 COUNCILLOR MELLO - MOVE TO request that the issue of fire and public safety at the Pulaski Street industrial park be referred to the Municipal Safety Committee. (Unanimous)

P960-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-N communication from Public Services Department regarding Storm drains, 62 & 64 Catherine Drive. (Unanimous)

P961-11 COUNCILLOR DRISCOLL - MOVE TO send a letter of commendation to the Peabody High School girls soccer team and coaching staff congratulating them on their state championship. (Unanimous)

P962-11 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, late communication Item 4 from Timothy Spanos, City Clerk, regarding Special legislation to continue polling place Ward 4, Precinct 3A, for Brooksby Village

P963-11 COUNCILLOR DRISCOLL – MOVE TO request that a home-rule petition be filed with the state legislature to designate Brooksby Village as an additional voting precinct in Ward 4 to be identified as Ward 4, Precinct 3A for the benefit of those residents residing at Brooksby Village. (Unanimous)

P964-11 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-O communication from Councillor Arthur Athas regarding Flood mitigation project 1 questions and to refer to the Community Development Department. (Unanimous)

P965-11 COUNCILLOR ATHAS - MOVE TO refer the safety feature recommendations at the Lynnfield Street area identified in communication 8-U by Community Development Department, to refer to the Municipal Safety Committee, and to invite the owner of the property to the next meeting of the subcommittee. (Unanimous)

P966-11 COUNCILLOR ATHAS - MOVE TO request that the Main Street designers review my suggestion that all crosswalks on Main Street have a pedestrian refuge median in the middle of the crosswalk, which are wheelchair accessible. (Failed 5-4; Councillors Gravel, Osborne, Driscoll and Manning-Martin opposed; Councillors Liacos and Garabedian absent).

P967-11 COUNCILLOR BETTENCOURT (Tri-motion with Councillor Gravel and Councillor Driscoll) – MOVE TO send a letter of commendation to Catarina Rocha, Eastern Massachusetts Division 1 Girls Cross Country Champion, congratulating her on her state championship, and Nick Christensen for winning the boys EMass Division 1 meet. (Unanimous)

P968-11 COUNCILLOR GAMACHE - MOVE TO send a communication to District Highway 4 to have them correct the problem of the runoff going down the driveway at 134 Rear Newbury Street. It washed out four homes. (Unanimous)

### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P969-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive item 7A, communication from His Honor the Mayor, submitting a transfer of funds for Library repairs under date of December 2, 2011. (Unanimous)

P970-11 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, TO approve the following transfer of funds for Library repairs, as submitted by His Honor the Mayor, under date of December 2, 2011:

<b><u>FROM</u></b>	<b><u>TO</u></b>
Operating Reserve Fund - \$72,000.00	Library Repairs - \$72,000.00
(Carried 9-0, Councillors Liacos and Garabedian absent)	

### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P971-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Martha Holden, Director, Peabody Institute Library, regarding Withdrawal of declaration of emergency repairs to Library. (Unanimous)

P972-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Karen Sawyer, Community Development Department, regarding Flood mitigation project 1 bond request and to refer to the Finance Committee. (Unanimous)

P973-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Karen Sawyer, Community Development Department, regarding Flood mitigation project-economic benefits analysis and to refer to the Finance Committee. (Unanimous)

P974-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Debt service schedule and to refer to the Finance Committee. (Unanimous)

P975-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Peabody Alpha Realty, LLC, 130 Newbury Street, regarding Site plan. (Unanimous)

P976-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Sharon Cameron, Human Services Department, regarding 535 Lowell Street. (Unanimous)

P977-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Kevin Goggin, Building Commissioner, regarding Special Permit comments. (Unanimous)

P978-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Community Development Department, regarding Special Permit memo, 7 Webster Street – multiple permit applications. (Unanimous)

P979-11 COUNCILLOR GAMACHE – MOVE TO receive a communication from Constantine Scrivanos, 117 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P980-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 1 Motor Vehicle License (Renewal for 2012), subject to all papers being in order:

Land Rover Peabody, 247 Newbury Street	BMW of Peabody, 221 Andover Street
Mini of Peabody, 209 Andover Street	Acura of Peabody, 233 Andover Street
Ira Audi, 252 Andover Street	(Unanimous)

P981-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2012), subject to all papers being in order:

AC Auto Sales, 3A Bourbon Street	Allen's Auto Trim, 27 Howley Street
Auto Graphics & Sales, 220B Newbury Street	Auto Choice of Peabody, Inc., 249 Andover Street
Auto Mall Collection, 218 Andover Street	Bill's Auto Sales, 256 Newbury Street
C & C Auto, 180 Newbury Street	Car Craft, 258 Newbury Street
Country Club Motors, 90 Margin Street	Desi's Used Cars, 108 Newbury Street
Four Star Service, Inc., 222 Newbury Street	Louie's BMW Ltd., 260 Newbury Street
Mario's Used Cars, 245 Andover Street	Michael's Motors, 1 ½ Sylvan Street
PK Motor Cars, 195 Washington Street	R & A Automotive, Inc., 26 Lake Street
Russ' Used Cars, 20 Wallis Street	The Pioneer Garage, 77 Walnut Street #7
Sacco's, 119-121 Lynn Street	Summit Auto Sales, 14 Newbury Street
Tremont Auto Sales, 97 Tremont Street	Unlimited Sales, 3 Birney Street
USA Speedy Auto, 108 Newbury Street (Unanimous)	Wilson Square Auto Sales, 2 Andover Street

P982-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Class 3 Motor Vehicle License (Renewal for 2012) Peterson's Automotive, Inc., 114 Newbury Street, subject to all papers being in order. (Unanimous)

P983-11 COUNCILLOR GAMACHE – MOVE TO receive and approve Taxi Cab License Transfer – Tri City Services, Inc., 55R Walnut Street – License #3 and #6, subject to all papers being in order. (Unanimous)

P984-11 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

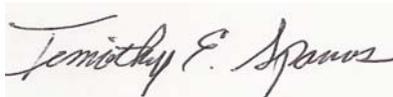
Michael C. Holloran – License 97	John Bachini – License 98
Jeff Leblanc – License 99	Michael Kennedy – License 100
John Kozlowski – License 103	Saheed Bello – License 104
Jacob Donnelly – License 105	Richard Lohnes – License 106
Jackson Damzal – License 107	(Unanimous)

P985-11 COUNCILLOR OSBORNE – MOVE TO receive late communication Item 2 from Dan Inez, 147 Summit Street #10, 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 11:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, DECEMBER 14, 2011  
RETURNED BY HIS HONOR THE MAYOR, DECEMBER 14, 2011



ATTEST

(Timothy E. Spanos, City Clerk)

#### **COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds from Operating Reserve Fund to Library Repairs - \$72,000.00  
Attorney John R. Keilty on behalf of M Zone Motoring LLC, 7 Webster Street re: Withdraw special permit application without prejudice

Martha Holden, Director, Peabody Institute Library re: Withdrawal of declaration of emergency repairs to Library  
Karen Sawyer, Director, Community Development Department re: Flood mitigation project 1 bond request  
John A. Christopher, City Solicitor re: 58R Pulaski Street, Wayside special permit consent decree – other business activities

John A. Christopher, City Solicitor re: Bus contract/ZBA decision

John A. Christopher, City Solicitor re: Private citizens named as defendants in zoning appeal  
 John A. Christopher, City Solicitor re: Zoning opinion; truck terminal  
 Jan & Marvin Menovich, 23 Sheffield Drive re: Ponding in front of property  
 Community Development Department re: Flood mitigation project-economic benefits analysis  
 Patricia Davis Schaffer, Director of Finance re: Debt service schedule  
 Peabody Alpha Realty LLC, 130 Newbury Street re: Site plan  
 Sharon Cameron, Human Services Dept. re: 58 Pulaski Street  
 Sharon Cameron, Human Services Dept. re: 535 Lowell Street  
 Public Services Department re: Storm drains, 62 & 64 Catherine Drive  
 Councillor Arthur Athas re: Flood mitigation project 1 questions  
 Kevin Goggin, Bldg Insp. re: Special permit comments  
 Kevin Goggin, Bldg Insp. re: Special permit transfer; The Peabody Diner, 10 Margin Street  
 Community Development Department re: Special permit memo, 58 Pulaski Street – indoor recycling  
 Community Development Department re: Special permit memo, 535 Lowell Street – dog daycare  
 Community Development Department re: Special permit memo, 7 Webster Street – multiple permit applications  
 Community Development Department re: Traffic plan improvements update for vicinity of 79 Lynnfield Street/Summit Street  
 Constantine Scivanos, 117 Newbury Street re: Special permit application

**CLASS 1 MOTOR VEHICLE LICENSE (Renewal for 2012)**

Land Rover Peabody, 247 Newbury Street	BMW of Peabody, 221 Andover Street
Mini of Peabody, 209 Andover Street	Acura of Peabody, 233 Andover Street
Ira Audi, 252 Andover Street	

**CLASS 2 MOTOR VEHICLE LICENSE (Renewal for 2012)**

AC Auto Sales, 3A Bourbon Street	Auto Choice of Peabody, Inc., 249 Andover Street
Auto Mall Collection, 218 Andover Street	Bill's Auto Sales, 256 Newbury Street
C & C Auto, 180 Newbury Street	Car Craft, 258 Newbury Street
Country Club Motors, 90 Margin Street	Desi's Used Cars, 108 Newbury Street
Four Star Service, Inc., 222 Newbury Street	Louie's BMW Ltd., 260 Newbury Street
Mario's Used Cars, 245 Andover Street	Michael's Motors, 1 ½ Sylvan Street
PK Motor Cars, 195 Washington Street	R & A Automotive, Inc., 26 Lake Street
Russ' Used Cars, 20 Wallis Street	The Pioneer Garage, 77 Walnut Street #7
Sacco's, 119-121 Lynn Street	Summit Auto Sales, 14 Newbury Street
Tremont Auto Sales, 97 Tremont Street	Unlimited Sales, 3 Birney Street
USA Speedy Auto, 108 Newbury Street	Wilson Square Auto Sales, 2 Andover Street

**CLASS 3 MOTOR VEHICLE LICENSE (Renewal for 2012)**

Peterson's Automotive, Inc., 114 Newbury Street

**TAXICAB LICENSE TRANSFER**

Tri City Services, Inc., 55R Walnut Street – License #3 & #6

**TAXI/LIMOUSINE DRIVER LICENSE**

Michael C. Holloran – License 97	John Bachini – License 98
Jeff Leblanc – License 99	Michael Kennedy – License 100
John Kozlowski – License 103	Saheed Bello – License 104
Jacob Donnelly – License 105	Richard Lohnes – License 106
Jackson Damzal – License 107	

**LATE COMMUNICATIONS:**

Michael Maurello, Clear Channel re: Withdraw Special Permit application without prejudice  
 Dan Inez, 147 Summit Street #10, re: Special Permit application  
 Suzanne & Wayne Barker, 6 Tremont Place, re: Encroachment of land  
 Timothy Spanos, City Clerk, re: Special legislation to continue polling place Ward 4, Precinct 3A, Brooksby Village  
 Councillor Arthur Athas re: Special Permit application, Linear Retail, 79 Lynnfield Street