

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JULY 11, 2013

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

ABSENT: COUNCILLOR SINEWITZ

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas L. Gould.

Salute to the American Flag.

P501-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the Special Meeting of June 6, 2013; the last regular meeting of June 13, 2013; and the Special Meeting of June 20, 2013. (Unanimous)

COUNCILLOR GOULD - 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.

P502-13 COUNCILLOR ATHAS – MOVE TO receive and approve, under suspension of the rules, Item 8-S communication from Peabody Downtown Association, 77 Main Street, regarding Request approval for sidewalk sale on August 24, 2013, subject to all papers being in order. (Unanimous)

P503-13 COUNCILLOR LIACOS – MOVE TO go to Items 7-A and 7-B: Various reappointments under date of July 3, 2013. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING THE APPOINTMENT OF FORMER CITY COUNCILLOR FRED MURTAGH TO THE LICENSING BOARD.)

(FORMER CITY COUNCILLOR FRED MURTAGH ALSO APPEARED TO SPEAK BEFORE THE CITY COUNCIL.)

P504-13 COUNCILLOR LIACOS – MOVE TO receive. under suspension of the rules, Items 7-A and 7-B from His Honor the Mayor regarding Various reappointments under date of July 3, 2013. (Unanimous)

P505-13 COUNCILLOR LIACOS – MOVE, under suspension of the rules, to approve the following appointments as submitted by His Honor the Mayor under date of July 3, 2013.

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Audrey Gordon 17 Pine Street Peabody, MA 01960	Board of Registrars	3-Year Term (6/1/2016)
Andrew Metropolis 5 Dane Street Peabody, MA 01960	Community Preservation	2-Year Term (4/1/2015)
Loretta Tenaglia 101 Brooksby Village Dr., #111 Peabody, MA 01960	Housing Authority	5-Year Term (6/11/2017)
Thomas Bettencourt 26 Hingston Street Peabody, MA 01960	Planning Board	5-Year Term (5/31/2018)

John Creedon 2 Rita Road Peabody, MA 01960	Planning Board	5-Year Term (5/31/2018)
Diana Cooper 4232 Avalon Drive Peabody, MA 01960	Planning Board	5-Year Term (5/31/2018)
Dennis Feld 193 Lowell Street Peabody, MA 01960 (Carey)	Planning Board	5-Year Term (5/31/2015) (Unexpired term of Gerald)
Georgianna Melendez 56R Holten Street Peabody, MA 01960	Planning Board (Alternate Member)	5-Year Term (5/31/2016) (Unexpired term of Dennis Feld)
Deborah Ryan 13 Olsen Road Peabody, MA 01960	Community Preservation (Alternate/General Public)	1-Year Term (3/14/2014)
Edward "Ted" Neary 54 Linden Road Peabody, MA 01960	Community Preservation (Alternate/Housing Authority)	1-Year Term (3/14/2014)
Corinne Pramas 16 Charles Street Peabody, MA 01960	Community Preservation (Alternate/Planning Board)	1-Year Term (3/14/2014)
Anna Ortins 12 Felton Street Peabody, MA 01960 (Ryan)	Cultural Council	3-Year Term (6/1/2015) (Unexpired term of Deborah)
Ann Blazewicz 46 Clement Avenue Peabody, MA 01960	Cultural Council	3-Year Term (6/1/2016) (Unexpired term of Marilyn Limongiello)
Frederick L. Murtagh 5 Colonial Road Peabody, MA 01960 (Carried 10-0; Councillor Sinewitz absent)	Licensing Board	6-Year Term (1 st Mon. June 2019) (Unexpired term of Charles Holden)

HEARINGS

A public hearing was duly held on a Petition submitted by Verizon, 20 Shattuck Road, Andover, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P506-13 COUNCILLOR GAMACHE – MOVE TO recess the public hearing to later in the agenda on the Petition submitted by Verizon, 20 Shattuck Road, Andover, MA. (Unanimous)

A public hearing was duly held on the application from Heaven's Taste Restaurant, 150 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Lisa Silva on behalf of Valmir Barbosa. No one appeared to speak in favor. No one appeared to speak in opposition.

P507-13 COUNCILLOR ATHAS – MOVE TO approve the application from Heaven's Taste Restaurant, 150 Main Street, Peabody, MA, for a live Entertainment License at said 150 Main Street, Peabody, MA, with the condition that the personal property taxes and all outstanding bills be paid in full. (Carried 10-0; Councillor Sinewitz absent)

P508-13 COUNCILLOR OSBORNE – MOVE TO continue the public hearing on the application from GM Fine, LLC, 143 Lynnfield Street, Peabody, MA, until the next regular meeting on Thursday, August 22, 2013. (Unanimous)

P509-13 COUNCILLOR MANNING-MARTIN - MOVE TO recess the public hearing on the Petition submitted by Verizon, 20 Shattuck Road, Andover, MA, until the next regular meeting on Thursday, August 22, 2013. (Unanimous)

A public hearing was duly held on the application from James C. Pica, 176 Lynn Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. Ms. Gineen Rhodes, 11 MacArthur Road, Peabody, MA; Attorney David Ankeles on behalf of Joel and Mary Marron, 174R Lynn Street, Peabody, MA; Ms. Eileen Finnegan, 258 Lynn Street, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; and Attorney James Burke on behalf of KDG Realty Trust, 178 Lynn Street, Peabody, MA, appeared to speak in opposition.

P510-13 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from James C. Pica, 176 Lynn Street, Peabody, MA, for a Special Permit for the operation of a farm stand (sales room for sales of nursery, garden, or farm products) all as an as of right use within a structure located within the BN zone, and with an accessory greenhouse located in a R-1A zoning, which requires a Special Permit, and further to operate a retail store for packaged alcoholic beverages (beer and wine) within the farm stand in a BN zone at said 176 Lynn Street, Assessors Map 115, Parcel 131A and Assessors Map 116, Parcel 257, Peabody, MA, as filed in accordance with Sections 4.1 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. (Failed 6-4; Councillors Liacos, Gravel, Manning-Martin and Mello in favor; Councillor Sinewitz absent) [REASONS FOR DENIAL STATED IN PUBLIC HEARING TRANSCRIPT]

The City Council reconvened the recessed public hearing on the application from Americab, 10 Jefferson Avenue, Salem, MA. Appearing to speak on behalf of said application was Ms. Nieves Duran and Mr. Juan Roman. No one appeared to speak in favor. Mr. Anthony Kazlowski, 20 Union Street, Peabody, MA; Ms. Maria Travassos, 87 Tremont Street, Peabody, MA; Ms. Anastasia Miragias, 17 Union Street, Peabody, MA; Ms. Stephanie Thompson, 12 Union Street, Peabody, MA; and Attorney James Mears on behalf of North Shore Taxi, Walnut Street, Peabody, MA, appeared to speak in opposition.

P511-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, a communication from Attorney James Mears, 80 Foster Street, regarding Americab Special Permit application. (Unanimous)

P512-13 COUNCILLOR MELLO - MOVE TO recess the public hearing on the Special Permit application from Americab, 10 Jefferson Avenue, Salem, MA to operate a taxi cab business at 10 Union Street to August 22, 2013; to request that the City Solicitor provide a legal opinion on whether an office address for a Taxicab business requires that the vehicles have to be stored on the property; and to further request that the Business Liaison help guide Americab through the process. (Unanimous)

P513-13 COUNCILLOR MELLO - MOVE TO recess the public hearing on the Taxi Cab License application from Americab, 10 Jefferson Avenue, Salem, MA to operate a taxi cab business at 10 Union Street to August 22, 2013. (Unanimous)

P513A-13 COUNCILLOR GAMACHE – MOVE TO further recess the proposed amendments to the zoning map and zoning ordinance to Thursday, August 22, 2013. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE JUNE 27, 2013

P514-13 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – Legal Affairs Committee met on Thursday evening, June 27th, to discuss the request from Mayor Bettencourt asking the City Council to approve temporary and permanent easements as part of the Howley Street bridge reconstruction project. Present that evening, including myself, were Councillor Garabedian, Councillor Gould and Councillor Driscoll. Appearing for the city was City Solicitor Mike Smerczynski and Assistant Director of Public Services David Terenzoni. The City Solicitor presented proposed easement requests to the committee, which affects the Holy Ghost and A Howley Street Realty Trust, who have both donated temporary easements to the city. The issue in question was the property owned by Mr. Spiros Flomp of 26 Howley Street who needed more information and time to review with the city the plan and easement involved in the property. At the request of the committee and the City Solicitor, Mr. Flomp's property was excluded at this time. We did have one motion that we voted upon. Since taking that motion, the City Solicitor has indicated that he is still working with the Howley Street portion that Mr. Flomp owns and he wishes that the City Council work all of these properties in one fell swoop, instead of dividing the two, as we had discussed during subcommittee. Just for further background on the property, I'll read you a portion of Mayor Bettencourt's request to further clarify what was actually the need for this. This is from the Honorable Mayor Bettencourt. "The Department of Public Services and Massachusetts Department of Transition - Highway Division have planned the replacement of the Howley Street bridge. This is a state-funded project to be undertaken out of necessity insofar that the existing structure has exceeded its assigned longevity. Critical to the success and timeliness of the construction includes the need to acquire temporary and permanent easements or licenses from non-municipal landowners to accommodate the new design. Such is accomplished by agreement or eminent domain takings. This responsibility is assigned to Peabody and requires City Council authorization." So again we did have one motion. It's rather lengthy. I'm going to read it. It did pass five to zero, but I would just ask that we consider this report this evening a report of progress so that when the City Solicitor works out the kinks with the remaining property, we can vote on it at once. So this will just be a report of progress.

"BE IT ORDERED by the City Council of the city of Peabody as follows: By virtue of the authority contained in Chapter 43 and Chapter 79 of General Laws Section 35 of the charter of the code of ordinances of the City of Peabody, Massachusetts, and in accordance with the provisions of General Laws and Charter that the city of Peabody take certain parcels of land as permanent or temporary easements herein specified below situated in the vicinity of Howley Street and more particularly described upon a plan of land entitled, 'Massachusetts Department of Transition - Highway Division plan and profile of Howley Street bridge in the City of Peabody, Essex County, preliminary right-of-way dated May 2013 prepared by Weston and Sampson.' Said parcels being XTE-5 temporary easement by donation from the Divine Holy Ghost; XTE-4 temporary easement by donation from AA Howley Street Trust; and XTE-2 permanent easement by donation from AA Howley Street Realty Trust for the purpose of replacing the existing Howley Street bridge on the North River. And that order be adopted as read."

Again that carried five to zero. That is just a report of progress. There's no vote necessary from the council. The City Solicitor will notify us when action is needed on the remaining parcel on Howley Street as they progress towards a mutual agreement. (Report received)

FINANCE COMMITTEE

JULY 11, 2013

P515-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - This evening the Finance Committee met. Acting on behalf the committee were myself, Councillor Garabedian, Councillor Liacos, Councillor Manning and Councillor Gamache. Also in attendance were Councillor Driscoll, Councillor Gould and Councillor Athas. The purpose of the meeting this evening was to discuss the proposed repairs to the City Hall roof. It was pointed out by the mayor, looking up at the corners, that the damage has been done and we have to start at the outside before we can fix the inside. This was also discussed at the CPC meeting and as a result of the discussions the CPC made a recommendation. The mayor requested a transfer of funds as follows: There was a request from CPC Unreserved fund balance to CPC Historic fund balance in the amount of \$600,000; there was a request from the CPC Historic fund balance to the CPC City Hall roof repairs, a transfer of \$800,000; and from Capital Projects Investment Income to City Hall roof repairs \$550,000. The purpose of all the funds and transfers is to aggregate the amount necessary to do the repairs to the outside of the building, as well as the inside of the building to restore this hall to its natural capabilities. The motion carried in subcommittee unanimously five to zero. (Report received)

P516-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following transfers, as submitted by His Honor the Mayor, under date of July 5, 2013:

<u>FROM:</u>		<u>TO:</u>
CPC – Unreserved Fund Balance \$600,000.00	\$600,000.00	CPC – Historic Fund Balance
CPC – Historic Fund Balance \$800,000.00	\$800,000.00	CPC – City Hall Roof/Repairs
Capital Projects – Investment Income \$550,000.00 (Carried 9-0; Councillors Mello and Sinewitz absent)	\$550,000.00	City Hall Roof Repairs

MOTIONS, ORDERS & RESOLUTIONS

P517-13 COUNCILLOR GARABEDIAN - Whereas an emergency condition exists affecting the health, safety and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Building Commissioner and Health Director inspect 40 Murray Street and contact the owner of said property. (Emergency Preamble - Carried 8-1; Councillor Gamache opposed; Councillors Mello and Sinewitz absent) (Motion to adopt - Carried 9-0; Councillors Mello and Sinewitz absent)

P518-13 COUNCILLOR GRAVEL (Co-motion with Councillor Osborne - MOVE TO request that the sidewalk in front of 12 Columbia Boulevard and in the back of the house across the street from 10 Aberdeen be repaired (Sidewalk behind 12 ½ Columbia Boulevard). Both of these sidewalks are in deplorable situation. The owner of the house has lived there pretty much all of her life. The rest of the street has had their sidewalks repaired and for some reason this 80 year old woman, who has difficulty time getting in and out of the house, has been left with a sidewalk that's raised by about two and a half feet. There's a tree that's leaning over in the street and a good wind is going to take it down as well, so if Public Services could remove the tree at the same time. (Unanimous)

P519-13 COUNCILLOR GRAVEL (Co-motion with Councillor Driscoll) - MOVE TO request that Public Services Department inspect the intersection of Endicott Street and Warren Street as the trees have overtaken the sidewalk. There are two handicapped people there who have wheelchairs who can't progress down the street. (Unanimous)

P520-13 COUNCILLOR GRAVEL - MOVE TO request with regard to the Main Street corridor project that for the first month after the striping is done that the Police Department provide a traffic detail to be placed in the downtown area with the rights for enforcement in violation of any oversight of the traffic lines, so that we can get people into the concept of traveling down the street in two lanes, not in four. Right now it's a free-for-all and the lack of striping is making it even worse. (Unanimous)

P521-13 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department evaluate the patching of the paving on Kittredge Street and make any improvements that are necessary. (Unanimous)

P522-13 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department add Kittredge Street to the repaving list. (Unanimous)

P523-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Chief Robert Champagne, Police Department, regarding 21-23 Batchelder Avenue. (Unanimous)

P524-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Chief Robert Champagne, Police Department, regarding Stop sign on Rainbow Circle and to request that the Police Department investigate for a "Stop" sign or "Yield" sign going onto Rainbow Circle from Rainbow Road. The problem is people take the turn and continue all the way around. (Unanimous)

P525-13 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-F communication from Dee's Café, 136 Newbury Street – July 26th and 27th only, subject to all papers being in order. (Unanimous)

{Item 10-A regarding 31 Myles Road}

P526-13 COUNCILLOR OSBORNE – 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 9-0; Councillors Mello and Sinewitz absent)

P527-13 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department meet with the Peabody Police Department before erecting the handicapped parking space at 31 Myles Road. That is the location where there has been some dispute between two neighbors as to where the property lines end and we want to make sure that the sign is not placed in a location that is in dispute. (Unanimous)

P528-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-N communication from Robert Langley, Director, Public Services Department, regarding Farm Avenue sewer betterment and to refer to the Public Services Committee. (Unanimous)

P529-13 COUNCILLOR DRISCOLL - MOVE TO request that the Park, Recreation and Forestry Department trim a city tree at 39 King Street. (Unanimous)

P530-13 COUNCILLOR DRISCOLL - MOVE TO request that the Public Service Department erect a "Not a through way," or "Dead end" sign at Emerson Street Extension. (Unanimous)

P531-13 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from St. John the Baptist Church, 17 Chestnut Street, regarding Banner, subject to all papers being in order. (Unanimous)

P532-13 COUNCILLOR DRISCOLL – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from West Congregational Church, 27 Johnson Street, regarding Banner, subject to all papers being in order. (Unanimous)

P533-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the guardrail at number 17 Sutton Street. (Unanimous)

P534-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the pothole at 16 Lynnfield Street. (Unanimous)

P535-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department provide the City Council with an update regarding the status of the construction of the "parking permitted," signs for Sewall Street. (Unanimous)

P536-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-U communication from Palmetto Auto & Tire Accessory, 98 Foster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P537-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-A communication from Daniel Sullivan, 38 Gardner Street, regarding Gardner Street water main breaks; to refer to the Public Services Department; and to further request an update from Public Services Department. (Unanimous)

P538-13 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, Item 8-G communication from Chief Robert Champagne, Police Department, regarding Dobbs Road truck exclusion and to refer to the Municipal Safety Committee. (Unanimous)

P539-13 COUNCILLOR GOULD (Co-motion with Councillor Mello) - MOVE TO request that the Public Services Department erect a street sign for "Carol Ann Road," at the intersection of Carol Ann Road and Jefferson Road. (Unanimous)

P540-13 COUNCILLOR GOULD (Co-motion with Councillor Driscoll) - MOVE TO request that the Public Services Department erect a "Stop" sign at the corner of Kingdom Terrace and Coleman Street. (Unanimous)

P541-13 COUNCILLOR GOULD (Co-motion with Councillor Driscoll) - MOVE to request that the sidewalk be repaired at the corner of 82 Lowell and Perkins Street. (Unanimous)

P542-13 COUNCILLOR GOULD (Co-motion with Councillor Mello) - MOVE TO request that the Public Services Department trim the trees on Sparrow Lane Extension as you head toward Central Street. (Unanimous)

P543-13 COUNCILLOR GOULD - MOVE TO request that the Public Services Department update the City Council on the status of motions, whether they've been closed, denied, or are still open. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P544-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Lowell Street/St. Adelaide's Church. (Unanimous)

P545-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Jeffrey Maniscalco, 7 Fenton Street, regarding Purchase portion of paper street and to refer to the Legal Affairs Committee. (Unanimous)

P546-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Paul J. Lanzikos, North Shore Elder Services, regarding Letter of thanks. (Unanimous)

P547-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Progeria Research Foundation, 2 Bourbon Street, regarding Banner, subject to all papers being in order. (Unanimous)

P548-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding St. Adelaide's Church. (Unanimous)

P549-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Attorney Michael J. Smerczynski, City Solicitor, regarding Legal opinion; charging a permit fee for group homes. (Unanimous)

P550-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Attorney Michael J. Smerczynski, City Solicitor, regarding Total Outdoor vs. City Council. (Unanimous)

P551-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from The Peabody Diner, 10 Margin Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P552-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Total Outdoor Corp., 532 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P553-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Timothy E. Spanos, City Clerk, regarding Outdoor Dining License and to refer to the Industrial & Community Development Committee. (Unanimous)

P554-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Planning Board regarding Site plan review, Higgins Middle School. (Unanimous)

P555-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Traffic light at Lowell Street and Bourbon Street and to thank the Director for the update. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P556-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxicab/Limousine Driver License, (Renewal for 2013), subject to all papers being in order:

Scott Joslyn – License 21
Sean McKinnon – License 23
Alphonse Soltys – License 25
Alan Marchesini – License 27

Joseph T. Staten, Jr. – License 22
Betsy McNaughton – License 24
Donald LaMontagne – License 26
Richard Demeule – License 28

Patrick King, Jr. – License 29	Thomas McCarthy – License 30
Edward Churchill – License 31	Marco Aleixo – License 32
Steven P. Knight – License 32A	Timothy Emerson – License 33
Shane P. Kieran – License 34	Darryl Fanning – License 35
Alejandro Fernandez – License 37	Paul Emelian, Jr. – License 38
David Crawford – License 39	David Benson – License 40
Kevin Dunn, Jr. – License 41	Raymond Roberts, Jr. – License 43
George A. Zuk – License 44	Richard Lohnes – License 45
Anthony Zucchari – License 46	Robert Berzon – License 47
Robert Flaherty – License 48	JohnKozlowski – License 49
Howard Bent – License 50	Nicholas Leck – License 51
James Kallelis III – License 52	Rachel Mazola – License 54
Debra Lucius – License 55	Robert Roderick, Jr. – License 56
Martin Kardenetz – License 57	Kevin Giuilfoyle – License 58
Dana McPhee – License 59	Rita Rasmussen – License 60
William Rasmussen – License 61	Neil Wells – License 62
Alfred Porter – License 63	Paul Gifford – License 64
William Adamson – License 65	John Queenan – License 66
Gary Johnson – License 67	Mark DiOrio – License 68
Matthew DiOrio – License 69	Charles DiOrio – License 70
Michael Orlando – License 71	
(Unanimous)	

P557-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

Bay State Road/Lake Shore Road (Lake Shore Park) – July 3rd
 9 Scott Drive to Birch Street – July 20th
 Jefferson Road to corner of 1 Carol Ann Road – August 3rd
 (Unanimous)

P558-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2013), subject to all papers being in order:

Elite Design & Consign II, 101 Lynn Street
 Gingers Closet, 101 Lynn Street
 Peabody Estate Buyers, Inc., 43 Main Street
 Jewelers Workbench, 210 Andover Street
 (Unanimous)

P559-13 COUNCILLOR GAMACHE – MOVE TO receive Class 3 Motor Vehicle License (New) Palmetto Used Tire and Accessory, 98 Foster Street, and to set up a public hearing. (Unanimous)

P560-13 COUNCILLOR GAMACHE – MOVE TO receive and approve, Outdoor Dining License – Azorean Brotherhood of the Holy Ghost, 20 Howley Street, subject to all papers being in order. (Unanimous)

P561-13 COUNCILLOR GAMACHE – MOVE TO receive and approve Utility Contractor License – Waterline Industries Corporation, 7 London Lane, Seabrook, NH, subject to all papers being in order. (Unanimous)

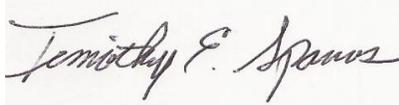
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{Item 10-B 30-Minute Zone – Elm Street}

P562-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-98.4 Entitled Thirty Minute Zones – Monday Through Friday of the Code of the City of Peabody be adopted as advertised and read. (Carried 8-0; Councillors Garabedian, Mello and Sinewitz absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 23, 2013
 RETURNED BY HIS HONOR THE MAYOR, JULY 23, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Various re-appointments under date of July 3, 2013

Various re-appointments under date of July 3, 2013

Daniel Sullivan, 38 Gardner Street re: Gardner Street water main breaks

Robert Langley, Director, Public Services Department re: Lowell Street/St. Adelaide's Church

St. John the Baptist Church, 17 Chestnut Street re: Banner

West Congregational Church, 27 Johnson Street re: Banner

Jeffrey Maniscalco, 7 Fenton Street re: Purchase portion of paper street

Chief Robert Champagne, Police Department re: Stop sign on Rainbow Circle

Chief Robert Champagne, Police Department re: Dobbs Road truck exclusion

Chief Robert Champagne, Police Department re: 21-23 Batchelder Avenue

Paul J. Lanzikos, North Shore Elder Services re: Letter of thanks

Progeria Research Foundation, 2 Bourbon St., Peabody re: Banner

Robert Langley, Director, Public Services Department re: St. Adelaide's Church

Attorney Michael J. Smerczynski, City Solicitor re: Legal opinion; charging a permit fee for group homes

Attorney Michael J. Smerczynski, City Solicitor re: Total Outdoor vs. City Council

Robert Langley, Director, Public Services Department re: Farm Avenue sewer betterment

The Peabody Diner, 10 Margin Street re: Special Permit application

Total Outdoor Corp., 532 Lowell Street re: Special Permit application

Timothy E. Spanos, City Clerk re: Outdoor Dining License

Planning Board re: Site plan review, Higgins Middle School

Peabody Downtown Association, 77 Main Street re: Request approval for sidewalk sale on August 24, 2013

Robert Langley, Director, Public Services Department re: Traffic light at Lowell Street and Bourbon Street

Palmetto Auto & Tire Accessory, 98 Foster Street re: Special permit application

TAXICAB/LIMOUSINE DRIVER LICENSE:

Scott Joslyn – License 21

Joseph T. Staten, Jr. – License 22

Sean McKinnon – License 23

Betsy McNaughton – License 24

Alphonse Soltys – License 25

Donald LaMontagne – License 26

Alan Marchesini – License 27

Richard Demeule – License 28

Patrick King, Jr. – License 29

Thomas McCarthy – License 30

Edward Churchill – License 31

Marco Aleixo – License 32

Steven P. Knight – License 32A

Timothy Emerson – License 33

Shane P. Kieran – License 34

Darryl Fanning – License 35

Alejandro Fernandez – License 37

Paul Emelian, Jr. – License 38

David Crawford – License 39

David Benson – License 40

Kevin Dunn, Jr. – License 41

Raymond Roberts, Jr. – License 43

George A. Zuk – License 44

Richard Lohnes – License 45

Anthony Zucchari – License 46

Robert Berzon – License 47

Robert Flaherty – License 48

John Kozlowski – License 49

Howard Bent – License 50

Nicholas Leck – License 51

James Kallelis III – License 52

Rachel Mazola – License 54

Debra Lucius – License 55

Robert Roderick, Jr. – License 56

Martin Kardenetz – License 57

Kevin Giuilfoyle – License 58

Dana McPhee – License 59

Rita Rasmussen – License 60

William Rasmussen – License 61

Neil Wells – License 62

Alfred Porter – License 63

Paul Gifford – License 64

William Adamson – License 65

John Queenan – License 66

Gary Johnson – License 67
Matthew DiOrio – License 69
Michael Orlando – License 71

Mark DiOrio – License 68
Charles DiOrio – License 70

BLOCK PARTY PERMIT:

Bay State Road/Lake Shore Road (Lake Shore Park) – July 3rd

9 Scott Drive to Birch Street – July 20th

Jefferson Road to corner of 1 Carol Ann Road – August 3rd

JUNK DEALER LICENSES: (Renewal for 2013)

Elite Design & Consign II, 101 Lynn Street

Gingers Closet, 101 Lynn Street

Peabody Estate Buyers, Inc., 43 Main Street

Jewelers Workbench, 210 Andover Street

CLASS 3 MOTOR VEHICLE LICENSE: (New)

Palmetto Used Tire and Accessory, 98 Foster Street

OUTDOOR DINING LICENSE:

Azorean Brotherhood of the Holy Ghost, 20 Howley Street

ONE DAY ENTERTAINMENT LICENSE:

Dee's Café, 136 Newbury Street – July 26th and 27th only

UTILITY CONTRACTOR LICENSE:

Waterline Industries Corporation, 7 London Lane, Seabrook, NH