

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 8, 2009

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

ABSENT: NONE.

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Barry C. Sinewitz.

Salute to the American Flag.

01-09 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of December 11, 2008. (Unanimous)

02-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-D communication from Lauren Beckwith and Cristina Odoardi, 84 Aborn Street regarding Follow-up letter to committee meeting in IZ requirements. (Unanimous)

03-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-E communication from Lauren Beckwith and Cristina Odoardi, 84 Aborn Street regarding Deed restrictions. (Unanimous)

04-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-S communication from Jean Delios, Director, Community Development Department, regarding Maple Village, 84 Aborn Street. (Unanimous)

05-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 4 from Jean Delios, Director, Community Development Department, regarding 84 Aborn Street. (Unanimous)

06-09 COUNCILLOR ATHAS - MOVE TO remove the deed restriction regarding 84 Aborn Street per the outline offered in the memo dated January 8, 2009 by Jean Delios, Director, Community Development Department. (Carried 10-0; Councillor Osborne absent)

HEARINGS

A public hearing was duly held on the Special Permit application from Ronald & Dawn Zanazzo, 32 Worcester Road, Peabody, MA. Appearing to speak on behalf of said application was Ronald & Dawn Zanazzo. No one appeared to speak in favor. No one appeared to speak in opposition.

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
JANUARY 8, 2009

07-09 COUNCILLOR MELLO - Reporting for the Industrial & Community Development Committee - I'd like to, under suspension of the rules, report out of committee that the Industrial & Community Development Committee approved the FALA application for 32 Worcester Road for this application. (Report received)

08-09 COUNCILLOR MELLO - MOVE TO recommend that the City Council approve the FALA Special Permit application from Ronald & Dawn Zanazzo, 32 Worcester Road, and that a public hearing be scheduled on the same. (Unanimous)

09-09 COUNCILLOR BETTENCOURT - BE IT ORDERED by the City Council of the City of Peabody that the application from Ronald & Dawn Zanazzo, 32 Worcester Road, Peabody, MA for a Special Permit for a family accessory living area at said 32 Worcester Road, Peabody, MA, as filed in accordance with Section 4.7 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)

A public hearing was duly held on the application from Nicholas & Christine Gikas, 456 Locust Street, Danvers, MA. Appearing to speak on behalf of said application was Mr. Nicholas Gikas. No one appeared to speak in favor. No one appeared to speak in opposition.

10-09 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that the application from Nicholas & Christine Gikas, 456 Locust Street, Danvers, MA for a Special Permit to modify Special Permit 22-2008 to construct an attached garage 20' X 23' rather than 18' X 22' at 8 North Central Court, Peabody, MA, as filed in accordance with Section 4.2.5 and 4.4 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 Premier Hospitality Corp., 100 Main Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. David Cutler, 23 Lisburn Street, Peabody, MA and Mr. Adam Drohan, 3 Celia Road, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

11-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 1 from Deputy Chief Martin Cohan regarding Premier Hospitality, 154 Washington Street. (Unanimous)

12-09 COUNCILLOR ATHAS -MOVE TO approve the application from Premier Hospitality Corp., 100 Main Street, Peabody, MA for an Entertainment License for the use of a Television, CD player, and Live Entertainment to include live music, karaoke and a DJ at 154 Washington Street, Peabody, MA, subject to both the conditions on the previous license and in addition that live entertainment will end at 12:30 a.m. (Carried 11-0)

A public hearing was duly held on the application from Antoinettes, Service, 480 Lowell Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Antranik Idanjian. No one appeared to speak in favor. No one appeared to speak in opposition.

13-09 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-A communication from Blair Haney, Community Development Department, regarding Special Permit memos. (Unanimous)

14-09 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from Antoine's Service, 480 Lowell Street, Peabody, MA for a Special Permit to locate an 8' x 20' storage container to the rear of said property at 480 Lowell Street, Peabody, MA as filed in accordance with Section 4.2.5 and 4.4 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) No storage of any hazardous or flammable materials at any time. (Carried 11-0)

A public hearing was duly held on the application from Mark & Erin Matthews, 193 Bartholomew Street, Peabody, MA. Appearing to speak on behalf of said application was Mark & Erin Matthews. No one appeared to speak in favor. No one appeared to speak in opposition.

15-09 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Mark & Erin Matthews, 193 Bartholomew Street, Peabody, MA for a Special Permit to remove an existing dwelling and replace with a modular dwelling on a nonconforming lot at 21 Carlton Street, Peabody, MA, as filed in accordance with Section 1.5 of the Peabody Zoning Ordinance, be approved based on the following reasons and 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. Subject to the condition of the Zoning Board of Appeals that the new proposed garage be a single story structure and that the 8-foot front yard set back be landscaped. (Carried 11-0)

16-09 COUNCILLOR BETTENCOURT - MOVE TO continue the public hearing on the application from Mark Ouelette, 22 Arnold Road, Peabody, MA, until the next City Council meeting on January 22, 2009. (Unanimous)

A public hearing was duly held on the application from Vinodbhai S. Patel, 24 Meghann Lane, Lowell, MA. Appearing to speak on behalf of said application was Attorney Peter J. Unitt and Mr. Vinodbhai Patel. No one appeared to speak in favor. No one appeared to speak in opposition.

17-09 COUNCILLOR DRISCOLL - BE IT ORDERED by the City Council of the City of Peabody that the application from Vinodbhai S. Patel, 24 Meghann Lane, Lowell, MA for a Special Permit to allow for a restaurant (Subway) without alcoholic beverages with some food consumed on the premises and some food for takeout at 141 Summit Street, Peabody, MA, as filed in accordance with Section 4.2.5 and 4.4 of the Peabody Zoning Ordinance, be approved based on the following reasons and 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 hours of operation shall be Monday through Friday from 8:00 a.m. to 8:00 p.m., Saturday from 10:00 a.m. to 6:00 p.m., and Sunday from 10:00 a.m. to 4:00 p.m.; and
2. That this Special Permit, as issued to Vinodbhai S. Patel, 141 Summit Street, for the use, as described in the Special Permit application under Items 6 and 12B, shall terminate upon the change of ownership of the business, sale of the business, or cessation of the business, as described in the application. (Carried 11-0)

REPORTS OF COMMITTEE

Previously submitted.

MOTIONS, ORDERS & RESOLUTIONS

18-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Various appropriations under date of December 18, 2008 and to refer to the Finance Committee. (Unanimous)

19-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Various appropriations under date of December 29, 2008 and to refer to the Finance Committee. (Unanimous)

20-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Appropriation regarding Police salaries and to refer to the Finance Committee. (Unanimous)

21-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Ordinance salary adjustment for nonunion personnel and to refer to the Finance Committee. (Unanimous)

22-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, late communication Item 5 from His Honor the Mayor regarding Request for appropriation dated January 8, 2009 AFSCME Contract; Skating Rink Salaries and to refer to the Finance Committee. (Unanimous)

23-09 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, late communication Item 6 from His Honor the Mayor regarding request for appropriation dated January 8, 2009 and to refer to the Finance Committee. (Unanimous)

24-09 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, Item 8-Q communication from Residents of the Felton Street/Mt. Pleasant Drive/Hog Hill Road area regarding Request for zoning amendment for R-1B to R-1A and to refer to the Planning Board. (Unanimous)

25-09 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department replace the "private way" sign on Southwick Road. (Unanimous)

26-09 COUNCILLOR DRISCOLL - MOVE TO petition the Mass Highway Department to prohibit commercial vehicles over 2 ½ tons on Southwick Road, and that the Police Department submit the necessary traffic data to Mass Highway. (Unanimous)

27-09 COUNCILLOR MELLO - MOVE TO request that Chief Champagne and/or Deputy Chief Cohan update the City Council as to whether they have heard anything from MassHighway regarding the exclusion of trucks over 2.5 tons on Paleologos, Harris, Fulton, Tracey and Mount Vernon Streets. (Unanimous)

28-09 COUNCILLOR GAMACHE – MOVE TO send a communication to the acting director of the Public Services Department asking what is the department's protocol when potholes have been reported and how quickly do they act on them because they always wind up becoming an insurance issue with insurance claims. (Unanimous)

29-09 COUNCILLOR GAMACHE - MOVE TO receive under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various appointments to Civic Center Commission and Cable Commission. (Unanimous)

30-09 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various reappointments. (Unanimous)

31-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding the following various appointments to the Civic Center Commission and Cable Commission:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Corey Carter 2 Christopher Terrace Peabody, MA 01960	Civic Center Commission	12/31/2009 (1-Year Term)
John D. Smidt 21 Skinners Path Marblehead, MA 01945	Civic Center Commission (Alternate Member)	12/31/2009 (1-Year Term)
Anthony Juliano 2 Early Road Peabody, MA 01960	Cable Commission (Carried 11-0)	12/31/2010 (2-Year Term)

32-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding the following various reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Fran Gallugi 582 Lowell Street Peabody, MA 01960	Board of Appeals	12/31/2011 (3-Year Term)
Christina Langone 9 Allen Road Ext. Peabody, MA 01960	Board of Appeals	12/31/2011 (3-Year Term)
Jason Panos 30 Reed Road Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2010 (2-Year Term)
Geoffrey Regan One Arielle Lane Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2010 (2-Year Term)
Melissa Comack 17 Emily Lane Peabody, MA 01960	Cable Commission	12/31/2011 (3-Year Term)
Lawrence Lane 37 Aberdeen Avenue Peabody, MA 01960	Cable Commission	12/31/2011 (3-Year Term)
David Titelbaum 112 Lowell Street, #2 Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2009 (1-Year Term)
Richard Weitzman 76 Birch Street Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2009 (1-Year Term)
Vera Burke 41 Fairview Avenue Peabody, MA 01960	Civic Center Commission	12/31/2009 (1-Year Term)
William Power 13 Felton Street Peabody, MA 01960	Civic Center Commission	12/31/2009 (1-Year Term)
Martha Holden 99 Lynnfield Street Peabody, MA 01960	Civic Center Commission	12/31/2010 (2-Year Term)
Gerald Bellew 88 Washington Street Peabody, MA 01960	Civic Center Commission (Alternate Member)	12/31/2009 (1-Year Term)
Rudolph Van Oeveren One Norwich Road Peabody, MA 01960	Community Development Authority	12/31/2009 (1-Year Term)

Barry Feinstein 100 Lowell Street Peabody, MA 01960	Community Development Authority	12/31/2011 (3-Year Term)
Joel Whitman 27 Walnut Street Peabody, MA 01960	Conservation Commission	09/30/2011 (3-Year Term)
Jared Yagjian Post Office Box 2177 Peabody, MA 01960	Conservation Commission	09/30/2011 (3-Year Term)
Dean Marchetti 2 Nichols Lane Peabody, MA 01960	Conservation Commission (Alternate Member)	09/30/2010 (2-Year Term)
Russell Bowden 3 Milk Street Peabody, MA 01960	Council on Aging	12/31/2011 (3-Year Term)
John Murtagh 9 Newton Drive Peabody, MA 01960	Council on Aging	12/31/2013 (5-Year Term)
Catherine Morrocco 103 Lowell Street Peabody, MA 01960	Council on Aging	12/31/2011 (3-Year Term)
Mary Leary 18 Chestnut Street Peabody, MA 01960	Historical Commission	12/31/2010 (2-Year Term)
Vera Burke 41 Fairview Avenue Peabody, MA 01960	Historical Commission	12/31/2011 (3-Year Term)
John Brennan 3 Dexter Street Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2009 (1-Year Term)
Gerald Bellew 88 Washington Street Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2009 (1-Year Term)
Molly Foster 15 Sparrow Lane Extension Peabody, MA 01960	Park Commission	12/31/2013 (5-Year Term)
Ed Wodarski 64 Aberdeen Avenue Peabody, MA 01960	Park Commission	12/31/2013 (5-Year Term)
Matthew Lowe 275 Court Road Winthrop, MA	Rent Control Board Owner's Representative Alt.	12/31/2009 (1-Year Term)
Arlene Roach 251 Newbury Street, #14 Peabody, MA 01960	Rent Control Board Tenant's Representative Alt.	12/31/2009 (1-Year Term)

William Cataldo 6 Stuart Road Peabody, MA 01960	Rent Control Board	12/31/2013 (5-Year Term)
Eugene Bermani 11 Daniel Terrace Peabody, MA 01960	Rent Control Board	12/31/2013 (5-Year Term)
Camille Bartlett 18a Hingston Street Peabody, MA 01960	Rent Control Board	12/31/2013 (5-Year Term)
Frank Cole 25 Stonewood Lane Lynn, MA	Rent Control Board Owner's Representative	12/31/2013 (5-Year Term)
JoAnn Smyrnios 39 Home Street Peabody, MA 01960	Trust Fund	12/31/2009 (1-Year Term)

(Carried 11-0)

33-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Brian Barrett, 53 Emerson Avenue, Peabody, MA as Assistant City Solicitor for a two-year term to expire 12/31/2010. (Carried 11-0)

34-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Daniel Cocuzzo, 74 Walnut Street, Everett, MA as Assistant City Solicitor for a two-year term to expire 12/31/2010.

AMENDMENT BY COUNCILLOR MANNING - MOVE TO defer the appointment of Daniel Cocuzzo, 74 Walnut Street, Everett, MA as Assistant City Solicitor for a two-year term to expire 12/31/2010 until such time as we have more information to make an informed decision as a board. (Carried 10-1; Councillor Gamache opposed)

35-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Frederick Martini, 9 Highview Street, East Hartford, CT as a member of the Board of Assessors for a three-year term to expire 09/06/2011. (Carried 11-0)

36-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Robert Noone, 40 Glendale Avenue, Peabody, MA as a member of the Board of Assessors for a three-year term to expire 09/06/2011. (Carried 11-0)

37-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Kevin Goggin, 35 Sutton Street, Peabody, MA as Building Inspector for a one-year term to expire 12/31/2009. (Carried 11-0)

38-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Sotirios Yokas, 17 Mount Pleasant Drive, Peabody, MA as City Collector for a one-year term to expire 12/31/2009. (Carried 11-0)

39-09 COUNCILLOR GAMACHE - MOVE TO defer, under suspension of the rules, Michael Woods, M.D., 6 Annie's Lane, South Hamilton, MA as City Physician for a one-year term to expire 12/31/2009 concerning the re-appointment as City Physician. (Carried 11-0)

40-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Richard Reeves, 772 Lowell Street, Peabody, MA as City Treasurer for a one-year term to expire 12/31/2009. (Carried 11-0)

41-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Sharon Cameron, 75 Lake Shore Road, Peabody, MA as Director of Human Services for a one-year term to expire 12/31/2009. (Carried 11-0)

42-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Heidi Henson, 36 Commonwealth Avenue, Gloucester, MA as Personnel Director for a one-year term to expire 12/31/2009. (Carried 11-0)

43-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Daniel Doucette, 30 Proctor Circle, Peabody, MA as Purchasing Agent for a one-year term to expire 12/31/2009. (Carried 11-0)

44-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Christopher Tighe, 54 Gardner Street, Peabody, MA as Veteran's Agent for a one-year term to expire 12/31/2009. (Carried 11-0)

45-09 COUNCILLOR GAMACHE - MOVE TO approve, under suspension of the rules, Fernando Homem, 30 Union Street, #2, Peabody, MA as Wire Inspector for a one-year term to expire 12/31/2009. (Carried 11-0)

46-09 COUNCILLOR GRAVEL - MOVE TO request that His Honor the Mayor submit to the City Council, whenever a list of appointments is presented to the City Council, the ordinance salary, as well as eligibility for benefits. (Unanimous)

47-09 COUNCILLOR MELLO - MOVE TO send the issue of putting a time limit on holdovers that aren't appointed by the City Council to the Legal Affairs Committee. (Unanimous)

48-09 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department provide the City Council with the plan for bringing Lynnfield Street back to the condition it was before KeySpan started its construction project. (Unanimous)

49-09 COUNCILLOR OSBORNE - MOVE TO request that the City Solicitor provide a legal opinion to the City Council regarding the liability the City may have regarding the condition of Lynnfield Street from the KeySpan construction or any construction that's done during this time of year where it could deteriorate to the point where claims could start coming in because of damage to automobiles. (Unanimous)

50-09 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-J communication from Stanley Tusinski, 252 Lynnfield Street, regarding Application to purchase city-owned land and to refer to the Legal Affairs Committee. (Unanimous)

51-09 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-C communication from Noreen Garland, 41 Beacon Boulevard, regarding Application to purchase city-owned land and to refer to the Legal Affairs Committee. (Unanimous)

52-09 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-M communication from Beacon Electrical Supply Co., for 5 First Avenue regarding Special Permit application and to set up a public hearing. (Unanimous)

53-09 COUNCILLOR ATHAS - MOVE TO request that the Police Department place a radar speed display at the Main Street library. (Unanimous)

54-09 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-R communication from Stacey Bernson, Assistant Director, Community Development, regarding Inventory on number of housing units and to refer to the Industrial & Community Development Committee. (Unanimous)

55-09 COUNCILLOR SINEWITZ - MOVE TO request that the Personnel Department provide the City Council with the employment contract of Assistant City Solicitor Cocuzzo before the next Finance Committee meeting. (Unanimous)

56-09 COUNCILLOR SINEWITZ - MOVE TO request that the Police Department provide to the City Council a list of all or any traffic accidents in front of 682 Lowell Street at the Westside Restaurant and any complaints filed with the police at this location. (Unanimous)

57-09 COUNCILLOR SINEWITZ - MOVE TO request that the Finance Department provide the City Council with a list of all the nonprofit businesses in the City, what they pay in lieu of taxes and whether or not the City is negotiating with Children's Hospital on the property they just purchased in Centennial Park because it looks like we'd lose close to \$700,000 in revenue in taxes from that location. (Unanimous)

58-09 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department study the feasibility of installing a storm drain or a catch basin at 2 Waldenfield Lane. It's a steep hill and the water runoff is a problem. (Unanimous)

59-09 COUNCILLOR SINEWITZ - MOVE TO request that City Solicitor John Christopher provide the City Council with the status of an illegal addition at 719 Lowell Street and what is the City's course of action and to also refer this matter to the Legal Affairs Committee. (Unanimous)

60-09 COUNCILLOR BETTENCOURT - MOVE TO go to Item 4-F Special Permit - Mark Ouelette, 22 Arnold Road regarding construct addition to existing dwelling. (Unanimous)

A public hearing was duly held on the application from Mark Ouelette, 22 Arnold Road, Peabody, MA. Appearing to speak on behalf of said application was Mr. Mark Ouelette. No one appeared to speak in favor. No one appeared to speak in opposition.

61-09 COUNCILLOR BETTENCOURT - BE IT ORDERED by the City Council of the City of Peabody that the application from Mark Ouelette, 22 Arnold Road, Peabody, MA for a Special Permit to construct an addition to the existing dwelling and to include a 20' X 20' garage on a nonconforming lot at 22 Arnold Road, Peabody, MA, as filed in accordance with Section 1.5 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)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

62-09 COUNCILLOR OSBORNE - MOVE TO receive a communication from His Honor the Mayor regarding Healthy Peabody Collaborative meeting and to request that future meetings be held in the late afternoon or evening. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

63-09 COUNCILLOR LIACOS - MOVE TO receive a communication from Heidi Henson, Human Resources Director, regarding Ordinance amendment; Deputy Police Chief and to refer to the Legal Affairs Committee. (Unanimous)

64-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Letter to state delegation regarding proposed toll increases. (Unanimous)

65-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from John & Harry Kallas, 129-131 Newbury Street regarding Site plan. (Unanimous)

66-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Public Services Department regarding Snow & Ice Plan for 2008-2009 and to send a letter thanking Bob Langley for his efforts. (Unanimous)

67-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Herbert Rothstein, 4006 Woodbridge Road, regarding 76 Newbury Street and to refer to the Zoning Board of Appeals. (Unanimous)

68-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Demetrios Veliskakis, 5 Sylvan Street, regarding Site plan and to refer to the Legal Affairs Committee. (Unanimous)

69-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Joyce Bongiorno, 4 Caruso Court, regarding Special Permit application and to set up a public hearing. (Unanimous)

70-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Walnut Mart, LLC, 32-26 Walnut Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

71-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Edward Muise for 118 Central Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

72-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Susan Brotchie, 18 Sabino Farm Road, regarding Snow plowing complaint regarding Esquire Apartments and to refer to the Municipal Safety Committee. (Unanimous)

73-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Donald Kelley, Wayside Rentals, 58 Pulaski Street regarding Site plan. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

74-09 COUNCILLOR GAMACHE - MOVE TO receive Junk Dealers License - Sempre Ltd., 41 Cross Street and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A regarding Vacant Structures and Vacant Land - Increase in fines}

75-09 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Article VII of the City Code entitled Vacant Structures and Vacant Land be adopted as advertised and read. (Carried 11-0)

{10-B regarding Farnham Avenue/Walcott Street}

76-09 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-94 of the City Code entitled Parking Prohibited be adopted as advertised and read. (Carried 11-0)

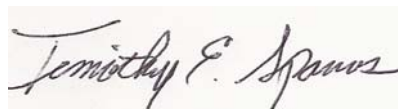
77-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from John Christopher, City Solicitor, submitting a legal opinion relative to the \$500,000.00 loan from IZ buyout funds to Habitat for Humanity and the development of properties at 5, 12 & 14 Park Street. (Unanimous)

78-09 COUNCILLOR GAMACHE - MOVE TO receive a communication from Attorney Athan Vontzalides on behalf of Westside Family Restaurant regarding Neighborhood meeting notice for Tuesday, January 13th. (Unanimous)

79-09 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive the communication from the Sign Review Board requesting to amend the zoning ordinance; public hearing process and be referred to the Planning Board in accordance with Chapter 40A of the Massachusetts General Laws. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 14, 2009
RETURNED BY HIS HONOR THE MAYOR, JANUARY 14, 2009



ATTEST

(Timothy E. Spanos, City Clerk)