

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 8, 2007**

PRESENT: COUNCILLORS GARABEDIAN, MURTAGH, BETTENCOURT, SELESNICK, DRISCOLL, OSBORNE, ATHAS, LIACOS, ZELLEN AND MELLO

ABSENT: COUNCILLOR GAMACHE WAS ABSENT

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Rico E. Mello.

Salute to the American Flag.

P213-07 COUNCILLOR OSBORNE – MOVE TO receive and approve the minutes from the last regular meeting of February 22, 2007. (Unanimous)

**HEARINGS**

(COUNCIL PRESIDENT MELLO WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: AMBER MOUTSOULAS, WARD 3 COUNCILLOR; DOUGLAS COHEN, COUNCILLOR AT LARGE; JODY MACCULLUM, COUNCILLOR AT LARGE; LAUREN MUSHRUSH, COUNCILLOR AT LARGE; MICAYLA DEGREGORIO, COUNCILLOR AT LARGE; DAVID HARKINS, WARD 4 COUNCILLOR; DEIDRE FOLEY, MAYOR; KARA MACKINSON, WARD 2 COUNCILLOR; RYAN LIACOS, COUNCILLOR AT LARGE; RANDY HOLLINS, WARD 6 COUNCILLOR AND CECELIE CARROCA, CITY CLERK.)

A public hearing was duly held on the Special Permit application from Jill E. Garvey, 36 Granite Street, Peabody, MA. Appearing to speak on behalf of said application was Ms. Jill E. Garvey, 36 Granite Street, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P214-07 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Jill E. Garvey, 36 Granite Street, Peabody, MA for a Special Permit to allow for a family accessory living area at 36 Granite Street, 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 Gamache absent)

A public hearing was duly held on the Special Permit application from Bruce D. Ceccarossi, 176 Lake Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Bruce D. Ceccarossi, 176 Lake Street, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P215-07 COUNCILLOR ZELLEN – BE IT ORDERED by the City Council of the City of Peabody that the application from Bruce D. Ceccarossi, 176 Lake Street, Peabody, MA for a Special Permit to allow for a family accessory living area at 176 Lake Street, 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 Gamache absent)

A public hearing was duly held on the Special Permit application from Timothy & Dawn Russell, 6 Temi Road, Peabody, MA. Appearing to speak on behalf of said application was Mr. Timothy Russell, 6 Temi Road, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P216-07 COUNCILLOR ZELLEN – BE IT ORDERED by the City Council of the City of Peabody that the application from Timothy & Dawn Russell, 6 Temi Road, Peabody, MA for a Special Permit to allow for a family accessory living area at 6 Temi Road, 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 Gamache absent)

A public hearing was duly held on the Special Permit application from Nancy E. Lyons, 11 Summit Terrace, Peabody, MA. Appearing to speak on behalf of said application was Mr. Rob Torres, 11 Summit Terrace, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P217-07 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Nancy E. Lyons, 11 Summit Terrace, Peabody, MA for a Special Permit to allow for a family accessory living area at 11 Summit Terrace, 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 Gamache absent)

A public hearing was duly held on the Special Permit application from Jill & Kevin Houlden, 3 Monson Drive, Peabody, MA. Appearing to speak on behalf of said application was Ms. Jill Houlden and Mr. Kevin Houlden, 3 Monson Drive, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P218-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, late communication Item 1 from Community Development Department regarding Special Permit memo, 3 Monson Drive. (Unanimous)

P219-07 COUNCILLOR ZELLEN – BE IT ORDERED by the City Council of the City of Peabody that the application from Jill & Kevin Houlden, 3 Monson Drive, Peabody, MA for a Special Permit to allow for a family accessory living area at 3 Monson Drive, 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 Gamache absent)

**REPORTS OF COMMITTEE**

Ad Hoc Committee on Aggregate Industries  
February 27, 2007

P220-07 COUNCILLOR ZELLEN - Reporting for the Ad Hoc Committee on Aggregate Industries - The Ad Hoc Committee on Aggregate Industries met on February 27, 2007. Myself and Councillor Bettencourt were in attendance. Also present were Rob Robinson, operations manager, Aggregate Industries; Robin Ellis environmental quality real estate for Aggregate, as well as a number of neighbors. I won't read their names. Basically the meeting was for the Ad Hoc Committee on Aggregate to meet and listen to the neighbors and their feelings and observations with regard to the current quarry operations on Aggregate Industries and unresolved ]

claims. We did receive a letter from the fire inspector regarding a December 21 blast and observance of blast results at the home on 23 Styles Drive. The Committee also addressed the need to finalize the quarry's closure plan, which is due to be completed by the fall of 2007. That's part of the Special Permit. The neighbors had an opportunity to speak about their concerns regarding blasting, unresolved claims and the concern of Aggregate's possible trucking stone on-site from another area of the city of Peabody. The Committee heard from representatives of Aggregate Industries and answered to the neighborhood complaints and concerns. Mr. Robinson of Aggregate spoke on the stone delivery issue and that the company is currently reviewing that option. The Committee also heard from Miss Ellis with regard to the matter before the Conservation Commission, regarding the storm water drainage improvements. The Committee established March 15 as a date to begin the discussions on the quarry closure plan. And the Committee will meet with various city departments and three area neighbors on that evening to talk about the closure plan. As a result of that meeting, there were two motions made and approved in the subcommittee, the first was made by Councillor Bettencourt. (Report received)

P221-07 COUNCILLOR ZELLEN – Reporting for the Ad Hoc Committee on Aggregate Industries- MOVE THAT the City Solicitor render a legal opinion regarding whether or not bringing rock for crushing purposes for making bituminous concrete is contrary to his understanding of the spirit and the intent of the Special Permit held by Aggregate Industries. (Unanimous)

P222-07 COUNCILLOR ZELLEN - Reporting for the Ad Hoc Committee on Aggregate Industries- MOVE THAT the City Solicitor render a legal opinion as to whether or not the City Council has the authority to amend certain provisions of the Special Permit held by Aggregate Industries for just cause. (Unanimous)

Industrial & Community Development Committee  
March 6, 2007

P223-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - There was a meeting of the Industrial Community Development committee on Tuesday, March 6, 2007. Present at that meeting were myself, Councillor Selesnick, Councillor Osborne and Councillor Athas, along with Building Inspector Ralph Gandolfo and Jean Delios, Mike Parquette and Blair Haney from the Community Development Department. There were a number of issues that were debated during this lengthy meeting. First, there was an update on 71 Endicott Street, the Request For Proposals. That's the old school administration building on Endicott Street. Jean Delios informed the Committee that the only bid was submitted by Peabody Crossing, LLC. Originally the offer was for \$450,000 with the stated intention of building 32 units on that site. At an earlier meeting of this Committee, the Committee expressed concern about the number of units on that small piece of land. The Committee authorized Jean Delios to negotiate again with Peabody Crossing, LLC for potentially a lower number of units. Ms. Delios reported to us that Peabody Crossing, LLC had reduced the number of units that they wished to build to 10, but also reduced the purchase price offer from \$450,000 to \$200,000. Ms. Delios stated that the concerns again were that it is an undersized lot and that the condition of the property is in a deplorable condition and it would cost certainly somebody coming in a great deal of money for renovation costs. The Committee expressed their opinions that it seemed a low bid and discussed other alternative uses for that land. It was discussed that this parcel of land might make a nice spot for a park for passive recreation or for a potential location for some affordable housing units. And there were two motions made at that time from the Committee. (Report received).

P224-07 COUNCILLOR BETTENCOURT - MOVE TO reject the bid submitted by Peabody Crossing, LLC for property at 70 Endicott Street and to request Community Development Department to notify the bidder of the City Council's action. (Unanimous)

P225-07 COUNCILLOR BETTENCOURT - MOVE TO request that His Honor the Mayor and the Community Development Department investigate two potential options for the future use of 70 Endicott Street, as follows, and to report their findings to the City Council:

1. To prepare an application to the Community Preservation Committee to designate 70 Endicott Street as open space to be used as either park land or conservation land; and
2. Explore the feasibility of creating a two-unit structure, preferably a duplex, to be used as affordable housing. (Unanimous)

P226-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - The second item was an update on the Peabody Crossing Participation Agreement. Ms. Delios informed the Committee that Peabody Crossing, LLC still has not fulfilled their obligations under the City of Peabody Affordable Housing Participation Agreement, dated October 9, 2004, by failing to apportion 22 of the 144 units as affordable housing. In the agreement the language states that, "In the event that Peabody Crossing, LLC does not develop or is not able to develop the Crowninshield Pond Townhouses, the developer should then be required to pay to the City of Peabody an amount equal to the amount of the currently prevailing rate per unit under the Inclusionary Zoning Ordinance," similar to what was done with the Fairfield Apartments. Jean Delios informed us that we're looking at about 500 to \$600,000 for that buyout. Some Committee members expressed concerns about the length of time that has passed without money being sought and that this could set a bad precedent should the City not actively pursue this money. A concern was that other developers would see our weakness in not holding developers to live up to their contracts regarding affordable housing. (Report received)

P227-07 COUNCILLOR LIACOS - MOVE TO refer the matter of the Peabody Crossing, LLC Participation Agreement to His Honor the Mayor and the legal department. (Failed 8-2; Councillor Liacos and Mello voting in favor; Councillor Gamache was absent)

P228-07 COUNCILLOR BETTENCOURT - MOVE TO send a communication to invite His Honor the Mayor and the City Solicitor to the next Industrial & Community Development meeting to discuss the matter of the Peabody Crossing, LLC Participation Agreement and the issues that have been raised today and to try to seek some legal answers and to see what our options are. (Unanimous)

P229-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - There was a progress report on the proposed assisted-living facility. Jean Delios updated the Committee on this issue. Specifically she informed the Committee that an assisted-living center study committee was formed and has been meeting regularly discussing the idea of attaching 40 to 60 units to the Seiglets building. Jean Delios said the committee is exploring this and other options to provide housing for quote-unquote frail elders in a campus setting. This matter was held in committee, as a report of progress. It's still very early in the stages there, so it was just a general discussion about some ideas. The next was a review of the family assisted living area. On December 14, 2006 a motion was made to place a moratorium on the receipt and review of FALA Special Permit applications, until the City Council and the Building Inspector could review several FALA ordinance issues. The Committee, along with Ralph Gandolfo, discussed potential changes to the definitions of common space and changes to how the Committee would handle the issue of front doors. After a lengthy debate, the Committee members recommended that the language remain the same and that the Committee look at each FALA application on a case by case basis. The Committee stressed its commitment to ensuring that all FALA applications and applicants understand that there cannot be a separation of units and there must be a free-flowing access to the whole house. With that, a motion was made by Councillor Athas. (Report received)

P230-07 COUNCILLOR BETTENCOURT - MOVE TO rescind the moratorium on FALA Special Permit applications. (Unanimous)

P231-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - The last item was a review of a proposed 2006 Recreation and Open Space Plan. Blair Haney from the Community Development Department presented a 2006 Recreation and Open Space Plan for the Committee's review. It was a five-year outline of the City's future goals, hopes and desires. The last Recreation and Open Space Plan was completed in 1998. Some Committee members expressed a desire for Community Development to look into increasing the focus on seeking open space in additional park areas throughout the City. Additionally, some members want the City to look into the installation of synthetic fields that have been popular in other cities in maybe an avenue to save some money, due to lowering maintenance and costs of updating fields and tending to fields. With that there was a motion made by Councillor Selesnick. (Report received)

P232-07 COUNCILLOR BETTENCOURT - MOVE TO adopt the 2006 Recreation and Open Space Plan for the City of Peabody, as presented by the Department Community Development, pending the following revisions:

- A. Explore the feasibility of installation of synthetic fields, instead of natural turf;
- B. Expand the focus for searching for additional playing fields and recreational areas in the City; and
- C. Change language in Goal 1, Objective 1, Action 1 to strike, "fund," and insert, "explore the possibility to." (Unanimous)

P233-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - The last item on the agenda today for the Committee was just to try to set up a -- along with the Ad Hoc Zoning Committee to establish a schedule for review of different zoning ordinances. Tentative dates for review of the zoning ordinance have been scheduled for March 20 -- and that date may be a problem -- April 24 and May 8. The first meeting and probably first couple of meetings will specifically be for downtown issues, the proposed zoning issues Industrial into B-C. That's the first topic that will be discussed. And likely it will be April 24 because the March 12 date that we scheduled for this meeting is going to be a problem. But that first meeting the Committee felt that that was the issue that was going to be the most debated and I just want to set aside time to discuss those specific downtown issues and potential zoning changes. So that was the last issue. We can just do that as a report of progress. (Report received)

P234-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, late communication Item 5 from Sue Rankin, PTSO President, regarding Peabody High School Student Parking Fees. (Unanimous)

(AMBER MOUSOULAS AND DAVID HARKINS MEMBERS OF THE STUDENT GOVERNMENT SPOKE REGARDING THE HIGH SCHOOL STUDENT PARKING FEE.)

P235-07 COUNCILLOR DRISCOLL - MOVE TO send a communication to His Honor the Mayor requesting whether the bus company parking vehicles at the Peabody Skating Rink pays a fee and what the history of that contract is and to refer the matter to the Ad Hoc Committee on the Skating Rink. (Unanimous)

#### MOTIONS, ORDERS & RESOLUTIONS

P236-07 COUNCILLOR GARABEDIAN - MOVE TO request the Police Department conduct a traffic study at the corner of Russell and Lowell Streets right before the plaza in an effort to make that intersection safer for vehicular traffic movements, and to report their findings and recommendations to the City Council. (Unanimous)

P237-07 COUNCILLOR SELESNICK - MOVE TO request that the City Clerk update the City Council on the current number of Class 2 and Class 3 Motor Vehicle Licenses that have been issued, as well as any of the requirements or limitations that the City Council has imposed on them. (Unanimous)

P238-07 COUNCILLOR SELESNICK - MOVE TO receive, under suspension of the rules, Item 8-P communication from Jean Delios, Director, Community Development Department, regarding Demolition estimate - 70 Endicott Street and to send a communication to Community Development Department inquiring as to whether the City Council is able to get any other estimates that would not cost the City as much money, because this seems like a very high estimate; and to refer to the Industrial & Community Development Committee. (Unanimous)

P239-07 COUNCILLOR DRISCOLL (Co-Motion with Councillor Garabedian) - MOVE TO request that the Public Services Department and His Honor the Mayor investigate the feasibility of placing a sidewalk on Felton Street. The issue is for public safety and there's a great need up there for the citizens of those neighborhoods. (Unanimous)

P240-07 COUNCILLOR DRISCOLL (Co-Motion with Councillor Garabedian) - MOVE TO request the Police Department place the electronic speed limit signs up along the Felton Street area. (Unanimous)

P241-07 COUNCILLOR DRISCOLL (Co-Motion with Councillor Garabedian) - MOVE TO request the Public Services Department place crosswalks at the intersection of Mount Pleasant Drive, Felton Street, Longstreet Road and Olsen Road. (Unanimous)

P242-07 COUNCILLOR DRISCOLL (Co-Motion with Councillor Garabedian) - MOVE TO petition the Massachusetts Highway Department, District 4, to consider the feasibility of reducing the speed limit on Felton Street from 30 mph to 25 mph, and that the Police Department submit the necessary data to Mass Highway for their consideration. (Unanimous)

P243-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department and Peabody Municipal Light Plant review the feasibility of installing a streetlight on the pole that would best illuminate the corner of Bartholomew Street and Lynnfield Street. (Unanimous)

P244-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the area in front of 8 Murphy Road and report on a way to move the water that collects in the front of that house, either through the installation of some sort of drainage, a manhole or a catch basin. (Unanimous)

P245-07 COUNCILLOR OSBORNE - MOVE TO request that the Recreation Department repair the playground area at MacArthur Park. The railroad ties that delineate the area are in disrepair and present a danger to anyone who wants to go down there and play in that lot. And to also report back to the City Council the possibility of improving the play area at MacArthur Park with maybe some swings or something that would be of interest to kids that are a little bit older than the kids that would use a tot lot. (Unanimous)

P246-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department investigate the catch basin that has sunken in front of 7 Winnegance Avenue. (Unanimous)

(COUNCILLOR OSBORNE INFORMED THE CITY COUNCIL OF A FUNDRAISER FOR TJ MAGA TO BE HELD ON FRIDAY, MARCH 23, 2007 IN STOUGHTON)

(COUNCILLOR OSBORNE INFORMED THE CITY COUNCIL OF THE WARD 1 SCHOLARSHIP DANCE TO TAKE PLACE SATURDAY, MARCH 10, 2007 AT THE KNIGHTS OF COLUMBUS HALL.)

P247-07 COUNCILLOR ATHAS - MOVE TO request the Public Services Department relocate the wheelchair sign at Sutton Street on the "Berkley Street" sign post to 35 Oak Street. (Unanimous)

P248-07 COUNCILLOR ATHAS - MOVE TO request the Public Services Department inspect and repair the sidewalk and curb depression by the storm drain at 52 Aborn Street where there is water getting into the resident's basement. (Unanimous)

P249-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 2 from Councillor Arthur Athas regarding Ward 2 flooding issues. (Unanimous)

(COUNCILLOR ATHAS READ LATE COMMUNICATION ITEM 2.)

P250-07 COUNCILLOR ATHAS - MOVE TO request the City Council send a communication to Governor Deval Patrick, Senator Frederick Berry, state Representative Joyce Spiliotis, state Representative Theodore Speliotis, Congressman John Tierney, Senator Edward Kennedy and Senator John Kerry stating the following: Due to recurring flooding problems unique to our city, the City Council of the City of Peabody respectfully requests a joint effort to secure economic assistance at both the state and federal levels to help relieve our city and its residents from this long-standing problem. Respectfully, Peabody City Council. (Unanimous)

P251-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appropriation - Reserve fund to Fire Overtime and to refer to the Finance Committee. (Unanimous)

P252-07 COUNCILLOR ZELLEN - MOVE TO request that a representative from Keyspan appear before the City Council at our next meeting to discuss the continual and prolonged and unresolved gas leaks in various neighborhoods in Ward 6, and I would particularly like them to address the continual problems at Intervale and Glen Drive, Greene Street and Stockton and Penn Road. (Unanimous)

P253-07 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 8-B communication from Harold Comeau, Scoutmaster, Troop 59, regarding Eagle Scout notification and to send a citation of congratulations to Justin M. Curewitz, who has just attained the rank of Eagle Scout. (Unanimous)

P254-07 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 8-H communication from Borders Group, Inc., 151 Andover Street, regarding Special Permit applications and to set up a public hearing. (Unanimous)

P255-07 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 8-J communication from Rico E. Mello, Ward 3 Councillor, regarding Request on behalf of residents of: 98 and 75 Central Streets to change voting precinct and to refer to the Public Services Committee and Board of Registrars. (Unanimous)

P256-07 COUNCILLOR GARABEDIAN (Co-motion with Councillor Gamache) - MOVE TO petition the Mass Highway Department to investigate and allow for a suspension of the traffic light signal on the southbound lane of Route One at the jug handle at certain times on Sunday between 2:00 p.m. and 8:00 p.m. to help alleviate traffic back ups on Route One. (Unanimous)

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

P257-07 COUNCILLOR MURTAGH - MOVE TO receive communication from His Honor the Mayor regarding Withdrawal of Appellate Tax Board appeal - Brooksby Village. (Unanimous)

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

P258-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Arthur J. Kulakowski, 22 Dahlia Avenue, regarding Letter of complaint. (Unanimous)

P259-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Inspector Joseph DiFranco, Fire Department, regarding Aggregate blast residential visit. (Unanimous)

P260-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from 194 Turnpike LLC, 190-195 Newbury Street, regarding Site Plan review. (Unanimous)

P261-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Timothy Spanos, City Clerk, regarding Notice of license non-compliance, Mike's Auto Sales, 100 Birney Street and to refer to the Legal Affairs Committee. (Unanimous)

P262-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Lawrence J. O'Keefe, City Solicitor, regarding Abandonment of Old Lynnfield Street. (Unanimous)

P263-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Mass Development regarding Brownfields Redevelopment Fund. (Unanimous)

P264-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Turnpike at Winona, LLC, 128 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P265-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Aggregate Industries, 55 Russell Street, regarding Annual report for 2007, and be referred to the Ad Hoc Committee on Aggregate Industries to review the same. (Unanimous)

P266-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Planning Board regarding Site plan approval, Simon Properties @ Northshore Mall. (Unanimous)

P267-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Mass Highway Department regarding No. Central Street bridge - completion date. (Unanimous)

P268-07 COUNCILLOR MURTAGH - MOVE TO receive and approve, under suspension of the rules, communication from Peabody Chamber of Commerce, 24 Main Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P269-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, communication from Blair Haney, Community Development Department, regarding Notice to Library regarding zoning revision document for public viewing. (Unanimous)

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

P270-07 COUNCILLOR MURTAGH - MOVE THAT the following Class 2 Motor Vehicle License renewal applications be approved, subject to all papers being in order and subject to all taxes being paid to the City Clerk:

| <u>NAME</u>           | <u>ADDRESS</u>               |
|-----------------------|------------------------------|
| Mallia's Towing, Inc. | 161 Washington Street        |
| Oasis Auto & Truck,   | 7 ½ Mason Street (Unanimous) |

P271-07 COUNCILLOR MURTAGH - MOVE TO receive the following Entertainment License applications and to set up a public hearing:

| <u>NAME</u>             | <u>ADDRESS</u>                 |
|-------------------------|--------------------------------|
| Seawitch Restaurant     | 203 Newbury Street             |
| Royal Garden Restaurant | 126 Newbury Street (Unanimous) |

P272-07 COUNCILLOR MURTAGH - MOVE TO receive Petition - Peabody Municipal Light Plant regarding Pine Street and Willowdale Avenue and to set up a public hearing. (Unanimous)

P273-07 COUNCILLOR ATHAS - MOVE TO receive and approve late communication Item 4 Use of the Wiggin Auditorium - Ancient Order of Hibernians, 58 Lowell Street, subject to all papers being in order. (Unanimous)

P274-07 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody to adopt the language as set forth in the petition presented to the Peabody City Council for the abandonment and discontinance of a portion of Old Lynnfield Street as filed on behalf of Carl Crupi and Athas Kourkoulis, Trustees of Little’s Hill Realty Trust, and to request that State Representative Joyce Spiliotis file said bill on behalf of the City of Peabody. (Unanimous)

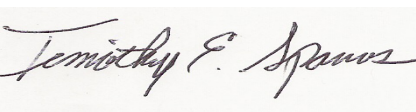
P275-07 COUNCILLOR OSBORNE - MOVE TO receive late communication from Rent Control Board regarding Notice of Discontinuance Permit, Park Place Mobile Home Park and to refer to the Rent Control Board and Ad Hoc Committee on Mobile Home Parks. (Unanimous)

P276-07 COUNCILLOR OSBORNE – MOVE, under suspension of the rules, to receive the FY-2008 local aid estimates and be referred to the Finance Committee. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 14, 2007  
RETURNED BY HIS HONOR THE MAYOR, MARCH 14, 2007

ATTEST   
(Timothy E. Spanos, City Clerk)