

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 10, 2007

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

ABSENT: NO COUNCILLORS WERE 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.

P453-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of April 26, 2007. (Unanimous)

HEARINGS

A public hearing was duly held on the transfer of a Class 2 Motor Vehicle License application from Justinjanice, LLC, 243-245 Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. No one appeared to speak in favor. Mr. Sumner Feinstein, 9 Ledgewood Way, Unit 17; Mr. Timothy Barry, 2 Ledgewood Way; Mr. Gerald Godin, 15 Bourbon Street, Apartment 65; Mr. Charles DiMare, 15 Bourbon Street, Apartment 68; Mr. James Cantrell, 12 Ledgewood Way, Unit 2; Ms. Nici Degan, 10 Ledgewood Way; and Mr. Steven Pierce, 16 Ledgewood Way, Unit 9, appeared to speak in opposition.

P454-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, late communication Petition from the residents of the Ledgewood Community. (Unanimous)

P455-07 COUNCILLOR DRISCOLL - MOVE TO deny the transfer of a Class 2 Motor Vehicle License from Justinjanice, LLC, 243-245 Newbury Street, Peabody, MA based on testimony and City Council comments received at said public hearing. (Carried 11-0)

The City Council reconvened the recessed public hearing on the application from Buonfiglio Funeral Services, Inc., 128 Revere Street, Revere, MA for a Special Permit to a funeral establishment at 187 Lake Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. Mr. Lawrence J. O'Keefe, City Solicitor, and Mr. John Christopher, Assistant City Solicitor, appeared to speak on behalf of the City. No one appeared to speak in favor. Ms. Marie DiChiara, 194 Lake Street, Peabody, MA; Mr. Robert McKenzie, 168 Lake Street, Peabody, MA; Mr. Kenneth Pinardi, 184 Lake Street, Peabody, MA; Mr. Edward Nakashian, 166 Lake Street, Peabody, MA; Ms. Charlene McKenzie, 168 Lake Street, Peabody, MA; Ms. Frances DuPre, 186 Lake Street, Peabody, MA; Mr. David Tretola, 138 Lake Street, Peabody, MA; Mr. Barry Poretsky, 4903 Heatherwood Lane, Peabody, MA; and Mr. Matthew Pinardi, 184 Lake Street, Peabody, MA appeared to speak in opposition.

(COUNCILLOR DRISCOLL RECUSED HIMSELF FROM THE HEARING OF BUONFIGLIO FUNERAL SERVICES BECAUSE HE WAS NOT PRESENT AT THE FIRST HEARING.)

P456-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney John R. Keilty on behalf of Buonfiglio Funeral Services, 187 Lake Street, regarding Traffic report. (Unanimous)

P457-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-Q communication from John Keough and Elizabeth Gilbert, 1302 Foxwood Circle in opposition to the Special Permit application, 187 Lake Street, Peabody, MA. (Unanimous)

P458-07 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Buonfiglio Funeral Services, Inc., 128 Revere Street, Revere, MA for a Special Permit to operate a funeral establishment at 187 Lake Street, Peabody, MA, as filed in accordance with Section 4.2.5 and 4.4 of the Peabody Zoning Ordinance be approved. (Motion to deny carried 10-0, Councillor Driscoll absent)

REASONS FOR DENIAL: Reasons for denial are issues pertaining to the negative impact and the detrimental impact of the character of the surrounding neighborhoods and the fact that the location is located within an R-1 residential area; traffic impact, based upon the neighborhood's input, as well as our own council input at both the February 22nd and May 10th public hearings would be detrimental to both the immediate area on Lake Street and to the intersection located at Lake Street/Route One South.

(JEAN DELIOS, DIRECTOR OF COMMUNITY DEVELOPMENT DEPARTMENT, ADDRESSED THE CITY COUNCIL REGARDING THE ACQUISITION OF SYDNEY'S POND)

P459-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 1 from Tim Spanos, City Clerk, regarding Copy of January 25th Finance Committee transcript relative to Sydney's Pond purchase. (Unanimous)

P460-07 COUNCILLOR LIACOS - MOVE TO request that Tighe & Bond appear before the City Council on June 14, 2007 to answer questions regarding the Phase 1, 21E report. (Carried 11-0)

P461-07 COUNCILLOR MURTAGH - MOVE TO receive communication from His Honor the Mayor regarding Sidney's Pond Conservation Area - status update and environmental review. (Unanimous)

P462-07 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor to enter into an agreement with Eastman Gelatine for the negotiated purchase of a parcel of land owned by Eastman Gelatine Corp., shown as Assessor's Map 109 as Parcel 189X. Approximately 30 acres of said parcel is to be managed and controlled by the Conservation Commission of the City of Peabody in accordance with M.G.L. Chapter 40, Section 8(c) for conservation and passive recreation purposes. The remaining portion of said parcel, approximately 9 acres as shown on a plan attached, is to be conveyed to the City of Peabody for public park and playground purposes under Mass. General Laws Chapter 45, Section 14, and all other related Massachusetts statutes applicable thereto. Said park and playground acreage is to be managed by the Park Commission of the City of Peabody. Furthermore, the Mayor, City Council and Conservation Commission are authorized to file on behalf of the City of Peabody any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Self-Help Act (Chapter 132A, Section 11) and/or any other Acts in any way connected with the scope of this project. The City of Peabody and the Conservation Commission are authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf the City of Peabody to affect said purposes. (Carried 6-5; Councillors Bettencourt, Athas, Liacos, Zellen and Mello opposed)

P463-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 4 from Lawrence J. O'Keefe, City Solicitor, regarding Legal opinion relative to:

- A. Transfer of Special Permit 24-1988 from Charles Speicher to The Bostonian Design, One Andover Street, regarding Retail sales; and
- B. Transfer of Special Permit 15-1994 from Sigismund Olsen to Carol Barbarossa, 258 Newbury Street, regarding Automobile repair. (Carried 11-0)

P464-07 COUNCILLOR GAMACHE - MOVE TO approve the transfers of Special Permit 24-1988 and Special Permit 15-1994, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application from Martoni & James, Ltd., 215 Newbury Street, Peabody, MA for a Junk Dealer License at said 215 Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. James Schiavone, 20 Brentwood Street, Malden, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P465-07 COUNCILLOR GAMACHE - MOVE TO approve the application from Martoni & James, Ltd., 215 Newbury Street, Peabody, MA for a Junk Dealer License, subject to all papers being in order. (Carried 11-0)

The City Council reconvened the recessed public hearing on the application from Turnpike @ Winona, LLC, 128 Newbury Street, Peabody, MA for a Special Permit to allow a sports bar with restaurant/billiard parlor with alcohol for consumption on the premises at said 128 Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. No one appeared to speak in favor. Ms. Maria Glenn, 7 Winona Street, Peabody, MA; Ms. Marie DiChiara, 194 Lake Street, Peabody, MA and Mr. Arthur Kulakowski, 22 Dahlia Avenue, Peabody, MA, appeared to speak in opposition.

P466-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-R communication from Attorney John R. Keilty on behalf of Turnpike @ Winona, LLC, regarding Additional information for Special Permit hearing, 128 Newbury Street. (Unanimous)

P467-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 3 from Attorney John R. Keilty on behalf of Turnpike @ Winona, LLC, 128 Newbury Street, regarding Revised interior and exterior site plan. (Unanimous)

P468-07 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application and Entertainment License application from Turnpike @ Winona, LLC, 128 Newbury Street, Peabody, MA until Thursday, May 24, 2007. (Carried 10-1; Councillor Athas opposed)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

None.

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P469-07 COUNCILLOR GAMACHE – MOVE TO receive the communication from Timothy Spanos, City Clerk, submitting a copy of the City of Peabody speed zone map. (Unanimous)

P470-07 COUNCILLOR ZELLEN - MOVE TO receive communication from Community Development Department, regarding Special Permit FALA review, 7 Flynn Road, and to set up a public hearing. (Unanimous)

P471-07 COUNCILLOR ZELLEN - MOVE TO receive communication from Community Development Department, regarding Special Permit FALA review, 1 Samos Circle, and to set up a public hearing. (Unanimous)

P472-07 COUNCILLOR ZELLEN - MOVE TO receive communication from Community Development Department, regarding Special Permit FALA review, 54 Birch Street, and to set up a public hearing. (Unanimous)

P473-07 COUNCILLOR OSBORNE - MOVE TO receive and approve the banner request from Peabody Youth Flag Football League to hang a banner across Lowell Street at the entrance to the Peabody High School, subject to all papers being in order. (Unanimous)

P474-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Mass Highway Department regarding Route 128 road repair at Lowell Street. (Unanimous)

P475-07 COUNCILLOR OSBORNE - MOVE TO receive communication MMA Action Letter regarding State budget update. (Unanimous)

P476-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Public Services Department regarding Council motion requests. (Unanimous)

P477-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Timothy Spanos, City Clerk, regarding Sylvan Street Auto 1 ½ Sylvan Street and to refer to the Legal Affairs Committee and to also request that Mr. Angel Cuevas appear before said committee. (Unanimous)

P478-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Lt. Martin Cohan, Police Department, regarding Sylvan Street Auto, 1 ½ Sylvan Street and to refer to the Legal Affairs Committee. (Unanimous)

P479-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Community Development Department regarding Home based business/live/work space memorandum and to refer to the Industrial & Community Development Committee. (Unanimous)

P480-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Public Services Department regarding Pulaski Street pavement. (Unanimous)

P481-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Mass Development regarding 629 Lowell Street - group home. (Unanimous)

P482-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary and to refer to the Finance Committee. (Unanimous)

P483-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations and to refer to the Finance Committee. (Unanimous)

P484-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations (schools) and to refer to the Finance Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P485-07 COUNCILLOR OSBORNE - MOVE TO receive and approve the Entertainment License renewal application for 2007 from Carrabba's Italian Grill, 1A Newbury Street, subject to all papers being in order. (Unanimous)

P486-07 COUNCILLOR OSBORNE - MOVE TO receive and approve the Lodging House License renewal application for 2007 from Antonio DeLauri, 4 Mill Street, subject to all papers being in order. (Unanimous)

P487-07 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Junk Dealer License renewal applications for 2007, subject to all papers being in order:

A-1 Restaurant Trader, LLC, 119 Foster Street	Azorean Brotherhood of the Holy Ghost, 20 Howley Street
Long's Jewelers, 35 Cross Street	Newbury Comics, Inc., 240 Andover Street
Peabody Estate Buyers, 43 Main Street	(Unanimous)

P488-07 COUNCILLOR OSBORNE - MOVE TO receive and approve the following Limousine/Taxi Driver License renewal applications for 2007, subject to all papers being in order:

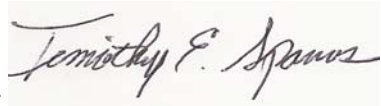
Alfred Porter, 33 Sidney Avenue, Lynn	David McEwen, 92 Bridge Street, Salem	(Unanimous)
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UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 17, 2007
RETURNED BY HIS HONOR THE MAYOR, MAY 17, 2007



ATTEST
(Timothy E. Spanos, City Clerk)

**SPECIAL MEETING OF THE PEABODY CITY COUNCIL
MAY 10, 2007**

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

ABSENT: NO COUNCILLORS WERE ABSENT

Special meeting of the Peabody City Council was called to order by City Council President, Rico E. Mello.

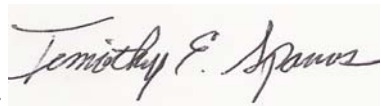
Purpose of said meeting was to receive the submission of the Fiscal Year 2008 City of Peabody operating budget from His Honor the Mayor.

489-07 COUNCILLOR MURTAGH – MOVE TO receive the Fiscal Year 2008 City of Peabody operating budget from His Honor the Mayor and be referred to the Finance Committee. (Unanimous)

His Honor the Mayor, Michael J. Bonfanti; Patricia Davis Schaffer, Director of Finance; and Michael Gingras, City Auditor presented an overview of the FY-2008 budget to the City Council.

MEETING ADJOURNED at 7:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 17, 2007
RETURNED BY HIS HONOR THE MAYOR, MAY 17, 2007



ATTEST _____
(Timothy E. Spanos, City Clerk)