

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 24, 2007

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

ABSENT: COUNCILLORS DRISCOLL AND LIACOS

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.

P490-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of May 10, 2007. (Unanimous)

(MR. BRIAN BARRETT SPOKE BEFORE THE CITY COUNCIL)

P491-07 COUNCILLOR SELESNICK - MOVE TO receive and approve, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appointment of Attorney Brian Barrett, 53 Emerson Avenue, Peabody MA to Assistant City Solicitor for a term to expire on 12/31/2008. (Carried 9-0; Councillors Driscoll and Liacos absent)

P492-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-H communication from Carolyn Kurkowski, 9 Tammie Lane, regarding Request to address City Council, denial of the Special Permit for Borders Books, 151 Andover Street. (Unanimous)

(MS. CAROLYN KURKOWSKI ADDRESSED THE CITY COUNCIL REGARDING DENIAL OF SPECIAL PERMIT FOR BORDERS BOOKS, 141 ANDOVER STREET.)

P493-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Petition from the neighbors of Loris Road. submitting additional comments regarding the Special Permit decision to deny a curb cut onto Loris Road. (Unanimous)

P494-07 COUNCILLOR MELLO - MOVE TO accept the comments of Ms. Carolyn Kurkowski as part of the record. (Unanimous)

HEARINGS

A public hearing was duly held on the Special Permit application from C. Glen Redmond, 29 Mason Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. C. Glen Redmond. No one appeared to speak in favor. No one appeared to speak in opposition.

P495-07 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, additional information and plans, as submitted by Mr. C. Glen Redmond. (Unanimous)

P496-07 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the application from C. Glen Redmond, 29 Mason Street, Peabody, MA for a Special Permit to change an existing, single-family nonconforming use to a two-family dwelling at said 29 Mason Street, 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 9-0; Councillors Driscoll and Liacos absent)

P497-07 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney John Keilty on behalf of Bradford Coleman, 118 Central Street, regarding Request to withdraw Special Permit application. (Unanimous)

P498-07 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Special Permit application from Turnpike @ Winona, LLC, 128 Newbury Street, to Thursday, June 14, 2007. (Unanimous)

P499-07 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the Entertainment License application from Turnpike @ Winona, LLC, 128 Newbury Street, to Thursday, June 14, 2007. (Unanimous)

A public hearing was duly held on the application from Long Beach Realty Trust c/o Myra Distributing, Inc., 5 Webster Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. William Coletti, 4 Gilson Way, Gloucester, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P500-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Captain David Sampson, Fire Prevention Bureau, regarding Flammables License for Myra Distributing, 5 Webster Street. (Unanimous)

P501-07 COUNCILLOR GAMACHE - MOVE TO approve the application from Long Beach Realty Trust c/o Myra Distributing, Inc., 5 Webster Street, Peabody, MA to amend the Flammables License requesting an increase in storage of flammable product from 7,000 to 50,000 gallons at said 5 Webster Street, Peabody, MA, subject to the following conditions:

1. To include, as part of the license, the Fire Protection Design Basis Document from AP Caputo, P.E. of Pyrotech Consultants, Inc., of Sandwich Mass., specifically to include Item F regarding the Maintenance Testing of the fire system including the monthly, quarterly, and yearly testing programs;
2. To also include the Inventory Worksheet dated 10/4/96 prepared by Myra Distributing, Inc.;
3. To notify the City Council and Fire Department of any changes to the Inventory Worksheet.
(Carried 8-0; Councillor Selesnick voted present; Councillors Driscoll and Liacos absent)

P502-07 COUNCILLOR MURTAGH - MOVE TO continue the public hearing on the Special Permit application from Road House Limousine, 55 Pulaski Street, to Thursday, June 14, 2007. (Unanimous)

P503-07 COUNCILLOR MURTAGH - MOVE TO continue the public hearing on the Limousine License application from Road House Limousine, 55 Pulaski Street, to Thursday, June 14, 2007. (Unanimous)

REPORTS OF COMMITTEE

Industrial & Community Development Committee May 10, 2007

P504-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We actually had a couple of meetings of the Industrial & Community Development Committee. Briefly I'll give a report. The first meeting was on May 10, 2007. It was myself as Chairman; Councillor Athas, Councillor Murtagh, Councillor Selesnick were all present, as well as Mr. Gandolfo, the Building Inspector; and Mr. Michael Parquette, the assistant director of Community Development. The Committee met just to review five FALA applications. The applicants all had their papers in order, they made brief presentations and were reviewed by the Committee, as well as the Building Inspector, and to everybody's satisfaction. Councillor Murtagh moved that the following applications be recommended for approval and that they be scheduled for public hearing. One was Mario Viana, 187 Lynnfield Street; Anthony Antonelli, 107 Birch Street; Robert Godjikian, 7 Flynn Road; Robert Compagnone, 54 Birch Street; and Liberato Addorisio, 1 Samos Circle. All those were voted unanimously. (Report received)

P505-07 COUNCILLOR BETTENCOURT - MOVE TO advertise the FALA's of Mario Viana, 187 Lynnfield Street; Anthony Antonelli, 107 Birch Street; Robert Godjikian, 7 Flynn Road; Robert Compagnone, 54 Birch Street; and Liberato Addorisio, 1 Samos Circle. (Unanimous)

P506-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We also had an interesting discussion regarding the FALA ordinances. Councillor Murtagh made a motion that the Industrial & Community Development Committee meet at a future date to review the FALA ordinance with the intent to make sure that the integrity of the single-family house and common space are protected. (Report received)

Industrial & Community Development Committee May 22, 2007

P508-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We also had a meeting May 22, 2007. Present at that meeting were myself as Chairman; Councillor Athas, Councillor Murtagh, Councillor Liacos, Councillor Gamache and Councillor Mello. City departments present were Mr. Blair Haney from the Community Development Department and Miss Jean Delios, the director of the Community Development Department. There was a lengthy debate. And the specific issues for this meeting was to continue the discussion on the proposed changes of the Industrial zone to a Business Central zone dealing with the downtown. There were a wide variety of issues discussed and many neighbors came and spoke on the issue. It was decided that another meeting would be necessary. It was scheduled for June 26, 2006. Probably before the next meeting we'll put together a specific agenda for that meeting. I want to try to see if we can focus in on some more issues there. So probably at the next council meeting I'll inform the Committee as to what the plans are for that meeting, but we are scheduled for June 26, 2006 to further discuss the I-L/B-C zoning district. (Report received)

Committee of the Whole May 24, 2007

P509-07 COUNCILLOR MELLO - Reporting for the Committee of the Whole - At this time we had a Committee of the Whole meeting. The Mayor presented with Patty Schaffer and Dick Carnevale the issues regarding the sewer and water rate. There were many questions from the Council. We ran out of time, so we moved to date -- actually we moved to change a date and see if we could meet on May 31, Thursday at 6:30 because Dick Carnevale will be out all of June, so he wouldn't be available for questions. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P510-07 COUNCILLOR GARABEDIAN - MOVE TO request the Peabody Police Department place the electronic radar sign on Felton Street. (Unanimous)

P511-07 COUNCILLOR GARABEDIAN - MOVE THAT a second request be sent to the Department of Public Services to install a crosswalk at Richardson Road and Hog Hill Road. (Unanimous)

P512-07 COUNCILLOR SELESNICK - MOVE TO request the Peabody Police Department place the electronic radar sign in the area of Brooksby Farm area on Felton Street near Baldwin Street. (Unanimous)

P513-07 COUNCILLOR MURTAGH - MOVE TO request the Community Development Department keep the City Council abreast of major items, such as the traffic changes in Peabody Square. (Unanimous)

P514-07 COUNCILLOR GAMACHE - MOVE TO request the Department of Public Services investigate the possibility of placing a guardrail at 1 Rita Road. (Unanimous)

P515-07 COUNCILLOR GAMACHE (Co-motion with Councillor Garabedian) - MOVE TO request the Department of Public Services repair the sidewalk at 38 Nancy Avenue. (Unanimous)

P516-07 COUNCILLOR GAMACHE - MOVE TO request the Peabody Police Department utilize radar on Lake Street between the hours of 7:00 a.m. and 9:00 a.m. I do understand that's between shift change, but if they can get out there at that time it would be appreciated. (Unanimous)

P517-07 COUNCILLOR GAMACHE - MOVE TO request the Department of Public Services move the school zone signs at the McCarthy School on Lake Street to the easterly side of Moretto Drive, as you're heading towards the school on Lake Street. (Unanimous)

P518-07 COUNCILLOR GAMACHE - MOVE TO request an update from the Building Inspector's office regarding the status of FALA inspections and as to whether they are pursuing advertisements in local papers regarding homes with in-law apartments for sale or rent. (Unanimous)

P519-07 COUNCILLOR ATHAS - MOVE TO request the legal department draft and advertise an ordinance for a one-hour parking sign Monday through Saturday 8:00 a.m. to 6:00 p.m. at 21 Caller Street on light pole number 2314 and to include a 40-foot section southerly. (Unanimous)

P520-07 COUNCILLOR ATHAS - MOVE TO request the Department of Public Services repaint the crosswalks at 8 Sutton Street, 29 Sutton Street, at the Berkley Street intersection and Wallis Ann Road intersection with Aborn Street. (Unanimous)

P521-07 COUNCILLOR ATHAS - MOVE TO request Lieutenant Cohen, the traffic safety officer, to research smaller box type radar speed checks, similar to the device near Danvers High School. (Unanimous)

P522-07 COUNCILLOR ZELLEN - (Co-motion with Councillor Gamache) - MOVE TO request that a representative of Verizon appear before the City Council to give the status or at least enlighten the City Council of the temporary trailer that has been parked on Russell Street for over a year. (Unanimous)

P523-07 COUNCILLOR ZELLEN - MOVE TO request the Department of Public Services repair the uplifted sidewalks in the general area of 5, 7 and 9 Robert Road that are being lifted by roots. (Unanimous)

P524-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-G communication from Attorney Jerry Effren on behalf of Aggregate Industries regarding Letter of extension - review of annual report and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P525-07 COUNCILLOR MELLO - MOVE TO request a handicapped sign for 55 Tracey Street, and that an ordinance be drafted and advertised on same. (Unanimous)

P526-07 COUNCILLOR MELLO - MOVE TO request the Health Department investigate the trash build up behind Kappy's on Andover Street beyond the fence at the incline. (Unanimous)

P527-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Services repaint the line on Pulaski Street on the corner of Buxton Lane and Pulaski Street. (Unanimous)

P528-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Services repair the sidewalk at 28 Margin Street. (Unanimous)

P529-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Services and Community Development Department come to some agreement on paving Pulaski Street and to add it to the spring paving list. (Unanimous)

P530-07 COUNCILLOR MELLO - MOVE TO request the Community Development Department forward to the City Council an update of the funds available in the affordable housing account. (Unanimous)

P531-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Services to repair the collapsed catch basin at 12 North Central Street. (Unanimous)

P532-07 COUNCILLOR MELLO - MOVE TO request the Building Inspector provide to the City Council information regarding the construction and demolition at the mall, such as their hours of operation and traffic patterns. (Unanimous)

P533-07 COUNCILLOR MELLO - MOVE TO request the Peabody Police Department contact JRM regarding the hours they are picking up dumpsters at the Torigian Life Center on Central Street. (Unanimous)

P534-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Services repair the sidewalk at 3 Reynolds Road. (Unanimous)

P535-07 COUNCILLOR MELLO - MOVE TO request the Department of Community Development clean up the trash and debris that has accumulated to the rear of their Berry Street property. (Unanimous)

P536-07 COUNCILLOR MELLO - MOVE TO request His Honor the Mayor contact Mr. and Mr. Parent at 2 Haskell Street regarding sewerage problems. (Unanimous)

P537-07 COUNCILLOR MELLO - MOVE TO send a letter of thanks to the Department of Public Services for the repairs they made at Sabino Farm Road and for placing a handicapped sign on Wallis Street. (Unanimous)

P538-07 COUNCILLOR OSBORNE - MOVE TO request the Department of Public Services repair the catch basin in front of 23 Greenwood Road. (Unanimous)

P539-07 COUNCILLOR MURTAGH - MOVE TO request the Peabody Police Department investigate and give recommendations regarding the parking situation on Central Street between Buxton Street and Warren Street where parked vehicles are prohibiting vehicles from making a turn on to Tremont Street. (Unanimous)

P540-07 COUNCILLOR SELESNICK - MOVE TO request the Department of Public Services fix the speed limit sign at the bottom of Longstreet Road that says, "Speed limit zero." (Unanimous)

P541-07 COUNCILLOR MELLO - MOVE TO request the Department of Public Health forward to the City Council information regarding relocating the swans at Brown's Pond and any information on culling of beaver in the community. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P542-07 COUNCILLOR GAMACHE - MOVE TO receive a communication from His Honor the Mayor regarding Various appointments. (Unanimous)

P543-07 COUNCILLOR GAMACHE - MOVE TO approve the appointment of John R. McRobbie, 255 Lynn Street, Peabody, MA to the Conservation Commission for a term to expire on 09/30/2007. (Unanimous)

P544-07 COUNCILLOR ATHAS - MOVE TO approve the appointment of Dean Marchetti, 2 Nicholas Lane, Peabody, MA to the Conservation Commission (Alternate Position) for a term to expire on 09/30/2008. (Unanimous)

P545-07 COUNCILLOR BETTENCOURT - MOVE TO send a letter of thanks from the City Council to Mr. Kevin McHugh for his years of dedicated service on the Conservation Commission. (Unanimous)

P546-07 COUNCILLOR ATHAS - MOVE TO approve the appointment of Captain Gerald Bellew, Washington Street, Peabody, MA to the Civic Center Commission (Alternate Position) for a term to expire 12/31/2007. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P547-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from Community Development Department regarding Special Permit memorandum, 118 Central Street. (Unanimous)

P548-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from John A. Karahalas, Trustee of Kappa Trust, 118 Central Street regarding Objection to Special Permit application, 118 Central Street. (Unanimous)

P549-07 COUNCILLOR SELESNICK - MOVE TO receive a communication from Lawrence J. O'Keefe, City Solicitor, regarding Status of Peabody Crossing, affordable housing and to refer to the Industrial & Community Development Committee. (Unanimous)

P550-07 COUNCILLOR OSBORNE - MOVE TO receive a communication from Lawrence J. O'Keefe, City Solicitor, regarding Legal opinion, tax discount. (Unanimous)

P551-07 COUNCILLOR MURTAGH - MOVE TO receive and approve communication from High School Drama Club regarding Banner request, subject to all papers being in order. (Unanimous)

P552-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from Community Development Department regarding Proposed zoning amendment; assisted living facility and to refer to the Industrial & Community Development Committee and to request Community Development Department inform the City Council as to why this issue would not be part of the zoning revision project. (Unanimous)

P553-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from Community Development Department regarding Special Permit memorandum, 29 Mason Street. (Unanimous)

P554-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from Bismarck Real Estate Partners, 124 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P555-07 COUNCILLOR MURTAGH - MOVE TO receive a communication from Freedom Real Estate Investment, 8 North Central Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P556-07 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Junk Dealer License renewal applications for 2007, subject to all papers being in order:

GameStop, Inc., 300 Andover Street Golden Link, 515 Lowell Street (Unanimous)

P557-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Utility Contractors License - Maverick Construction, Oxford, MA, subject to all papers being in order. (Unanimous)

P558-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Taxi Cab License Transfer - Tri City Services, 55R Walnut Street, License #8, subject to all papers being in order. (Unanimous)

P559-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Limousine License Transfer - Tri City Services, 55R Walnut Street, License #137, subject to all papers being in order. (Unanimous)

P560-07 COUNCILLOR GAMACHE - MOVE TO receive and approve the following Limousine/Taxi Driver License for Frank Lent, 7 Emmett Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P561-07 COUNCILLOR GAMACHE - MOVE TO receive Limousine License - Town Car International, 1 Rear Newbury Street, Peabody, MA and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P562-07 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 3 from Peabody Veterans Council regarding Memorial Day parade orders. (Unanimous)

P563-07 COUNCILLOR GAMACHE - MOVE TO receive late communication Item 4 from Councillor Frederick Murtagh regarding Request for budget information. (Unanimous)

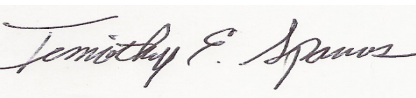
P564-07 COUNCILLOR GAMACHE - MOVE TO receive late communication from Carol Barbarossa, 258A Newbury Street regarding Special Permit application and to set up a public hearing. (Unanimous)

P565-07 COUNCILLOR GAMACHE - MOVE TO receive late communication Notice of Complaint - Justinjanice, LLC, regarding Denial of Class 2 Motor Vehicle License transfer to 3 Bourbon Street. (Unanimous)

(COUNCILLOR ZELLEN THANKED THE RESIDENTS OF WARDS 5 AND 6 WHO CAME TO THE CRYSTAL LAKE CLEANUP.)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 1, 2007
RETURNED BY HIS HONOR THE MAYOR, JUNE 1, 2007

ATTEST 
(Timothy E. Spanos, City Clerk)