

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**AUGUST 14, 2008**

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

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Arthur W. Athas.

Salute to the American Flag.

P686-08 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of July 10, 2008. (Unanimous)

**HEARINGS**

A joint public hearing of the Planning Board and the City Council was duly held on the Zoning Map Amendment - Re-designating several parcels of land bordering Baldwin, Felton, Prospect and Lowell Street from R-1B to R-1A. Appearing to speak on behalf of said amendment was Mr. and Mrs. Ray Albert, 10 Page Street, Peabody, MA. Mr. Blair Haney, Community Development Department, appeared to speak on behalf of the City. Ms. Ana Ortins, 12 Felton Street, Peabody, MA; Mr. William Cataldo, 6 Stuart Road, Peabody, MA; Mr. Teddy Pilkons, 19 Olsen Road, Peabody, MA; and Mr. William Mahoney, 14 Felton Street, Peabody, MA appeared to speak in favor. Councillor Liacos read into the record a letter from Timothy & Wendy Carrigan, 7 Cosmos Drive, Peabody, MA also speaking in favor. No one appeared to speak in opposition.

P687-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-X communication from Blair Haney, Community Development Department, regarding Zoning memorandum R-1B to R1A. (Unanimous)

**(MR. ROBERT CUMMINGS, ENVIRONMENTAL CONSULTANT FOR AGGREGATE CLOSURE PLAN, INTRODUCED HIMSELF TO THE CITY COUNCIL)**

A public hearing was duly held on Petition 07-253, to relocate pole #168S on City of Peabody land located at 293 Lynn Street, Peabody, MA from Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of said application was Mr. Bryan Howcroft, Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P688-08 COUNCILLOR OSBORNE - MOVE to approve Petition 07-253, as submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA, for the relocation of pole #168S on 293 Lynn Street, Peabody, MA. (Carried 11-0)

A public hearing was duly held on the application from Ricky & Eddies Lounge, Inc., d/b/a O'Fado Café, 72-74 Walnut Street, Peabody, MA. Appearing to speak on behalf of the applicant was Mr. Eduardo Craveiro, 72-74 Walnut Street, Peabody, MA and Ms. Marisa DeQuadros, 13 North Central Street, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P689-08 COUNCILLOR MELLO - MOVE TO approve the application from Ricky & Eddies Lounge, Inc., d/b/a O'Fado Café, 72-74 Walnut Street, Peabody, MA for an Entertainment License for the use of a Television, CD Player, Radio, Jukebox and Live Entertainment, subject to all papers being in order. (Carried 11-0)

The City Council reconvened the recessed public hearing on the Special Permit application from South Pike, LLC, 1 Dansereau Place, Middleton, MA. Appearing to speak on behalf of the application was Attorney John R. Keilty; Mr. Christopher Mello, Eastern Land Survey; Mr. Thomas Simmons, LSP; Mr. Andy McKown, McKown & Associates; Mr. Larry Costakis of Brunswick Bowling & Billiards and Mr. Richard Marchese. Mr. Jack Erwin, 12 Winona Street, Peabody, MA; Mr. Desmond Tiihonen, 3 Pierce Road, Peabody, MA; Malcolm F. MacLean, Esq., on behalf of Mr. Fred Peterson; Maria & Scott Chaplain, 10 Winona Street, Peabody, MA; and Mr. Steven Almeida, 9 Winona Street, Peabody, MA appeared to speak in favor. Mr. Stephen Mullen, 15 Winona Street, Peabody, MA; Mr. Andrew Coppola, 9 Cardigan Road, Peabody, MA; Ms. Nancy Kaminski, 11 Anderson Street,

Peabody, MA; Mr. William Rasmussen, 4 Anderson Street, Peabody, MA; Ms. Irene Maio, 16 Winona Street, Peabody, MA; Mr. Kevin Derrivan, 8 Cardigan Road, Peabody, MA; Ms. Karen Anderson, 17 Winona Street, Peabody, MA; Ms. Gail Fine, 7 Jones Road, Peabody, MA; Ms. Kathleen Hannigan, 1 Hazel Street, Peabody, MA; Ms. Pamela Cloutman 69 Winona Street, Peabody, MA; Ms. Judy Parsons, 1 Anderson Street, Peabody, MA and Mr. Jack Glancy, 84 Winona Street, Peabody, MA appeared to speak in opposition.

P690-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Richard Reeves, Treasurer, regarding Tax report, 128 and 130 Newbury Street. (Unanimous)

P691-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 3 from Sharon Cameron, Health Department, regarding 128 Newbury Street. (Unanimous)

P692-08 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, a late communication from John & Dawn Frim, 12 Winona Street and Maria & Scott Chaplain, 10 Winona Street submitting a letter in favor of the Special Permit application from South Pike LLC. (Unanimous)

P693-08 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from South Pike, LLC, 1 Dansereau Place, Middleton, MA for a Special Permit to allow the construction of an indoor family entertainment and recreation complex with family restaurant with alcohol and Entertainment License at 128-130 Newbury 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) All drainage/runoff issues located behind homes on Winona Street must be addressed and corrected.
- 2) The slope of 2 to 1 at numbers 8, 10 and 12 Winona Street shall be graded to elevation 148.
- 3) At the top of the slope there shall be a berm or a wall and a six-foot foot site impervious fence.
- 4) During construction, a water truck or watering system must be present at all times on the construction site to prevent dust.
- 5) All zoning requirements must be met. Example, a 50-foot buffer with the proposed green vegetation fencing where needed, lights that are directed away from homes, etc. Those are part of our building code.
- 6) When blasting is permitted, the hours of blasting will be 9:00 a.m. to 2:00 p.m. Monday through Friday, no weekends.
- 7) The applicant shall work with the Mass Highway Department to investigate if Winona Street at Route 1 can be widened to help the access onto Route 1.
- 8) Construction hours will be 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 5:00 p.m. Saturday, no Sunday hours.
- 9) All outstanding taxes plus interest due on the property at 128 Newbury Street must be paid to the City Collector within 14 days of the issuance of the Special Permit.
- 10) All past due taxes regarding the property at 130 Newbury Street must be paid in full upon closing with Brunswick.
- 11) The buffer will be planted as soon as weather permits and once it is level and graded with the pad, and be completed prior to occupancy.
- 12) A third party shall oversee all blasting operations with fire department.
- 13) Brunswick shall work with police department on interior and exterior traffic during the initial phase of the Brunswick operation.
- 14) There shall be no access/egress from or to Winona Street at any time.
- 15) At the time of closing with the petitioner and Brunswick, Special Permit 20-2007 shall become null and void.

- 16) This Special Permit as issued to South Pike LLC, 128 Newbury 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.
- 17) The applicant shall conduct a pre-blast survey to those abutting properties within 250 feet of the subject parcel and including Cardigan Road.
- 18) No hotel shall be constructed on the 128 Newbury Street parcel.
- 19) All construction vehicles are to use Route 1 only. No construction vehicles allowed on Winona Street to access or egress the property.
- 20) The plan entitled "Plan to Accompany Petition for Special Permit location in Peabody, MA, Prepared by Eastern Land Survey Associates, Inc., dated May 15, 2008, Prepared for Peabody Alpha Realty, LLC shall be the plan of record. (Carried 11-0)

**Industrial & Community Development Committee**  
**August 14, 2008**

P694-08 COUNCILLOR MELLO - Reporting for the Industrial & Community Development Committee - Just a report of information. The committee recommended, under a motion from Councillor Bettencourt, to keep the zoning of I-L and commercial district within committee until after September 4 meeting on flooding, and that the Department of Community Development submit their comments on said proposal. (Unanimous)

P695-08 COUNCILLOR MELLO - Reporting for the Industrial & Community Development Committee – And also the next portion is regarding an RFP proposal for 70 Endicott Street. I was unaware at the time that there were people who wanted to speak on this issue and I apologize to those people and I also apologize to the subcommittee members, not realizing that there were some people that wanted to speak on 70 Endicott Street, and if we could at this time just give them an opportunity to come up and speak.

Just a motion by the subcommittee regarding the RFP proposal of 70 Endicott Street for McNiff Builders, Inc. It was the determination of the subcommittee that we would not seek another RFP and that we would move to approve this project with the following stipulations. (Report received)

(MS. JOAN PALMACHUK, 59 ENDICOTT STREET, PEABODY, MA; MS. DORTHEA PILKONS, 61 WARREN STREET EXTENSION, PEABODY, MA; AND MR. MICHAEL GALLANT APPEARED TO SPEAK BEFORE THE CITY COUNCIL.)

P696-08 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody to accept the RFP proposal as submitted by McNiff Builders, Inc., 30 Old Planters Road, Beverly, MA and that a land disposition agreement and/or deed of conveyance is made a part of this approval containing the following language to assure that the property at 70 Endicott Street, proposed to be developed by the McNiff Builders, Inc., be limited to four units as follows: The property at 70 Endicott Street, Peabody, Massachusetts shall be conveyed to McNiff Builders in accordance with a request for proposals setting forth the construction of four single-family homes. In the event that the property is sold and four single-family homes are not constructed on the property, as agreed between McNiff Builders and the City of Peabody, then the property shall be conveyed by McNiff Builders, its heirs, successors, assigns and its successors in title to the City of Peabody for \$1 and other valuable considerations. The disposition agreement is binding upon McNiff Builders, Inc., its heirs, successors, assignees and successors in title. In addition to said approval, McNiff Builders shall demolish said building within 18 months. It is further ordered that the City Council authorize His Honor the Mayor, Michael J. Bonfanti, to enter into a purchase & sale agreement with McNiff Builders for the purchase price of \$202,062.00. (Carried 7-3; Councillors Driscoll, Manning and Garabedian opposed; Councillor Gamache absent)

The City Council reconvened the recessed public hearing on the request to amend the Zoning Ordinance, as submitted by the Sign Review Board. Appearing to speak on behalf of said application was Mr. Barry Poretzky, Mr. Roy Simoes, Mr. Joe Gagnon and Mr. John Webster of the Peabody Sign Review Board. No one appeared to speak in favor. No one appeared to speak in opposition.

P697-08 COUNCILLOR MANNING - MOVE TO receive, under suspension of the rules, Item 8-G communication from Planning Board regarding Zoning recommendations; Sign Review ordinance. (Unanimous)

P698-08 COUNCILLOR MANNING - MOVE TO receive, under suspension of the rules, Item 8-Y communication from Blair Haney, Community Development, regarding Zoning memorandum, sign review regulations. (Unanimous)

P699-08 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance-1978, adopted June 27, 1978, as amended, is hereby further amended as follows and that said ordinance be adopted as advertised and read:

**SECTION ONE:** By amending Section 6.3.9 Permit Requirements and Sign Review Process.

**SECTION TWO:** By amending Section 6.3.10 - Sign Review Board.

**SECTION THREE:** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION FOUR:** This ordinance shall take effect as provided by law. (Carried 9-0; Councillors Gamache and Garabedian absent)

### **REPORTS OF COMMITTEE**

Previously received.

### **MOTIONS, ORDERS & RESOLUTIONS**

[Councillors Gamache, Osborne, Garabedian absent]

P700-08 COUNCILLOR DRISCOLL (Co-motion with Councillors Bettencourt and Garabedian) – MOVE, under suspension of the rules, the communication from the Brooksby Farm Neighborhood Association outlining concerns and recommendations for traffic improvements in the Baldwin Street area, Felton Street area, and to forward the same to the Public Services Department and Police Department for consideration to implement said requests. (Unanimous)

P701-08 COUNCILLOR BETTENCOURT –MOVE TO send a communication to the Planning Board asking them to outline what the process would be to change the name of a public way. (Unanimous)

P702-08 COUNCILLOR BETTENCOURT (For Councillor Gamache) - MOVE TO request a legal opinion from the City Solicitor regarding the following: If the zoning map amendment for the Brooksby Farm area is approved changing the zoning designation from R-1B to R-1A, would every dwelling be preexisting nonconforming structures, and therefore any type of structural change would mean that they would have to go before the Board of Appeals, whether or not they meet the dimensional requirements. (Unanimous)

P703-08 COUNCILLOR BETTENCOURT – MOVE TO ask the City Solicitor to render a legal opinion as to whether or not a business holding a Class 1 Motor Vehicle License for the sale of new motor vehicles would also be required to hold a Class 2 Motor Vehicle License for the sale of used cars or is the Class 1 License sufficient for both activities, and to refer said matter to the Legal Affairs Committee. (Unanimous)

P704-08 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department inspect the catch basin at 3 Ross Circle. The owner says it's sinking and it's destroying his driveway. (Unanimous)

P705-08 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair the sidewalk at 21 Hamilton Road and also to request the status of paving Hamilton Road. (Unanimous)

P706-08 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department fix pot holes at 89 Birch Street and 116 and to find out why the sewer cover in front of 91 Birch Street is being blown off during heaving rainstorms. (Unanimous)

P707-08 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department erect a stop sign at the beginning of Madison Avenue in front of number 2. (Unanimous)

P708-08 COUNCILLOR SINEWITZ - MOVE TO request that the Community Development Department have the owners of 45 Walnut Street fill out a form E disclosure form similar to what was provided to the City Council as required in the 70 Endicott Street RFP, and to request to provide the same to the City Council for our next regular meeting. (Unanimous)

P709-08 COUNCILLOR SINEWITZ - MOVE TO request that the Community Development Department inform the City Council as to the status of the water tower at Dearborn Road. (Unanimous)

P710-08 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, to receive Item 7-A communication from His Honor the Mayor regarding an update on Crystal Lake and to refer the same to the Ad Hoc Committee on Crystal Lake. Move to further request that the Finance Department inform the City Council as to what is the status of the funding received to date, will it go into a special account and what will be done with the money. (Unanimous)

P711-08 COUNCILLOR MELLO - MOVE TO request that the Public Services Department install "No parking" signs on Pulaski Street rear per the ordinance adopted by City Council. (Unanimous)

P712-08 COUNCILLOR MELLO - MOVE TO request a handicapped sign for 16 Roycroft Road, and that an ordinance be drafted and advertised on the same. (Unanimous)

P713-08 COUNCILLOR MANNING (Co-motion with Councillor Athas) - MOVE TO request that the Public Services Department repaint the crosswalks on Main Street for pedestrian traffic safety issues, in particular with priority to the one in front of Rosie's Bakery. (Unanimous)

P714-08 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-U communication from John A. Christopher, City Solicitor, regarding Special Permit decisions and to refer to the Legal Affairs Committee. (Unanimous)

P715-08 COUNCILLOR GRAVEL - MOVE TO request that the Public Services Department repair the corner of Sandra and John Road. Neighbors had requested the removal of vegetation from the sidewalk as a safety issue and what resulted, after several neighbors complained, was they brought a bulldozer in and they took the vegetation out with a bulldozer and they took all the topsoil with it, so now we have what will soon be conservation wetlands because it's all filling up with water. So I just would like to have them come and maybe repair it, so that it doesn't fill up with water. (Unanimous)

P716-08 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-Z communication from Jean Delios, Community Development Director, regarding Use of IZ buyout funds and to appoint myself and Councillor Bettencourt to the RFP Selection Committee. (Unanimous)

P717-08 COUNCILLOR ATHAS - MOVE TO request that Peabody Cable Access broadcast the Committee of the Whole meeting scheduled for Thursday evening, September 4, 2008 at 6:00 p.m. regarding the flood mitigation and downtown revitalization program being presented. (Unanimous)

P718-08 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department investigate for the installation of a street light on pole number 2 in front of 11 Dustin Street. This is the only pole on that street that doesn't have a light. (Unanimous)

P719-08 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the broken roadway at 7 Granite Street, which is along the sidewalk curb. (Unanimous)

P720-08 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the broken sidewalk, due to tree roots, for a handicapped person residing at 9 Granite Street. (Unanimous)

P721-08 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the sidewalk at the driveway section at number 31 Sherman Street. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

[Councillor Driscoll absent]

P722-08 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from His Honor the Mayor regarding MORE Jobs Grant Program. (Unanimous)

P723-08 COUNCILLOR BETTENCOURT – BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor, Michael J. Bonfanti, to file an application to the MORE Jobs Grant Program in the amount of \$1.25 million dollars, and to further authorize His Honor the Mayor to enter into any other documents/agreements necessary to implement the utilization of said funds in order to help mitigate flooding in city's downtown, improve business opportunities with our MORE Job Grant partners and supporters, and to improve our residents' quality of life. (Carried 7-0, Councillors Driscoll, Gamache, Osborne, Garabedian absent)

P724-08 COUNCILLOR BETTENCOURT - MOVE TO receive the communication from His Honor the Mayor submitted various reappointments. (Unanimous)

P725-08 COUNCILLOR BETTENCOURT – MOVE TO approve the following re-appointments as submitted by His Honor the Mayor:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Stephen Kalivas 2 Karelitz Road Peabody, MA 01960	Board of Health	1 Mon. Feb. 2011 (Three-Year Term)
John Anezis 99 Birch Street Peabody, MA 01960	Cemetery Commission	2/1/2011 (Three-Year Term)
Darren Kelly 746R Lowell Street Peabody, MA 01960	Community Preservation	4/1/2009 (One-Year Term)
Andrew Metropolis 5 Dane Street Peabody, MA 01960	Community Preservation	4/1/2010 (Two-Year Term)
Michael Schulze One Fairmount Road Peabody, MA 01960	Community Preservation (Alternate Member)	4/1/2009 (One-Year Term)
Curt T. Bellavance 12 Mary Rose Way Peabody, MA 01960	Cultural Council	6/1/2010 (Two-Year Term)
Patricia Schaffer 20 Federal Street, Unit 7 Salem, MA 01970	Director of Finance	6/13/2011 (Three-Year Term)
James O'Brien 268 Lowell Street Peabody, MA 01960	Housing Authority	6/11/2013 (Five-Year Term)
Thomas Bettencourt 26 Hingston Street Peabody, MA 01960	Planning Board	5/31/2013 (Five-Year Term)

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE</u>
Diane Cooper 27 Dublin Road Peabody, MA 01960	Planning Board	5/31/2013 (Five-Year Term)
John B. Creeden 2 Rita Road Peabody, MA 01960 (Unanimous)	Planning Board	5/31/2013 (Five-Year Term)

P726-08 COUNCILLOR BETTENCOURT - MOVE TO receive a communication from His Honor the Mayor regarding various appropriations from the Community Preservation Committee under date of August 8, 2008 and to refer to the Finance Committee. (Unanimous)

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

P727-08 COUNCILLOR SINEWITZ - MOVE TO receive a communication from Aggregate Industries, 55 Russell Street, regarding Spring 2008 sound level measurement program. (Unanimous)

P728-08 COUNCILLOR SINEWITZ - MOVE TO receive a communication John A. Christopher, City Solicitor, regarding Letter from Aggregate Industries to Councillor Sinewitz. (Unanimous)

P729-08 COUNCILLOR SINEWITZ - MOVE TO receive a late communication from Aggregate Industries, 55 Russell Street, regarding Sediment report. (Unanimous)

P730-08 COUNCILLOR LIACOS - MOVE TO receive a communication from City Clerk regarding State Primary Warrant; September 16, 2008 and to advertise. (Unanimous)

P731-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Metcalf & Eddy regarding Supplemental NEF for flood mitigation. (Unanimous)

P732-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Executive Office of Energy & Environmental Affairs regarding 45 Walnut Street. (Unanimous)

P733-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Sharon Cameron, Human Services Department, regarding Healthy Peabody Collaborative. (Unanimous)

P734-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Dr. C. Milton Burnett, Supt. of Schools, regarding Sidewalk, Veterans Memorial Drive @ 200 Lynn Street. (Unanimous)

P735-08 COUNCILLOR LIACOS - MOVE TO receive and approve a communication from Higgins Middle School regarding Banner request, subject to all papers being in order. (Unanimous)

P736-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Massachusetts Slow Growth Initiative, Acton, MA regarding Chapter 40B. (Unanimous)

P737-08 COUNCILLOR LIACOS - MOVE to receive a communication from William J. Wharf, 203 Washington Street, Salem regarding 70 Endicott Street. (Unanimous)

P738-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Governor Deval L. Patrick regarding Commonwealth capital 2009 summary. (Unanimous)

P739-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Getachew Selassie, 59 Proctor Circle, regarding Special Permit application and to set up a public hearing. (Unanimous)

P740-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Tarsheen Ferrera, 1 Hugh Terrace, regarding Special Permit application and to set up a public hearing. (Unanimous)

P741-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Public Services Department regarding Private plow operators. (Unanimous)

P742-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Public Services Department regarding Raised crosswalk request; Felton Street. (Unanimous)

P743-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Public Services Department regarding Water issue; 1 Norwich Rd; 2 Yale Street. (Unanimous)

P744-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Public Services Department regarding North Central Street water quality. (Unanimous)

P745-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Lynnfield Engineering, Inc., Danvers regarding ENF form; Newbury Place c/o South Pike, LLC, 128-130 Newbury Street. (Unanimous)

P746-08 COUNCILLOR LIACOS - MOVE TO receive a communication from GameStop Corp., 635 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P747-08 COUNCILLOR LIACOS - MOVE TO receive a communication from John A. Christopher, City Solicitor, regarding 70 Endicott Street; deed of conveyance. (Unanimous)

P748-08 COUNCILLOR LIACOS - MOVE TO receive a communication from Kevin Goggin, Building Inspector, regarding Special Permit transfer 29-2007, and to approve the same subject to all papers being in order. (Unanimous)

P749-08 COUNCILLOR BETTENCOURT - MOVE TO receive a late communication from Freedom Real Estate Investment Corp., 8 North Central Court, regarding Amendment to Special Permit 23-2007 - relocation of manufactured unit and to set up a public hearing. (Unanimous)

P750-08 COUNCILLOR BETTENCOURT - MOVE TO receive and approve a late communication from Kevin Goggin, Building Commissioner, regarding Transfer of Special Permit 20-1994, 474 Lowell Street to Nargelle Hair Salon to T.C. Nails and Spa, subject to all papers being in order. (Unanimous)

P751-08 COUNCILLOR BETTENCOURT - MOVE TO receive a late communication from Michael Gallant, Perfect Parties Entertainment, regarding 70 Endicott Street. (Unanimous)

P752-08 COUNCILLOR BETTENCOURT – MOVE, under suspension of the rules, to receive the communication from Attorney Athan Vontzalides on behalf of N.S. Realty Trust, 32-36 Walnut Street. (Objection by Councillor Mello – said request is referred to the next regular meeting)

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

P753-08 COUNCILLOR LIACOS - MOVE TO receive and approve Use of Frank L. Wiggin Auditorium regarding We Are America, Inc. 8/22, subject to all papers being in order. (Unanimous)

P754-08 COUNCILLOR LIACOS - MOVE TO receive and set up a public hearing on the following Junk Dealer Licenses:

Mandracchia Trading Company, Inc., 147 Summit Street, Building 3D  
GameStop, 635 Lowell Street (Unanimous)

P755-08 COUNCILLOR LIACOS - MOVE TO receive and approve Entertainment License (Renewal for 2008) Carrabba's Italian Grill, 1A Newbury Street, subject to all papers being in order. (Unanimous)

P756-08 COUNCILLOR LIACOS - MOVE TO receive and approve the following Taxi Cab License (Transfer), subject to all papers being in order:

Community Taxi - License #20  
Tri City Services - License #4 (Unanimous)

P757-08 COUNCILLOR LIACOS - MOVE TO receive and approve the Block Party request from 7 Winnegance Road to end - September 6<sup>th</sup>, subject to all papers being in order. (Unanimous)

P758-08 COUNCILLOR LIACOS - MOVE TO receive and approve the following Taxi/Limousine Driver Licenses (Renewal for 2008), subject to all papers being in order:

<b>Name</b>	<b>Address</b>
Bruce Middleton	3 Raymond Street, Gloucester, MA
Barry Boykins	150 Cherry Street, Brockton, MA
Phillip McNish	587 Broadway Lynnfield, MA
David Gallant	6 Orchard Lane, Danvers, MA
Alfred Porter	33 Sidney Ave. Lynn, MA
Eugene Hughes	11 Salem Street Lynnfield, MA
William, Rasmussen	4 Anderson Street, Peabody, MA
Rita Rasmussen	4 Anderson Street, Peabody, MA
Robert Berzon	135 Grove Street, Melrose, MA
Sean McKinnon	8 Bayview Avenue, Danvers, MA
Wilfredo Moreno	96 Newbury Street 8B, Danvers, MA
Wayne Swiggard	32 Thornton Avenue, Lowell, MA
Debra Jensen	82 Water Hill, #1, Lynn, MA
Mark Adams	59 Goodale Street, Peabody, MA
Dennis Giannias	40 Sabino Farm Road, Peabody, MA
Raymond Fazio	236 Lafayette St, Salem, MA
Joseph Bain	6 Pulaski St, Peabody, MA
Robert Bezzati	10D Rockdale Park, Peabody, MA
Edward Beardsell	98 Newbury St #26A, Danvers, MA
Marc Birmingham	7 Oak Street, Peabody, MA
Daniel Sirois	15 Beckett Street, Salem, MA

(Unanimous)

#### **UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

##### **Ready for Council Adoption**

##### **{10-A regarding four way stop sign; Felton Street} –**

An Ordinance Amending Chapter 19-127 of the code of the City of Peabody (Four Way Stop; Felton & Longstreet Rd) - Held over to next Council meeting

##### **Ready for Council Adoption**

##### **{10-B regarding 30 minute parking for 49A Lowell Street} –**

An Ordinance Amending chapter 19-93 Restricted Parking of the code of the City of Peabody (30 minute parking - 49A Lowell Street) – Held over to next Council meeting

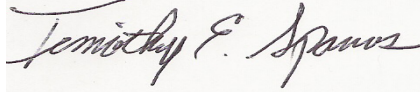
##### **{10-C regarding Surplus supplies}**

P759-08 COUNCILLOR LIACOS - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 11; Section 11-133 of the code of the City of Peabody be adopted as amended and read. (Carried 7-0, Councillors Driscoll, Gamache, Osborne, Garabedian absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 12:25 a.m.

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 22, 2008

RETURNED BY HIS HONOR THE MAYOR, AUGUST 22, 2008

Handwritten signature of Timothy E. Spanos in cursive script.

ATTEST \_\_\_\_\_ (Timothy E. Spanos, City Clerk)