

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**SEPTEMBER 18, 2007**

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

ABSENT: COUNCILLORS DRISCOLL AND GAMACHE

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.

P872-07 COUNCILLOR OSBORNE – MOVE TO receive and approve the minutes from the last regular meeting of August 23, 2007. (Unanimous)

(CHRISTINE MIZIOCH INTRODUCED HERSELF TO THE CITY COUNCIL)

P873-07 COUNCILLOR BETTENCOURT - MOVE TO approve the appointment of Christine Mizioch, 35 Lenox Road, Peabody, MA to the Planning Board for a five-year term to expire on May 31, 2012. (Carried 9-0; Councillors Driscoll and Gamache absent)

(MR. JOSEPH P. DIFRANCO APPEARED BEFORE THE CITY COUNCIL REGARDING ITEM 7-A)

P874-07 COUNCILLOR LIACOS - MOVE TO receive Item 7-A communication from His Honor the Mayor regarding An Act to Reduce the Stress on Local Property Taxes Through Enhanced Pension Fund Investment. (Carried 9-0; Councillors Driscoll and Gamache absent)

P875-07 COUNCILLOR LIACOS – BE IT ORDERED by the City Council of the City of Peabody to accept the provisions of Chapter 68 of the Acts of 2007 Entitled “An Act to Reduce the Stress on Local Property Taxes Through Enhanced Pension Fund Investment.” (Carried 9-0; Councillors Driscoll and Gamache absent)

A public hearing was duly held on the transfer of a Class 1 & Class 2 Motor Vehicle License application from Peabody Chrysler-Jeep, Inc. to Herb Chambers I-95, Inc. for premises located at 233 Andover Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. James W. Klimas, 44 Sherwood Drive, North Andover, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P876-07 COUNCILLOR MURTAGH - MOVE TO approve the transfer a Class 1 & Class 2 Motor Vehicle License application from Peabody Chrysler-Jeep, Inc. to Herb Chambers I-95, Inc. for premises located at 233 Andover Street, Peabody, MA. (Carried 9-0; Councillors Driscoll and Gamache absent)

A public hearing was duly held on the Entertainment License application from Brothers Kouzina, 25 Newbury Street, Peabody, MA. Appearing to speak on behalf of the applicant was Ms. Penny Christopher, 4 Quail Road, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P877-07 COUNCILLOR MURTAGH - MOVE TO approve the application from Brothers Kouzina, 25 Newbury Street, Peabody, MA for an Entertainment License for the use of a television, radio and electric phonograph. (Carried 9-0; Councillors Driscoll and Gamache absent)

The City Council reconvened the recessed public hearing on the Entertainment License application from Joseph F. McCarthy d/b/a Tanners Café, Inc., 120 Foster Street, Peabody, MA. Appearing to speak on behalf of the applicant was Attorney John R. Keilty and Mr. Joseph F. McCarthy, 53 Town Farm Road, Ipswich, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P878-07 COUNCILLOR ATHAS - MOVE TO approve the application from Joseph F. McCarthy d/b/a Tanners Café, Inc., 120 Foster Street, Peabody, MA for an Entertainment License for the use of a radio, electric phonograph/CD player, television, and live entertainment of no more than one person, as indicated on the application. (Carried 9-0; Councillors Driscoll and Gamache absent)

(CITY SOLICITOR JOHN CHRISTOPHER APPEARED BEFORE THE CITY COUNCIL REGARDING ITEM 7-C)

P879-07 COUNCILLOR SELESNICK - MOVE TO receive and approve Item 7-C communication from His Honor the Mayor under date of September 13, 2007 regarding Appropriation - Reserve Fund to Legal Expenses \$31,000.00. (Carried 9-0; Councillors Driscoll and Gamache absent)

P879A-07 COUNCILLOR SELESNICK – MOVE TO approve the following appropriation as submitted by His Honor the Mayor under date of September 13, 2007:

**FROM**  
**Reserve Fund - \$31,000.00**

**TO**  
**Legal Expenses - \$31,000.00 (Unanimous)**

P880-07 COUNCILLOR ZELLEN - MOVE FOR reconsideration regarding the Entertainment License application from Joseph F. McCarthy d/b/a Tanners Café, Inc., 120 Foster Street, Peabody, MA. (Carried 6-3; Councillors Garabedian, Murtagh and Athas opposed; Councillors Driscoll and Gamache absent)

P881-07 COUNCILLOR ATHAS - MOVE TO continue the public hearing regarding the Entertainment License application from Joseph F. McCarthy d/b/a Tanners Café, Inc., 120 Foster Street, Peabody, MA until such time as Police and Fire report back and to allow the applicant to continue with no business interruption. (Carried 8-1; Councillor Liacos opposed; Councillors Driscoll and Gamache absent)

P882-07 COUNCILLOR SELESNICK - MOVE TO continue the public hearing regarding the Entertainment License application from Joseph F. McCarthy d/b/a Tanners Café, Inc., 120 Foster Street, Peabody, MA until the next regular meeting on Thursday, September 27, 2007. (Unanimous)

**REPORTS OF COMMITTEE**

**Industrial & Community Development Committee**  
**September 6, 2007**

P883-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - I have a couple of meeting to report on. The first was held on September 6, 2007. The Industrial & Community Development Committee met to review Sections 1 and 2 of the new proposed zoning revision project. It was the first of a series of meetings we have set up over the next couple of months. Present at that meeting was committee members: Myself as Chairman, Councillors: Selesnick, Osborne, Athas and Liacos. Also present were Councillors Murtagh and Mello. It was a lengthy meeting. I think well over three hours. We went through line by line Section 1, which, more or less, stated the purpose of the proposed zoning revisions. There's 17 sections. And Section 1, more or less, went over what the scope, purpose and authority were. Section 2 was the Definitions section. And that was a lengthy project going through. We went through definition by definition and many changes were made to that. Rather than certainly

going through -- I have over seven pages of items that we discussed that day -- I just will report that Section 1, which was the General Provisions was approved as to Section 1.1, Section 1.2, Section 1.3, Section 1.4, Section 1.6 and Section 1.7. Those were unanimously voted for approval. And Section 1.5 Nonconformance we voted to keep the same language that we have been operating under. So I'd move for approval of Section 1. Section 2 was also discussed and, as I said, we had a lengthy debate over the definitions. And I believe we unanimously voted for all definitions, except for the definition on Central Business Core/Central Business Non-Core, which Councillor Athas voted against. But all other definitions were voted unanimously. First I move to approve Sections 1 and 2 of the new proposed revision project. (Report received)

P884-07 COUNCILLOR BETTENCOURT - MOVE TO approve **Section 1.1 Authority** as submitted. (Carried 9-0; Councillors Driscoll and Gamache absent)

P885-07 COUNCILLOR BETTENCOURT - MOVE TO approve **Section 1.2 Purpose as amended** by adding the following language in the 3rd sentence after population, "to protect the integrity of neighborhoods." (Carried 9-0; Councillors Driscoll and Gamache absent)

P886-07 COUNCILLOR BETTENCOURT - MOVE TO approve **Section 1.3 Scope** as submitted. (Carried 9-0; Councillors Driscoll and Gamache absent)

P887-07 COUNCILLOR BETTENCOURT - MOVE TO approve **Section 1.4 Applicability** as submitted. (Carried 9-0; Councillors Driscoll and Gamache absent)

P888-07 COUNCILLOR BETTENCOURT: MOVE TO **keep the current zoning language under section of 1.5 Nonconformance** as is. (Carried 9-0; Councillors Driscoll and Gamache absent)

P889-07 COUNCILLOR BETTENCOURT – MOVE TO approve **Section 1.6** with the following amendment: To include the word "licensed," in paragraph 3 of said section before "family daycare homes and day care centers." (Carried 9-0; Councillors Driscoll and Gamache absent)

P890-07 COUNCILLOR BETTENCOURT - MOVE TO approve **Section 1.7** as submitted. (Carried 9-0; Councillors Driscoll and Gamache absent)

P891-07 COUNCILLOR BETTENCOURT – MOVE TO approve Section 1 with the changes made this evening. (Carried 9-0; Councillors Driscoll and Gamache absent)

P892-07 COUNCILLOR BETTENCOURT - MOVE TO ask that those changes approved in subcommittee be included in our package, so the entire council can see them and digest them before they're reported out at the regular meeting. (Carried 9-0; Councillors Driscoll and Gamache absent)

P893-07 COUNCILLOR BETTENCOURT - (Section 2 **Alteration, significant**) "I would propose that amendment to just take away the parenthesis and right after the word "doorways and windows in the B-C District." [strike "See Section 5.2" and "Site Plan Review, of this Ordinance" (Carried 9-0; Councillors Driscoll and Gamache absent)

P894-07 COUNCILLOR BETTENCOURT - (Section 2 **Common Area**) MOVE TO keep the current definition for common area, as follows:

"Common area: Common areas and facilities, except as otherwise provided or stipulated in the applicable documents of title, such as:

- 1) The foundations, columns, girders, beams, supports, party walls, common walls, main walls, roofs, halls, corridors, lobbies, public stairs and stairways, fire escapes and entrances and exits of the building;
- 2) Installations of central services, such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
- 3) The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general, all apparatus and installations existing for common use;
- 4) The land on which the building is located, including all roadways and areas used for maintenance and safety;
- 5) The basements, yards, lawn, gardens, recreational facilities, parking areas, and storage spaces; and
- 6) The premises for the lodging of custodian or persons in charge of the building.

(Carried 9-0; Councillors Driscoll and Gamache absent)

P895-07 COUNCILLOR BETTENCOURT - (Section 2 **Common Space FALA**) MOVE TO add a new definition stating "Common Space FALA" to reflect current language as previously adopted;

"Common space within a FALA is defined as any space routinely used by both parties that is not exclusive to one party, such as a common hallway, utility room or a laundry room in which common space must be accessible from both the primary dwelling and the FALA. Under new construction, the common space shall only be accessed through the primary residence. No new construction will be considered common space, unless approved by both the Building Inspector and City Council." (Carried 9-0; Councillors Driscoll and Gamache absent)

P896-07 COUNCILLOR BETTENCOURT – (Section 2 **Day Care Center, Licensed**) MOVE THAT the definition be changed to reflect the word "licensed" for day care centers, and that the last sentence, "As defined in M.G.L. Chapter 28A, S9, and as licensed or approved by the Department of Education and Early Care, or its successor" be moved to the beginning of said definition. (Carried 9-0; Councillors Driscoll and Gamache absent)

P897-07 COUNCILLOR BETTENCOURT – (Section 2 **Continuing care retirement community (CCRC)**) MOVE TO strike that last sentence in that first paragraph of definition of CCRC as follows, "This definition includes what is commonly referred to as an Assisted Living Facility." (Carried 9-0; Councillors Driscoll and Gamache absent)

P898-07 COUNCILLOR BETTENCOURT – (Section 2 **Fair share**) MOVE TO add the following language at the end of said definition, "in the DDD district only." (Carried 9-0; Councillors Driscoll and Gamache absent)

P899-07 COUNCILLOR BETTENCOURT – (Section 2 **Dwelling unit**) MOVE TO add the words "individuals or" to said definition to read as follows: "One or more rooms providing complete living facilities for an **individual or** one family." (Carried 9-0; Councillors Driscoll and Gamache absent)

P900-07 COUNCILLOR BETTENCOURT – (Section 2 **Family Accessory Living Area (FALA)**) MOVE TO clarify said definition as follows: "A dwelling unit located within a single-family dwelling, which is subordinate in size to the main dwelling. Such a unit is to be used for residential purposes only, containing sleeping, cooking and sanitary facilities, as needed" and I make a motion to add, "by an immediate family member to the owner/occupier, as defined in the FALA ordinance." (Carried 9-0; Councillors Driscoll and Gamache absent)

P901-07 COUNCILLOR BETTENCOURT - (Section 2 **Family day care home**) MOVE TO take the last sentence, as we did in the regular daycare, that refers to the licensure and the laws and put that on the front of the definition as Follows: "As defined in MGL Chapter 28A, S9, and as licensed or approved by the Department of Education and Early Care, or its successor" be moved to the beginning of said definition. (Carried 9-0; Councillors Driscoll and Gamache absent)

P902-07 COUNCILLOR BETTENCOURT – (Section 2 **Gross leasable area**) MOVE TO strike language from the proposed definition after the word "tenant" to read, "The total gross floor area within a building, which is or can be occupied exclusively by a tenant." (Carried 9-0; Councillors Driscoll and Gamache absent)

P903-07 COUNCILLOR BETTENCOURT – (Section 2 **Hazardous material**) MOVE TO add at the very end after, "but is not limited to those substances," the phrase, "or as may be defined by any other local, state or federal regulations." (Carried 9-0; Councillors Driscoll and Gamache absent)

P904-07 COUNCILLOR BETTENCOURT – (Section 2 **Health Club**) MOVE TO change the word "reduction" to "management." (Carried 9-0; Councillors Driscoll and Gamache absent)

P905-07 COUNCILLOR BETTENCOURT – (Section 2 **Garden apartment**) MOVE TO include "garden apartment" in the Definitions as follows:

Garden apartment: A building or group of buildings on a landscaped lot not more than thirty-five (35) feet in height arranged, intended, and designed to be occupied by three (3) or more families per building, each family separated by party walls or floors from the other, with each apartment having individual living, sleeping, kitchen and toilet facilities, with those apartments with the floor below grade having window opening not less than thirty-six (36) inches in height with the bottom of said windows even with or above grade, such building or buildings occupying one lot in single ownership throughout and subject to the conditions and requirements of section 7.3.3 herein.

(Carried 9-0; Councillors Driscoll and Gamache absent)

P906-07 COUNCILLOR BETTENCOURT – (Section 2 **Research and Development**) MOVE TO eliminate the wording, "recombinant DNA" from said definition. (Carried 9-0; Councillors Driscoll and Gamache absent)

P907-07 COUNCILLOR BETTENCOURT – (Section 2 **Variance**) MOVE TO place Variance back in Definitions as follows:

Variance: An authorization by the Board of Appeals to locate a structure contrary to the terms of the zoning ordinance. A variance relates to a particular parcel of land, is specifically limited and is granted only when strict statutory requisites are satisfied.

(Carried 9-0; Councillors Driscoll and Gamache absent)

P908-07 COUNCILLOR BETTENCOURT - (Section 2 **sign, marquee (also known as reader board sign)**) MOVE TO change the definition to read, "A sign designed to have changeable copy manually not electronically." (Carried 9-0; Councillors Driscoll and Gamache absent)

P909-07 COUNCILLOR BETTENCOURT - (Section 2, **Flood Plain**) MOVE TO add the following language to said definition; "as reflected in the city's Flood Boundary District and Wetlands Conservancy Map." (Carried 9-0; Councillors Driscoll and Gamache absent)

P910-07 COUNCILLOR BETTENCOURT – MOVE TO approve Section 2 Definitions, including the changes voted upon. (Carried 9-0; Councillors Driscoll and Gamache absent)

P911-07 COUNCILLOR BETTENCOURT - MOVE TO send Sections 1 and 2 to the Planning Board. (Unanimous)

#### **Industrial & Community Development Committee September 18, 2007**

P912-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We did have a meeting prior to the regular meeting this evening. Present at that meeting were committee members Liacos, Selesnick, Osborne, Athas and myself, as well as Councillor Garabedian. Present was attorney John Christopher our City Solicitor and Jean Delios from the Community Development Department; and also attorney John Keilty, Bill Luster and Phil Singleton, who were here representing Peabody Crossing, LLC. The sole item on the agenda was a discussion about the participation agreement signed by the City of Peabody, the mayor and Community Development Department with the Peabody Crossing, LLC over land on Crowninshield Street. The issue was Peabody Crossing LLC was coming to the committee to explain that despite valiant efforts, they were unable to build the 17 units of affordable housing that was required under the participation agreement. Under the terms of the agreement they were allowed the ability to potentially have a buyout provision to allow them not to build the units and to instead pay money. They have come to the City Council for that approval and the following motion was made by Councillor Athas. (Report received)

P913-07 COUNCILLOR BETTENCOURT - MOVE THAT the City Solicitor enter into negotiations with the developer Peabody Crossing, LLC, to determine a buyout figure in lieu of units and to present it to the City Council for approval. (Carried 8-0; Councillors Selesnick, Driscoll and Gamache absent)

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

P914-07 COUNCILLOR MURTAGH - MOVE TO request a legal opinion from the City Solicitor as to whether or not the City Council has right to grant a Special Permit for property at 86 Endicott Street without going through the Special Permit process. (Unanimous)

P915-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, Item 8-E communication from Akropolis Restaurant, 72-72 Walnut Street regarding Amended Entertainment License application. (Unanimous)

P916-07 COUNCILLOR OSBORNE - MOVE THAT the Peabody Electric Light Plant repair the streetlight between 5 and 7 Brentwood Drive. (Unanimous)

P917-07 COUNCILLOR ATHAS - MOVE TO request the City Clerk to request from the MBTA permission to relocate the bus stop sign at Egan Place and Main Street, utility pole number 46 to utility pole number 49 in front of McDonald's on Main Street. (Unanimous)

P918-07 COUNCILLOR ATHAS - MOVE TO request the Public Services Department repair the sidewalk for the elderly at 43 Holten Street. (Unanimous)

P919-07 COUNCILLOR ATHAS - MOVE TO request the Public Services Department provide crosswalk signs with arrows pointing at the crosswalk at 18 Main Street, at the crosswalk at the public library Main Street and at the crosswalk at the Knights of Columbus on Main Street. (Unanimous)

P920-07 COUNCILLOR ATHAS - MOVE TO request His Honor the Mayor to provide the funding to purchase four radar pole speed displays for the Main Street corridor, as suggested at the Main Street redesign meeting in August. (Unanimous)

P921-07 COUNCILLOR ATHAS - MOVE TO request the Community Development Department pursue the give back of recently purchased golf course land near Lagoon 3, as suggested by Tighe & Bond at our June meeting and indicated on a map provided by Tighe & Bond. (Unanimous)

P922-07 COUNCILLOR ATHAS - MOVE TO request the Public Services Department install two separate, "No parking here to corner," signs, as allowed in our City Code Section 19-77, Paragraph 4, on both sides of the intersection of Dalton Court and Washington Street. (Unanimous)

P923-07 COUNCILLOR ATHAS - MOVE TO request His Honor the mayor consider transferring our pension reserve fund to the state system. (Unanimous)

P924-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Bond rating/bond sales and to refer to the Finance Committee. (Unanimous)

P925-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-F communication from Patricia Davis Schaffer, Director of Finance, regarding Summary status of appropriations, School Department budget for period ending September 7, 2007 and to refer to the Finance Committee. (Unanimous)

P926-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-G communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations, City budget for period ending September 7, 2007 and to refer to the Finance Committee. (Unanimous)

P927-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-H communication from Patricia Davis Schaffer, Director of Finance, regarding Summary of general fund FY-08 revenues for period ending September 7, 2007 and to refer to the Finance Committee. (Unanimous)

P928-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-I communication from Patricia Davis Schaffer, Director of Finance, regarding Final general fund summary of Fiscal 2007 revenues ending June 30, 2007 and to refer to the Finance Committee. (Unanimous)

P929-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-J communication from Patricia Davis Schaffer, Director of Finance, regarding Final status of appropriations for City budget ending June 30, 2007 and to refer to the Finance Committee. (Unanimous)

P930-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Official Citation - Paul Joseph Carter and said citation was read into the record. (Unanimous)

P931-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-D communication Notice of Eagle Scout Achievement regarding Michael J. Flynn, Todd Carlisle Hynes, and Michael Joseph Cantin, Jr. and to issue an official citation to each of them in recognition of achieving Eagle Scout. (Unanimous)

P932-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-N communication from Kevin & Laurel Mullen, 16A Bristol Road regarding Special Permit application and to set up a public hearing. (Unanimous)

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

Previously received.

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

P933-07 COUNCILLOR OSBORNE - MOVE TO receive and approve late communication from Kevin Goggin, Building Inspector, regarding Transfer of Special Permit 33-1998 from Buffet King to Tokyo Steak House, 300 Andover Street, subject to all papers being in order. (Unanimous)

P934-07 COUNCILLOR OSBORNE - MOVE TO receive late communication from Atty. Brian P. Barrett, Assistant City Solicitor, regarding Draft ordinance, drive-through windows and to advertise as requested. (Unanimous)

P935-07 COUNCILLOR OSBORNE - MOVE TO receive late communication from Atty. Brian P. Barrett, Assistant City Solicitor, regarding Council motion P832-07 Town Acres Subdivision. (Unanimous)

P936-07 COUNCILLOR OSBORNE - MOVE TO receive late communication from Richard Carnevale, Director of Public Services regarding the notification to residents of Bartholomew Street regarding some work the Water Department will be doing on those streets. (Unanimous)

P937-07 COUNCILLOR OSBORNE - MOVE TO request the Public Services Department inform the City Council of a timeline as to when Bartholomew Street will be repaved, once this needed work is done. (Unanimous)

P938-07 COUNCILLOR OSBORNE - MOVE TO receive a communication from Atty. George E. Richardson regarding encroachment on city-owned land on Glenway Avenue and to refer this matter to the Legal Affairs Committee and to also request an opinion from the Building Inspector as to what actions the City should pursue. (Unanimous)

P939-07 COUNCILLOR MURTAGH - MOVE TO request the Community Development Department inform the City Council of what the status is of the downtown configuration and just what they plan to implement. (Unanimous)

P940-07 COUNCILLOR LIACOS - MOVE TO receive communication from Community Development Department regarding Zoning revision memorandum and to refer to the Industrial & Community Development Committee. (Unanimous)

P941-07 COUNCILLOR LIACOS - MOVE TO receive and approve communication from St. Vasilios Greek Festival 2007 Committee regarding Banner request, subject to all papers being in order. (Unanimous)

P942-07 COUNCILLOR LIACOS - MOVE TO receive communication from Mass Highway regarding Notice of bid opening, Peabody Bike Path project. (Unanimous)

P943-07 COUNCILLOR BETTENCOURT - MOVE TO receive communication from Rose's Bakery, 168 Main Street regarding Site plan. (Unanimous)

P944-07 COUNCILLOR BETTENCOURT - MOVE TO receive communication from Lt. Martin Cohan, Police Department, regarding Speed monitoring motion. (Unanimous)

P945-07 COUNCILLOR BETTENCOURT - MOVE TO receive communication from Community Development Department regarding Sports complex, 194 Newbury Street and to refer to the Industrial & Community Development Committee. (Unanimous)

P946-07 COUNCILLOR ZELLEN - MOVE TO request the Community Development Department prepare for the City Council reasonable restrictions with regard to exempt uses under Chapter 40A, specifically density, height, parking and any other type of regulation that we can put in there as a city to protect that area. (Unanimous)

P947-07 COUNCILLOR ATHAS - MOVE TO request a legal opinion from the City Solicitor as to whether the City Council can request to go back through the zoning process to revert back to the original elevation levels brought up by the consultant as it pertains the premises at 194 Newbury Street. (Unanimous)

P948-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Heidi Henson, Director, Human Resources, regarding State health insurance program and to request that Ms. Henson appear before the City Council at the next regular meeting to answer questions by the City Council. (Unanimous)

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

P949-07 COUNCILLOR BETTENCOURT - MOVE TO receive and approve Taxi Cab License Transfers - Tri City Services, 55R Walnut Street, regarding License 3, 4 and 5, subject to all papers being in order. (Unanimous)

P950-07 COUNCILLOR BETTENCOURT - MOVE TO receive and approve Limousine License Transfer - Michael's Limousine, 161 Lynn Street, regarding License 144 and 145, subject to all papers being in order. (Unanimous)

P951-07 COUNCILLOR BETTENCOURT - MOVE TO approve the following Taxi/Limousine Driver Licenses, subject to all papers being in order:

Jason Stankiewicz, 29 Jackson Avenue Peabody, Tri City  
 Robert Carrick, 164 Whitehall Rd, Amesbury, MA, Community  
 Dennis Giannias, 40 Sabino Farm Road, Peabody, MA, Road House  
 Debra Jenson, 55 Pulaski Street, Peabody, MA, Road House  
 Scott Boyle, 73 High St., #2-Rear, Rockport, MA, Tri City  
 Jason Cacciola, 12 Blaine Ave., #1, Beverly, MA, Tri City  
 Peter J. Manusiotis, 325 Cabot St., #4A, Beverly, MA, Community  
 William Morgan, 276 Rantoul St., Beverly, MA, Tri City  
 Mark Adams, 59 Goodale St., Peabody, Ma, Tri City  
 Steven Clocher, 68 Beaver St., Salem, MA, Tri City  
 David Doherty, 116 Lafayette St., Salem, Ma, Community  
 Steven Farris, 225 Newbury St., Danvers, MA, Tri City  
 Martin E. Kerrigan, 16A Eastman Pk., Peabody, MA, Community  
 Thomas Croft, 299A Lynnfield St., Lynn, MA, Sir Charles Lim  
 Edmilson DalPont, 28 Courtland St., #2, Everett, MA, Sir Charles Lim  
 Gary Johnson, 49 Gardiner St., Lynn, MA, Sir Charles Lim  
 Robert Bezzati, 54 Wilson Terrace, Peabody, MA, Community  
 David Riley, 136 Shore Drive, Peabody, MA, Tri City  
 Timothy Sullivan, 12 Red Rock Lane, Beverly, MA, Michaels  
 Marc Margossian, 18 Anthony Road, Peabody, MA, Michaels  
 Andrew Skolnick, 58 Holten Street, Peabody, MA, Michaels  
 Gary Ferguson, Lynn Street, Peabody, Michaels  
 Charles Pappas, 80 Lynnfield Street, Peabody, MA, Michaels  
 Jimmie Tate, 105 Belair ST. #815, Brockton, MA, Michaels  
 Spiros Vasilopoulos, 76 Washington Street, Lynn, MA, Michaels  
 Michael Kostopoulos, 22 Vista Avenue, Salem, MA, Michaels  
 Adel Shrafi, 26 Harwood Street, Lynn, MA, Michaels  
 Douglas Stephens, 9 Park Street #30, Beverly, MA, Tri City  
 David Terry, 2213 Cranebrook Way, Peabody, MA, Tri City  
 Thomas Alley, 200 North Street, #17A, Danvers, MA, Tri City  
 Kevin Stickney, 10 Sutton Street, Peabody, MA, Tri City  
 James Cook, Jr., 18 Bennett Street, Beverly, MA, Community  
 Frank McKenney, 45 Glendale Avenue, Peabody MA, Community  
 Jason Martineau, 336 Jefferson Avenue, Salem, MA, Tri City  
 David Howell, 20 Sohier Road, Beverly, MA, Tri City  
 Mark Evans, 55 Dunlap Street, Salem, MA, Community  
 Christopher LeBoeuf, 2 McIntyre Court #1, Peabody, MA, Tri City  
 Steven Coughlin, 62 Lowell Street, Peabody, MA, Tri City  
 Chester Dzielnik, 15 Perkins Street, Peabody, MA, Sir Charles  
 Filippo Ruggiero, 10 Greenwood Avenue Lynn, MA, Sir Charles  
 Martin Martinez, 1 Summit Terrace, Peabody, MA, Sir Charles  
 Andrew Ferretti, 17 Keyes Drive #5, Peabody, MA, Tri City  
 Gerald Feldman, 116 Lafayette Street, Salem, MA, Tri City  
 Gary Richard, 122 Bridge Street, Beverly, MA, Community  
 Melanie Dukas, 641A Hale Street, Beverly, MA, Tri City  
 Mark Gotts, 4 Aborn Street, Danvers, MA, Sir Charles  
 Mark Gomes, 4 Auburn Street, Danvers, Sir Charles  
 Michael Fay, 77 Moffat Road, Quincy, MA, Community  
 Raymond MacNeil, 202 Brimbal Avenue, Beverly, Michaels  
 Tammy Mejia, 106 Boston Street, Salem, Tri City

(Unanimous)

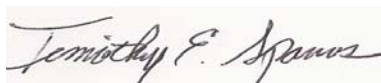
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

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

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 21, 2007  
 RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 21, 2007

ATTEST



(Timothy E. Spanos, City Clerk)