

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 27, 2007

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

ABSENT: NONE

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.

P952-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of September 18, 2007. (Unanimous)

(Members of the Peabody Chamber of Commerce, including Mr. Nick Sarantopoulos, First Vice-President of Community Credit Union; Ms. Deanne Healey, Executive Director of the Chamber of Commerce; and Ms. Wendy Pearl, President of the Chamber of Commerce, appeared before the City Council to present a check in the amount of \$3,000. to the Council's Ad Hoc Committee on Drug Education & Awareness.)

HEARINGS

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. No one appeared to speak in favor. No one appeared to speak in opposition.

P953-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, late communication Item 2 from Kevin Goggin, Building Inspector, regarding Tanners Café, 120 Foster Street. (Unanimous)

P954-07 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, pending the satisfaction from the Building Inspector Mr. Goggin. (Carried 10-0; Councillor Gamache was absent)

REPORTS OF COMMITTEE

Industrial & Community Development Committee
September 20, 2007

P955-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - There was an Industrial & Community Development slash Zoning Committee meeting on September 20, 2007, last Thursday evening. The intention of the meeting was to review Sections 3, 4 and 5 of the new proposed revision project. Present at the meeting were myself as Chairman, also Councillor Selesnick, Osborne, Athas, Mello and Zellen and Councillor Fred Murtagh was also in attendance and participated. The joint Committee met with the director of Community Development, Jean Delios, and with city planner, Blair Haney, again to review Sections 3, 4 and 5 of the proposed ordinance change. Prior to the meeting the Committee did receive a letter from the mayor dated that same day, September 20, suggesting to the City that he would be withdrawing a certain portion of the zoning revision or zoning change and that he would be providing us further revisions for our meeting next week regarding the downtown zoning change. At that point there was some confusion over whether we should proceed with the meeting and whether or not the mayor could proceed or could make the revisions, without a review by the Zoning Advisory Committee. A motion was made by Councillor Athas to seek an opinion from the City Solicitor and that was unanimously approved and it's been provided in our packet, which I will speak to later. The meeting was short. We had about 25 to 50 people here to discuss the downtown zoning change. And with the letter from the mayor seeking changes or telling us that there were going to be some revisions to it, we decided that it would be best to wait until those revisions are made and then we could further discuss them once we have the complete package in front of us. The next meeting is set up for Tuesday, October 2 and we also have a meeting October 4, so two meetings next week in which we will be discussing Sections 3, 4 and 5 and potentially more, depending on how that first meeting goes. I think that was the only motion at the meeting was Councillor Athas' motion. (Report received)

P956-07 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Christopher, Asst. City Solicitor, regarding Request for changes - zoning revision project and to refer to the Industrial & Community Development Committee. (Unanimous)

P957-07 COUNCILLOR LIACOS - MOVE TO request Community Development Department supply the City Council with the proposed zoning revision map before the next Industrial & Community Development Committee meeting. (Unanimous)

Ad Hoc Committee on Crystal Lake
September 27, 2007

P958-07 COUNCILLOR GAMACHE - Reporting for the Ad Hoc Committee on Crystal Lake - We met earlier this evening. Present were Councillors: Garabedian, Murtagh, Bettencourt and Zellen, as well as other councillors who also attended. Present was Steve Wilchinski from Bioquatic Supply Corp., as well as Bob Hartsell from Geosyntec, who is designing our rain gardens and other tributary effects that hopefully we will be able to put into place by sometime next year. It was a very informative meeting. There were really no surprises. Community Development was asked by the Friends of Peabody Lakes to chart the course of which way the progress is going and I would make that in the form of a motion. (Report received)

P959-07 COUNCILLOR GAMACHE - MOVE TO request that the Community Development Department provide the City Council a monthly update as to how the Crystal Lake/Elginwood Pond projects are going with respect to the earmarked money that was granted from the state. (Unanimous)

P960-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 6 from Friends of Peabody Lakes, Inc. regarding the Crystal Lake/Elginwood Pond projects and to refer to the Ad Hoc Committee on Crystal Lake. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P961-07 COUNCILLOR BETTENCOURT (Co-motion with Councillor Garabedian) - MOVE TO request that the Peabody Police Department investigate the area around Spring Pond for vandalism and loitering and to report back to the City Council on any additional measures that can be taken to prevent that type of activity. (Unanimous)

P962-07 COUNCILLOR BETENCOURT (Co-motion with Councillor Garabedian) - MOVE TO request that the Public Services Department review the area between Upper Spring Pond and Lower Spring Pond where there is debris, such as furniture, and to remove said debris and report back to the City Council that it has been removed. (Unanimous)

P963-07 COUNCILLOR SELESNICK - MOVE TO receive, under suspension of the rules, Item 8-E communication from Attorney James J. Cipoletta, 385 Broadway, Revere, MA regarding Entertainment License - D & B Corporation d/b/a Golden Banana and to request a legal opinion from the City Solicitor as to whether or not a Special Permit is needed or if we can just review, as submitted. (Unanimous)

P964-07 COUNCILLOR DRISCOLL - MOVE THAT the Public Service Department erect a "Children," sign at 12 Dartmouth Street. (Unanimous)

P965-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, Item 8-A communication from Kevin Goggin, Building Inspector & Steven Pasdon, Fire Department, regarding Safety procedures, Northshore Mall construction. (Unanimous)

P966-07 COUNCILLOR OSBORNE - MOVE THAT the City Council petition the Planning Board to rescind the Boulderwood approval, based on the fact that we feel that it's legally flawed, we feel that it was an approval given, without an approval required by the City Council, and that proper care and due diligence was not given to the adjacent roadways to the subdivision, as far as the safety and concerns of the residents are concerned. (Carried 10-0 Councillor Selesnick voted present)

P967-07 COUNCILLOR GAMACHE - MOVE TO request the Public Services Department place a guardrail at the corner of Johnson Street at Pine Street on the Johnson Street side. (Unanimous)

P968-07 COUNCILLOR GAMACHE – MOVE TO request the Peabody Municipal Light Plant place a streetlight at or near 27 Emily Lane. (Unanimous)

P969-07 COUNCILLOR GAMACHE - MOVE TO request the Public Services Department look at the ponding problem at 2 Anita Road. (Unanimous)

P970-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 7 from Mr. Robert A. Melloni, Jr., 102 Goodale Street, regarding water runoff into his driveway and to request that the Public Services Department contact Mr. Melloni in an effort to correct the problem. (Unanimous)

P971-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 4 from Kevin Goggin, Building Inspector, regarding Transfer of Special Permit 39-2000 from Linda Sciaraffa to Dulcie DeCillis, 194 Washington Street. (Unanimous)

P972-07 COUNCILLOR ATHAS - MOVE TO approve the Transfer of Special Permit 39-2000 from Linda Sciaraffa to Dulcie DeCillis d/b/a The Dog Bowl, 194 Washington Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P973-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 5 from Philip J. Chmiel, 11-13 Washington Street, regarding a Site plan c/o APEX Construction. (Unanimous)

P974-07 COUNCILLOR ATHAS - MOVE TO request that Peabody access television broadcast or tape all the zoning subcommittee meetings starting on Tuesday, October 2, 2007. (Unanimous)

P975-07 COUNCILLOR ATHAS - MOVE TO request that the City Council consider amending the City Code to create a service zone on Crowninshield Street and Sawyer Street for the residents of Tannery 2 and to request Chief Robert Champagne and Richard Carnevale from the Public Services Department to come up with a plan for at least two parking spaces on either side of Crowninshield Street and Sawyer Street for a temporary unloading/parking area for said citizens. (Unanimous)

P976-07 COUNCILLOR ZELLEN –MOVE TO request that the Public Services Department remove the roots and repair the sidewalk in front of 10 Symphony Road. (Unanimous)

P977-07 COUNCILLOR ZELLEN - MOVE TO request that the Public Services Department investigate the problem that exists at the bottom of Villa Avenue with regard to out-of-town people basically coming in and using our streets with illegal vehicles and to consider the feasibility of erecting a fence, guardrail or good old-fashioned rocks placed side by side at the end of the city property to prevent access to that area. (Unanimous)

P978-07 COUNCILLOR MELLO - MOVE TO request the Assessors Office supply to the City Council a list, and if possible phone numbers, of the property owners that own buildings around McIntyre Court and to refer the matter of public safety to the Municipal Safety Committee. (Unanimous)

P979-07 COUNCILLOR MELLO - MOVE TO request that the Municipal Safety Committee meet to discuss neighborhood concerns on Fulton Street A number of neighbors have come to me and asked if we could have a meeting regarding public safety issues, and also if we could invite a representative from Citizens from Adequate Housing and a also maybe the police department community policing to maybe help with some kind of program on that street as well. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P980-07 COUNCILLOR GAMACHE - MOVE TO receive and approve communication from St. John's Parish Fair regarding Banner request, subject to all papers being in order. (Unanimous)

P981-07 COUNCILLOR GAMACHE - MOVE TO receive a communication from Planning Board regarding Agenda for October 20 2007. (Unanimous)

P982-07 COUNCILLOR GAMACHE - MOVE TO receive communication from Keegan Werlin, LLP, 265 Franklin Street, Boston, MA regarding Algonquin Gas Transmission LLC expansion project, which may involve facilities within Danvers. (Unanimous)

P983-07 COUNCILLOR GAMACHE - MOVE TO receive communication from Community Development Department regarding Zoning revision update and to refer to the Industrial & Community Development Committee. (Unanimous)

P984-07 COUNCILLOR GAMACHE - MOVE TO receive and approve late communication from City of Peabody c/o Historical Society regarding Use of Wiggin Auditorium for concerts on October 13th and November 17th, 2007, subject to all papers being in order. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P985-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Innholder License Renewal for 2007 for Springhill Suites by Marriott, subject to all papers being order. (Unanimous)

P986-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Entertainment License Renewal for 2007 for Bonkers Funhouse, 535 Lowell Street, Peabody, MA, subject to all papers being in order. (Unanimous)

P987-07 COUNCILLOR GAMACHE - MOVE TO request that the City Clerk notify the City Council if there are licenses that are held up for various reasons, i.e., fire, police or building codes. (Unanimous)

P988-07 COUNCILLOR GAMACHE - MOVE TO approve the following Taxi/Limousine Driver Licenses, subject to all papers being in order:

Peter Lang, 322 Old Pillings Pond Road, Lynnfield	Community
Ralph Ferguson, 50 Warren Street, #413, Peabody	Community
Raymond Fazio, 236 Lafayette Street, Salem	Community

(Unanimous)

P989-07 COUNCILLOR GAMACHE - MOVE TO receive and approve Taxi Cab License Transfer - Community Tax - License #15, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A Bartholomew Street}

P990-07 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-90.4 Entitled Parking of Trucks and Commercial Vehicles Prohibited Bartholomew Street, both sides from Lynnfield Street to Oak Avenue be adopted as advertised and read. (Carried 11-0)

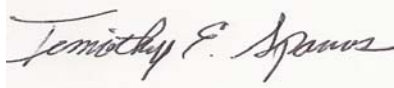
{10-B Veterans Memorial Drive}

P991-07 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-94 Entitled Parking Prohibited (Veterans Memorial Drive, south side, from Lynn Street to Rockdale Park be adopted as advertised and read. (Carried 11-0)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 4, 2007
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 4, 2007

ATTEST



(Timothy E. Spanos, City Clerk)