

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 11, 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.

P992-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of September 27, 2007. (Unanimous)

(MR. JOHN MURTAGH INTRODUCED HIMSELF TO THE CITY COUNCIL)

P993-07 COUNCILLOR DRISCOLL - MOVE TO receive and approve the appointment of John Murtagh, 9 Newton Drive, Peabody, MA to the Council on Aging for a five-year term to expire September 30, 2008. (Carried 10-0; Councillor Murtagh voted present)

P994-07 COUNCILLOR GAMACHE - MOVE TO receive and approve the appointment of Michael A. Woods, M.D., 6 Annie's Lane, South Hamilton, MA as the City Physician for a one-year term to expire December 31, 2007. (Carried 11-0)

P995-07 COUNCILLOR GAMACHE - MOVE TO receive and approve the following appointments, as submitted by His Honor the Mayor, under date of October 9, 2007:

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Susan Antonellis One Autumn Way Seabrook, NH	Board of Assessors	09/30/2009 Three year term
Richard Bettencourt, Jr, 13 Beacon Boulevard Peabody, MA	Conservation Commission	09/30/2010 Three year term
Adam Troupe 16 Bristol Road Peabody, MA	Conservation Commission	09/30/2010 Three year term
John McRobbie 256 Lynn Street Peabody, MA	Conservation Commission	09/30/2010 Three year term
Allan Klapman 22 Alden Road Peabody, MA	Conservation Commission Alternate Member	09/30/2009 Two year term
Joseph Mendonca 5 Cortland Street Peabody, MA	Council on Aging	09/30/2010 Three year term
Dorothy Walman 23 Baldwin Street Peabody, MA 01960	Council on Aging	09/30/2010 Three year term
Charles Holden 99 Lynnfield Street Peabody, MA	Licensing Board	06/01/2013 Six year term
Curt Bellavance 12 Mary Rose Way Peabody, MA (Carried 11-0)	Planning Board	05/31/2012 Five year term

HEARINGS

None.

REPORTS OF COMMITTEE

Industrial & Community Development Committee
October 2, 2007

P996-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We had a couple of meetings for the Industrial & Community Development slash Zoning Committee. The first one was held last Tuesday, October 2 for the purpose of continuing our review of the proposed zoning revisions. The agenda for that meeting on October 2 was to review Sections 3, 4 and 5. Present at the meeting was myself as chairman and committee members: Selesnick, Osborne, Athas, Liacos and Zellen. And other councillors present and active in the meeting: Garabedian, Mello and Murtagh. Also present from the City was the Director of Community Development Jean Delios and City Planner Blair Haney. As stated, the purpose was to continue discussion on Sections 3, 4 and 5 of the proposed zoning revision project. We had a very large crowd. I'd say probably over 100 people that day. Many spoke and stated their comments. There were a couple of motions made at the meeting. The first two were by Councillor Athas and the third was by Councillor Liacos and they were unanimously approved. (Report received)

P997-07 COUNCILLOR BETTENCOURT - MOVE TO approve Section 3.2.5, the B-R regional business, as amended by striking the word, "mixed" from the said description. (Unanimous)

P998-07 COUNCILLOR BETTENCOURT - MOVE TO amend Section 3.2.6, the B-C central business zoning district, and it was read as follows: "To provide for a mix of commercial, office and residential uses in close proximity to each other and to create a mix of uses within the same structure. Predominant uses are smaller retail service and office buildings. Purpose of the district should be to be more pedestrian oriented so that residents could walk to local and retail service businesses. Development is permitted such as retail on the ground floor with office or business above. Any proposal for residential uses shall only being allowed by Special Permit by the City Council. (Carried 10-1; Councillor Mello opposed)

RECONSIDERATION BY COUNCILLOR SELESNICK – Immediate reconsideration hoping same shall not prevail.
(Failed 10-1; Councillor Mello in favor)

P999-07 COUNCILLOR BETTENCOURT - MOVE TO vote down the originally proposed I-L B-C zoning amendment and to refer to committee for further discussion the newly revised I-L to B-C zoning amendment under date of September 28, 2007. (Unanimous)

P1000-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - As was stated, we had a large crowd. Many people came down to give their thoughts, which was very welcome. Progress was slow. We were only able to complete a couple of sections, but the debate was very good and I thought there was some accomplished there, however, there wasn't much movement, in terms of votes. (Report received)

**Industrial & Community Development Committee
October 4, 2007**

P1001-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - We did have a second meeting on October 4, last Thursday, 2007, a continuation of the review of Sections 3, 4 and 5. Present was myself as chairman; Councillors: Selesnick, Osborne, Athas, Liacos and Zellen. Others councillors participating are Garabedian, Mello, Murtagh, Gamache and Driscoll. We had a full house for that meeting, which was nice to see. Also present were Jean Delios and City Planner Blair Haney from the Community Development office and Ms. Darlene Winn from the VHB group that was the ones that put together the proposal. We picked up where we left off on Section 3, with the description of the zoning districts and there were a number of motions made. Originally the current zoning we have separates B-N and B-N2. The original proposal sought to consolidate those and Councillor Selesnick's motion was to not allow for that consolidation and to just keep it as separate zoning districts. And that motion was unanimously voted six to zero. (Report received)

P1002-07 COUNCILLOR BETTENCOURT - MOVE TO not to consider the consolidation of the B-N and B-N2 zoning district and that B-N and B-N2 be designated as separate zoning districts. (Unanimous)

P1003-07 COUNCILLOR BETTENCOURT - MOVE TO approve Section 3.2.8, the I-L zone light industry, as amended, by deleting quote-unquote "retail business uses," from said description. (Unanimous)

P1004-07 COUNCILLOR BETTENCOURT - MOVE TO approve Section 3.2.9, the I-P zone, the industrial park. (Unanimous)

P1005-07 COUNCILLOR BETTENCOURT - MOVE TO approve 3.2.10, the DDD district, designated development district, as submitted. (Unanimous)

P1006-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - Those were the motions made. There were many residents that spoke. And there was a PowerPoint presentation made by the Community Development office with their revised I-L to B-C proposed map changes. Again that's the downtown zoning change proposal from I-L, which it currently is zoned to a B-C zoning district. There was a presentation made and a lengthy discussion took place -- a very calm discussion. It was pretty ordinary. Wasn't much happened. So there was some discussion and a request made by Councillor Liacos. (Report received)

P1007-07 COUNCILLOR BETTENCOURT - MOVE TO request that the Department of Community Development provide the Industrial & Community Development Committee with a copy of the PowerPoint presentation that was made, as well as the new definitions that we voted upon and a revised proposed zoning map for our next meeting. (Unanimous)

**Finance Committee
October 11, 2007**

P1008-07 COUNCILLOR LIACOS - Reporting for the Finance Committee - Prior to this regular council meeting at 6:30 in the Frank L. Wiggin Auditorium we held a Finance Committee meeting. Present was myself, Councillor Athas, Councillor Bettencourt, Councillor Murtagh and Zellen for the committee, Ward 4 Councillor Driscoll attended, also councillor at large Michael Garabedian was in attendance as well. We only had the one issue and it was a request from the Community Preservation Committee, by way of His Honor the Mayor Bonfanti, and the Community Preservation Committee has voted to request an appropriation in the amount of \$200,000 to supplement the City's existing housing rehabilitation program. The funding will be used to assist low- and moderate-income households, rehabilitate deteriorated properties, in order to create safe, sanitary and affordable housing. Approximately eight units will be rehabilitated with this round of funding. This was a program whereby we loan money to worthy Peabody residents that meet certain income guidelines to fix up their homes under affordable guidelines. The following motion was made by Councillor Murtagh and it was unanimously approved by the Finance Committee. (Report received)

P1009-07 COUNCILLOR LIACOS - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of July 31, 2007:

FROM:	TO:	
CPA - Affordable Housing Reserve Fund - \$200,000.00	Housing Rehabilitation	\$200,000.00
(Carried 11-0)		

P1010-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, Item 8-A communication from John Christopher, Assistant City Solicitor, regarding Block grant loans. (Unanimous)

P1011-07 COUNCILLOR MURTAGH - MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Our Lady of Fatima Church regarding Banner request, subject to all papers being in order. (Unanimous)

P1012-07 COUNCILLOR ATHAS (Co-motion with Councillor Garabedian) - MOVE TO receive, under suspension of the rules, Item 8-C communication from residents of Cottage Street regarding Public safety concerns and to refer to the Municipal Safety Committee. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

(COUNCILLOR SELESNICK INFORMED THE CITY COUNCIL THAT THE JEWISH HISTORICAL SOCIETY OF THE NORTH SHORE IS CELEBRATING ITS 30TH ANNIVERSARY AT WOODBRIDGE ON SUNDAY, NOVEMBER 4, 2007)

P1013-07 COUNCILLOR SELESNICK - MOVE THAT the Peabody City Council issue a proclamation to the Jewish Historical Society of the North Shore in recognition of its 30th anniversary and also in recognition of the dedication of their archives in the name and memory of Avrom J. Herbster, who I think everybody here knows quite well who unfortunately passed away recently. (Unanimous)

P1014-07 COUNCILLOR SELESNICK (Co-motion with Councillor Driscoll) MOVE TO receive, under suspension of the rules, late communication from Mr. and Mrs. Albert regarding a request that the zoning committee review changing their neighborhood back to 15,000 square feet and to refer to the Community & Industrial Development Committee. (Unanimous)

P1015-07 COUNCILLOR DRISCOLL – WHEREAS an emergency condition exists affecting the health, safety, and welfare of citizens of the City of Peabody, specifically, excessive noise emanating from the Northshore Mall construction project in the early morning hours;

THEREFORE BE IT ORDAINED by the City Council of the City of Peabody to respectfully request that a letter be sent to Mark Whiting of the Northshore Mall, Fire Chief Steve Pasdon, Building Inspector Kevin Goggin informing them that the residents living in the area of the Northshore Mall are upset with the noise in the late evening/early morning hours and would like to see some resolution to the matter. It was promised that the heavy drilling would be completed by October 7 and it seems to be carrying on, so I'd like to get some kind of report as to why that is still continuing. (PREAMBLE – Carried 11-0) (MOTION – Carried 11-0)

P1016-07 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department evaluate the Endicott Street bridge that goes over Proctor Brook ensuring that the public will have safe passage there. Apparently there's been tremendous erosion and a constituent asked me to move on that. (Unanimous)

P1017-07 COUNCILLOR DRISCOLL - MOVE TO request that the Police Department increase police presence at the Hunt Street and Charles Street intersection close to the Center School and to further request that they investigate the feasibility of a four-way stop sign at the Hunt Street/Charles Street intersection. (Unanimous)

P1018-07 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Peter Schmitt, 96 Lynn Street regarding Special Permit application and to set up a public hearing. (Unanimous)

P1019-07 COUNCILLOR OSBORNE - MOVE THAT the City Council consider eliminating the winter parking ban and replace it with a snow emergency or some other system that is more resident friendly and that the issue be submitted to the Municipal Safety Committee. (Unanimous)

P1020-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Christopher, Assistant City Solicitor, regarding Legal opinion, Golden Banana. (Unanimous)

P1021-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department clean out the choke points along the Goldthwaite, Proctor and Strong Water brooks. (Unanimous)

P1022-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-D communication from Teresa Cammarano, 98 Foster Street, regarding Resubmission of request to amend zoning ordinance and to refer to the Planning Board. (Unanimous)

P1023-07 COUNCILLOR ZELLEN - MOVE TO request that the Public Services Department place signs indicating "No dumping of trash permitted," at the end of Wentworth Road and Robert Road. (Unanimous)

P1024-07 COUNCILLOR ZELLEN - MOVE TO request that the Board of Health investigate the recent complaints of strong smells of oil and/or asphalt by residents of the streets near Aggregate Industries plant. (Unanimous)

P1025-07 COUNCILLOR ZELLEN - MOVE TO request that the Board of Health provide the City Council with statistics of how the City of Peabody compares to other Massachusetts communities with regard to incidents of cancer or other respiratory problem. This request is being made to see if the quality of air near and around the Russell Street quarry has any impact on the number of incidents. (Unanimous)

P1026-07 COUNCILLOR ZELLEN - MOVE TO request the Public Services Department perform a feasibility study on Winona Street from Lake Street to the Lynnfield line depicting those sections of the street that have no sidewalks; further, that said analysis should include a study of how, what the process would entail and at what cost the City would undertake to install sidewalks in those areas that have none; and further, that that preliminary report be prepared and presented to the Municipal Safety Committee of the City Council within the next 30 days. (Unanimous)

P1027-07 COUNCILLOR ZELLEN - MOVE TO request that the Public Services Department remove the tree roots and repair sidewalks in front of 18 Glen Drive. (Unanimous)

P1028-07 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department put a handicapped sign up at the front of 55 Tracey Street. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P1029-07 COUNCILLOR GAMACHE - MOVE TO receive communication from Robert J. Schneider, Lahey Clinic, regarding Special Permit application to amend Special Permit 24-2007 and to set up a public hearing. (Unanimous)

P1030-07 COUNCILLOR LIACOS - MOVE THAT the subject of the City Council scholarships be referred to the Finance Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P1031-07 COUNCILLOR GAMACHE - MOVE TO approve the following Taxi Driver Licenses, subject to all papers being in order:

Francis Murray, 29 Hancock Street, Salem	Community
Ike Silverhardt, 29 Broadway, Beverly	Tri City
Lisa Kenney, 321 Jefferson Avenue, Salem	Tri City

(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

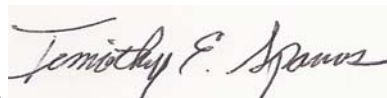
{10-A Drive-through windows}

P1032-07 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19, Section 19-26.1 Entitled Obstructing traffic while utilizing drive-through windows be adopted as advertised and read. (Carried 10-1; Councillor Mello opposed)

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

SUBMITTED TO HIS HONOR THE MAYOR, OCTOBER 18, 2007
RETURNED BY HIS HONOR THE MAYOR, OCTOBER 18, 2007

ATTEST



(Timothy E. Spanos, City Clerk)