

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**NOVEMBER 15, 2007**

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

ABSENT: COUNCILLORS: SELESNICK AND DRISCOLL

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.

P1065-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of October 25, 2007. (Unanimous)

P1066-07 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 8-I communication from John Christopher, Asst. City Solicitor, regarding Portuguese American War Veterans Post #1 lease agreement. (Unanimous)

(JOHN CHRISTOPHER, ASSISTANT CITY SOLICITOR, SPOKE BEFORE THE CITY COUNCIL REGARDING ITEM 8-I COMMUNICATION)

P1067-07 COUNCILLOR BETTENCOURT - BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor to enter into a lease agreement with the Portuguese American War Veterans Post #1 of 103 Tremont Street, Peabody, MA as stated in the terms and conditions set forth in said lease for land with the buildings and improvements thereon located at said 103 Tremont Street, Peabody, MA containing approximately 32, 195 square feet of land and a former school house used as meeting place for the PAWV Post #1 commencing October 1, 2007 and continuing through September 30, 2008 for the base rent of \$1.00 per annum. (Carried 9-0; Councillors Selesnick and Driscoll absent)

**HEARINGS**

P1068-07 COUNCILLOR GAMACHE - MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney John R. Keilty on behalf of Lahey Clinic regarding Request to continue Special Permit hearing to November 27. (Unanimous)

A public hearing was duly held on the Special Permit application from Aggregate Industries-Northeast Region, Inc., 1715 Broadway, Saugus, MA. Appearing to speak on behalf of said application was Attorney Jerry C. Effren. Attorney John Christopher spoke on behalf of the City. Ms. Mary Callahan, 56 Russell Street, Peabody, MA appeared to speak in favor. Mr. Kenneth Banville, 21 Styles Drive, Peabody, MA and Ms. Nancy McCormack, 5 Stone Drive, Peabody, MA appeared to speak in opposition.

P1069-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from Community Development Department regarding Special Permit memo, Aggregate Industries, 55 Russell Street. (Unanimous)

P1070-07 COUNCILLOR BETTENCOURT - BE IT ORDERED by the City Council of the City of Peabody that the application from Aggregate Industries-Northeast Region, Inc., 1715 Broadway, Saugus, MA for a Special Permit requesting to amend Special Permit 33-2002 by extending by two years to December 13, 2009 the time by which the quarry closure plan provided by Section F(8) of said Special Permit shall be achieved and completed, as it pertains to premises located at 55 Russell Street, Peabody, MA, as filed in accordance with Section 1.5.1 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. A closure committee to be appointed by the City Council President; and
2. That scheduled monthly meetings be held and a quarterly progress reports of Aggregate Industries' status be given to the City Council. (Carried 9-0; Councillors Selesnick and Driscoll absent)

P1071-07 COUNCILLOR ZELLEN - MOVE THAT the City Council President, when appointing the Chairman of the Ad Hoc Committee on Aggregate Industries, also appoint that same person to be Chairman of the Ad Hoc Closure Committee. (Unanimous)

A public hearing was duly held on the Special Permit application from John Brophy, 51 Lake Shore Road, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Regan. Attorney John Christopher spoke on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P1072-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 3 from Community Development Department regarding Special Permit memo, John Brophy, 86 Endicott Street. (Unanimous)

P1073-07 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from John Brophy, 51 Lake Shore Road, Peabody, MA for a Special Permit to reconstruct a nonconforming use, which predates the zoning ordinance and which was destroyed by fire at 86 Endicott 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 condition:

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.

CONDITION:

1. The hours of construction shall be Monday through Friday 8:00 a.m. to 6:00 p.m. (Carried 9-0; Councillors Selesnick and Driscoll absent)

### **REPORTS OF COMMITTEE**

Industrial & Community Development Committee  
November 15, 2007

P1074-07 COUNCILLOR BETTENCOURT - Reporting for the Industrial & Community Development Committee - There was a brief meeting of the Industrial & Community Development Committee. Present at the meeting were myself, Councillor Athas, Liacos, Osborne and Councillor Zellen sat in for Councillor Selesnick. Also present were Councillor Murtagh, Mello, and Gamache. I think that covers everybody. Also present were building inspector Kevin Goggin. And on agenda was just one item: A review of a FALA application for Kevin and Laurel Mullen, 569 Lowell Street for their property that they're building on 16A Bristol Road. And after a review of the plans, the subcommittee voted unanimously to approve the FALA application, all papers being in order. And the plan was under all the specifications required by the FALA ordinance. And again it was a unanimous vote. (Report received)

P1075-07 COUNCILLOR BETTENCOURT - MOVE TO recommend that the City Council approve the FALA Special Permit application from Kevin and Laurel Mullen, 16A Bristol Road, and that a public hearing be scheduled on the same. (Unanimous)

Municipal Safety Committee  
October 25, 2007

P1076-07 COUNCILLOR GARABEDIAN - Reporting for the Municipal Safety Committee - On October 25 the Committee met to discuss some issues on Cottage Street and Fulton Street, public safety. The committee met with residents on Cottage Street and Osborne Street with Captain Scott Correia. The residents had previously filed a letter of concern stating numerous public safety concerns in the neighborhood. It was recommended by Captain Correia that a neighborhood watch be established and that neighbors meet with the police department to discuss their concerns. The matter was held in committee for a report of progress. On the Fulton Street public safety concerns the committee met with Captain Correia and residents of Fulton Street to discuss similar issues, but a little bit more in detail. Residents that spoke were Pam Paine and Diane Callahan of 20 Fulton Street. Also appearing to speak was Janine Sidmore from the Citizens from Adequate Housing. Again it was recommended by Captain Correia that a neighborhood watch be established and neighbors meet with the police department to discuss their concerns. And that matter was held for a report of progress. (Report received)

Municipal Safety Committee  
November 15, 2007

P1077-07 COUNCILLOR GARABEDIAN - Reporting for the Municipal Safety Committee - We met with Angel's Auto Sales tonight concerning some safety issues with parking out closer to the 114 area and flags blocking some pedestrians walking by the station. And we came to an agreement about him removing the truck and the flags. So we did issue a warning. A motion was made by Councillor Bettencourt and we just issued him a warning and basically he agreed on all the issues. (Report received)

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

P1078-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department perform an inspection on the sewer systems in the areas of Fairview, Lake Shore and Troy Road. The residents have had some sewer backup problems up there in the past. The city has addressed them, but they just want to make sure that the City gives it an inspection and looks it over again before they have any further problems. (Unanimous)

P1079-07 COUNCILLOR OSBORNE - MOVE TO request that the Peabody Electric Light Plant install a streetlight on the pole at 31 Quail Road. (Unanimous)

P1080-07 COUNCILLOR OSBORNE - MOVE TO request that the Peabody Electric Light Plant install a streetlight at the intersection of Bartholomew Street and Lynn Street. (Unanimous)

P1081-07 COUNCILLOR OSBORNE – MOVE TO request that the Public Services Department follow up on an ordinance recently adopted to prohibited parking on Veterans Memorial Drive, south side from Lynn Street to Rockdale Park, and to erect the proper signage on the same. (Unanimous)

P1082-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department and the Housing Authority investigate the signs that were erected to create a traffic flow into Rockdale Park at Veterans Drive. The intent is that somebody coming out of Rockdale Park has to take a right and go around the island, as opposed to going straight across, and those signs are not there anymore. We need to get those signs reinstalled to create the proper traffic pattern out of Rockdale Park. (Unanimous)

P1083-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department provide the City Council with an update of all motions on a regular basis. Once in a while we get an update from Public Services, but they seem to only come twice a year. So I don't think we need it monthly, but I would like to see it maybe quarterly that they provide an update on all motions submitted by the Council on a quarterly basis. (Unanimous)

P1084-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-A communication from Mass Bay Transportation Authority, 10 Park Plaza, regarding Relocation of Main Street bus stop. (Unanimous)

P1085-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-G communication from Board of Assessors regarding Residential exemption request. (Unanimous)

P1086-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-K communication from Luciano P. Dinis, 102 & 104 Washington Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P1087-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department remove the heavy roots and repair the sidewalks at number 3, 5, 9, 11 and 15 Joy Road. (Unanimous)

P1088-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department to re-measure the "No parking" sign on the even numbered side of Swampscott Avenue to an accurate 90 feet, as stated in the city code. (Unanimous)

P1089-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the pothole along the Dunkin' Donuts chain-link fence on Swampscott Avenue. (Unanimous)

P1090-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the concrete stanchion protecting the fire hydrant in front of number 11 Goodridge Street. (Unanimous)

P1091-07 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department clean the clogged storm drain at 287 Washington Street. (Unanimous)

P1092-07 COUNCILLOR ATHAS - MOVE TO request Mr. Carnevale, Director of the Public Services Department, appear before the City Council to discuss the recent news that was in the newspaper about the Army Corp of Engineers being involved in our flood mitigation of the downtown area. (Unanimous)

P1093-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-L communication from Patricia Davis Schaffer, Director of Finance, regarding General fund summary and to refer to the Finance Committee. (Unanimous)

P1094-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-M communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations and to refer to the Finance Committee. (Unanimous)

P1095-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-N communication from Patricia Davis Schaffer, Director of Finance, regarding School status of appropriations and to refer to the Finance Committee. (Unanimous)

P1096-07 COUNCILLOR LIACOS - MOVE TO request that as soon as possible a communication be sent to the Lahey Clinic Foundation reminding them that they are bound

by the construction hours of operation, as listed in the Special Permit, which is 7:00 a.m. to 6:00 p.m. and that they are not to start work before 7 o'clock in the morning, until they get approval of the City Council. (Unanimous)

P1097-07 COUNCILLOR LIACOS – MOVE TO request that a communication be sent to His Honor the Mayor requesting information regarding the proposed vocational merger asking if there is any information that could be provided to the City Council as to any costs to the city that have been developed if Peabody participates in this merger, specifically per pupil costs including transportation on a yearly basis and any projected building costs, which elected body would have the final vote to enter into such a contract, the School Committee or City Council, are there any projections as to future affects on the City's budget, and finally what role would the City Council be involved in other than budgetary matters. (Unanimous)

P1098-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-D communication from Community Development Department regarding Crystal Lake update and to refer to the Ad Hoc Committee on Crystal Lake. (Unanimous)

P1099-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-E communication from West School PTO regarding Banner request. (Unanimous)

P1100-07 COUNCILLOR ZELLEN – MOVE TO approve the banner request from the West School PTO subject to all papers being in order. (Unanimous)

P1101-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 4 from Attorney Brian Barrett, Assistant City Solicitor, regarding Planning Board request to accept Chapter 39, Section 23D - “eliminate the disqualification of absent board members.” (Unanimous)

P1102-07 COUNCILLOR MELLO - MOVE TO respectfully request the Chief of the Peabody Fire Department or his or her representative if they would come in front of City Council and sort explain the methods for regulating dangerous chemicals and/or materials, including the process by which violations are handled and how violations are reported. (Unanimous)

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

None

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

P1103-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Keegan Werlin, LLP, 265 Franklin Street, Boston regarding Algonquin Gas Transmission Expansion Project - FERC scoping meeting. (Unanimous)

P1104-07 COUNCILOR MURTAGH - MOVE TO receive communication from Public Services Department regarding Endicott Street bridge. (Unanimous)

P1105-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Steven & Maureen Lane, 118 Central Street, regarding Special Permit application and Junk Dealers License application and to set up a public hearing. (Unanimous)

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

P1106-07 COUNCILLOR MURTAGH - MOVE TO receive Entertainment License - D & B Corp. d/b/a Golden Banana regarding Amendment of corporation and to set up a public hearing. (Unanimous)

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P1107-07 COUNCILOR MURTAGH - MOVE TO receive and approve Use of Frank L. Wiggin Auditorium - City of Peabody Historical Society regarding November 17, subject to all papers being in order. (Unanimous)

P1108-07 COUNCILLOR MURTAGH - MOVE TO approve the following Taxi-Limousine Driver Licenses, subject to all papers being in order:

Scott Therien, 54 King Street, Peabody Street, Salem	Domingo Perez, 12 Pope Street, Salem
Jose Rodriguez, III, 55 Butler Street, Salem	Wade Durkee, 22 Bridge Street, Salem
Betsy McNaughton, 98 Newbury Street, Danvers(Unanimous)	

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

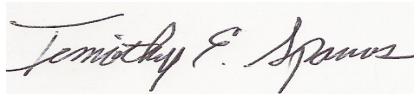
P1109-07 COUNCILLOR GAMACHE - MOVE TO receive Item 8-B communication from Community Development Department regarding Special Permit memo, Lahey Clinic. (Unanimous)

P1110-07 COUNCILLOR GAMACHE - MOVE TO receive Item 8-H communication from Peabody Local 925 IAFF regarding Public safety issues. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

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

ATTEST



(Timothy E. Spanos, City Clerk)