

**REGULAR MEETING OF THE PEABODY CITY COUNCIL  
NOVEMBER 17, 2011**

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

ABSENT: COUNCILLOR OSBORNE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Anne M. Manning-Martin.

Salute to the American Flag.

P847-11 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of October 27, 2011. (Unanimous)

COUNCILLOR MANNING-MARTIN - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

**HEARINGS**

A public hearing was duly held on Tax Classification for Fiscal Year 2012. Appearing to speak on behalf of the City was His Honor the Mayor Michael Bonfanti; Patricia Davis Schaffer, Finance Director; Michael Gingras, Auditor; Robert Noone, Chairperson, Board of Assessors; Susan Antonellis, Assessor Administrator; and Frederick Martini, Chief Assessor. No one appeared to speak in favor. No one appeared to speak in opposition.

P848-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds from Unreserved Fund Balance to FY-2012 Operating Budget – Tax Levy - \$1,000,000.00. (Unanimous)

P849-11 COUNCILLOR MELLO - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds under date of November 3, 2011: From Parking Meter Revenue to Parking Meter Maintenance-FY2012 Budget \$56,500.00; and From AARA – Early retirees Health insurance reimbursement to Health Insurance Admin – FY2012 Budget \$154,659.53. (Unanimous)

P849A-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Acceptance of Chapter 126 of the Acts of 1988 Optional Additional Exemptions Clauses 17, 17C, 17C 1/2, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41-C of Section 5 of Chapter 59. (Unanimous)

P850-11 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Transfer of funds from CPC Collections and State Match to CPC various reserve funds. (Unanimous)

P851-11 COUNCILLOR GAMACHE – MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of November 8, 2011:

FROM	TO
Unreserved Fund Balance - \$1,000,000.00	FY 2012 Operating Budget-Tax Levy - \$1,000,000.00
(Carried 8-2; Councillors Mello and Sinewitz opposed; Councillor Osborne absent)	

P852-11 COUNCILLOR GAMACHE - MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of November 3, 2011:

FROM	TO
Parking Meter Revenue - \$56,500.00	Parking Meter Maintenance-FY 2012 Budget \$56,500.00
(Carried 10-0, Councillor Osborne absent)	

P853-11 COUNCILLOR GAMACHE – MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of November 3, 2011:

FROM	TO
AARA-Early Retirees Health Insurance	Health Insurance Admin-FY-2012 Budget
Reimbursement - \$154,659.53	\$154,659.53
(Carried 10-0, Councillor Osborne absent)	

P854-11 COUNCILLOR GAMACHE – MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of November 3, 2011:

FROM	TO
Community Preservation Funds Unreserved	Historical Preservation Reserve Fund-\$84,746.00
\$254,238.00	Community Housing Reserve Fund-\$84,746.00
	Open Space Reserve Fund - \$84,746.00
(Carried 10-0, Councillor Osborne absent)	

P855-11 COUNCILLOR GAMACHE – MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of November 3, 2011:

FROM	TO
Community Preservation Funds Unreserved	Open Space Reserve Fund - \$84,746.00
\$127,118.00	Historic Preservation Reserve Fund - \$21,186.00
	Community Housing Reserve Fund-\$21,186.00
(Carried 10-0, Councillor Osborne absent)	

P856-11 COUNCILLOR GAMACHE – Reporting for the Finance Committee - MOVE TO approve the following transfer of funds, as submitted by His Honor the Mayor under date of October 25, 2011:

FROM	TO
CPC-Open Space - \$102,817.00	CPC – South Peabody Trail Project - \$102,817.00
(Carried 10-0, Councillor Osborne absent)	

P857-11 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody to adopt Chapter 126 of the Acts of 1988 – Optional Additional Real Estate Exemptions as set forth in Clauses 17, 17C, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5 of Chapter 59 of the M.G.L. (Carried 10-0, Councillor Osborne absent)

P858-11 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody to adopt a Residential Factor of .81500 for Fiscal Year 2012. (Carried 8-2, Councillors Mello and Sinewitz opposed; Councillor Osborne absent)

P859-11 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody not to grant a discount for Open Space. (Carried 10-0, Councillor Osborne absent)

P860-11 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody not to adopt a residential exemption. (Carried 9-1, Councillor Mello opposed; Councillor Osborne absent)

P861-11 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody not to adopt a small commercial exemption. (Carried 9-1, Councillor Mello opposed; Councillor Osborne absent)

P862-11 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application from Witch City Taxi & Livery LLC, 63 Jefferson Avenue, Salem, MA, until Thursday, December 8, 2011. (Unanimous)

P863-11 COUNCILLOR GAMACHE - MOVE TO continue the public hearing on the application from Costa Auto Service, Inc., 195 Washington Street, Peabody, MA, until Thursday, December 8, 2011. (Unanimous)

A public hearing was duly held on the application from Luso American Credit Union, 37 Tremont Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney David Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

P864-11 COUNCILLOR MELLO – BE IT ORDERED by the City Council of the City of Peabody that the application from Luso American Credit Union, 37 Tremont Street, Peabody, MA, for a Special Permit to allow for a drive-up automatic teller machine at said 37 Tremont Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 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) This Special Permit as issued to Luso American Credit Union, 37 Tremont Street, for the use as described in the special permit application under items 6 and 12 shall terminate upon the change of use as a bank.

(Carried 10-0, Councillor Osborne absent)

A public hearing was duly held on the application from The Mall at Northshore, LLC, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney David Ankeles and Mr. Mark Whiting, General Manager, Northshore Mall. No one appeared to speak in favor. No one appeared to speak in opposition.

P865-11 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from The Mall at Northshore, LLC, 210 Andover Street, Peabody, MA, for a Special Permit to repair and reconstruct an existing billboard to identify, advertise and promote The Northshore Mall together with a digital message board to be used for the same purposes and for public purposes, announcements and/or emergencies currently located south of the Mall along the westerly boundary of Route 128, Peabody, MA, as filed in accordance with Section 11.6 of the Peabody Zoning Ordinance be approved based on the following reasons:

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.

(Carried 10-0; Councillor Osborne absent)

P866-11 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, late communication Item 1 from Attorney John R. Keilty on behalf of Lowell Street CVS Peabody, 530-532 Lowell Street, regarding Request to withdraw without prejudice. (Unanimous)

The City Council reconvened the recessed public hearing on the application from Constantine G. Scrivanos, 3 Pluff Avenue, North Reading, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty. Appearing to speak on behalf of the City was Captain DeRosa, Police Department. No one appeared to speak in favor. No one appeared to speak in opposition.

P867-11 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Constantine G. Scrivanos, Trustee of Lowell Street Realty Trust, 3 Pluff Avenue, North Reading, MA, for a Special Permit to add a second drive-through window, alter parking field and traffic pattern at 527 Lowell Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 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) This Special Permit as issued to Constantine G. Scrivanos, Trustee of Lowell Street Realty Trust, 527 Lowell Street, for the use as described in the special permit application under items 6 and 12 shall terminate upon the change of ownership of the business, sale of the business, or cessation of the business as described in the application.
- 2) Approval is subject to a plan of land dated June 2, 2011 entitled "Site Plan Showing Proposed Improvements, 527 Lowell Street, Peabody, MA.

(Carried 9-1, Councillor Manning-Martin opposed; Councillor Osborne absent)

### **REPORTS OF COMMITTEE**

#### **INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE NOVEMBER 10, 2011**

P868-11 COUNCILLOR GRAVEL - Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met on Thursday evening, November 10th; present were Council members: Gravel, Liacos, Gamache, Manning-Martin and Athas; committee members absent were Garabedian and Osborne. We also had with us that evening Ms. Sawyer from Community Development Department, Captain DeRosa from the Police Department and Mr. Will Paulitz from the Public Services Department. There were two matters on the agenda. The first matter that was taken up was the Lynnfield Street traffic action plan. Ms. Sawyer, Captain DeRosa, Attorney Keilty and the Committee discussed some of the improvements that they were seeking to make and the traffic counts that they were pending to receive. That night there was a long discussion about a definitive traffic plan and we were promised that we would be receiving a traffic plan in a follow-up meeting that is scheduled now for December 8th prior to the regular meeting. There were no motions taken. (Report received)

P869-11 COUNCILLOR ATHAS – MOVE TO receive, under suspension of the rules, late communication Item 2 from John Christopher, City Solicitor, regarding Reconsideration of denial of Special Permit. (Unanimous)

P870-11 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-O communication from Linear Retail Peabody #1 LLC, 79 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Failed 5-4; Councillors Gravel, Liacos, Gamache and Manning-Martin in favor; Councillors Osborne and Garabedian absent)

P870A-11 COUNCILLOR GRAVEL – Reporting for the Industrial & Community Development Committee - The Farm Avenue sewers. The Committee met with Mr. Will Paulitz, engineer for the Department of Public Services, and discussed a cost estimate to the City for sewerage coverage to the residents of Farm Ave. The original cost estimate of \$256,500 was submitted on July 18th, 2011. They did some more work and basically came up with a revised plan with a cost estimate of approximately \$114,000. There was a motion that was made by Councillor Gamache. (Report received)

P871-11 COUNCILLOR GRAVEL - Reporting for the Industrial & Community Development Committee - MOVE TO request that the Public Services Department provide the City Council with a listing of properties on Farm Avenue that are already on the City sewer and which properties potentially could have access to the City sewer service based on the revised plan; and to notify the residents of Farm Avenue of the next committee meeting. (Unanimous)

P872-11 COUNCILLOR GRAVEL - Reporting for the Industrial & Community Development Committee – (Co-motion with Councillor Osborne) – MOVE TO request that the Public Services Department repaint the crosswalk at Lynnfield Street and Newhall Place, to investigate the addition of signage warning of children crossing because it does cross right into an early childhood center, and further that they investigate the possibility of installing a flashing yellow light at that crosswalk. (Unanimous)

**AD HOC COMMITTEE MUNICIPAL GOLF COURSE  
NOVEMBER 17, 2011**

P873-11 COUNCILLOR DRISCOLL – Reporting for the Ad Hoc Committee on Golf - The Golf Committee met this evening. Councillor Athas, Councillor Manning-Martin and myself was present. We were dealing with a problem regarding Mr. Innis at 21 Sherwood Avenue who wanted the installation of netting on the 7th fairway. After a lengthy discussion, a compromise was reached and hopefully the adjustments will improve the situation and take care of the safety issue of that neighborhood on Sherwood Avenue. (Report received)

P874-11 COUNCILLOR DRISCOLL - Reporting for the Ad Hoc Committee on Golf - MOVE TO request that the Meadows golf course start immediate redirection of the 7th tee and we'll revisit the matter in July of 2012. (Carried 8-0, 3 absent; Councillors Osborne, Gamache and Garabedian)

**LEGAL AFFAIRS COMMITTEE  
NOVEMBER 17, 2011**

P875-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee – Earlier this evening the Legal Affairs Committee met comprising myself, Councillor Manning-Martin, Councillor Driscoll, Councillor Gravel and Councillor Sinewitz. There were four matters on the agenda. The first was the purchase of city-owned land at 22 Farnham Avenue by Paul and Melissa Gustafson for the price of \$1,800. (Report received)

P876-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee – MOVE TO request that the City of Peabody enter into a Purchase & Sale Agreement with Paul & Melissa Gustafson, 22 Farnham Avenue, for the property located at 0 Farnham Avenue, Map 83, Parcel 29 for the purchase price of \$1,800.00. (Unanimous)

P877-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The second matter was a request by Tri City Services to review the taxi fare rates. There were different amounts being discussed. The owner of Tri City suggested a \$1 increase in zones 1 through 3 and \$2 for zones 4 through 7. After some discussion he reduced that request to \$0.85 for zones 1, 2, 3 and \$1.70 for zones 4, 5, 6 and 7. There hasn't been an increase since 2006. (Report received)

P878-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - MOVE TO approve an increase in the taxi fare rates to \$0.85 for zones 1, 2, and 3 and \$1.70 for zones 4, 5, 6, and 7, and request that an ordinance be drafted and advertised. (Carried 6-2; Councillors Manning-Martin and Athas opposed; Councillors Osborne, Gamache and Garabedian absent)

P879-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - The third matter was a proposed ordinance change by the Peabody Police Department regarding the drinking of alcoholic beverages. Presently under our ordinance if you are in possession of an open container and you put it down, legally you can't be arrested for drinking in public, so the suggestion was to add language to our Section 4-1 Drinking of alcoholic beverages prohibited on public ways and certain other places, to add language to that, in order for violators of open containers to be arrested. (Report received)

P880-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee – MOVE TO approve the following changes to Section 4-1 "Drinking alcoholic beverages, prohibited on public ways and certain other places", and that an ordinance on the same be drafted and advertised as read.

**To delete in its entirety the current language in Section 4-1 and replace with the following:**

No person shall drink any alcoholic beverages as defined in M.G.L.A., c. 138, Section 1, or carry or be in possession of any opened container, bottle or can containing an alcoholic beverage as defined in MGLA, c. 138, Section 1, while in or upon any public way or any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, school parking lot or property, or private land, building, structure or place without the consent of the owner or their designee in control thereof. Violators may be arrested without a warrant by an officer authorized to serve criminal process in the place where the offense is committed in the officers presence and kept in custody until they can be taken before a court having jurisdiction of the offense. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summonsed before the court, at which time they shall be returned to the person entitled to lawful possession. (Unanimous)

P881-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - Another matter was the City leasing the MBTA railroad tracks right-of-way. This is a request from Community Development that would potentially extend creating a multiuser trail. There were no further details or specifics but they are basically asking the City Council to authorize His Honor the Mayor to enter into this lease agreement with the MBTA. (Report received)

P882-11 COUNCILLOR ATHAS - Reporting for the Legal Affairs Committee - MOVE TO authorize His Honor the Mayor to execute the necessary lease agreement with the MBTA with regards to the abandoned section of the Newburyport Branch Railroad right of way to the City of Peabody as shown on a plan of land dated October 20, 2011 for the purpose of creating a multi-use trail. (Unanimous)

P883-11 COUNCILLOR ATHAS – Reporting for the Legal Affairs Committee - Also Attorney Christopher was present to explain his memorandum relative to 79 Lynnfield Street, which we already discussed. (Report received)

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

P884-11 COUNCILLOR LIACOS – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Bond Order – Flood Mitigation Program, to advertise, and to refer to the Finance Committee. (Unanimous)

P885-11 COUNCILLOR BETTENCOURT – MOVE TO receive, under suspension of the rules, Item 8-K communication from Sharon Cameron, Director, Health & Human Services, regarding Eastman Gelatine odors. (Unanimous)

P886-11 COUNCILLOR MELLO - MOVE TO request that the Peabody Municipal Light Plant look into the possibility of adding streetlights to Pulaski Street Rear at the industrial park. I've been getting some requests from the businesses over there to make it safer. There are some dark areas and there's also been some illegal dumping on the property. (Unanimous)

P887-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-B communication from MassDOT, 519 Appleton Street, Arlington, regarding Loris Road speed reduction. (Unanimous)

P888-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-E communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer; Tanner City Pizza, 44 Margin Street, and to set up a public hearing. (Unanimous)

P889-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-L communication from Tommy Fang, Engineer, National Grid, regarding Motion regarding Esquire Drive. (Unanimous)

P890-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-N communication from Pinto Recycling, Inc., 58 Pulaski Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P891-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-P communication from Ruddy's Towing, 7D Webster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P892-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Arrington Towing Co., 7C Webster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P893-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-R communication from Walnut Street Auto Sales, 7A Webster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P894-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, late communication Item 5 from M Zone Motoring LLC, 7 Webster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P895-11 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, late communication Item 6 from Tire Man of Massachusetts, 7E Webster Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P896-11 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-S communication from Aggregate Industries, 55 Russell Street, regarding Required perimeter ambient air quality monitoring and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P897-11 COUNCILLOR SINEWITZ - MOVE TO request that the Peabody Fire Department provide the City Council with information as to how many calls in the last year were received from Brooksby Village, how many times an engine was sent out, and also how many calls per day were received from that location. (Report received)

P898-11 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-T communication from Timothy E. Spanos, City Clerk, regarding request for reappointment as City Clerk. (Carried 8-0; Councillors Osborne, Gamache and Garabedian absent)

P898A-11 COUNCILLOR DRISCOLL – MOVE TO approve the appointment of Timothy E. Spanos, 7 Highland Park, Peabody, MA as City Clerk for a three (3) year term to expire on December 31, 2014. (Carried 8-0; Councillors Osborne, Gamache and Garabedian absent)

P899-11 COUNCILLOR DRISCOLL - MOVE TO request that the Public Services Department repaint the crosswalks on the corner of School Street and Franklin Street. (Unanimous)

P900-11 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, late communication Item 3 from Auto Choice of Peabody, 249 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P901-11 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department repair the sidewalk to the street along number 8 and 10 Swampscott Avenue. (Unanimous)

P902-11 COUNCILLOR ATHAS – MOVE TO schedule a hearing at our next City Council meeting to determine if specific and material changes exist in the application for a Special Permit at 79 Lynnfield Street. (Unanimous)

P903-11 COUNCILOR ATHAS - MOVE TO request that the Planning Board examine carefully 40A, Section 16. (Failed 5-3; Councillors Gravel, Liacos and Manning-Martin opposed; Councillors Osborne, Gamache and Garabedian absent)

P904-11 COUNCILLOR MANNING-MARTIN - MOVE TO request that the Public Services Department review all the crosswalks in the city and give us an assessment and a maintenance plan for upkeep of them. (Unanimous)

P905-11 COUNCILLOR MANNING-MARTIN - MOVE TO refer to the Ad Hoc Committee on Council Rules the current ordinance Section 30-62, which was discussed tonight regarding the taxis and fees to determine if the city wants to continue with the zone map or if we would like to go to a meter system that is used in other communities. (Unanimous)

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

P906-11 COUNCILLOR BETTENCOURT – MOVE TO receive a communication from His Honor the Mayor regarding Waive local public advertising provision for repairs to Main Branch Library and to refer to the Finance Committee. (Unanimous)

P907-11 COUNCILLOR BETTENCOURT – MOVE TO receive and approve a communication from His Honor the Mayor regarding Eagle Scout Citation – Thomas Croteau. (Unanimous)

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

P908-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Lynnfield Street Donuts, Inc., 79 Lynnfield Street, regarding Dismissal of lawsuit. (Unanimous)

P909-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Public Services Department regarding Hampshire Road catch basins and city-owned land request on Farm Avenue. (Unanimous)

P910-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Bill Pasquale, Health Code Inspector, regarding Boston Canine, 134-R Newbury Street. (Unanimous)

P911-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Kevin Goggin, Building Commissioner, regarding Special Permit transfer; Tiny Bits Productions LLC, 484 Lowell Street. (Unanimous)

P912-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Karen Sawyer, Director, Community Development Department, regarding Copies of zoning maps. (Unanimous)

P913-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations for schools ending October 31<sup>st</sup>. (Unanimous)

P914-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Summary of General Fund ending October 31st. (Unanimous)

P915-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding Status of appropriations City as of October 31st. (Unanimous)

P916-11 COUNCILLOR BETTENCOURT– MOVE TO receive a communication from Mass Development, 11 Huntington Avenue, Boston, regarding Tax exempt bond issue Partners Healthcare Systems, Inc. (Unanimous)

P917-11 COUNCILLOR BETTENCOURT – MOVE TO receive, under suspension of the rules, a late communication from Robert C. Capone, 535 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

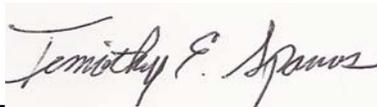
None.

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 29, 2011  
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 29, 2011



ATTEST  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of funds from Unreserved Fund Balance to FY-2012 Operating Budget – Tax Levy - \$1,000,000.00

His Honor the Mayor re: Transfer of funds under date of November 3, 2011:

His Honor the Mayor re: From Parking Meter Revenue to Parking Meter Maintenance-FY2012 Budget \$56,500.00

His Honor the Mayor re: From AARA – Early retirees health insurance reimbursement to Health Insurance Admin – FY 2012 Budget \$154,659.53

His Honor the Mayor re: Acceptance of Chapter 126 of the Acts of 1988 Optional Additional Exemptions Clauses 17, 17C, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5 of Chapter 59

His Honor the Mayor re: Transfer of funds from CPC Collections and State Match to CPC various reserve funds  
 His Honor the Mayor re: Waive local public advertising provision for repairs to Main Branch Library  
 His Honor the Mayor re: Eagle Scout Citation – Thomas Croteau  
 His Honor the Mayor re: Bond Order – Flood Mitigation Program  
 Lynnfield Street Donuts, Inc., 79 Lynnfield Street re: Dismissal of law suit  
 Mass DOT, 519 Appleton Street, Arlington re: Loris Road speed reduction  
 Public Services Department re: Hampshire Road catch basins, and city-owned land request on Farm Avenue  
 Bill Pasquale, Health Code Inspector re: Boston Canine, 134-R Newbury Street  
 Kevin Goggin, Building Commissioner re: Special Permit transfer; Tanner City Pizza, 44 Margin Street  
 Kevin Goggin, Building Commissioner re: Special Permit transfer; Tiny Bits Productions LLC, 484 Lowell Street  
 Karen Sawyer, Director, Community Development & Planning re: Copies of zoning maps  
 Patricia Davis Schaffer, Director of Finance re: Status of appropriations for schools ending October 31st  
 Patricia Davis Schaffer, Director of Finance re: Summary of General Fund ending October 31st  
 Patricia Davis Schaffer, Director of Finance re: Status of Appropriations City as of October 31st  
 Sharon Cameron, Director, Health & Human Services re: Eastman Gelatine odors  
 Tommy Fang, Engineer, National Grid re: Motion regarding Esquire Drive  
 Mass Development, 11 Huntington Avenue, Boston re: Tax exempt bond issue Partners Healthcare Systems, Inc.  
 Pinto Recycling, Inc., 58 Pulaski Street re: Special Permit application  
 Linear Retail Peabody #1 LLC, 79 Lynnfield Street re: Special Permit application  
 Ruddy's Towing, 7D Webster Street re: Special Permit application  
 Arrington Towing Co., 7C Webster Street re: Special Permit application  
 Walnut Street Auto Sales, 7A Webster Street re: Special Permit application  
 Aggregate Industries, 55 Russell Street re: Required perimeter ambient air quality monitoring  
 Timothy E. Spanos, City Clerk re: Request for re-appointment for a term to expire on December 31, 2014

**LATE COMMUNICATIONS:**

Attorney John R. Keilty on behalf of Lowell Street CVS Peabody, 530-532 Lowell Street, re: Request to withdraw without prejudice  
 John Christopher, City Solicitor, re: Reconsideration of denial of Special Permit  
 Auto Choice of Peabody, 249 Andover Street, re: Special Permit application  
 Robert C. Capone, 535 Lowell Street, re: Special Permit application  
 M Zone Motoring, LLC, 7 Webster Street, re: Special Permit application  
 Tire Man of Massachusetts, 7E Webster Street, re: Special Permit application