

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 25, 2007

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

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, Rico E. Mello.

Salute to the American Flag.

P1033-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of October 11, 2007. (Unanimous)

HEARINGS

A public hearing was duly held on the Special Permit application from Peter Schmitt, 96 Lynn Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Peter Schmitt, 3 Mountain Terrace, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P1034-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-A communication from Community Development Department regarding Special Permit memo, 96 Lynn Street. (Unanimous)

P1035-07 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Peter Schmitt, 3 Mountain Terrace, Peabody MA for a Special Permit to operate a vinyl sign business at 96 Lynn 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. Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Saturday, no Sunday hours.
(Carried 10-0; Councillor Osborne absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

P1036-07 COUNCILLOR BETTENCOURT - MOVE TO receive, under suspension of the rules, Item 8-H communication from Philip Sheridan, Director of Health and Physical Education, regarding Letter of thanks - purchase of drug & alcohol education materials and to refer to the Ad Hoc Committee on Drug Education & Awareness. (Unanimous)

COUNCILLOR BETTENCOURT: I just wanted to mention that the City Council is wearing red wrist bands that say, "Winners don't do drugs," as part of the Red Ribbon Week across the public school system publicizing the efforts that are going on at the high school and the other schools regarding drug education and awareness.)

P1037-07 COUNCILLOR SELESNICK (Co-motion with Councillor Driscoll) - MOVE TO request the Police Department check out the routes and talk with representatives of the Northshore Mall regarding trucks at the Northshore Mall driving through the entire mall and going out on Prospect Street. (Unanimous)

P1038-07 COUNCILLOR DRISCOLL - MOVE TO request the Public Services Department repair the guardrail at 240 Lowell Street. (Unanimous)

P1039-07 COUNCILLOR DRISCOLL - MOVE TO request the Public Services Department install three crosswalks: One at the intersection of Chestnut Street and Franklin Street, one at School Street and Franklin and another at the entrance of Saint John's School going across School Street. (Unanimous)

P1040-07 COUNCILLOR DRISCOLL - MOVE TO request the Public Services Department install a "Slow School," sign on Franklin Street for the Saint John's School. (Unanimous)

P1041-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Regan, 10 Chestnut Street, regarding Brophy, 86 Endicott Street. (Unanimous)

P1042-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 2 from John Brophy, 86 Endicott Street, regarding Special Permit application. (Unanimous)

P1043-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, late communication Item 3 from KA, LLC, 241 Newbury Street, regarding Site plan. (Unanimous)

P1044-07 COUNCILLOR GAMACHE - MOVE TO send a communication to the School Department requesting "School Zone," and "Slow School Zone," signs to be located at 83 Pine Street where the former Kennedy School was. (Unanimous)

P1045-07 COUNCILLOR ATHAS - MOVE TO amend and advertise Section 19-87 of the code of the city of Peabody by adding the following sentence, "On Crowninshield Street and Sawyer Street no person shall park a vehicle in any designated service zone for a period of time longer than 20 minutes, except while actually engaged in loading or unloading, provided that such loading or unloading does not exceed a period of time longer than one-half hour." "All other provisions of the code inconsistent herewith are repealed." (Unanimous)

P1046-07 COUNCILLOR ATHAS - MOVE TO set up a public regarding late communication Item 2 from John Brophy, 86 Endicott Street, regarding Special Permit application. (Unanimous)

P1047-07 COUNCILLOR LIACOS - MOVE TO approve, under suspension of the rules, the following appropriation, as submitted by His Honor the Mayor, under date of October 22, 2007:

FROM:
Cemetery - Sale of Lots & Graves - \$60,000.00
(Carried 10-0; Councillor Osborne absent)

TO:
Cemetery - Capital Projects - \$60,000.00

P1048-07 COUNCILLOR LIACOS - MOVE TO approve, under suspension of the rules, the following appropriation, as submitted by His Honor the Mayor, under date of October 22, 2007:

FROM:
Community Preservation Act - Unreserved - \$7,000.00
 (Carried 10-0; Councillor Osborne absent)

TO:
Administration - \$7,000.00

P1049-07 COUNCILLOR ZELLEN - MOVE TO request the Public Services Department remove tree roots and then repair the sidewalk in front of 8 Grant Street. (Unanimous)

P1050-07 COUNCILLOR ZELLEN - MOVE TO request the Public Services Department replace the damaged berm to the left side of the driveway at 7 America Drive. (Unanimous)

P1051-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-B communication from Community Development Department regarding Zoning, exempt uses and to refer to the Industrial & Community Development Committee and the Ad Hoc Zoning Committee. (Unanimous)

P1052-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-L communication from Aggregate Industries, 55 Russell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P1053-07 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department erect a streetlight at 53 Tracey Street and then notify Peabody Municipal Light Plant. (Unanimous)

P1054-07 COUNCILLOR MELLO - MOVE TO request a handicapped sign for 28 Margin Street. The owner said they can put the sign on the fence; they don't have to put up a post if they don't want to. (Unanimous)

P1055-07 COUNCILLOR MELLO - MOVE TO respectfully request that the Public Services Department repair the guardrail at the corner of Collins Street and Driscoll Street. (Unanimous)

P1056-07 COUNCILLOR MELLO - MOVE TO respectfully request that the Police Department monitor Kenwood Road down by the Carroll School. A number of parents, when picking up their children, are blocking driveways or parking in driveways and the residents that live there are having difficulty getting in and out of their homes during that time. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P1057-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Attorney Brian Barrett, Assistant City Solicitor, regarding Legal opinion, 86 Endicott Street. (Unanimous)

P1058-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Planning Board regarding Boulderwood subdivision. (Unanimous)

P1059-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Planning Board regarding Request to accept Chapter 39, Section 23D; members present at public hearings and to request a legal opinion from the City Solicitor as to what the current process is. (Unanimous)

P1060-07 COUNCILLOR GAMACHE - MOVE TO receive communication from Public Services Department regarding Council motion requests. (Unanimous)

P1061-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Russell Donovan, 12 Quail Road, regarding 20 percent residential property exemption. (Unanimous)

P1062-07 COUNCILLOR MURTAGH - MOVE TO receive and approve communication from Relay for Life of Peabody regarding Banner request, May of 2008, subject to all papers being in order. (Unanimous)

P1063-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Stanley Usovicz, Jr., Verizon regarding Letter of introduction. (Unanimous)

P1064-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Veterans Council regarding Invitation for observance of Veterans Day ceremonies on Sunday, November 11. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

None.

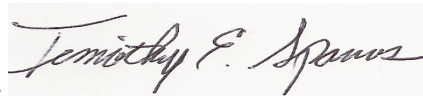
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 7:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 1, 2007
 RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 1, 2007

ATTEST



(Timothy E. Spanos, City Clerk)