

**CITY OF SALEM**

**MAY 12, 2016**

**REGULAR MEETING OF THE CITY COUNCIL**

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A Regular Meeting of the City Council held in the Council Chamber on Thursday, May 12, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on May 10, 2016 at 9:15 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Turiel presided.

Councillor Milo moved to dispense with the reading of the record of the previous meeting. It was so voted.

President Turiel requested that everyone please rise to recite the Pledge of Allegiance.

**PUBLIC TESTIMONY**

**None**

**#293 – HEARING OF VERIZON FOR A CONDUIT ON WASHINGTON & CANAL STREET**

A hearing was held on the Order of Verizon to install conduits on Washington Street and Canal Street.

Appearing in favor:

Everett Bryant representative of Verizon 125 High St., Boston, MA  
He stated that this is an underground conduit 301 feet on Washington Street to connect to the Dodge Street project.

Councillor Sargent asked will Verizon be digging up Riley Plaza

Mr. Bryant stated Verizon is not doing the work its contracted

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Councillor Sargent asked will the street be dug up?

Mr. Bryant stated it has to be dug up to do the conduit.

Councillor Sargent asked will this restrict traffic and for how long?

Mr. Bryant stated he didn't know how long. It could be several weeks. It won't be quick.

Councillor Sargent stated there should be at least two lanes of traffic. There is a bottle neck there.

Mr. Bryant stated there will be police detail there on the site.

Councillor Gerard stated just to be clear this is part of the hotel project.

Mr. Bryant stated I'm not sure, maybe part of the new hotel on Dodge Street

**Councillor Furey assumed the Chair.**

Councillor Turiel stated we need to put conditions on the permit that's issued, to minimize the disruption to traffic. The approval with conditions have to restrict the hours during peak traffic times to have two lanes.

Mr. Bryant stated he will pass the information on.

Councillor Dibble concurs with Councillor Turiel that the different utility companies work together regarding the opening of streets.

Councillor Gerard requested and received unanimous consent for suspension of the rules to allow Andrew Shapiro of the Planning Department to speak.

Mr. Shapiro stated he is managing all the work being done in conjunctions with National Grid and the City Engineer is aware.

Councillor Eppley stated that also have in place soon will be the Traffic Commissioner who in the future will help co-ordinate these projects

Councillor Lovely amended that the scheduling is subject to the approval of the Traffic Officer Lt. Preczewski and work with the contractors to schedule properly.

Councillor Gerard moved that the hearing be closed. It was so voted.

Councillor Gerard moved it be granted as amended. It was so voted.

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**#294 - APPOINTMENTS TO THE YOUTH COMMISSION**

Held until the next meeting under the rules the Mayor's appointments of the following youth to serve as a members of the new Salem Youth Commission with the following terms to expire on:

| <u>Name</u>         | <u>Term to expire on</u> |
|---------------------|--------------------------|
| Nick Angeramo       | May 12, 2019             |
| Ruby Cheresnowsky   | May 12, 2018             |
| Jorge Gomez Frometa | May 12, 2018             |
| Aiyana Lilly        | May 12, 2019             |
| Jared Lubas         | May 12, 2018             |
| Jacob McGrath       | May 12, 2017             |
| Ishmael Telemaco    | May 12, 2017             |

**#295 – APPROPRIATION TO PURCHASE A NEW AERIAL LIFT TRUCK FOR DPS**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of One Hundred Fifty-five Thousand, Five Hundred and Eight Dollars (\$155,508.00) is hereby appropriated from the "Capital Outlay Equipment" Account to be expended to purchase a new aerial lift truck for the Department of Public Services in accordance with the recommendation of Her Honor the Mayor.

**#296 – APPROPRIATION FROM RETIREMENT STABILIZATION FUND FOR THE RETIREMENT OF TWO EMPLOYEES**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Fifty-Eight Thousand, One Hundred and Seventy-One Dollars and Eighty-Four Cents (\$58,171.84) in the "Retirement Stabilization Fund – Vacation/Sick Leave Buyback" account to be expended for the FY 2016 contractual buyback listed below in accordance with the recommendation of Her Honor the Mayor.

|                   |                          |                    |
|-------------------|--------------------------|--------------------|
| Charles Campanaro | Fire Department          | \$40,834.10        |
| David Parsons     | Dept. of Public Services | <u>\$17,337.74</u> |
| <b>Total</b>      |                          | <b>\$58,171.84</b> |

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**#297 – APPROPRIATION FOR POLICE ACCOUNTS**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Thirty-Three Thousand Dollars (\$33,000.00) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account to the Police accounts listed below in accordance with the recommendation of Her Honor the Mayor.

|                               |                    |
|-------------------------------|--------------------|
| Police Training and Education | \$15,000.00        |
| Police Medical                | <u>\$18,000.00</u> |
| <b>Total</b>                  | <b>\$33,000.00</b> |

**#298 – APPROPRIATION FOR THE PURCHASE & INSTALLATION OF RAIL CROSSING MAT ON BRIDGE STREET**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Four Thousand, Five Hundred Dollars (\$4,500.00) is hereby appropriated within the “Capital Outlay Renovations and Repairs” account to be expended for the purchase and installation of rail road crossing mat on Bridge Street by the Public Services Department in accordance with the recommendation of Her Honor the Mayor.

**#299 – DONATION FOR McGRATH PARK CONCESSION STAND**

The following Order recommended by the Mayor was adopted.

ORDERED: To accept a donation from the vendors listed below totaling Thirty-seven Thousand and Forty-Eight Dollars (\$37,048.00) for the McGrath Park Concession Stand in accordance with the recommendation of Her Honor the Mayor.

Adams Screen Enclosures of Salem  
 Beverly Overhead Garage Door Co. of Beverly  
 Caponigro Construction Co. of Swampscott  
 Little Poland Neighborhood of New Britain, CT  
 DiBiase Homes of Lynnfield  
 EMR Drywall Inc. of Salem  
 M&M Roofing Contractors of Salem  
 March and Martin Insulation of Salem

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Murphy's Restaurant and Pub of Salem  
Salem Youth Soccer of Salem

**#300 – DONATION FOR THE GOLF COURSE**

The following Order recommended by the Mayor was adopted.

ORDERED: To accept a donation from the Christopher Columbus Golf League in the amount of One Thousand, Two Hundred Dollars (\$1,200.00) to aid in the maintenance and improvements of the Golf Course. These funds will be deposited into the Park and Recreation Department Donation Fund in accordance with the recommendation of Her Honor the Mayor.

**#301 – ESTABLISH A REVOLVING ACCOUNT FOR DERBY SQUARE ARTIST ROW**

The following Order recommended by the Mayor was adopted.

ORDERED: That the City of Salem hereby requests the adoption of Derby Square/Artists' Row revolving account in accordance with Massachusetts General Law Chapter 44 Section 53E ½ which authorizes special purpose revolving accounts in accordance with the recommendation of Her Honor the Mayor.

**#302 – HOME RULE PETITION FOR SALE OF ALCOHOLIC BEVERAGES**

The following Order recommended by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs co posted with Committee of the Whole.

ORDERED: That a petition to the General Court, accompanied by a bill for certain additional liquor licenses notwithstanding the provisions of Section 17 of chapter 138 of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved pursuant to Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to intent of this home rule petition:

**AN ACT** authorizing the City of Salem to grant 2 additional licenses for the sale of alcoholic beverages to be drunk on the premises.

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Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the City of Salem may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Hotel Salem Op Co, LLC to be located at 203-209 Essex Street in the City of Salem. The license shall be subject to all of said chapter 138 except section 17.

(b) The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the City of Salem may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Odd Fellows Restaurant LLC to be located at 125 Washington Street in the City of Salem. The license shall be subject to all of said chapter 138 except section 17.

(b) The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

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SECTION 3. (a) The fee charged by the City of Salem for a license issued pursuant to this act shall be paid by the licensee to the City in full at the time of issuance unless the licensing authority agrees to enter into an arrangement with the licensee which would enable the fee to be divided into multiple payments or prorated over multiple periods of time.

(b) Notwithstanding section 12 of said chapter 138, if the City of Salem charges a fee for a license pursuant to this act which is greater than the amount of the fee charged for an annual renewal of a similar license issued by the City, then the City shall deposit the fee into its special economic development account established for the deposit of revenue from additional alcoholic beverage licenses issued pursuant to special acts and the fee charged shall be expended by the City in a manner consistent with the purposes of the account.

SECTION 4. This act shall take effect upon its passage.

**#303 – ORDINANCE TRAFFIC FINES FOR PARKING IN AREA DESIGNATED FOR HANDICAPPED PARKING**

The following Ordinance recommended by the Mayor was adopted for first passage.

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to Traffic

Be it ordained by the City Council of the City of Salem as follows:

Section 1. Chapter 42, Article I, Section 17A Fines is hereby amended by deleting the \$100.00 fine for parking in an area designated for handicapped parking and replacing it with a fine of \$300.00 for parking in an area designated for handicap parking

Section 2. This Ordinance shall take effect as provided by City Charter.

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**#304 – ORDINANCE TRAFFIC REPEAL HANDICAP PARKING NORTH STREET**

Councillor Gerard introduced the following Ordinance which was adopted for first passage

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to Traffic

Be it ordained by the City Council of the City of Salem as follows:

Section 1. Chapter 42, Section 50B, "Handicap Parking Zone, Limited Time"

Repeal North Street, #117, for a distance of twenty (20) feet, No Parking Tow Zone, Handicap Parking Only (10/8/2015)

Section 2. This Ordinance shall take effect as provided by City Charter.

**#305 – ORDINANCE TRAFFIC TOUR BUS PARKING**

Councillor Famico introduced the following Ordinance which was adopted for first passage.

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to Traffic Tour bus parking and Parking meters

Be it ordained by the City Council of the City of Salem as follows:

Section 1. Chapter 42, Section 11 - Tour Bus Stops is hereby amended as follows:

- a) Replacing the distance for tour bus parking on the Congress Street Bridge of "one hundred twenty (120) feet" with "one hundred sixty (160) feet";
- b) Replacing the enforcement time for bus drop off on Derby Street of "8:00 A.M. to 4:00 P.M." with "9:00 A.M. to 6:00 P.M.";
- c) Deleting tour bus parking on Derby Street beginning twenty (20) feet from Liberty Street (two entries deleted, 50' and 120' distance);
- d) Deleting tour bus parking on Hawthorne Boulevard adjacent to Father Matthew Statue Park;



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**#307 – (#631) ORDINANCE RELATIVE TO PARKING & TRAFFIC COMMISSION**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt for first passage as amended.

***In the year Two Thousand and Fifteen***

**An Ordinance** to amend an ordinance relative to traffic and parking

***Be it ordained by the City Council of the City of Salem, as follows:***

**Section 1.** Delete in their entirety the Parking Department Board, Chapter 2, Article VIII, Division 2 and the Transportation Advisory Commission, Chapter 2, Article IV, Division 12 and replace with a new Traffic and Parking Commission within Chapter 2, Article IV as follows:

**“DIVISION 12. – TRAFFIC AND PARKING COMMISSION**

Sec. 2-986. - Created; composition; compensation of members.

The traffic and parking commission is established to study traffic and parking issues and recommend Traffic Ordinance amendments and Commission Regulations to the Mayor and City Council for their approval. Such commission shall consist of five members, the Chief of Police or designee, one representative from the Salem business community, and three Salem residents appointed by the Mayor, subject to City Council confirmation. The Salem resident members of the Commission shall include at least two members with a background in transportation, traffic, engineering or urban planning. Members shall serve without compensation, but shall be allowed their reasonable and necessary expenses incurred in the performance of their duties as such members.

Sec. 2-987. - Appointment; term; removal; filling vacancies; organization.

The Mayor shall appoint the initial members of the Commission, except the Chief of Police, as follows: two members shall serve for a term of one year; one member shall serve for a term of two years; and one member shall serve for a term of three years. Thereafter and upon expiration of the term of each such member, the Mayor shall appoint members of the Commission to succeed such appointees whose terms expire and each member so appointed shall hold office for a term of three years. Members shall hold office for specified terms from February 1 next following such appointment.

Immediately after their appointment, the members of the Traffic and Parking Commission shall meet and organize by electing one of the members as chairperson and such other officers as may be necessary. Each officer shall serve for a one-year term from February 1 next following such election.

Sec. 2-988. - Powers, duties and responsibilities generally.

Subject to all local, state and federal laws and regulations, the Traffic and Parking Commission shall be charged with the control, development, management, operation, and maintenance of all public on-street parking and public off-street automobile parking facilities within the City or to

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contract therefor reasonable regulations not inconsistent with the provisions of any statute or ordinance for the orderly use of all public off-street parking facilities shall be prescribed by the Commission, as well as schedule of parking fees and other charges for the use of public on-street parking and public off-street automobile parking facilities, with the approval of the Mayor and the City Council, whether such public on-street parking or public off-street automobile parking facilities are operated by the Commission or under contract therefor. In determining parking fees, the Commission as well as the Mayor and City Council shall give consideration to the needs of the public and merchants to provide parking at the lowest cost possible.

The traffic and parking commission shall also oversee traffic planning and policy development for the city; implement the city's complete streets policy; and make recommendations to the Mayor or City Council to adopt or amend City Ordinances and Commission regulations relative to traffic and parking; plan and implement residential traffic calming initiatives; plan and install on and off-street parking and transit related technology improvements; review and act, as necessary, on traffic and parking regulation petitions; and implement the City's comprehensive parking plan, updating it as necessary.

Sec. 2-989. – Effective date of regulations; Limitations.

The Commission may adopt regulations, effective upon approval by the City Council. Any approved regulations shall authorize the Commission to administer the specific parking and traffic regulations contained therein and may authorize the Commission to act without further Council approval on certain public street or parking designations. Any other parking or traffic recommendation of the Commission for which the Commission has not been authorized by the City Council to administer shall be proposed to the City Council for adoption as a City Ordinance or Council Order.

Nothing in this division shall be construed as giving the Traffic and Parking Commission power to supersede the Police Department in the regulation and enforcement of parking on the City Streets.

**Section 2.** Amend Chapter 2, Article VIII, by deleting Division 2 in its entirety and renaming Division 3 as Division 2, renumbering the sections within the newly created Division 2 beginning with Sec. 2-1396 and further amending the newly created Article VIII, Division 2 by:

- a) replacing the term “parking department” with the term “Traffic and Parking Department” as it appears in this Article;
- b) replacing the Appointment term of the Traffic and Parking Executive Director of “one year” with “two years”; and
- c) inserting the following responsibilities of the Executive Director immediately following Responsibilities (b)(5):
  - (6) Carry out traffic planning and policy development for the City, including providing review of all traffic modifications, parking changes, or other similar activities, whether regulatory or through construction
  - (7) Assist with implementation of the City's Complete Streets Policy and, in particular, the adoption of regulations favoring multi-modal transportation

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- (8) Oversee Residential Traffic calming initiatives and other similar traffic programs
- (9) Serve as the City lead on major state and local roadway and corridor improvement projects
- (10) Plan, install, and oversee parking and transit related technology improvements
- (11) Continue implementation of the existing comprehensive parking plan, updating it as necessary, including, but not limited to, parking meter control and regulation, resident parking programs, the creation of new parking, and the improvement or alteration of existing parking, pursuant to the regulations of the Traffic and Parking Commission
- (12) Staff the Traffic and Parking Commission

**Section 3.** This Ordinance shall take effect as provided by city charter.

**#308 – (#268) RESOLUTION FOR COMMONWEALTH DIAGNOSTICS INTERNATIONAL INC.**

Councillor Eppley offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by roll call vote of 9 yeas, 1 nay, 1 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan and Turiel were recorded as voting in the affirmative. Councillor Sargent was recorded as voting in the negative. Councillor Lovely was recorded as absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of a Resolution for Commonwealth Diagnostics International, Inc. to purchase a building located at One Holyoke Square and to use a TIF to encourage economic development has considered said matter and would recommend adoption by roll call vote.

**#309 – (#269) TAX INCREMENT FINANCING AGREEMENT WITH COMMONWEALTH DIAGNOSTIC INC.**

Councillor Eppley offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. It was adopted by a roll call vote of 9 yeas, 1 nay, 1 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan, and Turiel were recorded as voting in the affirmative. Councillor Sargent was recorded as voting in the negative. Councillor Lovely was recorded as absent.

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The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of a adopting a five (5) year Tax Increment Financing (TIF) Agreement between the City of Salem and Commonwealth Diagnostic Inc. for a period of five years has considered said matter and would recommend adoption by roll call vote.

**#310 – (#284) COMMUNITY PRESERVATION ACT FY 2017 BUDGET**

Councillor Eppley offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of adopting an Order for the FY17 Budget for the Community Preservation Act funds as follows:

ORDERED: That Five Hundred and Ninety-Five Thousand Dollars (\$595,000.00) is hereby appropriated to the CPA Funds in FY 2017 to the accounts listed below in accordance with the recommendation of Her Honor the Mayor.

|              |                                     |                   |
|--------------|-------------------------------------|-------------------|
| 2001         | CPA-General Admin-Expenses          | 25,750.00         |
| 2001         | CPA-General Admin-Stipends          | 4,000.00          |
| 2001         | CPA-General Admin-Reserves          | 386,750.00        |
| 2002         | CPA-Open Space- Reserves            | 59,500.00         |
| 2003         | CPA-Historical Preservation – Resv. | 59,500.00         |
| 2004         | CPA-Community Housing-Resv.         | <u>59,500.00</u>  |
| <b>Total</b> |                                     | <b>595,000.00</b> |

**#311 – ORDINANCE RELATIVE TO PROHIBITING DOGS IN HISTORIC CEMETERIES**

A communication from the Cemetery Commission requesting an Amendment to an Ordinance relative to prohibiting dogs in historic cemeteries, was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole.

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to prohibiting dogs in historic cemeteries

Be it ordained by the City Council of the City of Salem as follows:

Section 1. Article I of Chapter 16 – Cemeteries is hereby amended by inserting a new section as follows:

“Section 16-5 – Dogs Prohibited from certain historic cemeteries.

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Dogs, excluding service dogs leashed and in control of the owner, are prohibited in four historic cemeteries, Broad Street, Charter Street, Howard Street and the Quaker Cemetery, also known as Friends' Cemetery, on Essex Street."

Section 2. This Ordinance shall take effect as provided by City Charter.

**# -??????????????? REQUEST FOR EXTENDED HOURS FROM IBERDROLA**

A request from Iberdrola to continue their extended hours Monday through Friday until 10:00 P.M. was granted with the condition until the last Council meeting in June on the 23<sup>rd</sup>.

**#312 – BLOCK PARTY**

A request from the residents of Winter and Oliver Streets to hold a Block Party (at 24 Winter Street Rear of House – Oliver Street) on June 4, 2016 from Noon until 10:00 P.M. was granted.

**#313 – LICENSE APPLICATION**

The following license applications was granted.

PUBLIC GUIDES: Richard Anderson, 76 Essex St., Salem

**#314 – #315 TAG DAY APPLICATIONS**

The following license applications were referred to the Committee on Ordinances, Licenses and Legal Affairs.

TAG DAYS: Salem Firefighters, 6/6/16, 8/5/16 & 10/14/16  
SHS Girls Soccer, 9/17/16 & 10/22/16

**#316 - #318 CLAIMS**

The following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

CLAIMS Shirish Rajbhandari, 320 Lafayette St., Salem  
Lauren Cleveland, 15 Forest Ave., Salem  
Gayle Bastarache, 74 Essex St., Salem

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**(#274) – SECOND PASSAGE ORDINANCE AMENDING TRAFFIC HANDICAP PARKING  
BRIDGE STREET**

The matter of second passage of an Ordinance amending an Ordinance relative to Traffic, Ch. 42, Sec. 50B, "Handicap Parking, Limited Time" Bridge Street in front of #93 for a distance of 20 feet was then taken up. It was adopted for second and final passage.

**(#131) – SECOND PASSAGE ORDINANCE AMENDING ZONING SECTION 10, DEFINITIONS  
FOR TASTING ROOM**

The matter of second passage of an Ordinance amending an Ordinance relative to Zoning for Section 10.0, Definition for Tasting Room was then taken up. It was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays, 1 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Lovely was recorded as absent.

On the motion of Councillor Furey the meeting adjourned at 9:10 P.M.

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK