

*City of Salem, Massachusetts  
Office of the City Clerk*

*Cheryl A. LaPointe  
City Clerk*



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June 21, 2016

**MEETING NOTICE AND AGENDA**

**“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and  
City Ordinance Sections 2-2028 through 2-2033.”**

The City Council will meet in the City Council Chamber on Thursday, June 23, 2016 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

The Agenda for this meeting is posted on the website and also listed below.

Very truly yours,

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK

# **CITY OF SALEM**

**JUNE 23, 2016**

## **REGULAR MEETING OF THE CITY COUNCIL**

**“Know Your Rights Under the Open Meeting Law, M.G.L. Chapter 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”**

**Assistive Listening System Now Available for City Council Meetings.**  
**Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Cheryl LaPointe at 978-619-5610 or [clapointe@saalem.com](mailto:clapointe@saalem.com).**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 23, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June, 21, 2016 at 10:50 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.

President Turiel announced there is a swearing in of firefighter promotions and new fire fighters. Mayor Driscoll swore in the firefighters,  
 There was a two-minute recess to clear the Chambers.

### **PUBLIC TESTIMONY**

1. Jeff Cohen – 12 Hancock St. – Renewable Energy Resolution and the appointment of Alexander Mitchell-Munevar
2. Sarah Murphy - - CPA Funding for Bates School
3. Teasie Riley-Goggin – 9 Wisteria St. – Capital Improvement Project Bonds

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#385 – (#373) HEARING FOR CONDUIT ON SUMMER STREET**

A hearing was held on the Order from National Grid to install a conduit on Summer Street.

Appearing in favor:

Sabitah Mahabier-Sheehy - representative from National Grid, she stated this was needed to provide services to a pole for cell tower.

Councillor Famico – asked if the project can be coordinated with other city improvements to this area.

Ms. Sheehy stated we can look into it

No one was recorded opposed.

Councillor Famico moved the hearing be closed. It was so voted.

Councillor Famico moved that the order be granted. It was so voted.

**#386 – APPOINTMENT OF MICHAEL QUIGLEY TO THE YOUTH COMMISSION**

The Mayor's appointment of Michael Quigley to serve as a member of the Salem Youth Commission with a term to expire on June 23, 2017, was held until the next meeting under the rules.

**#387 – APPOINTMENT OF ALEXANDER MITCHELL-MUNEVAR TO THE BOARD OF REGISTRAR OF VOTERS**

The Mayor's appointment of Alexander Mitchell-Munevar to serve as a member of the Board of Registrars of Voters with a term to expire on June 23, 2019, was held until the next meeting under the rules.

Councillor Eppley moved that a City Seal be sent to Phil Saindon. It was so voted.

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#388 – REAPPOINTMENTS TO THE PLANNING BOARD**

The Mayor's reappointment of Kirt Rieder and Carole Hamilton to serve as members of the Planning Board with their terms to expire on July 1, 2021, was confirmed by unanimous roll call vote.

Councillors Dibble, Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent and Turiel were recorded as voting in the affirmative.

**#389 – APPROPRIATION TO "CITY COUNCIL – ADVERTISING ACCOUNT"**

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

ORDERED: That the sum of Eight Thousand Dollars (\$8,000.00) is hereby appropriated from "Fund Balance – Free Cash" account to "City Council – Advertising" account to be expended for advertising of the City Ordinances in accordance with the recommendation of Her Honor the Mayor.

**#390 – TRANSFER TO "COUNCIL ON AGING – BUILDING MAINTENANCE"**

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

ORDERED: That the sum of Five Thousand fifty (\$5,050.00) Dollars is hereby transferred as listed below in accordance with the recommendation of Her Honor the Mayor.

"Council on Aging – Salaries Full Time" to "Council on Aging – Building Maintenance" \$5,050.00

**#391 – ACCEPT DONATION FROM SALEM STATE UNIVERSITY**

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

ORDERED: To accept the donation from Salem State University in the amount of Seven Thousand Dollars (\$7,000.00) to upgrade Palmer Cove Basketball Court. These funds will be deposited into the Park and Recreation Donation Fund in accordance with the recommendation of Her Honor the Mayor.

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#392 – HOME RULE PETITION TO CONVEY PARK LAND TO N.S. MEDICAL CENTER**

The following Order recommended by the Mayor, was referred to the Committee of the Whole.

**ORDERED:**

That a petition to the General Court, accompanied by a bill authorizing the conveyance of a parcel of park land in the City of Salem as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under 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 conveyance and change of use of a parcel of park land in the City of Salem

*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.** Notwithstanding any general or special law to the contrary, but subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the City of Salem, acting through its Mayor and City Council, may convey to North Shore Medical Center, Inc. a certain parcel of dedicated park land adjacent to Bertram Field comprising 1,219 square feet and shown as "Parcel B" on a plan on file in the office of the City Clerk of Salem entitled "Plan of Land Salem, 55 Highland Avenue", prepared by North Shore Survey Corporation and dated April 28, 2015.

**SECTION 2.** Notwithstanding any general or special law to the contrary, but subject to subsection (e)(2) of section 16 of chapter 30B of the General Laws, and upon the conveyance of Parcel B referenced in Section 1, the City of Salem shall acquire from North Shore Medical Center, Inc. a 6,298 square foot parcel of land adjacent to Bertram Field, shown as "Parcel A" on the plan referenced in Section 1. Once acquired by the City, the City Council shall dedicate the land for park purposes pursuant to Massachusetts General Law Chapter 45, Section 3.

**SECTION 3.** The City of Salem shall prepare and record in the Southern Essex District Registry of Deeds a plan of land describing the precise boundaries of the parcels of land altered pursuant to this act.

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

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#393 – TWENTY YEAR LEASE AGREEMENT WITH NINE ZERO WASHINGTON LLC FOR OFFICE SPACE OF CITY HALL ANNEX**

The following Order recommended by the Mayor, was referred to the Committee of the Whole.

ORDERED: That the Mayor is hereby authorized to execute a twenty (20) year lease with Nine Zero Washington, LLC for 21,786 square feet of office space to house the City Hall Annex offices commencing September 1, 2017 or thirty days after substantial completion of the leased space, whichever date is later.

Be it further ordered that the space at 90 Washington Street well include indoor bicycle storage for a minimum of twelve (12) bicycles and the opportunity for future storage expansion, gender neutral “human” restrooms on all floors, at least one (1) shower for employee use, and a welcoming/greeting area on the ground floor.

And, the Mayor shall establish a City Hall Annex Working Group, comprised of two (2) City Councillors designated by the Council President and representatives from City Hall Annex departments, to work with the Nine Zero Washington LLC’s architects to provide input into design and layout of the City Hall Annex space.

**#394 – REQUEST FROM MAYOR TO REVIEW PLANS FROM F.W.WEBB**

A request from the Mayor that the City Council schedule a Committee of the Whole meeting to review the revised plans from F.W. Webb was referred to the Committee of the Whole to hold a meeting on June 30, 2016.

**#395 – MONTHLY FINANCIAL REPORT**

Councillor Eppley introduced the following, which was adopted.

ORDER: that the Monthly Financial Report dated May 31, 2016, be referred to the Committee on Administration and Finance

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#396 – TAG DAY APPLICATION**

Councillor McCarthy introduced the following Order, which was granted.

ORDERED: That the attached Tag Day Application for Salem High School Football on June 26, 2016 be granted

**#397 – CREATE ORDINANCE REGARDING TREATMENT AND RIGHTS OF DOMESTIC ANIMALS**

Councillor Gerard introduced the following Order, which was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs meet to discuss the creation of an Ordinance relative to the treatment and rights of domesticated animals in Salem.

**#398 – CREATE AN ORDINANCE REGARDING PLASTIC BAGS**

Councillor Gerard introduced the following Order, which was adopted.

ORDER: That the Committee on Public Health, Safety and Environment meet to discuss the creation of an Ordinance regarding plastic bags reduction and poly styrene food and beverage container reduction in Salem.

**#399 – ORDINANCE TRAFFIC PARKING PROHIBITED CERTAIN TIMES CERTAIN STREETS**

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 51B "Parking Prohibited Certain Times Certain Streets"

**Repeal** Howard Street, Westerly side beginning at the intersection of Bridge St. and extending in a northerly direction for a distance of 94 feet, no parking between the hours of 7:00 AM and 6:00 PM (3/1/1984) and;

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL**

Section 2. Ch. 42, Sec. 75 "Parking Prohibitions Towing Zone (Resident Sticker)

Repeal Howard Street Section 75, Zone C, Color Green (Resident Sticker) (6/23/1988)

Section 3. This Ordinance shall take effect as provided by City Charter.

**#400 – ORDINANCE TRAFFIC TOWING ZONES JEFFERSON AVENUE**

Councillor Dibble 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 74 "General Prohibition Towing Zone"

Jefferson Avenue, westerly side from the driveway of number 356 in a southerly direction to the crosswalk at Preston Road, No parking, tow zone.

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

**#401 – ORDINANCE TRAFFIC TOW ZONES SUMNER ROAD**

Councillor Dibble 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 74 "General Prohibition Towing Zone"

Sumner Road, westerly side between numbers 11 and 15 Sumner Road, No parking, tow zone.

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



**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#402 – ORDER TO DISCUSS IN COMMITTEE THE HEAVY COMMERCIAL VEHICLE ORDINANCE**

Councillor Lovely introduced the following Order, which was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to review Traffic Ordinance Chapter 42, Sec.45 “Heavy Commercial Vehicles Prohibited – certain streets” and propose such revisions to the ordinance to the full Council as the Committee may determine necessary

**#403 – ORDER TO MEET AND DISCUSS AN ORDINANCE RELATIVE TO OPERATIVE AIR PUMP REQUIRED TO STORE FUEL**

Councillor Lovely introduced the following Order, which was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to review Traffic Ordinance Chapter 14, Sec.44 “Operative air pump required to store fuel” and propose such revisions to the ordinance to the full Council as the Committee may determine necessary.

**#404 – (#382 – #383) GRANTING LICENSES**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses, has considered said matter and would recommend that the following licenses be granted

TAG DAY:                      Salem High School JROTC, 7/10/16, 7/16/16, 8/7/16 & 8/14/16  
Salem Youth Football & Cheering, 10/8/16 & 10/29/16

**Councillor Milo recused herself and left the Council Chambers.**

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#405 – (#356) APPROPRIATION OF 1 MILLION DOLLARS FOR ROADWAY REPAIRS**

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

The Committee on Administration and Finance co-posted with Committee of the Whole to whom was referred the matter of an appropriation in the amount of \$1,000,000.00 from the Stabilization Fund to the Capital Outlay – Renovations and Repairs account for roadway repairs has considered said matter and would recommend adoption.

**Councillor Milo recused herself and left the Council Chambers**

**#406 – (#399, #476 of 2015) PARKING ISSUES ON HOWARD STREET**

Councillor Gerard offered the following report for the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole.

Committee on Public Health, Safety and Environment co-posted with Committee of the Whole to whom was referred the matter of Parking Issues on Howard Street has considered said matter and would recommend Repealing Resident Sticker Parking and Parking Prohibited on Westerly Side on Howard Street it was adopted for first passage.

**Councillor Milo returned to the Chamber**

**Councillor Furey assumed the Chair.**

**#407 – (#234) M.O.U. FROM SSU STUDENTS RELATIVE TO CLEAN ENERGY**

Councillor Gerard offered the following report for the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole.

The Committee on Public Health, Safety and Environment co-posted with Committee of the Whole to whom was referred the matter of the Memorandum of Understanding submitted by Salem State University Students relative to Clean Energy has considered said matter and would recommend adoption of the following Resolution. It was voted to return the matter to the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole.

**Councillor Turiel resumed the Chair.**

## CITY OF SALEM

JUNE 23, 2016

## REGULAR MEETING OF THE CITY COUNCIL

**#408 – APPROPRIATION FROM CPA FUNDS FOR FY17 FUNDING FOR THE BATES SCHOOL PLAYGROUND**

A communication and Order from Jane Guy, Assistant Community Development Director submitting an Order for an appropriation within the CPA Funds for FY 2017 to the account listed below. This is an amendment to the original submission in FY2016, was received and filed and the following Order was adopted.

ORDERED: That Fourth Thousand Dollars (\$4,000.00) is hereby appropriated within the CPA Funds for the FY 2017 projects listed below.

<b>FY</b>	<b>Fund</b>	<b>Fund Name</b>	<b>Description</b>	<b>Amount</b>
2017	2001	CPA General Funds	Bates School Playground	4,000.00

**#409 – BLOCK PARTY OLIVER STREET**

A request from the residents of Oliver Street to hold a Block Party on July 4, 2016 from 11:00 A.M. to 9:00 P.M., was granted.

**#409 – BLOCK PARTY CEDARCREST AVENUE**

A request from the residents of Cedarcrest Avenue to hold a Block Party on July 24, 2016 from 1:00 P.M. to 8:00 P.M. with a rain date of July 30, 2016, was granted.

**Councillor Gerard recused herself and left the Chamber**

**#410 – ROAD RACE WITCH CITY TRIATHLON**

Request from Salem YMCA to hold a race (Witch City Triathlon) and use of city streets on August 13, 2016, was granted.

**Councillor Gerard returned to the Council Chamber**

**#411 – PETITION TO EXTEND WORKHOURS**

A petition from Iberdrola to extend normal workhours Monday through Friday only until 10:00 P.M., was granted. Councillor Sargent was recorded as opposed.

**CITY OF SALEM**

**JUNE 23, 2016**

**REGULAR MEETING OF THE CITY COUNCIL**

**#412 – #413 LICENSE APPLICATIONS**

The following license applications were granted.

PUBLIC GUIDES:	Lara Jay, 126 Federal St., Salem Johnbarry Green, 305 Salem St., Woburn Charles Smith, 6 Fairview St., Danvers Chris Dowgin, 11 Beacon St., Salem Kristin Harris, 181 Federal St., Salem
VEHICLE FOR HIRE: OPERATORS ONLY	Tammy Harrington, 21 Chase St., Beverly Sheila Marshall, 1 Dahlia Ave., Peabody Joel Cassidy, 35 March St., Salem Anthony Meneades, 40 Allerton St., Lynn Edward Murphy, 4 Paradise Rd., Ipswich Ronald Olson, 154 Lafayette St., Marblehead Jeffrey Howard, 14 Proctor St., Gloucester Charles Galvin, 5 Warren St., Salem Narciso Garcia, 264 Washington St., Peabody Mark Gauthier, 40 Oak Avenue, Peabody Linda Brown, 10 First St., Salisbury Douglas Pilkington, 167 Haverhill St., Rowley

**#414 – LICENSE APPLICATIONS**

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

SECOND HAND VALUABLE: RAD Jewelers, 63A Wharf St., Salem

**#415 - #417 CLAIMS**

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

Jill Fama, 18 Crowninshield St., Peabody  
Christopher Payne, 3 Salt Wall Lane, Salem  
Rachel Collins, 12 Harris St., Peabody

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****#418 – DRAINLAYER / CONTRACT OPERATOR LICENSE**

The following Drainlayer/Contract Operator license was granted.

P.A. Fiore Construction, 183 Hart St., Beverly

**Councillor Milo recused herself and left the Chamber****(#325) – SECOND PASSAGE BOND ORDER FOR FY2017 WATER/SEWER CIP**

The matter of second passage of a Bond Order for the sum of \$18,120,000.00 to pay costs of capital equipment items and capital improvement projects for FY2017 CIP Water/ Sewer 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, Lovely, McCarthy, Ryan, Sargent and Turiel were recorded as voting in the affirmative. Councillor Milo was recorded as absent.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

(list of projects can be viewed in the City Clerk's Office during regular business hours)

**Councillor Milo and Dibble were recused and left the Chamber****(#326) – SECOND PASSAGE BOND ORDER CAPITAL IMPROVEMENT PROJECTS**

The matter of second passage of a Bond Order for the sum of \$5,278,676.00 to pay costs of capital equipment items and capital improvement projects in FY2017, was then taken up. It was adopted for second and final passage by a roll call vote of 9 yeas, 0 nays, 2 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Ryan, Sargent and Turiel were recorded as voting in the affirmative. Councillor Milo and Dibble were recorded as absent.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

(list of projects can be viewed in the City Clerk's Office during regular business hours)

**CITY OF SALEM****JUNE 23, 2016****REGULAR MEETING OF THE CITY COUNCIL****(#330) – SECOND PASSAGE ORDINANCE AMENDING RATES FOR USE OF WATER**

The matter of second passage of an Ordinance amending Chapter 46, Section 66 Rates for Use of Water was then taken up. It was adopted for second and final passage.

**(#331) – SECOND PASSAGE ORDINANCE AMENDING SEWER USE CHARGES**

The matter of second passage of an Ordinance to amend an Ordinance relative to Chapter 46, Section 230 Sewer Use Charges, was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 8:50 P.M.

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK