

CITY OF SALEM

NOVEMBER 17, 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.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, November 17, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on November 14, 2016 at 11:35 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Turiel presided.

Councillor Dibble 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

- 1. Joan Brennan – owner Witch’s Tee’s – Plastic bag ordinance**
- 2. A.J. Copano – 39 Norman Street – Holyoke Square naming it Common Ground
(named for Edward Augustus Holyoke – 18th Century)**
- 3. Meg Twohey – 122 Federal Street – Universal Steel Zoning, Memorandum of Sale and Deed Restrictions**

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(#586) – APPOINTMENT OF MATTHEW O. SMITH AS TRAFFIC AND PARKING EXECUTIVE DIRECTOR

Held from the last meeting, the Mayor's appt. of Matthew O. Smith, 12 Northey St., to serve as the City of Salem's Traffic and Parking Executive Director for a two-year term to commence on November 14, 2016 and to expire on January 31, 2019, was confirmed by unanimous roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent and Turiel.

#614 – TAKING LAND BY EMINENT DOMAIN 289 DERBY STREET

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: Pursuant to Massachusetts General Law, Chapter 79, the City Solicitor shall prepare and submit to the City Council all necessary documents, including an Order of Taking, to take by eminent domain, on behalf of the City of Salem, the property located at 289 Derby Street.

#615 – BOND ORDER FOR \$1.4 MILLION FOR THE TAKING BY EMINENT DOMAIN 289 DERBY STREET

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

BOND ORDERED: That the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) be and hereby is appropriated to pay costs for the following project:

Eminent Domain Taking of 289 Derby Street.

And for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7(1), or pursuant to any other enabling authority and to issue bonds or notes of the City therefore.

FURTHER ORDERED: that any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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FURTHER ORDERED: that the Treasurer is authorized to file an application to qualify under Chapter 44A, of the Massachusetts General Laws any and all bonds of the City issued under the pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

#616 – DONATION TO COLLECTOR UNPAID PARKING FINES (PEAS FOR FEES)

The following Order recommended by the Mayor was adopted.

ORDERED: Upon payment of unpaid parking fine and the donation of two non-perishable items or canned goods to be donated to local food pantries, the City Collector shall waive, from December 1, 2016 to December 23, 2016, up to thirty dollars in late fees added to an unpaid parking fine, as provided in Section 17A of the City of Salem Traffic Code. The collector shall not waive any surcharge imposed by the Massachusetts Registry of Motor Vehicles if the Collector has been notified the Registry of Motor Vehicles of an unpaid fine, and a non-renewal of license and/or registration has been recorded by the Registry of Motor Vehicles.

#617 – RESOLUTION FOR PARC GRANT PROGRAM FOR MCGLEW PARK

The following Resolution recommended by the Mayor was adopted.

RESOLUTION:

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE OUR COMMON BACKYARDS PROGRAM FOR IMPROVEMENTS TO MCGLEW PARK

Whereas: McGlew Park is far and away a community asset and the preservation and improvements to this facility are a City priority as evidence in the most recent Open Space and Recreation Plan; and

Whereas: Improvements to McGlew Park greatly enhance this facility with installation of play equipment, construction of a circulation path, additional trees, improvements to the basketball court and softball field, and new irrigation; and

Whereas: The overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

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Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities to support preservation and restoration of urban parks through the PARC Program, Chapter 933, Acts of 1977, as amended, and

Whereas: The project will cost a total of \$622,357.00;

NOW THEREFORE, BE IT RESOLVED

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to expend from available funds an amount equal to the total project cost to be reimbursed up to a maximum amount of \$400,000 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That McGlew Park shall be dedicated to park purposes under M.G.L. Chapter 42, Section 3; and
5. That this resolution shall take effect upon passage

#618 – MEMORANDUM WITH F.W. WEBB CO. FOR A PROTION OF 297 BRIDGE STREET

The following Order recommended by the Mayor, was adopted as amended by a roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan and Turiel were recorded as voting in the affirmative. Councillors Lovely and Sargent were recorded as voting in the negative. A motion for immediate reconsideration in the hopes it would not prevail was denied.

Amended to include numbers 4 and 5.

Ordered:

Prior to the disposition of the City-owned parcel at 297 Bridge Street,

- 1) the Mayor shall receive authorization from the City Council by a two-thirds vote prior to executing a deed conveying the parcel;
- 2) a proposed deed restriction shall be prepared by the City Solicitor and submitted to the City Council for approval prior to the disposition of the parcel which shall include, but not be limited to, use and build restrictions on the parcel for at least fifty years; and

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- 3) the City Solicitor shall prepare and submit to the City Council, prior to the disposition of the parcel, a condition of the sale requiring that the Planning Board not take action on site plan review for a redevelopment proposal involving the parcel until after it has received a recommendation from the Design Review Board concerning the design of the project.
- 4) Upon the execution of a deed conveying the lot at 297 Bridge Street, each abutter of 297 Bridge Street shall receive a copy of the deed, by certified mail, so they are informed on their beneficial interest in the deed as a result of the fifty-year restriction.
- 5) Upon execution of a deed conveying the lot at 297 Bridge Street, the City shall acquire a \$5 Million / 5-year environmental insurance policy on the lot in the name of the City of Salem.

MEMORANDUM OF SALE

This Memorandum of Sale is made this 14th day of November, 2016 by and among the City of Salem, a municipal corporation, whose principal address is 93 Washington Street, Salem, Massachusetts (the "Seller"), Tache Auctions and Sales, of Salem, Massachusetts (the "Auctioneer") and F.W. Webb or its nominee, meaning a related real estate holding entity (the "Buyer").

1. SALE AT PUBLIC AUCTION

Pursuant to a public auction conducted on November 14, 2016 by the Auctioneer on behalf of the Seller under Massachusetts General Laws, Chapter 60, Section 77B, the Buyer as the highest bidder agrees to purchase the real property described below (the "Property") in accordance with the terms hereof.

2. DESCRIPTION OF THE PROPERTY

The Property shall mean the following, namely:

Lot 1, a 52,491 s.f. portion of a subdivided lot at 297 Bridge Street, Salem, Massachusetts which is a portion of land acquired by virtue of a taking by the Collector of Taxes for the City of Salem dated October 7, 2005 and recorded with Essex County (Southern District) Registry of Deeds in Book 24937, Page 350. The property is a portion of the property described in a deed from Helen S. Kerr f/k/a Helen S. King f/k/a Helen Krzywicki to Bowley Steel & Trading Corp. dated June 8, 1994 and recorded with said Registry in Book 12612, Page 69.

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3. TRANSFER OF THE PROPERTY

The Property shall be conveyed by the instrument described in Massachusetts General Laws, Chapter 60, Section 77B.

The Property shall be conveyed and transferred subject to any outstanding tenancies and/or leases, the rights of parties in possession, rights of redemption and to the provisions of applicable state and local law, including building codes, zoning ordinances and any environmental laws, including specifically any and all federal and state laws governing the release of hazardous materials upon the Property as defined in said laws. The obligations of the Seller to convey the Property are contingent upon approval of the sale by the Salem City Council. In the event the City Council does not approve the sale on the terms and conditions set forth herein, then all of the obligations of the parties hereunder shall terminate and the Buyer's deposit shall be immediately refunded.

The total bid price will be set forth as the consideration in the deed to the Property.

4. PRICE AND DEPOSIT

The bid price for which the Property has been sold to the Buyer is Four Hundred Ninety-Eight Thousand Five Hundred Fifty Dollars (\$498,550.00) of which TEN THOUSAND and 00/100 Dollars (\$10,000.00) has been paid this day in accordance with the terms of the Notice of Public Auction, with the balance to be paid by certified check or bank check at the time of the delivery of the deed. The Seller shall be entitled to any interest earned on the deposit and the amount to be paid by the Buyer shall not be adjusted to reflect any interest earned on the deposit.

5. CLOSING

The deed and associated papers shall be delivered and the balance of the consideration paid at the office of Tinti, Quinn, Grover & Frey, P.C., 27 Congress Street, Suite 414, Salem, Massachusetts on or before one o'clock (1:00 P.M.) on November 14, 2017, or such other time and place as may be mutually agreed upon by the Seller and the Buyer (the "Closing").

6. TITLE

The title to be conveyed shall be that which was conveyed to the Seller by the Tax Taking of the Property, subject to those matters specified in paragraphs 3 and 14 of this Memorandum. In the event the Seller cannot convey title to the Property as stipulated, the deposit, and if applicable, the balance of the purchase price, shall be refunded and all rights hereunder shall cease, and the Buyer shall have no recourse

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against the Seller, or its employees, agents and representatives, whether at law or in equity; provided, however, that Buyer shall have the election to accept such title as the Seller can deliver to the Property in its then condition and to pay therefor the purchase price without deduction, in which event the Seller shall convey such title.

7. RISK OF LOSS

Seller shall maintain casualty insurance covering the Property in a reasonable amount as determined in the sole discretion of the Seller. If the Property is damaged by fire or other casualty prior to the closing, Buyer shall accept a deed to the Property and an assignment of so much of the insurance proceeds as had not been used in the restoration of the Property prior to the Closing, paying therefor the full balance of the bid price.

8. ACCEPTANCE OF DEED

The acceptance of a deed to the Property by the Buyer or Buyer's nominee, as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed or arising out of said public auction on the part of the Seller to be performed or observed.

9. CONDITION OF THE PREMISES

The Property shall be conveyed in "as-is" condition, subject to the present manner of use and occupancy of the Property, and with no representation or warranty whatsoever as to their condition, fitness for habitation or whether they conform to applicable state or local building, zoning, environmental laws or health and sanitary codes. The Buyer acknowledges that Buyer has not been influenced to enter this transaction by, nor has it relied upon, any warranties or representations, including specifically any warranties or representations relating to the presence of hazardous materials on the Property, of the Seller or the Auctioneer not set forth or incorporated in this Memorandum. The Buyer agrees to assume responsibility for maintenance of and compliance with the Activity Use Limitation affecting the Property at its sole cost and expense. The Buyer hereby releases the Seller from any claim that might be asserted against the Seller relating to environmental conditions at the Property caused by the Buyer's ownership or operation of the Property.

10. BUYER'S DEFAULT; DAMAGES

If the Buyer shall fail to fulfill the Buyer's agreements herein, all deposits made hereunder by the Buyer shall be retained by the Seller, and the Buyer shall reimburse the Seller for all costs and expenses incurred by

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the Seller in excess of the amount of the deposit due to the Buyer's default, including the costs and expenses of subsequent sales of the Property or any portion thereof and attorneys' and auctioneers' fees in connection

therewith. The Seller may, but shall not be required to, sell the Property to the second highest bidder at the public auction providing that said bidder shall deposit with the Seller the amount of the required deposit within three (3) business days after written notice of the default of the previous high bidder.

11. DEED STAMPS, RECORDING FEES, CLOSING COSTS

Buyer shall pay for and cancel for the benefit of the Seller the excise stamps required to be affixed to the foreclosure deed by the law of the Commonwealth of Massachusetts, if any. The Buyer shall pay all recording fees in connection with the transfer of the Property and shall reimburse the Seller for legal and auctioneer's fees not to exceed \$3,000.00.

12. PRO-RATION OF REAL ESTATE TAXES

The Buyer shall at the Closing pay the balance of the remaining balance of real estate taxes from the date of closing forward for the fiscal year in which the closing occurs which taxes shall be calculated based on the Purchase Price.

13. STATEMENTS REQUIRED BY BUYER

The Buyer shall sign at closing an Affidavit pursuant to M.G.L. c. 60 Section 77B stating the he/she has never been convicted of a crime involving willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire or of a crime involving the fraudulent filing of a claim for fire insurance. The Buyer shall also sign a Disclosure Statement to be filed under Section 40J Chapter 579 of the Acts of 1990 that he/or she holds no elected public office and is not an employee of the Division of Capital Planning and Operations.

14. SPECIAL CONDITIONS

In the event the Property is utilized in connection with the expansion of a business use on the adjacent parcel located at 293 Bridge Street, Salem, Massachusetts the following conditions shall apply:

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- a. In the event such expansion is subject to Site Plan Review by the Planning Board under the Salem Zoning Ordinance, then the Buyer agrees to voluntarily submit the expansion plans to the Salem Design Review Board for recommendation to the Planning Board prior to the issuance of any Site
- b. Plan Review Special Permit. Such Design Review Board review shall not exceed 45 calendar days from the time such plans are submitted to it. This condition shall survive delivery of the Deed.
- c. The Buyer shall not be required to purchase the Property unless and until all necessary municipal permits and approvals have been issued beyond appeal, including rezoning of the Property to B-4. Should the rezoning of the Property or any of the required municipal permits and approvals for such expansion plans be appealed to a Court of competent jurisdiction then the Buyer, in its sole discretion, may withdraw from this agreement anytime thereafter by written notice to the Seller, rendering this Purchase and Sale null and void with all deposits being returned to the Buyer and the parties having no further obligations to each other.
- d. The Deed delivered to the Buyer hereunder shall contain the restrictions set forth on Exhibit A attached hereto.

15. CONSTRUCTION OF AGREEMENT

This instrument, executed in triplicate, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the Seller, after a two-thirds vote of the City Council authorizing such cancelation, modification or amendment, and the Buyer. If two or more persons are named herein as Buyer, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this Memorandum or to be used in determining the intent of the parties to it.

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IN WITNESS WHEREOF, the parties have executed this Memorandum as a sealed instrument as of the date first written above.

THE CITY OF SALEM

By: _____

TACHE AUCTIONS & SALES

By: _____

Julianna Tache

_____, Buyer

EXHIBIT A

Pursuant to Massachusetts General Law Chapter 184, the Grantor hereby reserves for itself and the direct abutters to this parcel of land, a fifty-year restriction on any construction of structures requiring foundations or footings on the subject parcel. Notwithstanding the aforementioned restriction, an owner of said parcel shall be permitted to place access ramps, loading docks, elevators, stairways and fences, along with any required footings on the subject parcel for the sole purpose of servicing the building erected on the adjacent parcel at 293 Bridge Street.

By acceptance and recording of this Deed, the Grantee, its successors or assigns (hereinafter "Grantee") agrees to the imposition of a fifty-year restriction on the uses of the subject parcel and the adjacent parcel located at 293 Bridge Street, Salem, Massachusetts, and further described in a Deed recorded with the Essex South District Registry of Deeds in Book 10346, Page 361 (together the "Site"), which parcels shall merge for zoning purposes.

The following existing uses shall be specifically permitted on the Site: retail store, except department store, not elsewhere set forth in the Salem Zoning Ordinance; sale and storage of building supplies; and wholesale, warehouse, or distribution facility (the "Ongoing Use"). All other uses otherwise permitted in the B4 zoning district, except arts and crafts studios and workshops by special permit of the Zoning Board of Appeal and business or professional offices, shall be prohibited.

The Grantor shall, as provided in Chapter 184, §27 of the General Laws, record a Notice of Restriction for these encumbrances for the remainder of the fifty-year term before the expiration of thirty years from the date of recording this Deed. Such Notice of Restriction shall be issued by the Grantor or any benefitted abutter to the Site, namely owners of benefitted properties at 30 Beckford Street, 102, 100, 94 and 92 Federal Street and 293 and 311 Bridge Street, and shall include a description of the land being benefitted, identify the affected parcel of land and the name(s) of the record owner of the parcel at the time the notice is recorded and a book and page reference to this deed.

Notwithstanding the foregoing, should the Ongoing Use be discontinued prior to the expiration of the use restriction, then the Grantee agrees as consideration for this Deed, to petition the City of Salem (within 1 year of the discontinuance of use) to rezone the Site to North River Canal Corridor Neighborhood Mixed

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Use District (NRCC) or the successor district to NRCC should it no longer exist. Upon successful rezoning of the Site, the deed restriction related to the parcel located at 293 Bridge Street shall become null and void and of no further affect. The restrictions set forth herein related to the parcel at 297 Bridge Street shall remain in effect for no less than fifty years from the date of this conveyance.

#619 - ESTABLISH A HOUSING DEVELOPMENT ZONE IN THE DOWNTOWN

The following Order recommended by the Mayor, was referred to the Committee on Economic Development co-posted with Committee of the Whole.

ORDERED:

Whereas, the Commonwealth of Massachusetts (hereinafter "the Commonwealth") established the Housing Development Incentive Program (hereinafter "HDIP") per M.G.L., Chapter 40 V; and

Whereas, the HDIP requires a municipality to participate in a Tax Increment Exemption (hereinafter "TIE") agreement with a program applicant in order for that applicant to be eligible to receive state tax credits that will incent the development of market rate housing in Commonwealth designated Gateway Cities, of which Salem is one;

Now, Therefore, Be It Ordered:

1. That a Housing Development Zone as illustrated on the map shown in the enclosed Housing Development Zone Plan (Map 1: Downtown Salem HD Zone Boundaries) is hereby established and approved;
2. That the Housing Development Zone Plan and the activities described therein are hereby approved;
3. That the Mayor is hereby authorized to submit the Housing Development Zone and Zone Plan to the Commonwealth's Department of Housing and Community Development;
4. That the Mayor is authorized to act subsequent to submittal of the Zone and Zone Plan and to provide such additional information as may be required by the Commonwealth's Department of Housing and Community Development; and
5. That the Mayor, subject

In accordance with MGL c.40V, establish a Housing Development Zone in the downtown and Zone plan as part of the Commonwealth of Mass. Housing Development Incentive Program that incents the development of market rate housing in a zone established by an eligible

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municipality. The proposed zone: 65 Washington Street, 29 Federal Street, 15 Federal Street, 32-50 Federal Street and 252 Bridge Street.

(plan is on file in the City Clerk's office)

#620 – ORDINANCE – TRAFFIC “HANDICAP PARKING LIMITED TIME”, ORD STREET

Councillor Eppley 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 Limited Time” is hereby amended by adding the following:

Ord Street, in front of #8 for a distance of twenty (20) feet. “Handicap Parking Tow Zone”

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

#621 – ORDINANCE – TRAFFIC “HANDICAP PARKING LIMITED TIME”, DEVEREAUX 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 Limited Time” is hereby amended by adding the following:

Devereux Street, in front of #2 Devereux Street for a distance of twenty (20) feet. “Handicap Parking Tow Zone”

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

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#622 - ORDINANCE – TRAFFIC “HANDICAP PARKING LIMITED TIME”, WHEATLAND STREET

Councillor Lovely 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 Limited Time” is hereby amended by adding the following:

Wheatland Street, in front of #12 Wheatland Street for a distance of twenty (20) feet.
“Handicap Parking Tow Zone”

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

Councillor Furey assumed the Chair.

#623 - ORDINANCE – TRAFFIC “HANDICAP PARKING LIMITED TIME”, LAUREL STREET

Councillor Turiel 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 Limited Time” is hereby amended by adding the following:

Laurel Street, in front of #14 Laurel Street for a distance of twenty (20) feet. “Handicap Parking Tow Zone”

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

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#624 – REGULAR MEETING OF THE CITY COUNCIL FOR THE MONTH OF DECEMBER

Councillor Turiel introduced the following Order, which was adopted.

ORDERED: that the regular meeting of the City Council previously set for December be changed to Thursday, December 8, 2016.

#625 - ORDINANCE – TRAFFIC “HANDICAP PARKING LIMITED TIME”, EMERTON STREET

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

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

Section 1. Chapter 42, Section 50B “Handicap Parking Limited Time” is hereby amended by adding the following:

Emerton Street, easterly side along #2 Emerton Street for a distance of twenty (20) feet.
“Handicap Parking Tow Zone”

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

#626 – MUNICIPAL GARAGE OR SURFACE LOT MONTHLY OR YEARLY PASSES

Councillor Famico introduced the following Order was amended.

ORDERED: That no municipal garage or surface lot monthly or *yearly* passes be sold to any lodging establishment for the rotating use of guests for the next *120 days*, unless a new order is passed permitting their sale.

The following amended Order was adopted.

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ORDERED: That no municipal garage or surface lot monthly or annual passes be sold to any lodging establishment for the rotating use of guests for the next 180 days, unless a new order is passed permitting their sale.

Be it further Ordered that no agreement be negotiated or executed allowing for municipal or surface lot monthly or annual passes be issued to any lodging establishment within the next 180 days.

#627 – ELIGIBILITY FOR PARKING PASSES AND THE APPLICATION PROCESS

Councillor Famico introduced the following Order was amended

ORDERED: That the Committee on Committee on Community and Economic Development, meet to discuss the use of municipal garages and surface lots, including the eligibility for passes and the application process.

Invited: the Mayor or her designee, the Traffic and Parking Director, the Director of Planning, The Finance Director, Kate Fox of Destination Salem, and the Salem Chamber of Commerce.

The following Order was adopted as amended.

ORDERED: That the Committee on Committee on Community and Economic Development co-posted with the Committee of the Whole, meet to discuss the use of municipal garages and surface lots, including the eligibility for passes and the application process.

Invited: the Mayor or her designee, the Traffic and Parking Director, the Director of Planning, The Finance Director, Kate Fox of Destination Salem, the Salem Chamber of Commerce, Salem Main Streets, and the Traffic and Parking Commission members.

#628 – POWER PLANT CONSTRUCTION TEMPORARY RESIDENT PARKING PASSES

Councillor McCarthy introduced the following Order, which was adopted.

ORDERED: That the following streets be given a temporary resident parking status through the end of the power plant construction and Orange “resident parking only” signs be put up to indicate the order.

This order is to treat these streets as we treat temporary streets during the month of October for Halloween.

1. Derby Street, from Blaney Street to Fort Avenue

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2. Webb Street from Fort Avenue to Derby Street
3. Fort Avenue from the intersection of Fort Avenue and Webb Street to number 39 Fort Avenue.

#629 – SAFETY RECORD OF CONTRACTOR OR SUBCONTRACTOR ON A CITY OF SALEM JOB SITE

Councillor Sargent introduced the following Order, which was referred to the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole.

ORDERED: That the City of Salem check the safety record of any contractor or subcontractor before they are allowed to work on a City of Salem job site.

#630 – COMMITTEE OF THE WHOLE MATTERS

Councillor Sargent introduced the following Order, which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

ORDERED: That the City Council Orders currently in the Committee of the Whole be referred to one of the five Committees of the City Council.

#631 – (#579) COMMITTEE REPORT 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 granting certain licenses has considered said matter and would recommend granting this license.

TAG DAY S.H.S. Gymnastics, 1/29/17 & 2/12/17

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#632 – (#563) MAYOR TO PURCHASE 289 DERBY STREET SUBJECT TO OPEN HISTORIC PRESERVATION

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 an order to authorize the Mayor to purchase property located at 289 Derby Street, on behalf of the City of Salem, for \$1.4 Million. Said land shall be subject to an open space preservation restriction has considered said matter and would recommend that the matter remain in committee.

#633 – (#564) BOND ORDER FOR \$1.4 MILLION TO PAY COSTS TO ACQUIRE 289 DERBY STREET

Councillor Eppley offered the following report for the Committee on Administration & 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 a Bond Order in the amount of \$1,400,000 to be appropriated to pay costs for the Community Preservation Act Project - The acquisition of 289 Derby Street for recreation purposes and the payment of all costs incidental and related thereto has considered said matter and would recommend that the matter remain in committee.

#634 – (#565) APPROPRIATION WITHIN CPA FUNDS FOR DESIGN AND COST OF 289 DERBY STREET

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 an appropriation of \$100,000 from CPA Funds to CPA-289 Derby St. Design & Costs has considered said matter and would recommend that the matter remain in committee.

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REGULAR MEETING OF THE CITY COUNCIL

#635 – (#588) LEASE TO OWN AGREEMENT FOR A PUMP TRUCK FOR THE FIRE DEPARTMENT

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 an Order authorizing the Mayor to enter into a lease to own agreement to acquire a pump truck for the Salem Fire Department has considered said matter and would recommend approval.

#636 – (#569) DISPOSITION AND DEED RESTRICTION FOR 297 BRIDGE STREET

Councillor Turiel offered the following report for the Committee of the Whole. It was voted to accept the report, and adopted as amended by roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan and Turiel were recorded as voting in the affirmative. Councillors Lovely and Sargent were recorded as voting in the negative.

Councillor Famico amended: 4) Upon the execution of a deed conveying the lot at 297 Bridge Street, each abutter of 297 Bridge Street shall receive a copy of the deed, by certified mail, so they are informed on their beneficial interest in the deed as a result of the fifty-year restriction.

Councillor Lovely amended: 5) Upon execution of a deed conveying the lot at 297 Bridge Street, the City shall acquire a \$5 Million/5-year environmental insurance policy on the lot in the name of the City of Salem.

The Committee of the Whole to whom was referred the matter of the Disposition and Deed Restriction of City Owned parcel located at #297 Bridge Street has considered said matter and would recommend adoption as amended.

#637 – REVIEW OF COUNCIL RULES

Councillor Milo offered the following report for the Ad-Hoc Committee for Council Rules. It was voted to accept the report.

The matter was referred to the Committee on Government Services co-posted with the Committee of the Whole.

The Ad-Hoc Committee for Council Rules to whom was referred the matter to review the current rules, make recommendations and report back to full council has considered said matter and would recommend that the attached list of rules be adopted.

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REGULAR MEETING OF THE CITY COUNCIL

#638 - COMMUNICATIONS FROM CITY CLERK ANNOUNCING THE AWARD GIVEN TO THE CITY OF SALEM

A communication from City Clerk Cheryl LaPointe, informing the City Council that the Massachusetts Election Modernization Coalition awarded the City of Salem, a Silver Medal Award for providing substantial Early Voting opportunities to its citizens.

#639 – REQUEST FOR EXTENDED CONSTRUCTION HOURS AT THE BENTLEY ACADEMY SCHOOL

The request from Robert Feeley, President of Feeley, McAnespie, Inc., to alter construction hours at 23 Memorial Drive (Bentley Academy) to work on Sundays as necessary to maintain schedule of roof replacement work from November 19, 2016 through December 31, 2016 before temperatures fall below 25 degrees, was granted.

#640 – PETITON TO RENAME HOLYOKE SQUARE

The petition from Craig S. Strasnick, President, Common Ground Enterprises, to rename “Holyoke Square” to “Common Ground Square”, was denied.

#641 – NAME AND OWNERSHIP CHANGE FOR JUNK DEALER LICENSE

A communication from Michael Weiss, Manager, 15 Robinson Road LLC, informing the Council of a change in name and ownership for a Junk Dealers License for the remainder of 2016. Current Junk Dealer License issued to A&H Auto Exchange, 15 Robinson Road to 15 Robinson Road LLC, 15 Robinson Road, was received and placed on file.

#642 – ROAD RACE

A request from Wicked Running Club to hold a road race (Wicked Frosty Four) on January 1, 2017 and use of city streets, was granted.

#643 – NSMC CANCER WALK

A request from North Shore Medical Center to hold their annual walk on June 25, 2017 and use to city streets, was granted.

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#644 – PUBLIC GUIDE LICENSES

The following license applications were granted.

PUBLIC GUIDES: Michael Metzger, 634 Woodlands Way, Abington
 Susan Metger, 25 Shepard St., Marblehead

#645 – #647 LICENSE APPLICATIONS

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

JUNK DEALER: 15 Robinson Road, LLC, 15 Robinson Road

TAG DAYS: S.H.S. Winter Track, 1/15/17 & 2/4/17
 S.H.S. Girls Lacrosse, 4/8/17 & 5/13/17

#648 - #651 CLAIMS

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

Eric Reardon, 10 Connors Rd., Salem
Mohammed Ali, 10 ½ Mason St., Salem
Linda Kent, 56 Ward St., Salem
Linda Gonzales, 7 Leavitt Ct., Salem

#652 – #653 BONDS

The following Bonds were referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

SIGN: The Witchery, LLC, 246 Essex St., Salem
 Louise Michaud Photographer, 222 Derby St., Salem

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(#439) – SECOND PASSAGE ORDINANCE AMENDING ZONING MAP

The matter of second passage of an ordinance amending the Zoning Map for the parcel located at 293 Bridge Street from NRCC to B-4 and 297 Bridge Street from R-2 to B-4, was then taken up. *(Due to Salem News not printing an ad for second passage which is necessary per MGL Second Passage Vote must be taken again)*

It was adopted for second and final passage by roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Milo, Ryan, and Turiel were recorded as voting in the affirmative. Councillors Lovely and Sargent were recorded as voting in the negative.

(#592) – SECOND PASSAGE ORDINANCE -TRAFFIC HANDICAP PARKING

The matter of second passage of an ordinance amending Traffic Ch. 42, Sec. 50B Handicap Parking Broad Street, was then taken up. It was adopted for second and final passage.

(#593) – SECOND PASSAGE ORDINANCE -TRAFFIC HANDICAP PARKING REPEAL

The matter of second passage of an ordinance amending Traffic Ch. 42, Sec. 50B Handicap Parking to Repeal Geneva Street, was then taken up. It was adopted for second and final passage.

(#594) – SECOND PASSAGE ORDINANCE -TRAFFIC HANDICAP POARKING REPEAL

The matter of second passage of an ordinance amending Traffic Ch. 42, Sec. 50B Handicap Parking Repeal Wisteria Street, was then taken up. It was adopted for second and final passage.

(#596) – SECOND PASSAGE ORDINANCE -TRAFFIC RESIDENT STICKER PARKING

The matter of second passage of an ordinance amending Traffic Ch. 42, Sec. 75 Resident Sticker Parking Lafayette Street, was then taken up. It was adopted for second and final passage.

(#603A) – SECONE PASSAGE ORDINANCE DISPOSABLE PLASTIC BAGS

The matter of second passage of an ordinance amending Ch. 14, Sec. Article VII Disposable Plastic Bags in retail establishments, was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 10:05 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK