

CITY OF SALEM

SEPTEMBER 22, 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, September 22, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 20, 2016 at 1:03 P.M. This meeting is being taped and is live on S.A.T.V.

Councillor Milo was recorded as absent.

Council President Turiel presided.

Councillor Famico 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

Councillor Eppley requested and received unanimous consent for suspension of the rules to allow the Mayor to address the City Council and to swear in three (3) new promotions to the Fire Department. Chief Cody introduced the following Deputy Chief Dennis Levasseur, Michael Leonard and Lt. Benjamin Potvin. The Mayor gave the oath to the firefighters.

Councillor Eppley requested a one-minute recess.

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#470 – HEARING ON VERIZON AND MASS. ELECTRIC FOR A JOINTLY OWNED POLE ON SILVER STREET

A hearing was held on the Order of Verizon and Mass. Electric to install one new jointly-owned pole on the northerly side of Silver Street

Appearing in favor:

A representative from Verizon stated the pole line with guidewire is near a Tree and needs to be replaced.

Appearing in opposition:

Eric Duham 3 Nichols Street stated the tree fell already and he has called trying to get the tree Taken down. Now it fell and the guide wire needs to be taken off. It was attached to the tree.

Cindy Nigro 30 Nichols Street stated the top of the tree fell during hurricane Irene 5 years ago. At the end of June it finally fell and took 3-4 days before the cable was removed.

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

Councillor Gerard moved it be granted.

Councillor Famico moved to request Verizon to donate a tree.

Councillor Dibble requested two trees from Verizon and National Grid.

Councillor Eppley stated do not include LORAX Committee to request.

(#420) - APPOINTMENT OF MARY LAUBY TO BOARD OF HEALTH

Held from the last meeting, the Mayor's appointment of Mary Lauby, 8 Riverbank Rd., Salem, to serve as a member of the Board of Health with a term to expire on July 21, 2019, was confirmed by a roll call vote of 10 yeas, 0 nays, 1 absent.

Councillor Dibble moved suspension of the rules to allow Ms. Lauby to speak. No objections

(#421) – APPOINTMENT OF COLBY MILLER TO THE BEAUTIFICATION COMMITTEE

Held from the last meeting, the Mayor's appointment of Colby Miller, 12 Winthrop St., Salem, to serve as a member of the Beautification Committee with a term to expire on July 21, 2019.

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Councillor Ryan moved that rule 29A be suspended.

The appointment was confirmed by a roll call vote of 10 yeas, 0 nays, 1 absent.

#471 – APPOINTMENT OF JAMES FALLON TO THE PUBLIC ART COMMISSION

The Mayor's appointment of James Fallon, 1 Hibernia Way, to serve as a member of the Public Art Commission with a term to expire on September 22, 2018, was held under the rules until the next meeting.

#472 – APPOINTMENT OF GAIL KUBIK TO THE RENEWABLE ENERGY TASK FORCE

The Mayor's appointment of Gail Kubik, 48 Howard St., to serve as a member of the Renewable Energy Task Force with a term to expire on September 22, 2010, was held under the rules until the next meeting.

#473 – CONSTABLE

The Mayor's appointment of Marc Salinas to serve as a Constable with a term to expire on September 8, 2017, was received and placed on file.

#474 - CONSTABLE

The Mayor's reappointment of Brady Campusano to serve as a Constable with a term to expire on September 25, 2019, was received and placed on file.

#475 – APPROPRIATION TO “DPS – BURIAL ACCOUNT”

The following Order recommended by the Mayor was adopted.

ORDERED: that the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated from “Receipts Reserved funds” listed below to the Department of Public Services Burial Account in accordance with the recommendation of Her Honor the Mayor.

Receipts Reserved– Sale of Lots”	to	“DPS – Burial” account	\$15,000
Receipts Reserved – Sale of Vaults	to	“DPS – Burial” account	\$15,000

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#476 – APPROPRIATION FROM RETIREMENT STABILIZATION VACATION/SICK LEAVE BUYBACK ACCOUNT

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

ORDERED: that the sum of Twenty-Five Thousand Dollars (\$25,000.00) is hereby appropriated in the “Retirement Stabilization Vacation/Sick Leave Buyback” account to be expended for the negotiated sick leave buyback provision as needed in accordance with the recommendation of Her Honor the Mayor.

#477 – APPROPRIATION FROM RETIREMENT STABILIZATION VACATION/SICK LEAVE BUYBACK ACCOUNT

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

ORDERED: that the sum of Seven Thousand Five Dollars and Nineteen Cents (\$7,005.19) is hereby appropriation in the “Retirement Stabilization Vacation/Sick Leave Buyback” account to be expended for the FY2017 contractual buyback listed below in accordance with the recommendation of Her Honor the Mayor.

William Woolley	Park & Rec	1,266.73
Thomas O'Shea	DPS	5,738.46

#478 – DONATION TO SALEM PARK & RECREATION ACCOUNT

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

ORDERED: To accept the donation(s) listed below totaling One Thousand and Five Hundred Dollars (\$1,500.00). These funds will be deposited into the Salem Park & Recreation Fund as listed in accordance with the recommendation of Her Honor the Mayor.

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#479 – DEED TO CONVEY A CERTAIN PARCEL OF PARK LAND TO NORTH SHORE MEDICAL CENTER

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: The Mayor, on behalf of the City of Salem, is hereby authorized, pursuant to the Acts of 2016, to execute a deed to convey to North Shore Medical Center Inc., a certain parcel of dedicated city of Salem park land adjacent to Bertram Field comprising 1,219 square feet and shown as "Parcel of Land Salem, 55 Highland Avenue", prepared by North Shore Survey Corporation and dated April 28, 2015 (hereinafter "the Plan") in exchange for a deed from North Shore Medical Center, Inc. to the City of Salem for a parcel of land 6,298 square foot parcel of land adjacent to Bertram Field, shown as "Parcel A" on the Plan.

Be it further Ordered that Parcel A is hereby dedicated for park purposes pursuant to Massachusetts General Law Chapter 45, Section 3.

#480 – PARKING RATES EFFECTIVE OCT. 1 THROUGH OCT. 31, 2016

The following Order recommended by the Mayor was amended as follows:
The City of Salem lot at the MBTA station shall be made available for use by the Salem residents only at no cost for weekends in October. Adopted as amended.

ORDERED: The daily weekend and holiday rate for parking in the South Harbor Garage, Museum Place Garage and Church Street lot, excluding the East lot adjacent to St. Peter's Street, shall be \$20.00 effective October 1, 2016 through and including October 31, 2016. The daily rate commences at 2:00 A.M. and concludes the following day at 1:59 A.M.

Be it further ordered that any Salem resident who presents valid identification at the Church Street Parking Lot shall not be subject to the \$20.00 fee and the City of Salem lot at the MBTA Station shall be made available for use by Salem residents only at no cost for weekends in October.

#481 – AUTHORIZED SALEM YOUTH ORGANIZATION TO STAFF PARKING LOT AND COLLECT PARKING FEE

The following Order recommended by the Mayor was adopted.

ORDERED: The following Salem Youth Organizations are hereby authorized to staff the parking lot at 297 Bridge Street and collected at designated dates and times, for the benefit of the organization, a parking fee of \$20.00 per day:

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- a) Salem High School Music Boosters: October 9, 15, and 21, 2016 at 6:00 PM and October 31, 2016 at 2:00 PM
- b) Salem High School Football Boosters: October 16 and 23, 2016 at 10:00 AM
- c) Salem Youth Football: October 22 and 29, 2016 at 10:00 AM
- d) Salem High School Drama Club: October 28, 2016 at 6:00 PM and October 30, 2016 at 10:00 AM.

#482 – ORDINANCE AMENDING CH. 24 – OFFENSES AND MISCELLANEOUS PROVISIONS

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

Amendment: b) fine of \$50.00 for each offense be increased to fine of \$300.00 for each offense
Adopted

In the year Two Thousand and Sixteen

An Ordinance to amend an Ordinance relative to 33 Proctor Street

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

Section 1. Chapter 24 – Offenses and Miscellaneous Provisions is hereby amended by adding a new section as follows:

“Section 24-29. Proctor’s Ledge – Entry between dusk and dawn prohibited.

- a) **Prohibited.** Entry onto city-owned property at 33 Proctor Street, known as Proctor’s Ledge, is prohibited between dusk and dawn.
- b) **Penalty.** Any person in violation of this section shall be subject to a fine of \$300.00 for each offense”

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

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#483 – ORDINANCE AMENDING CH. 32 – POLICE

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

In the year Two Thousand and Sixteen

An Ordinance to amend an Ordinance relative to Constables

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

Section 1. Chapter 32 – Police is hereby amended by deleting Section 32-19 – Constables in its entirety and replacing it with the following:

Section 32-19, - Constables

- (a) Pursuant to G.L. Chapter 41, Section 92, the mayor may appoint constables. Such appointments shall be made for a term not to exceed three years. An application for appointment as constable shall be accompanied by a non-refundable application fee of \$50.00 to cover the City's cost of processing. There shall also be a fee of \$35.00 for each year of the appointment, payable to the city upon application which shall be refunded in the event the application is not approved. The total number of constables at any one time, shall not exceed 50, at least half of whom shall be residents of the city. No new constables shall be appointed until the number is reduced to fewer than half of the existing constables. All individuals currently holding valid constable appointments shall not be prevented from continuing to serve due to these limits so long as they file for reappointment and meet the requirements contained herein. No fees or limits shall apply to any city employees who are appointed to serve as constables as a part of their city job.
- (b) Applicants for constable must be at least 21 years of age and submit a written resume and completed application to the mayor containing such information reasonably required by the city for use in determining the fitness, reputation and character of the applicant to hold the office of constable. All applicants for appointment or reappointment as constable shall, as part of the application, consent in writing to a background investigation and a Criminal Offender Record Information (CORI) report. These application materials shall be forwarded to the police chief who shall conduct an investigation and make a recommendation to the mayor as to the individual's fitness to serve as a constable. Pursuant to M.G.L., Ch. 41, Sec. 91B, the application shall include a statement as to the moral character of the applicant signed by a minimum of five (5) citizens of the community in which he/she resides, one of whom must be an attorney. All constables shall also be subject to the fingerprinting requirements of Sec. 14-46, and shall, once appointed, receive a photo identification badge.

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- (c) Immediately upon appointment, a constable must submit to the city clerk a surety bond in the amount of \$5,000 pursuant to the provisions of M.G.L., Chap. 41, Sec. 92. Said bond shall be maintained throughout the term of the constable's appointment.
- (d) Constables appointed pursuant to this ordinance shall be subject at all times to the orders as well as any rules and regulations pertaining to constables issued by the police chief. No constable appointed by the city shall wear a uniform similar to that of the appointed officers of the city's police department, or to that of any other appointed police officers within the Commonwealth, or otherwise attempt to present themselves as an appointed police officer. A constable who possesses a valid license to carry a firearm shall not wear the weapon as a visible part of any uniform or otherwise exhibit the weapon on his/her person while exercising duties as a constable. The mayor may, with the approval of the city council, revoke the appointment of a constable for gross misconduct. Gross misconduct shall include, but not be limited to: (1) failure to follow the police chief's orders; (2) violation of the rules and regulations governing constables; (3) violation of any provision of this section; and (4) criminal acts in violation of the laws of the United States or any local jurisdiction.

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

#484 – HOME RULE PETITION FOR ADDITIONAL LIQUOR LICENSES

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 for certain additional liquor licenses notwithstanding the provisions of Section 17 and 17A 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 convert certain seasonal liquor licenses to annual licenses and grant additional licenses for the sale of all 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 and 17A of chapter 138 of the General Laws, the licensing authority of the city of Salem may:

- 1) 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 ZXE, LLC, d/b/a Merchant Hotel, to be located at 148 Washington Street;
- 2) Grant 1 additional license for the sale of wine and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Brew on the Grid Salem, LLC, d/b/a Brew on the Grid, to be located at 217 Essex Street;
- 3) Grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments located within the city of Salem's B5 Central Business District, the Entrance Corridor Overlay Zoning Districts, or Derby and Congress Streets; and
- 4) Convert 2 currently issued seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently issued to Salem BC, LLC, d/b/a Bonchon, located at 299 Essex Street and Salem Flatbread, LLC located at 311 Derby Street, to annual licenses for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act 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 have been paid. If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned

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physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location and under the same condition as specified in this act.

SECTION 2. (a) The city of Salem shall charge a fee for the granting of an annual license for the sale of all alcoholic beverages pursuant to this act, which shall be paid by the licensee at the time of issuance, unless the licensing authority agrees to enter into a contract with the licensee to allow the division of the fee into multiple payments over time from a licensee. If the city elects to accept multiple payments over time from a licensee, the option shall be made available, upon request, to all qualified applicants for a license.

(b) Any fee collected by the city of Salem for a license granted under this act which is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be deposited into the city's economic development account and expended by it in a manner consistent with the purposes of this account.

SECTION 3. This act shall take effect upon its passage.

#485 – ORDINANCE TRAFFIC, RESIDENT STICKER PARKING PRESTON 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 75, "Parking Prohibitions Towing Zone (Resident Sticker)"

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Preston Road, Zone B, Color Red, Preston Road in it's entirety, both sides between Sumner Road and Jefferson Avenue, "Resident Sticker Parking only, Tow Zone", Monday through Friday 8:00 A.M. to 8:00 P.M.

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

#486 – ORDINANCE TRAFFIC, TOWING ZONE RAYMOND 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"

Raymond Avenue, northerly side starting at Lafayette Street and continuing for seventy (70) feet in a westerly direction. "No Parking Tow Zone"

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

#487 – VETERANS SQUARE BE NAMED FOR CAPT. HENRY C. NICHOLS

Councillor Famico introduced the following Order, which was adopted.

ORDERED: That the intersection of Federal Street and Washington Street be designated as a Veterans Square in honor of Captain Henry C. Nichols a Salem resident born and raised who service to the United States Navy for the following Wars:

- World War I
- World War II
- Korean War

And whose services to Salem following the wars was as follows:

- Executive Director of Salem Chamber of Commerce
- Executive Director for the oldest Boys & Girls Club (Salem Fraternity)
- Established the Capt. William Driver Memorial (across from the Witch House)
- Held a seat to volunteer on countless Salem Commissions and Boards

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- Took part in fighting the Great Salem Fire at the age of 17
- Author of 2 maritime novels (Salem) and
- Commended by Mayor Jean Levesque dedicating a sundial to Capt. Nicholas in Lapin Park in 1978

#488 – ORDINANCE TRAFFIC, HANDICAP PARKING REPEAL DEARBORN 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"

Repeal Dearborn Street, in front of #12 for a distance of twenty (20) feet, "Handicap Parking Tow Zone" (1/22/15)

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

#489 – ORDINANCE TRAFFIC HANDICAP PARKING UPHAM 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"

Upham Street, easterly side starting at a point twenty feet from Dearborn Street and continuing in a southerly direction for twenty (20) feet, "Handicap Parking Tow Zone"

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

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#490 – ORDINANCE AMENDING THE ZONING MAP FOR ENTRANCE CORRIDOR OVERLAY DISTRICT TO INCLUDE JEFFERSON AVENUE

Councillor Lovely introduced the following Ordinance, which was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Sixteen

An Ordinance to amend an Ordinance relative to the Zoning Map

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

Section 1. The City of Salem Zoning map shall be amended by adding Jefferson Avenue as a designated corridor with the Entrance Corridor Overlay District.

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

#491 – ORDINANCE TRAFFIC, OBEDIENCE TO ISOLATED STOP SIGN, WILLSON ROAD

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 49, "Obedience to Isolated Stop Sign" Willson Road northerly bound traffic on Willson Road stop at Cottage Street.

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

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#492 – ORDINANCE TRAFFIC, HANDICAP PARKING ALLEN STREET

Councillor McCarthy 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" Allen Street

In front of #10 for a distance of twenty (20) feet.

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

#493 – MONTHLY FINANCIAL REPORT FOR JULY AND AUGUST 2016

Councillor Eppley introduced the following Order, which was adopted.

ORDERED: that the Monthly Financial Report dated July and August 2016 be referred to the Committee on Administration and Finance.

#494 – INCREASE IN WILD ANIMALS IN THE CITY

Councillor Eppley introduced the following Order, which was adopted.

ORDERED: That the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole meet to discuss the increase in wild animals in the city, including but not limited to, coyotes, wild turkeys, etc.

#495 – REVIEW ORDINANCE CHAPTER 8, RELATIVE TO ANIMALS AND DOGS

Councillor Eppley introduced the following Order, which was adopted.

ORDERED: That the Committee on Public Health, Safety and Environment co-posted with Committee of the Whole meet to review the current Chapter 8 Ordinance relative to Animals and Dogs.

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#496 – COMMITTEE MEET TO DISCUSS SEGWAY COMPLAINTS

Councillor Famico introduced the following Order, which was received after the deadline of Tuesday noon and referred to the Committee on Ordinances, Licenses and Legal Affairs.

ORDERED: That the City of Salem licensed operators of any electronic assistance mobility device a.k.a Segway company shall be invited to a meeting of the City Council Committee on Ordinances, Licenses and Legal Affairs for the purpose of discussing and reviewing complaints that Segway's are operating on streets outside the designated route set forth in city ordinance Chapter 42, Section 43A.

#497 – REVIEW THE MAP FOR SEGWAYS

Councillor Famico introduced the following Order, which was received after the deadline of Tuesday noon and referred to the Committee on Ordinances, Licenses and Legal Affairs.

ORDERED: That the City Council Committee on Ordinances, Licenses and Legal Affairs meet to discuss and review and make possible amendments to the language and maps of City Ordinance Chapter 42, Section 43A relative to electronic personal assistance devices a.k.a Segway's.

#498 – SIXTY DAY TRIAL PERIOD PRESTON ROAD

Councillor Dibble introduced the following Order, which was received after the deadline of Tuesday noon and referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole.

ORDERED: That a trial period of up to sixty (60) days on the following, Parking Prohibited Towing Zone, Resident Parking only Preston Road between Jefferson Avenue and Sumner Road, Monday through Friday 8:00 AM to 8:00 PM.

#499 – SIXTY DAY TRIAL PERIOD FORT AVENUE, HALLOWEEN RESIDENT STICKER PARKING

Councillor McCarthy introduced the following Order, which was received after the deadline of Tuesday noon and referred to the Committee on Ordinances, Licenses and Legal Affairs.

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ORDERED: That a trial period of up to sixty (60) days on the following Traffic recommendation, Chapter 42, Section 75 "Parking Prohibited Towing Zone (Resident Sticker) Halloween Resident Parking Fort Avenue both sides from Webb Street to #59 Fort Avenue, resident parking October 1 to November 1.

#500 - SIXTY DAY TRIAL PERIOD FORT AVENUE, HALLOWEEN RESIDENT STICKER PARKING

Councillor McCarthy introduced the following Order, which was received after the deadline of Tuesday noon and referred to the Committee on Ordinances, Licenses and Legal Affairs.

ORDERED: That a trial period of up to sixty (60) days on the following Traffic recommendation, Chapter 42, Section 75 "Parking Prohibited Towing Zone (Resident Sticker) Halloween Resident Parking Derby Street from Webb Street to Fort Avenue, resident parking only both sides October 1 to November 1.

#501 – (#234) M.O.U. BY SALEM STATE UNIVERSITY 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. It was voted to accept the report and adopt the recommendation.

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

#502 – (#398) CREATING AN ORDINANCE TO REDUCE PLASTIC BAGS

Councillor Gerard offered the following report for the Committee on Public Health, Safety and Environment. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment to whom was referred the matter of creating an Ordinance regarding Plastic Bags and poly styrene food and beverage container reduction in Salem has considered said matter and would recommend the matter remain in Committee and it be co-posted with Committee of the Whole.

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Councillor Furey assumed the Chair.

#503 – (#287) CITY OF SALEM AND OTA’S SISTER CITY RELATIONSHIP

Councillor Turiel offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation,

The Committee of the Whole to whom was referred the matter of discussing the City of Salem and Ota’s Sister City Relationship has considered said matter and would recommend that the matter remain in Committee.

#504 – (#437) HOME RULE PETITION FOR ADDITIONAL LIQUOR LICENSES

Councillor Turiel offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee of the Whole to whom was referred the matter of a Home Rule Petition for an additional liquor license for Ragazza Hospitality Group located at 41 Lafayette Street (Kokeshi Restaurant) has considered said matter and would recommend that the attached Home Rule Petition be adopted as amended.

Councillor Turiel resumed the Chair

#505 – SOLICITOR SUBMITTING AN ORDINANCE AMENDING CH. 36 SOLID WASTE MANAGEMENT

City Solicitor Elizabeth Rennard submitted the following Ordinance amendment of Chapter 36, Solid Waste Management. It 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 Solid Waste Management

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

Section 1. Chapter 36 is hereby amended as follows:

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- 1) Section 36-4 Pickup of Large Items is hereby amended by deleting the first paragraph in its entirety and replacing it with the following:

“Bulk items such as mattresses and furniture shall be collected by appointment by the City’s solid waste collection contractor. E-Waste, including computers and televisions, and appliances may be recycled at quarterly collection events scheduled by the City Engineer. The City may charge a fee for the disposal of certain items.”

- 2) Section 36-5 Residential Curbside Solid Waste and Recycling Collection is hereby amended by deleting the first paragraph in its entirety and replacing it with the following:

“The City shall provide weekly municipal curbside solid waste and bi-weekly recycling collection to all owner-occupied residential units and non-owner occupied rental units serviced by the municipal collection contract at the time this section is adopted.”

- 3) Section 36-6 Collection Fee for Certain Residents is hereby amended by adding the following to the end of the first sentence in Section 36-6 (f):

“If evidence of ownership and an affidavit is filed with the City Engineer within 45 days of purchase of property or change in deed.”

- 4) Section 36-8 Collection Fee for Certain Commercial Establishments is hereby amended by adding the phrase “per commercial unit” at the end of the first sentence of this section.

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

#506 – POLE LOCATION ON HIGHLAND AVENUE

A hearing was ordered for September 29, 2016 on the petition from National Grid to install a pole on Highland Ave.

#507 – EXTENDED HOURS OF OPERATION FOR DOMINO’S PIZZA

A hearing was ordered for October 13, 2016 on the petition from Boston Pie Inc., dba Domino’s Pizza located at 4 Canal Street requesting extended business hours. These hours will be until 1:00 A.M. Sunday through Thursday and until 2:00 A.M. Friday through Saturday

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#508 – REQUEST FOR ZOMBIE WALK

A request from Adam Fitch and Matt Richard to hold a Walk (Zombie Walk) and use of city streets on October 1, 2016, was granted.

#509 – FIESTA SHOWS TO HOLD A CARNIVAL IN OCTOBER

A request and application from Fiesta Shows to hold a Carnival from October 14th – October 31st at 289 Derby Street from 3-9pm weekdays and Noon – 10pm weekends, was granted.

#510 - #512 LICENSE APPLICATIONS

The following license applications were granted.

PUBLIC GUIDES: Patricia Bridgman, 5 Harbor Rd. Gloucester
David Pszenny, 21 Thomas Cir., Salem
Melissa Nierman, 26R Chestnut St., Salem
Thomas Alley, 4 Horton St., Salem

TAXI OPERATORS: Cristian Toribio, 20 Dow St., Salem
Rafael Gomez Burgos, 18 Peabody St., Salem
Ramon Burgos, 14 Mason St., Salem
Edwin Carmona, 100 Rainbow Ter., Salem
Kevin Munoz Polanco, 46 Peabody St., Salem
Kevin Guilfoyle, 14 Douglass St., Lynn
Juan Pena, 52 Tremont St., Salem
Juan Torres, 2 Hancock St., Salem

VEHICLE FOR HIRE OPERATOR ONLY: Jeffrey Trott, 21B Andrew St., Salem

#513 – TAXI OPERATOR APPLICATION

The following license application was denied.

TAXI OPERATOR: Jeffrey Suazo, 55 Rock Ave., Lynn

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#514 – #515 TAG DAY APPLICATIONS

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

TAG DAY: SHS Marine JROTC, 10/16/16, 10/30/16, 11/3/16, 11/19/16, 12/4/16, 12/18/16
SHS Boys Hockey, 12/11/16 & 1/8/17

#515 - #526 CLAIMS

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

Ryan Buckley, 21 Goodell St., Salem
Albert Carnevale, 721 Barefoot Blvd, Barefoot Bay, FL
Erin Cyr, 22 Lathrop St., Salem
Yelpatora Marina, 3 Cedar Knoll, Boxford
Bobby Jo Burris, 106 Liberty St., North Adams
Shubh Joshi, 170 Central St., Somerville
Alicia Brady, 120 Washington St., Salem
Nicholas Dell'Orfano, 62 Moffatt Rd., Salem
Erin Huggard, 75 Summer St., Salem
John Serlis, 47 Glidden St., Beverly

Subrogated
Claim

Jason Stone Injury Lawyers (for Carol Roberts), 55 Franklin St., Boston

#527 - #529 DRAINLAYER / CONTRACT OPERATION LICENSES

The following Drainlayer/Contract Operator license applications were granted.

New England Electrical Contracting Corp., 21 Marion Dr., Kingston
R. DiLisio Co. Inc., 113 Fayette St., Lynn
J. Masterson Construction, 46 Prince St., Danvers

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#530 - #535 BONDS

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

CONSTABLE: Marc Salinas, 218 Wilson Rd., Nahant
Brady Campusano, 120 Haverhill St., Lawrence

DRAINLAYER: New England Electrical Contracting Corp., 21 Marion Dr., Kingston
DiLulis Brothers, 31 Collins St. Terrace, Lynn

SIGN: New England Dog Biscuit Co., 7 Central St., Salem
Turtle Alley, 177 Essex St., Salem

(#441) – SECOND PASSAGE ORDINANCE TRAFFIC, PARKING PROHIBITED FRANCIS ROAD

The matter of second passage of an Ordinance amending Traffic, Ch. 42, Sec. 74, "Parking Prohibited Tow Zone" Francis Road, was then taken up. It was adopted for second and final passage.

(#447) – SECOND PASSAGE ORDINANCE TRAFFIC, HANDICAP PARKING REPEAL PRESCOTT STREET

The matter of second passage of an Ordinance amending Traffic, Ch. 42, Sec. 50B "Handicapped Parking Repeal Prescott Street, was then taken up. It was adopted for second and final passage.

(#448) – SECOND PASSAGE ORDINANCE TRAFFIC, GENERAL PROHIBITION TOW ZONE JEFFERSON AVENUE

The matter of second passage of an Ordinance amending Traffic, Ch. 42, Section 74, "General Prohibitions, Tow Zone" Repeal Jefferson Avenue, was then taken up. It was adopted for second and final passage.

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(#451A) – SECOND PASSAGE ORDINANCE TRAFFIC, HEAVY VEHICLES PROHIBITED SUMMER ST. AND WINTHROP ST.

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 45, "Heavy Vehicles Prohibited Summer Street and Winthrop Street, was then taken up. It was adopted for second and final passage.

(#451B) – SECOND PASSAGE ORDINANCE TRAFFIC, HEAVY COMMERCIAL VEHICLES

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 45A, "Heavy Commercial Vehicles over 26,001 pounds prohibited Willson Street, was then taken up. It was adopted for second and final passage.

(#451B) – SECOND PASSAGE ORDINANCE TRAFFIC, HEAVY COMMERCIAL VEHICLES

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 45A, "Heavy Commercial Vehicles over 26,001 pounds prohibited Willson Street, was then taken up. It was adopted for second and final passage.

(#451C) – SECOND PASSAGE ORDINANCE TRAFFIC, COMMERCIAL VEHICLES PROHIBITED PARKING IN RESIDENTIAL DISTRICTS

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 55B, "Commercial Vehicles Prohibited from Parking in Residential Districts, was then taken up. It was adopted for second and final passage.

(#452A) – SECOND PASSAGE ORDINANCE OPERATIVE AIR PUMP

The matter of second passage of an Ordinance amending Ch. 14 Sec. 44 Operative air pump required to store fuel, was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 9:13 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK