

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING**

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A Regular Meeting of the City Council held in the Council Chamber on Thursday, January 23, 2020 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 21, 2020 at 2:56 P.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President McCarthy presided.

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

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

**PUBLIC TESTIMONY**

1. Lisa Peterson, 68 Broad St., Salem – Zoning Map Amendment
2. Steve Kapantais, 23 Wisteria St., Salem – ADA Compliance
3. Sandi Silk, 124 Arlington Rd., Brookline – Zoning Map Amendment
4. Paige Curtin, 90C Wharf St., Salem – Zoning Map Amendment
5. Amy Burns Price, 81 Marlborough Rd., Salem – ADA Compliance
6. Tanis Price, 81 Marlborough Rd., Salem – ADA Compliance
7. Lorlee Stewart, 7 Barnes Rd., Salem – Zoning Map Amendment
8. Ann Delulis, 14 Barnes Cir., Salem - Zoning Map Amendment
9. James Hurrell, 8 Central St. (Salem Trolley), Salem – Village Tavern Shuttle
10. Tammy Harrington – passed
11. Christine Derby, 73 Tremont St., Salem - ADA Compliance
12. Robert Kennedy, 17 Carlton St. Salem – (letter submitted by Ms. Derby re ADA)
13. Matthew Veno – 20 Forest Ave., Salem (& PB Member) - Zoning Map Amendment
14. Darleen Melis, 115 Federal St., Salem – Century Tree Program
15. Lisa Cammarata, 6 Larkin Ln., Salem (HR Manager) – ADA Compliance

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****(#635) - APPOINTMENT OF DOUGLAS BOWKER TO THE SERC COMMITTEE**

Held from the last meeting, the Mayor's appointment of Douglas Bowker of 41 Forrester St. to the Sustainability, Energy and Resilience Committee with a term to expire on July 20, 2020 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

Councillor Madore requested and received unanimous consent for Douglas Bowker to address the Council.

**#5 - REAPPOINTMENT OF BEN ANDERSON TO THE AFFORDABLE HOUSING TRUST FUND**

The Mayor's reappointment of Ben Anderson to the Affordable Housing Trust Fund Board with a term to expire February 8, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

**#6 - REAPPOINTMENT OF MICKEY NORTHCUTT TO THE AFFORDABLE HOUSING TRUST FUND**

The Mayor's reappointment of Mickey Northcutt of 9 Northey St #1 to the Affordable Housing Trust Fund Board with a term to expire January 25, 2022 was confirmed by a roll call vote of 10 yeas, 0 nays, 0 absent, 1 Present. Councillors Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were recorded in voting in the affirmative. Councillor Dibble was recorded as present.

**#7 - REAPPOINTMENT OF NOREEN GACHIGNARD TO THE PUBLIC ARTS COMMISSION**

The Mayor's reappointment of Noreen Gachignard of 16 Buchanan Rd to the Public Art Commission with a term to expire January 11, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#8 - REAPPOINTMENT OF EMILY LARSON TO THE PUBLIC ARTS COMMISSION**

The Mayor's reappointment of Emily Larson of 27 Turner St #1 to the Public Art Commission with a term to expire January 11, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

**#9 - REAPPOINTMENT OF RAYMOND SWARTZ TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Raymond Swartz of 30 Ocean Ave to the Bicycling Advisory Committee with a term to expire February 9, 2023 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

**#10 - REAPPOINTMENT OF MEAGHAN LECLERC TO THE SALEM HARBOR PORT AUTHORITY**

The Mayor's reappointment of Meaghan Leclerc of 10 Orchard St. #2 to the Salem Harbor Port Authority with a term to expire January 12, 2023 was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative.

**#11 - #13 – CONSTABLES**

The Mayor's appointments and reappointments of the following to serve as Constables with their following terms to expire were received and placed on file.

**Name and Address:****Term to Expire on:**

Mark J. Snider, 103 Boardman Ave, Melrose  
James F. Danforth, 16 Wentworth Dr, Beverly  
Fotis Plessas, 11 Hatzis Way, Lynn

December 2, 2021  
February 1, 2023  
December 28, 2021

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#14 – RESOLUTION FOR FEDERAL GRANT MONEY FOR SECOND FERRY**

The following Order and Resolution introduced by the Mayor was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Sargent, Turiel and McCarthy were all recorded in voting in the affirmative. Councillor Dibble stated for the record that his son sometimes works as a captain for the Salem Ferry. Filed Disclosure form.

ORDERED: The City of Salem, MA hereby adopts a Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE SALEM CITY COUNCIL

1. That the Mayor is authorized to execute and file an application for federal assistance on behalf of the City of Salem, MA with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. (If the applicant is requesting Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, either alone or in addition to other federal assistance administered by the Federal Transit Administration, the resolution should state whether the applicant is the designated recipient as defined by 49 U.S.C. 5307(a)(2), or whether the applicant has received authority from the designated recipient to apply for Urbanized Area Formula Program assistance.)

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2. That the Mayor is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.

3. That the Mayor is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Salem, MA.

**#15 – BOARDS TO BE DESIGNATED AS SPECIAL MUNICIPAL EMPLOYEES**

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

ORDERED: That the members of the following boards are hereby designated as Special Municipal Employees under the Provisions of M.G.L. Chapter 268A:

Affordable Housing Trust Fund Board  
Beautification Committee  
Bicycling Advisory Committee  
Board of Assessors  
Cable Television & Technology Commission  
Community Preservation Committee  
Council on Aging Board  
Cultural Council  
Disabilities Commission  
Public Art Commission  
Recycling Committee  
Sustainability, Energy and Resiliency Committee  
Salem Harbor Port Authority  
Scholarship and Education Committee  
Traffic and Parking Commission  
Tree Commission

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#16 - RESOLUTION: ESTABLISHING THE CENTURY TREE PROGRAM**

The following Resolution introduced by the Mayor was adopted.

WHEREAS, the City of Salem was founded in 1626 and is among the oldest communities in the United States; and

WHEREAS, the City of Salem will celebrate its 400<sup>th</sup> anniversary in 2026; and,

WHEREAS, the City of Salem desires to honor its past and provide for the health and enjoyment of its citizens in the future through the beneficial effects of a replenished urban tree canopy;

THEREFORE, we, the Mayor and City Council of the City of Salem, do hereby establish the Century Tree Program, through which Salem residents may propose sites throughout the city where tall trees – Salem’s future heritage trees – may flourish without obstructions. Century Trees will be planted each year through 2026 within sight of public rights-of-way and labeled for posterity, in honor of the quadricentennial of the City of Salem.

**#17 – ORDINANCE AMENDING TRAFFIC, LATHROP ST., HANDICAP PARKING**

The following Ordinance introduced by Councillor Madore was adopted for first passage.

ORDINANCE: To amend an Ordinance relative to Traffic

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

Section I. Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by adding the following:

Lathrop Street – One Handicapped Parking Space to be added in front of #18 Lathrop Street, beginning four (4) feet West of the driveway at 18 Lathrop Street, running west for twenty (20) feet.

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

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#18 – ORDINANCE AMENDING TRAFFIC, WARREN ST., HANDICAP PARKING**

The following Ordinance introduced by Councillor Madore was adopted for first passage.

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. Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by adding the following:

Warren Street – One Handicapped Parking Space to be added in front of #11 Warren Street, beginning twenty-four (24) feet East of the driveway at 11 Warren Street, running west for twenty (20) feet.

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

**#19 (#731 & #732 OF 2019) – GRANTING CERTAIN LICENSES**

Councillor Madore 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 the following licenses be granted:

SECOND HAND  
CLOTHING

Boston St Resale 134 ½ Boston St.  
Re-Find, LLC 72 Washington St.

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#20 – PLANNING BOARD’S RECOMMENDATION RELATIVE TO A ZONING MAP AMENDMENT TO REZONE PARCELS ON HIGHLAND AVE. AND CEDAR RD. FROM B2 AND BPD TO R3**

Councillor Madore offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillors Dibble, Dominguez, Flynn and Sargent were all recorded as voting in the negative.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of the Planning Board’s recommendation for a Zoning Map Amendment of rezoning 355 & 373 Highland Ave. and 2, 3, 5, 6 and 10 Cedar Rd. from B2 and BPD to R3 (The Planning Board voted against the recommendation for approval of the zoning map amendment) has considered said matter and would recommend to the full Council to reject the Planning Board’s negative recommendation. (See PB recommendation below)

***Report of the Planning Board to City Council***  
***Re: Proposed Zoning Map Amendment for Highland-Cedar-Barnes***

December 16, 2019

At its meeting on November 21, 2019 the Planning Board discussed the proposed amendment to the Salem Zoning Ordinance to rezone the map for the following parcels of real property located at: 355 Highland Avenue (Assessor Map 7, Lot 46); 373 Highland Avenue (Assessor Map 7, Lot 58), 2 Cedar Road (Assessor Map 7, Lot 57), 3 Cedar Road (Assessor Map 7, Lot 47), 5 Cedar Road (Assessor Map 7, Lot 48), 6 Cedar Road (Assessor Map 7, Lot 56) and 10 Cedar Road (Assessor Map 7, Lot 55), from Business Highway (B2) and Business Park Development (BPD) districts to the Residential Multi-Family (R3) District.

The Planning Board voted against a recommendation for approval of the zoning map amendment with three (3) members opposed (Kirt Rieder, Noah Koretz, Matt Veno) to a recommendation and two (2) members in favor (Chair Ben Anderson, Helen Sides).



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The members appreciate the petitioner's efforts in working proactively with neighbors and are generally supportive of housing. However, the members had concerns about how the map amendment could affect future development on Highland Avenue. As such, the members advised analyzing regulations regarding residential and commercial development as well as the transportation system along this corridor prior to an individual map amendment.

If you have any questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Yours truly,  
Ben J. Anderson, Chair

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The following discussion took place regarding the Planning Board's recommendation, the committee's recommendation and the upcoming vote on the Zoning Amendment:

Councillor Turiel supports the Committee's recommendation but admits he has more concerns with the development coming forward on the current R3 (not this project). He also stated that the current project on these parcels can be developed under B2 and BPD but it would have been a better fit rezoned to R3.

Councillor Hapworth also shared concerns with Planning Board's recommendation. The neighbors are stuck in the middle. This development is palpable right now. With the housing crisis supports this proposal.

Councillor Flynn stated he had a couple of concerns with the development of 300 apartments on the right of the property and 170 units on the left. Also, have been criticized over the years when reject the Planning Board's recommendation. Which he was surprised by in this case.

Councillor Dominguez stated we received an expert opinion from the Planning Board and we should stay with the experts. We appointment them to the Planning Board to do their best. Still hear concerns and questions from other people. Not comfortable moving forward right now.

Councillor Morsillo – Talked with the residents. Show we are listening to them. We tell them they can make a difference if participate in progress. The neighbors had a desire to see housing and a restaurant. Developer listened to them and worked with them. There has been no interest in this property since Cinema World. That project was not

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wanted on Highland Ave. Too much traffic. Something is going to go there why not make it this project that is good and wanted by the neighbors.

Councillor Prosniowski – Will be voting in support. This is what the residents want. It's their quality of life; that should outweigh anything. Even Planning Board Member Matt Veno agrees with project. The good outweighs the bad. Salem has changed since the 1980's

Councillor Sargent assumes the chair.

Councillor McCarthy cautioned anyone who is going to hang their hat on what the Planning Board recommends. Many people have voted opposite of the Planning Board's recommendations in the past. Councillor McCarthy spoke with the City Planner and the Developer. This change would allow a better product. The 300 units can be built by right. He will be supporting this tonight. Councillor McCarthy assumes the chair.

**(#538 of 2019) - ZONING MAP AMENDMENT TO REZONE PARCELS ON  
HIGHLAND AVE. AND CEDAR RD. FROM B2 AND BPD TO R3**

Councillor Madore moved adoption for first passage on the following Zoning Map Amendment by roll call vote was 7 yeas, 4 nays and 0 absent. Councillors Hapworth, Madore, Morsillo, Prosniowski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillors Dibble, Dominguez, Flynn and Sargent were all recorded as voting in the negative. The Zoning Ordinance Amendment did not carry.

In the year two thousand nineteen

***An Ordinance*** to amend an Ordinance relative to a Zoning Map Change

***Be it ordained by the City Council of the City of Salem. As follows:***

***Section I.*** In accordance with the requirements of Massachusetts General Laws, Chapter 40A, Section 5, that the parcels of real property located at 355 and 373 Highland Avenue and 2, 3, 5, 6 and 10 Cedar Road be rezoned and the City of Salem Zoning Map be amended from Business Highway (B2) and Business Park Development (BPD) districts to the Residential Multi-Family (R3) District.

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<u>Address</u>	<u>Assessor's Map and Lot Number</u>
1. 355 Highland Avenue	Map 7, Lot 46
2. 373 Highland Avenue	Map 7, Lot 58
3. 2 Cedar Road	Map 7, Lot 57
4. 3 Cedar Road	Map 7, Lot 47
5. 5 Cedar Road	Map 7, Lot 48
6. 6 Cedar Road	Map 7, Lot 56
7. 10 Cedar Road	Map 7, Lot 55

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

Councillor Sargent made a motion for immediate reconsideration prevailed. No further action was taken.

**#21 – PETITION TO ADDRESS THE CITY'S CURRENT COMPLIANCE TO THE ADA LAW AND THE RECENTLY RELEASED TRANSITION PLAN**

The petition from Steve Kapantais to the City Council to address the current status of the City's Compliance to ADA Law and the recently released report regarding an ADA Transition Plan was referred to the Committee on Public Health, Safety and the Environment co-posted with the Comm. of the Whole. The following were invited to attend the Chair of the Commission on Disabilities, the School Building and Grounds personnel, Building Inspector, Park and Rec. Director, DPS Director and the HR Director and further that the meeting take place after the final report is received.

**#22 – VILLAGE TAVERN TO OPERATE A SEASONAL FREE SHUTTLE SERVICE**

The petition from the Village Tavern to operate a seasonal Free Shuttle Service in the downtown area i.e. May through November 1<sup>st</sup> (excluding the last two weekends in October) from 10:30 A.M. to dusk (or as needed) and to operate on the Essex Street Pedestrian Mall at all times was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#23 – PUBLIC GUIDES**

The Following License Applications were granted.

**PUBLIC GUIDES:**

James Morfis Gass, 123 Lynn St. Peabody  
Tammy Harrington 48 Federal St, Salem  
Don Warnock 1 Fortune Way, Salem  
Robert Gautreau Jr. 3 Warren St., Stoneham  
Christine Remus 13 Merrimac St., Amesbury  
Carole Hartling 37 Peach Highlands, Mhead  
John Feeley Jr. 26 South Shore Rd, Holbrook  
Lauren White 111 Foster St, Peabody  
David Harris 3 Buford Rd, Peabody  
Linda Harris 3 Buford Rd, Peabody  
Rebecca Parry 2 Wallace Rd, Marblehead  
Mollie Stewart 1 Gerrish Pl, Salem  
Kalif Melanson 32 Mt. Washington Av, Malden  
William Clemens 49 Summer St, Danvers  
Christine Gandolfi-Piper 40 Aborn St, Peabody  
Brigitta Amsler 286 Ocean Ave, Marblehead  
Kevin Blanchette 111 Foster St, Peabody  
Robin Glynn 96 Lane Rd, Chester NH  
Jessica November 14 Cambridge St, Salem  
Vijay Joyce 115 Prospect St, Gloucester  
Alicia Diozzi 40 English St, Salem  
Ronald Olson 50 Stoney Brook Rd, Mhead  
John T. Higgins 71 Governors Rd, Milton  
Terri Saunders 3 ½ Essex St, Salem  
Jonathan Reardon 14A Pope St, Salem  
Charles Galvin 5 Warren St, Salem  
Julia Gleason 28 Stockbridge St, Cohasset  
Frederic Norton 5 ½ Holly St, Salem  
John Flanagan 38 Bay View Ter, Danvers

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## **#24 - #28 – LICENSE APPLICATIONS**

The Following License Applications were referred to the Committee on Ordinances, Licenses and Legal Affairs.

SECOND HAND VALUABLES: The Record Exchange 256 Washington St, Salem  
Jacqueline Satin 69 Wharf St, Salem  
ecoATM, LLC 450 Highland Ave, Salem

TAG DAYS: SHS Winter Cologuard and Percussion Ensemble, 3/21/20  
SHS Concert Band and Wind Ensemble, 5/9/20

## #29 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The Following Drainlayers/Contract Operator Licenses were granted.

Geosearch, Inc, 99 Osgood Rd, Sterling  
Fragale Building Corp, 3 Craig Rd, Action  
Meninno Construction, 76 Oakville St, Lynn  
WL French Excavating, 14 Sterling Rd, N Billerica  
PV Barone Corp, 18 Central St, Winthrop

## #30 - #42 – CLAIMS

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

Paul Montero 25 Appleby Rd, Salem  
Endis Soto 1000 Loring Ave, Salem  
Ruthann Burns 61 Robinson St, Lynn  
Wendy McSweeney 6 Settlers Way, Salem  
Rebecca Jablonowski 16 Pearl St, Salem  
Judith Haley Wilkins 194 Jefferson Ave, Salem  
Susan Elouche 20 Francis Rd, Salem  
Roger Martin 202 Jefferson Ave, Salem  
Patricia Murphy 27 Foster St, Salem  
Laurie Donaher 51 Lafayette St, Salem  
Meaghan Reckis 2 Scenic Terr, Salem  
Amy O'Keefe 22 Circle Hill Rd, Salem  
Scratch Kitchen 245 Derby St, Salem

**CITY OF SALEM****JANUARY 23, 2020****CITY COUNCIL REGULAR MEETING****#43 – BONDS**

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

CONSTABLE: Fotis Plessas, 1 Hatzis Way, Lynn

On the motion of Councillor Sargent the meeting adjourned at 9:20 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK