

JUNE 27, 2019
CITY COUNCIL
REGULAR MEETING

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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 Ilene Simons at 978-619-5610 or isimons@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 27, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 25, 2019, at 8:30 A.M. This meeting is being taped and is live on S.A.T.V.

Councillor Furey was recorded with an excused absent.

Council President Dibble presided.

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

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

PUBLIC TESTIMONY

1. Jeff Cohen – 12 Hancock St., Salem – Support of Municipal and Religious Reuse Special Permit.
2. Tyler Terry – 22 School St., Salem Entrance Corridor Bike Lane.

#411 – (#393) – COMCAST TO INSTALL CONDUIT AND POLE AT ARTIST’S ROW

Dave Flewelling, a representative from Comcast appeared in favor of this conduit and pole. He stated it would provide service to 5 buildings located at Artist’s Row.

Councillor Turiel stated it has been two-years’ worth of work and effort to get service to these buildings. Coming out of a private building and by hiding a pole among the trees was the least expensive solution.

No one appeared in opposition.

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

Councillor Madore moved that this Order be granted. It was so voted.

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(#352) – APPOINTMENT OF MILO MARTINEZ AS AN ALTERNATE TO THE HISTORICAL COMMISSION

Held from the last meeting, the Mayor's appointment of Milo Martinez 78 Washington St., #2 (Replacing Jane Turiel) as an alternate member to the Historical Commission with a term to expire February 22, 2020 was confirmed by a roll call vote of 9 yeas, 0 nays, 1 present and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn and Dominguez were all recorded as voting in the affirmative. Councillor Dibble was recorded as present and Councillor Furey was recorded as absent.

Councillor Madore requested and received unanimous consent for suspension of the rules to allow Milo Martinez to speak.

(#353) - APPOINTMENT OF VIJAY JOYCE TO THE HISTORICAL COMMISSION

Held from the last meeting, the Mayor's appointment of Vijay Joyce 10 ½ Herbert St., Unit 31 (Replacing Joanne McCrea) as a member to the Historical Commission with a term to expire March 1, 2020 was confirmed by a roll call vote of 9 yeas, 0 nays, 1 present and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn and Dominguez were all recorded as voting in the affirmative. Councillor Dibble was recorded as present and Councillor Furey was recorded as absent.

Councillor McCarthy requested and received unanimous consent for suspension of the rules to allow Vijay Joyce to speak.

(#354) – APPOINTMENT OF SARA MOORE TO THE BOARD OF HEALTH

Held from the last meeting, the Mayor's appointment of Sara Moore of 34 Leach St, (Replacing Kerry Murphy) to serve as a member of the City of Salem Board of Health with a term to expire March 23, 2020 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

Councillor Turiel requested and received unanimous consent for suspension of the rules to allow Sara Moore to speak.

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(#355) – APPOINTMENT OF SUE KIRBY TO THE SALEM HOUSING AUTHORITY

Held from the last meeting, the Mayor's appointment of Sue Kirby of 45 St. Peter St., (Replacing Maureen Call) to serve as a member of the City of Salem Housing Authority with a term to expire March 1, 2020 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

Councillor Madore requested and received unanimous consent for suspension of the rules to allow Sue Kirby to speak.

#412 – APPOINTMENT OF MAUREEN MCKINNON TO THE COMMISSION ON DISABILITIES

The Mayor's appointment of Maureen McKinnon to serve on the Salem Commission on Disabilities with a term to expire on June 27, 2022 was held under the rules.

#413 – APPOINTMENT OF MALISSA VIEIRA TO THE CONSERVATION COMMISSION

The Mayor's appointment of Malissa Vieira to serve on the Salem Conservation Commission with a term to expire on November 15, 2021 was held under the rules.

#414 – APPOINTMENT OF PAUL VICCICA TO THE ZONING BOARD OF APPEALS

The Mayor's appointment of Paul Viccica to serve on the Salem Zoning Board of Appeals with a term to expire on May 1, 2022 was held under the rules.

#415 – REAPPOINTMENT OF ALEXANDER MITCHELL-MUNEVAR TO THE BOARD OF REGISTRARS OF VOTERS

The Mayor's reappointment of Alexander Mitchell-Munevar to the Board of Registrars of Voters with a term to expire on June 23, 2022 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

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#416 – REAPPOINTMENT OF MICHAEL QUIGLEY TO THE SALEM YOUTH COMMISSION

The Mayor's reappointment of Michael Quigley to the Salem Youth Commission with a term to expire on June 23, 2022 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

#417 – APPROPRIATION TO THE ENGINEERING PUMP STATION AND MAINTENANCE

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

ORDERED: That the sum of Forty Thousand Five Hundred Fifty-eight Dollars and 17 cents (\$40,558.17) is hereby appropriated from the "Retained Earnings – Water/Sewer Fund" account to the Engineering – Pump Station Operations & Maintenance for Emergency Storm Preparation and Repairs to tide gates and pump stations in accordance with the recommendation of Her Honor the Mayor.

#418 – APPROPRIATION TO THE ENGINEERING BACKFLOW TESTING AND SURVEYS

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

ORDERED: That the sum of Thirty Thousand (\$30,000.00) is hereby appropriated from the "Retained Earnings – Water/Sewer Fund" account to the Engineering – Contracted Services – Backflow Testing and Surveys in accordance with the recommendation of Her Honor the Mayor.

#419 – MGL CH. 44, SEC. 64 – PAY PREVIOUS INVOICES FROM FY19 BUDGET FOR DPS

The following Order introduced by the Mayor was adopted under suspension of the rules by a roll call vote of 10-0-1. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

ORDERED: Per MGL Ch. 44 Sec. 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the February 14, 2017 and the February 1, 2017 and the March 21, 2018 invoices are hereby allowed to be paid from the Fiscal Year 2019 budget account DPS Snow Removal Account in the amount of \$29,127.50 with the recommendation of Her Honor the Mayor.

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#420 – PILOT PROGRAM FOR TEMPORARY BICYCLE LANES ON ENTRANCE CORRIDORS

The following Order introduced by the Mayor was adopted as amended.

Ordered: The Salem City Council hereby authorizes a pilot program to temporarily establish multi-use lanes on one side of four entrance corridors into the downtown during the summer of 2019, on weekends only, from July 19th to August 26th. Such lanes shall only be established with the approval of the City Marshal and any Ward Councillors representing Wards containing the proposed lane. The lanes shall be established on the following dates and times:

Friday, July 19 at 8PM to Monday, July 22 at 8AM
 Friday, July 26 at 8PM to Monday, July 29 at 8AM
 Friday, August 2 at 8PM to Monday, August 5 at 8AM
 Friday, August 9 at 8PM to Monday, August 12 at 8AM
 Friday, August 16 at 8PM to Monday, August 19 at 8AM
 Friday, August 23 at 8PM to Monday, August 26 at 8AM

The four entrance corridors on which a multi-use lane will be established are:

Loring Avenue, southern side, beginning at a point 550 feet from the intersection with Canal Street and continuing for a distance of 1450 feet
 Lafayette Street, eastern side, beginning at the intersection with West Avenue and continuing to the intersection of Leach Street
 Congress Street, eastern side, beginning at the intersection with Leavitt Street and continuing to the intersection with Peabody Street
 North Street, western side, beginning at Highland Street and continuing to the intersection of Franklin Street

Originally Councillor Sargent moved to refer this to the Committee on Ordinances, Licenses and Legal Affairs. Seconded by Councillor Milo.

Councillor Gerard stated she like to see this passed tonight in order to start talking to the businesses and time sensitivity. Councillor Gerard also moved for suspension of the rules to allow the Mayor to speak.

Councillor Sargent assumes the chair.

Councillor Dibble amended to replace Loring Ave. Description with “Loring Ave., Southerly Side, beginning at #59 Loring Ave. and ending at intersection of Loring Ave. & Lafayette Street. Councillor Turiel seconded the motion. It was so voted.

Councillor Turiel does not support putting this into committee since the Ward Councillor of Wards 1, 5, 6, and 7 or the Police Chief can make changes.

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Councillor Dominguez is in support of this in order to obtain data. Reinforce that there shall be full communication with streets that have businesses and residents so they know and know about the impact.

Councillor Milo understands it affects the Ward Councillor but what is the process for approval. What is the plan?

Councillor Dibble asked since it is a multi-use lane what else besides bicycles. Should we clarify what is allowed and what is not?

Councillor Madore wanted to know about the implementation of the program i.e. what kind of materials. Also, where to park bikes – if pop up bike lanes then any temporary structures for bike parking?

The Mayor responded to many of these questions. The entrance corridor is safer, the E-Scooters could be used in the multi-lane as well as walkers and runners. No parking only on one side of road, but allowed to park on other side. There will be temporary safe structures – interlocking cones safe and affordable and signage and robo calls. Partner with programming with park lets areas to create space. Taking Counts before and after for data. Not every detail is worked out.

Councillor Dominguez asked if program works what is the final plan and how will you measure success.

Mayor responded that the final plans remains to be seen – what is the balance, is there a demand. Success will be measured quantitative and qualitative. There are counters out there; there will be surveys.

Councillor Peterson asked if these lanes are two ways?

Mayor responded yes.

Councillor Dibble asked how wide are the lanes. How are you going to prohibit cars from going into them?

Mayor responded no stop signs. It's a road. No cars so clear line of sight for bikers. This is meant to be a pop-up. The width of a car so 9 to 10 feet wide. Nothing to prevent a car it's only a temporary barricade

Councillor Turiel moves for adoption as amended. Councillor Gerard seconded it. It was so voted. Councillors Flynn and Sargent recorded as opposed.

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New Order adopted as amended:

Ordered: The Salem City Council hereby authorizes a pilot program to temporarily establish multi-use lanes on one side of four entrance corridors into the downtown during the summer of 2019, on weekends only, from July 19th to August 26th. Such lanes shall only be established with the approval of the City Marshal and any Ward Councillors representing Wards containing the proposed lane. The lanes shall be established on the following dates and times:

Friday, July 19 at 8PM to Monday, July 22 at 8AM
 Friday, July 26 at 8PM to Monday, July 29 at 8AM
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 Friday, August 9 at 8PM to Monday, August 12 at 8AM
 Friday, August 16 at 8PM to Monday, August 19 at 8AM
 Friday, August 23 at 8PM to Monday, August 26 at 8AM

The four entrance corridors on which a multi-use lane will be established are:

Loring Ave., Southerly Side, beginning at #59 Loring Ave. and ending at intersection of Loring Ave. & Lafayette Street.
 Lafayette Street, eastern side, beginning at the intersection with West Avenue and continuing to the intersection of Leach Street
 Congress Street, eastern side, beginning at the intersection with Leavitt Street and continuing to the intersection with Peabody Street
 North Street, western side, beginning at Highland Street and continuing to the intersection of Franklin Street

#421 – RESOLUTION FOR THE THEOPHILOPOULOS FAMILY – CLOSING OF ONE-WAY LUMBER

Councillor Flynn and Peterson introduced the following Order which was adopted.

RESOLUTION:

WHEREAS: The Theophilopoulos Family, Owners of One-Way Lumber after 39 years of serving this community as a business owner, has decided to close their doors in August. Their dedication to our community and residents has been a cherished asset to the City of Salem, Massachusetts.

WHEREAS: Petro (Perry) Theophilopoulos grew up in Salem and has been a life-long resident of Salem. Anastasia Tsiousi was born in Greece and lived in Lowell, MA until she met Perry. They were married on July 3, 1966 and have been happily married for 53 years living in Salem. They were blessed with two sons Arthur and Paul.

WHEREAS: Perry attended Salem High School and later joined the Navy, initially the submarines having trained on the first nuclear sub, the Nautilus and later having served the

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Navy on the largest ice breaker ever commissioned at that time, The USS Glacier AGB4 who's service included at least two very interesting years at the South Pole. Perry received an acknowledgement and thank you letter from Admiral Bird's wife for continuing her husband's goals in "Operation Deep Freeze".

WHEREAS: Perry having initially worked as a builder and cabinet maker, took the advice of his wife (smart man) and together opened Young World Nursery School in 1974. And in 1980, Tasia took Perry's advice and with no retail experience opened One Way Lumber. It was one of the first all enclosed Lumber Yards and certainly one of the only women operated yards in the country. In 1984, One Way Lumber also became an Ace Hardware Franchise, one of the first in the North Shore.

WHEREAS: For almost 40 years, One Way Lumber has built a reputation on quality trust, and service, from the homeowners, to the large builders. Although a Franchise, Perry and Tasia always maintained a feeling of a Mom and Pop lumber yard which has served many Salem residents and families and welcomed all those who entered its doors in a cheerful and professional manner. They were always there giving professional and more often than not personal advice.

WHEREAS: As One-Way Lumber operations are currently winding down, it will be greatly missed by many. The Theophilopoulos family will also miss everyone. The family appreciates the almost 40 years of friendships and dedication from all of its customers. They feel it was truly a joy and blessing to service Salem residents and the local communities.

NOW THEREFORE BE IT RESOLVED: That the City Council on behalf of its residents extend to Petro, Anastasia, Arthur and Paul sincere thanks to them for their many years of dedication to this community. And congratulate Petro and Anastasia on their retirement and wish them well on their trip to Greece and spending time with their family.

AND BE IT FURTHER RESOLVED: That the City Council make this Resolution a matter of record of these proceedings, and that a suitable copy of this Resolution be presented to Petro and Anastasia Theophilopoulos on behalf of the Salem City Council, as a token of our appreciation and very best wishes for good health and happiness in the future.

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#422 – TRAFFIC ORDINANCE – ONE-WAY STREET – BEAVER STREET

The following Ordinance was introduced by Councillor Flynn. Councillor Gerard was unaware of this ordinance and part of Beaver street is in her Ward. Councillor Turiel moved to table this matter until the next meeting. It was so voted.

ORDINANCE: In the year Two Thousand and Nineteen

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 10 – “One-way Streets”

By repealing the following:

Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street, thence easterly to the easterly end of the property line of No. 17 Beaver Street.

And retaining the following:

Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street thence easterly to Grove Street. (1/8/78 DPW 5-1498)

SECTION 2. Amending Chapter 42 Section 51 – “Parking Prohibited on Certain Streets”

By repealing the following:

Beaver Street – Parking prohibited on certain streets southerly side.

And replacing it with the following:

Beaver Street – Parking prohibited on certain streets southerly side, from Safford Street extending easterly to a point approximately 70 ft from the intersection with Grove Street.

SECTION 3. This ordinance shall take effect as provided by City Charter

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#423 – TRAFFIC ORDINANCE – BUS STOP – LAFAYETTE STREET

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

Ordinance: In the year Two Thousand and Nineteen

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 11 – “Bus Stops”

By adding the following:

Lafayette Street – BUS STOPS – easterly side, for a distance of fifty-four (54) feet beginning at the driveway of 287 Lafayette Street in a northerly direction.

SECTION 2. This ordinance shall take effect as provided by City Charter

#424 – TRAFFIC ORDINANCE RELATIVE TO HOLYOKE SQ. AND GEDNEY STREET

Councillor Madore introduced the following Ordinance.

In the year Two Thousand and Nineteen

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 54A – “Reserved Parking, Holyoke Square”

Be amended by repealing the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 13 parking spaces along the Holyoke Square side of so much of the public ways known as Norman Street and Holyoke Square as about Holyoke's property at Holyoke Square. A violation of this Ordinance shall be considered a violation of a restricted parking area.

And replacing it with the following:

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Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. (NKA CDX Analytics, LLC) during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 6 parking spaces along the Holyoke Square side of so much of the public way known as Norman Street which are identified as spaces numbered 1, 2, 3, 4, 5 and 6 on the Easement Plan of land for Holyoke Square recorded at Plan Book 372, Plan No. 64 in the Southern Essex Registry of Deeds.

A violation of this Ordinance shall be considered a violation of a restricted parking area.

SECTION 2. Chapter 42, Section 57C – “Parking Time Limited: Monthly Zones”

Be amended by repealing the following:

Holyoke Square – Parking Time Limited: Monthly Zones, easterly side from Norman to Gedney Street.

SECTION 3. Chapter 42, Section 51B – “Parking prohibited at certain times on certain streets”

Be amended by repealing the following:

Holyoke Square – Parking prohibited at certain times on certain streets southerly side, two (2) hour parking limit.

SECTION 4. Chapter 42, Section 75 – “Parking Prohibitions Towing Zone”

Be amended by repealing the following:

Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, beginning at No. 19 for a distance of fifty-eight (58) feet to Gedney Court

And Replacing with the following:

Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, between Summer Street and Gedney Court

SECTION 5. Chapter 42, Section 56 – “Parking Meters, Zones Established”

Be amended by adding the following:

Gedney Street – Parking Meters Zones Established – southerly side, beginning at Gedney Court, easterly, for a distance of seventy-six (76) feet. Two (2) hour parking.

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Gedney Street – Parking Meters Zones Established – northerly side, between Summer Street and Margin Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – easterly side, between Norman Street and Gedney Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – westerly side, between Norman Street and Gedney Street. Two (2) hour parking.

SECTION 6. This ordinance shall take effect as provided by City Charter

Councillor Madore moved to divide the question to vote on Ch. 42 Sec. 54A Reserved Parking Holyoke Square from the rest. It was so voted.

#424A – TRAFFIC ORDINANCE – RESERVED PARKING, HOLYOKE SQUARE

The following Ordinance introduced by Councillor Madore relative to Ch. 42, Sec. 54A was adopted for first passage.

Ordinance: In the year Two Thousand and Nineteen

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 54A – “Reserved Parking, Holyoke Square”

Be amended by repealing the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 13 parking spaces along the Holyoke Square side of so much of the public ways known as Norman Street and Holyoke Square as about Holyoke's property at Holyoke Square. A violation of this Ordinance shall be considered a violation of a restricted parking area.

And replacing it with the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. (NKA CDX Analytics, LLC) during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 6 parking spaces along the Holyoke Square side of so much

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of the public way known as Norman Street which are identified as spaces numbered 1, 2, 3, 4, 5 and 6 on the Easement Plan of land for Holyoke Square recorded at Plan Book 372, Plan No. 64 in the Southern Essex Registry of Deeds.

A violation of this Ordinance shall be considered a violation of a restricted parking area.

SECTION 2. This ordinance shall take effect as provided by City Charter.

#424B -TRAFFIC ORDINANCE AMENDING HOLYOKE SQ. AND GEDNEY STREET.

The remaining traffic ordinance introduced by Councillor Madore was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. This was referred due to the fact these ordinances are already in this committee.

Ordinance: In the year Two Thousand and Nineteen

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 57C – “Parking Time Limited: Monthly Zones”

Be amended by repealing the following:

Holyoke Square – Parking Time Limited: Monthly Zones, easterly side from Norman to Gedney Street.

SECTION 2. Chapter 42, Section 51B – “Parking prohibited at certain times on certain streets”

Be amended by repealing the following:

Holyoke Square – Parking prohibited at certain times on certain streets southerly side, two (2) hour parking limit.

SECTION 3. Chapter 42, Section 75 – “Parking Prohibitions Towing Zone”

Be amended by repealing the following:

Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, beginning at No. 19 for a distance of fifty-eight (58) feet to Gedney Court

And Replacing with the following:

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Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, between Summer Street and Gedney Court

SECTION 4. Chapter 42, Section 56 – “Parking Meters, Zones Established”

Be amended by adding the following:

Gedney Street – Parking Meters Zones Established – southerly side, beginning at Gedney Court, easterly, for a distance of seventy-six (76) feet. Two (2) hour parking.

Gedney Street – Parking Meters Zones Established – northerly side, between Summer Street and Margin Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – easterly side, between Norman Street and Gedney Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – westerly side, between Norman Street and Gedney Street. Two (2) hour parking.

SECTION 5. This ordinance shall take effect as provided by City Charter

#425 – CITY COUNCIL JULY AND AUGUST MEETINGS

The following order introduced by Councillor Sargent was adopted.

ORDER: That the regular meetings of the City Council, for the months of July and August be combined and held on Thursday, July 18, 2019

#426 – MONTHLY FINANCIAL REPORT DATED MAY 31, 2019

The following Order introduced by Councillor Peterson was adopted.

Ordered: That the Monthly Financial Report dated May 31, 2019 be referred to the Committee on Administration and Finance

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#427 – FRIENDS OF GREENLAWN CEMETERY GIVE A PRESENTATION TO THE CITY COUNCIL

Councillor Sargent assumes the chair.

The following Order introduced by Councillor Dibble was adopted as amended.

Ordered: That the Friends of Greenlawn Cemetery give an update to the City Council at its next regularly scheduled Council Meeting (July 18th) on various matters, such as the Chapel and making Greenlawn Cemetery an Arboretum

Councillor Dibble amended the date and added the Cemetery Commission

Ordered: That the Friends of Greenlawn Cemetery and the Cemetery Commission give an update to the City Council at their September 26, 2019 Council Meeting on various matters, such as the Chapel and making Greenlawn Cemetery an Arboretum.

#428 – (#369) – ORDINANCE AMENDING FIRE PREVENTION CH. 20 – OUTDDOR COOKING APPLIANCES, HEATERS AND FIREPLACES

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs. It was voted to accept the report and adopt the recommendation. Councillor Flynn recused himself from this matter.

The Committee on Ordinances, Licenses & Legal Affairs to whom was referred the matter of an ordinance amending an ordinance relative to Fire Prevention – Outdoor Cooking and Fireplaces has considered such matter and has recommended second and final passage.

#429 – (#594 of 2018) – PA SYSTEM FOR THE CITY COUNCIL CHAMBERS

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of a PA system for the City Council Chambers has considered such matter and has recommended approval.

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#430 – (#170 & #204) – COUNCIL APPOINTMENTS TO THE TREE COMMISSION

Councillor Flynn offered the following report for the Committee on Government Services 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 10 yeas, 0 nays and 1 absent.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Reviewing Applications and making Recommendations for the City Council appointments to the Tree Commission has considered such matter and has recommended that rule 29A be suspended and that the following 3-year appointments be confirmed by roll call vote. Curtis Dragon as the licensed landscape architect or certified arborist; David Rowand as the full member of the general public; and Joshua Arenstam as the alternate member of the general public.

Councillor Flynn requested and received unanimous consent for suspension of the rules to allow Mr. Dragon and Mr. Arenstam to speak.

#431 – (#154 of 2018) – LIGHTING IN THE DOWNTOWN B-5 ZONE

Councillor Flynn offered the following report for the Committee on Government Services. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services to whom was referred the matter of discussing improvement to lighting in the Downtown has considered such matter and has recommended that the matter remain in committee, that it be co-posted with the Committee of the Whole and that the matter include any lights or street lights in Salem.

#432 – (#641&716 OF 2018) – NATIONAL GRID HALTING NON-EMERGENCY WORK IN SALEM

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom it was referred the matter of National Grid halting any non-emergency work in Salem until the lockout is over has considered such matter and has recommended that this matter be discharged.

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#433 – APPROPRIATION OF \$853,202.00 WITHIN THE CPA FUNDS FOR FY2020 PROJECTS

The Following Order was introduced by Jane Guy, Asst. Community Development Director

That Eight Hundred and Fifty-three Thousand Two Hundred and Two Dollar's (\$853,202.00) is hereby appropriated within the CPA Funds for the FY 2020 projects listed below in accordance with the recommendation of Community Preservation Committee (CPC).

FY	Fund	Fund Name	Description	Funding	Amount	Total
2020	2004	Community Housing	NSCDC Lighthouse 47	FY20 Housing Res	80,889.00	
	2001	CPA General Funds		FY20 Reserves	119,111.00	200,000.00
2020	2003	Historical Resources	Courthouse Development	FY20 Historic Res	40,000.00	40,000.00
2020	2003	Historical Resources	Old Town Hall Master Plan	FY20 Historic Res	25,000.00	25,000.00
2020	2003	Historical Resources	Brookhouse Home Brick Repointing	FY20 Historic Res	15,889.00	
	2001	CPA General Funds		FY20 Reserves	109,111.00	125,000.00
2020	2001	CPA General Funds	Broad St Cemetery Pres & Design	FY20 Reserves	35,000.00	35,000.00
2020	2001	CPA General Funds	Nathaniel Bowditch House Roof Replace	FY19 Fund Balance	43,000.00	43,000.00
2020	2001	CPA General Funds	Salem Athenaeum Study	FY19 Fund Balance	22,653.20	
	2001	CPA General Funds		FY20 Reserves	12,548.80	35,202.00
2020	2001	CPA General Funds	Gallows Hill Park Renovation	FY19 Fund Balance	19,111.00	
2020	2002	Open Space/Rec		FY20 Open Space/Rec	80,889.00	100,000.00
2020	2001	CPA General Funds	Forest River Pool Design & Permitting	FY20 Reserves	150,000.00	150,000.00
2020	2001	CPA General Funds	Willows Restoration Phase 1	FY20 Reserves	100,000.00	100,000.00
					853,202.00	853,202.00

Total Housing--> 80,889.00

Total Historic--> 80,889.00

Total Open Space/Rec--> 80,889.00

Total FY20 Budget Reserve--> 525,770.80

Total FY19 Fund Balance--> 84,764.20

Grand Total--> 853,202.00

Councillor Milo made a motion to divide the question to separate the city projects and the lighthouse from nonprofit projects. Seconded by Councillor Dominguez. The motion fails.

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Councillor Turiel requested and received unanimous consent to allow Jane Guy to address the Council.

Jane Guy explained how the process and the ranking worked. There were 14 applications submitted. 11 were ranked high, 2 medium and 1 low and they funded 10 of the 11 high applications.

Councillor Madore asked if the Preservation Restriction on the Brookhouse will restrict the future use of the building.

Jane Guy responded the Preservation Restriction was for the building and not the use.

Councilor Dominguez asked Jane to explain the process on how to qualify.

Jane Guy responded that the project must serve a public purpose i.e. it could be a public building, but if the building is not open to the public then not funded. There are other criteria such as historic need, housing need, etc.

Councillor Milo was disappointed that her motion to divide the question failed, but all good city projects and not going to vote them down because of non-profits, but this started as public money to public projects not private non-profits.

Councillor Turiel stated favor of public projects but so many private non-profits that are historic and serve the public. The CPA Committee studies them deeply and they don't approve everything.

Councillor Dibble stated that the money should be for public projects when funds available. We should use the money to build Veterans Housing or Senior Housing or help with the cost of affordable housing. Carry over money to buy land and protect it.

Councillor Peterson moved for adoption. It was so voted.

#434 – MGL CH. 268A, SECTION 20(b) EXEMPTION FOR JOHN ROBINSON TO WORK AT WINTER ISLAND

The Following Order introduced by the City Solicitor was adopted.

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that John Robinson has met the requirements for exemption as set forth in this Section and may be retained as a foreman at Winter Island by the Park, Recreation and Community Services Department for the 2019 summer season, not to exceed 500 hours in this calendar year.

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#435 (#289) - RECOMMENDATION FROM PLANNING BOARD REGARDING MUNICIPAL AND RELIGIOUS REUSE SPECIAL PERMIT

The Planning Board recommendation for the proposed Zoning Ordinance Amendment for Municipal and Religious Reuse Special Permit was received and filed.

Report of the Planning Board to City Council
Re: Proposed Municipal and Religious Reuse Special Permit Zoning Amendment

June 25, 2019

At its meeting on June 20, 2019 the Planning Board discussed the proposed Zoning Ordinance amendment to add “Municipal and Religious Reuse” discussed at a joint public hearing with the City Council on June 17, 2019.

The purpose of this amendment is to allow for the reuse of buildings currently or formerly in municipal or religious use into new uses that may not otherwise be allowed on those properties to promote historic preservation, economic development, housing production and environmental sustainability and resilience.

The Planning Board voted seven (7) in favor (Ben Anderson, Bill Griset, Carole Hamilton, Kirt Rieder, DJ Napolitano, Helen Sides, Matt Venio) and none (0) opposed to recommend that the City Council approve the amendment with modifications. The Board’s recommended modifications to the zoning amendment are in the attachment. Below are a summary of the Board’s comments and recommendations.

Comments:

After considering the public discussion regarding affordability and workforce housing, the Planning Board believes that it is more appropriate to incorporate these topics in a future zoning amendment, such as an inclusionary zoning ordinance.

Regarding parking, many of the older buildings eligible under this zoning amendment were built before parking ordinances were in affect and in neighborhoods that developed around pedestrian, as opposed to vehicular, access. These constraints can make the addition of parking spaces extremely expensive and the reuse of

municipal and religious buildings financially infeasible. More stringent parking requirements could cause these properties to continue to sit vacant, which would defeat a primary purpose of the zoning amendment.

Modifications:

The Board recommends inclusion of the modifications submitted to the Planning Board and City Council on June 12, 2019 by Tom Daniel, AICP, Director of Planning and Community Development. The amendment text submitted below accepts these edits and includes additional recommendations from the board as follows

- 1) Strike all instances of the word “currently” to provide greater clarity for which buildings are eligible for a Special Permit, while not altering the initial purpose of the proposed amendment. Additionally, strike the word “in” from 6.11.3 item 3 to correct the sentence structure.
- 2) Clarify language in the first sentence of section 6.11.7 by striking “At the time of, or before filing, an application...” and replace with “No later than at the time of an application...”

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- 3) In 6.11.8 strike the sentence “Such properties will not be eligible for resident parking permits to fulfill these requirements” and amend the first paragraph of the section by adding “On-street parking shall not count toward this requirement.” The Board interpreted this sentence as specifically referencing the fulfillment of special permit requirements and thought that new residents would be able to apply for on-street parking permits. Since on street parking has never counted toward fulfilling parking requirements, the Board recommended rephrasing the language.

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

CC: Ilene Simons, City Clerk

In the year two thousand nineteen

An Ordinance to amend the zoning ordinance by adding “Municipal and Religious Building Reuse” as a use permitted in certain zoning districts upon the issuance of a special permit by the Planning Board subject to the requirements of new section 6.11 of the zoning ordinance.

Section 1. Section 3.1 Table of Principal and Accessory Use Regulations of the City of Salem Zoning Ordinance (the “Zoning Ordinance”) is hereby amended by adding the following principal use under “B. Exempt and Institutional Uses”:

	R C	R 1	R 2	R 3	B 1	B 2	B 4	B 5	I	B P D	N R C C
Municipal or Religious Building Reuse**	P B	P B	P B	P B	n	n	n	n	n	n	n

** Subject to Section 6.11.

Section 2. Section 6 - Special Regulations of the Zoning Ordinance is hereby amended by adding the following new section:

6.11 Municipal or Religious Reuse Special Permit

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6.11.1 Purpose.

The purpose of this Section 6.11 is to allow for the reuse of buildings ~~currently~~ in municipal or religious use into new uses that may not otherwise be allowed on those properties so as to promote historic preservation, economic development, housing production and environmental sustainability and resilience.

6.11.2 General

A Building ~~currently~~ in municipal or religious use may be converted to one or more of the uses set forth in Section 6.11.5 upon the issuance of a special permit by the Planning Board authorizing that new use or uses. The special permit shall apply only to the Building and not to any structural extensions or alterations other than those allowed under 6.11.4. If the petitioner meets the requirements of this Section 6.11, the Planning Board may approve, or approve with conditions, an application for such special permit.

6.11.3 Eligibility for Special Permit

One or more Buildings ~~currently~~ in municipal use or religious use shall be eligible for a special permit under Section 6.11 where:

1. the Building(s) ~~currently~~ in municipal or religious use and for which a change of use is proposed is at least 4,000 square feet;
2. one or more of the Building(s) ~~currently~~ in municipal or religious use and for which a change of use is proposed to a Building at least fifty (50) years old at the time of application under this Section 6.11 and
3. the applicant seeks to change the use of the Building from ~~currently in~~ municipal or religious use to one or more of the uses identified in Section 6.11.5.

A Building shall be considered ~~currently~~ in municipal use if substantially all of that Building was actively used for municipal purposes for at least 20 continuous years, including some point in the last 20 years immediately preceding an Application under this section.

A Building shall be considered ~~currently~~ in religious use if substantially all of that Building was actively used for religious purposes and protected by G.L. c. 40A §3 for at least 20 continuous years, including some point in the last 20 years immediately preceding an Application under this section provided, however, that a Building used as a religious school must have been in that use for at least 20 continuous years, including some point in the last 50 years immediately preceding an Application under this section.

Public parks and cemeteries, together with the Buildings thereon, shall not be considered ~~currently~~ in municipal use for the purpose of Section 6.11.

6.11.4 Dimensional Requirements

The following shall apply to any use for which a special permit is granted under Section 6.11:

There shall be no minimum lot area per dwelling unit requirement for the Building for which the Special Permit is issued.

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Any rooftop construction needed for Building circulation, drainage, ventilation, utilities, accessibility features or passive recreation shall be excluded from the calculation of Building height. Existing fences and bordering walls may be replaced and/or extended to a height equal to the existing fence or bordering walls or 6 feet whichever is greater.

The Planning Board may, in issuing a special permit hereunder, allow structural extensions and alterations to existing nonconforming Buildings where the Planning Board finds that: (1) those changes are necessary for purposes of public health and safety, access for disabled persons, utilities, mechanical equipment or code compliance concerns and (2) those extensions and alterations shall not be substantially more detrimental than the existing nonconformity.

6.11.5 Uses Allowed by Special Permit

The Planning Board, upon a finding that a proposed use is in harmony with the purpose and intent of this Section 6.11, may grant a special permit pursuant to this Section 6.11 and Section 9.4 for one or more of the following uses in a Building that meets the eligibility requirements of Section 6.11.3; provided, however that Commercial uses may only be located within a multifamily dwelling and may not exceed 30 percent of the gross floor area of said multifamily dwelling. In addition, for any Building in the R1, R2, R3, and RC Districts, the Planning Board may grant such special permit that includes a Commercial use only upon finding that the public good will be served and that the Commercial use would not adversely affect the underlying residential district.

Special Permit Uses:

1. Dwelling, Multi-family.
2. Meeting and gathering space incidental to a principal use or for use by residents or tenants of a Lot.
3. Artist lofts and living space, studios, workrooms and shops of artists, artisans and craftsmen, where products of the artistic endeavor or craft activity can be for sale on the premises or by specific off-premises commission from a sponsor or client.
4. Banks and savings and loan institutions.
5. Barber shops and beauty parlors.
6. Books, stationery and gift stores.
7. Business and professional offices.
8. Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises.
9. Dwelling units above first floor retail, personal service, or office use.
10. Florist shops, but excluding greenhouses.
11. Galleries.
12. Laundromats/dry cleaning establishments, excluding onsite dry cleaning.
13. Medical and dental offices.
14. Specialty food stores, including grocer, candy store, meat market, delicatessen, or bakery, but not a restaurant or fast food establishment unless permitted by the underlying zone.
15. Tailor and custom dressmaking shops.
16. Not for profit museums.

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The Planning Board may issue a special permit hereunder allowing the combination of any of the uses listed in Section 6.11.5 with one or more uses permitted as of right or by special permit in the applicable zoning district or the R2 zone.

Nothing set forth in this Section 6.11 shall be construed as requiring a special permit where the owner of a property ~~currently~~ in municipal use or religious use seeks to convert that use to one or more uses that are allowed as of right in the applicable zoning district.

6.11.6 Site Plan Review

Each project submitted hereunder shall require site plan approval under Section 9.5. Absent special circumstances, applications under Section 6.11.5 for a special permit and under 6.11.6 for site plan approval should be filed together for contemporaneous consideration by the Planning Board.

6.11.7 Historical Commission and Design Review Board Review

~~At the time of, or before filing, an application~~ No later than at the time of an application under this Section 6.11, the applicant shall provide a copy of the application to the City of Salem Historical Commission and the Design Review Board. The Historical Commission and the Design Review Board shall each review the application at a public meeting and shall provide advisory comments to the Planning Board. Those boards may review the application at a joint meeting or separately. The Historical Commission and Design Review Board shall review the application for conformance to the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Planning Board shall not take final action on an application under this Section 6.11 until it receives written confirmation from the Historical Commission and the Design Review Board that the application conforms to the Secretary of the Interior's Standards. The Planning Board may take action if at least sixty (60) days have passed since delivery of the application to the Historical Commission and the Design Review Board and the Planning Board has not received any findings from the Historical Commission or Design Review Board during the sixty (60) day period. Said sixty (60) day period may be extended by written agreement between the Applicant and Planning Board.

Nothing set forth in this Section is intended to alter or amend the rights and obligations of the Historical Commission pursuant to the G.L. c. 40C.

Failure of an applicant hereunder to timely deliver a copy of the application to the Historical Commission or Design Review Board may be grounds for denial of the application.

6.11.8 Parking and Loading

For new residential dwelling uses, provisions shall be made for not less than one (1) parking space per dwelling unit for existing buildings. On-street parking shall not count toward this requirement.

Notwithstanding anything to the contrary, housing built under the jurisdiction of the Salem Housing Authority for elderly and/or handicapped persons shall require one-third (1/3) parking space per dwelling unit.

Nonresidential uses shall provide parking in accordance with Section 5.1.8 Table of Required Parking Spaces.

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In mixed-use developments, the Planning Board may consider a reduction in total parking requirements based on an analysis of peak demand for non-competing uses provided by the applicant. In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient as determined by the Planning Board. An applicant shall use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

The parking requirements may be accommodated by either one or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the Lot. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criterion: The parking facility must be fewer than one thousand (1,000) feet from the Lot as measured in a straight line from the two (2) closest points between the Lot and the parking facility. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

~~Such properties will not be eligible for resident parking permits to fulfill these requirements.~~

A new loading zone shall not be required if the existing Building does not have an existing loading zone.

6.11.9 Severability

The provisions of this Section 6.11 are severable. The invalidity of any paragraph, subsection or provision of this Section 6.11 shall not invalidate any other paragraph, subsection or provision hereof.

Councillor McCarthy moved Adoption for first passage by RCV and Refer to the Committee on Ordinance, Licenses and Legal Affairs co-posted with the Committee of the Whole.

Councillor McCarthy requested and received unanimous consent to suspend the rules to allow Mr. Daniel to speak.

Mr. Daniel went through the changes that were made by the Planning Board. One change was striking out the work currently throughout the ordinance. Second change under 6.11.7 to change the wording of the first sentence to No later than at the time of an application. Third change involved 6.11.8 Parking and Loading – last sentence added to first paragraph On-street parking shall not count toward the requirement. Also, the following sentence was deleted: “Such properties will not be eligible for resident parking permits to fulfill these requirements.

Councillor Dominguez apologized for not being at the Joint public hearing but asked Mr. Daniel what is the difference between this one and the first Ordinance.

Tom Daniel replied the most significant difference is that the first ordinance was an overlay across the whole city. This is a special permit required in certain zones. Secondly the special permit only applies to buildings and not the lots and thirdly the role of the Historical Commission and DRB is defined.

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Councillor McCarthy is not in favor of deleting the sentence regarding resident parking permits. His concern is that the building would get resident sticker when converted and the program and that area is already overburden.

Councillor McCarthy made a motion to put this sentence back in. Seconded by Councillor Turiel.

Councillor Sargent made a motion to refer to Committee on Ordinances, Licenses and Legal Affairs co-posted with the Comm. of the Whole. 5 in favor; 5 opposed matter did not carry.

Councillor McCarthy's motion to accept the changes the Planning Board recommended except the deletion of the resident parking permit.

Councillor Madore disagreed with restoring this sentence stating it would create inequality and have unintended consequences.

Councillor Gerard agrees with Councillor Madore that it would be discrimination.

Councillor Turiel stated right across the street there are different rules then in the B-5 zone.

Councillor McCarthy not discriminating against anybody choose on-site or garage.

Councillor Sargent said this is a Special Permit – You ask for something you give something.
Councillor Sargent assumes chair.

Councillor Dibble stated he is disappointed we just got recommendation and there was no time to read it. Zoning experts were not at the meeting i.e. Building Inspector. Was hoping this would go back to committee.

Councillor Turiel explained that the Planning Board would not have been able to give this to us the Thursday before since that was the night they met on this. They need to vote on it, write up the decision and review, there was no way they were going to get this to us any earlier.

Suspension of the rules to allow the Mayor to speak.

Mayor stated it was only the first passage tonight. If we don't get 2/3 vote then need to start all over again.

Councillor McCarthy stated procedurally we need to take a vote on his motion and then pass and refer.

Councillor Dibble thanked the Mayor and Councillor McCarthy. He still has questions. There is no affordability in this ordinance, even though something coming down the road, and other issues. We need to have a discussion with all our zoning experts and not just the city planner who wrote this. He will be voting present; he thought this would go back to committee.

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Councillor Gerard stated that the zoning experts were here at the Joint Public Hearing. The Planning Board just met on Thursday. Nothing unusual is happening here. We need to move forward. There were only 2 minor changes.

Councillor Sargent said he was protective of Salem Zoning. First time we've seen that this goes with the building and not the land. Years ago, we passed a zoning ordinance for Lowe's to build in Salem. Years later Lowe's never came but it still effected other parcels. This started out as a big meeting as affordable housing now there is no affordable component and I worry about that. All Religious buildings are owned by the parishioners. These can move forward as a 40B.

Councillor Turiel stated generally our guideline is to apply 10% affordable housing although not codified. There is no affordable component in this ordinance because aware of another zoning ordinance coming before us and will supersede all guidelines. Friendly 40B takes all our local authority and oversight away. One abutter could tie up for years in land court. We lose our ability to sell 5 Broad Street of 4 buildings only 1 owned by City. The administration took the other ordinance we didn't pass and credit this ordinance by taking into consideration what we wanted. People at JPH said this is the way to go, we did too much work to throw it away.

Councillor Madore the intent of 40B overrides local zoning. When we say 40B is a tool – it takes away our local zoning so developers can get their way there is no oversight – just ZBA.

Councillor Sargent – I didn't say use a 40B; I said use a Friendly 40B if church maintains ownership, they are exempt from zoning.

Councillor Flynn stated he is ashamed it has come to this. Felt comfortable after last meeting. But I like to have a final product. By this not going to committee that did box me in and cannot support this with going to committee.

Councillor Turiel – only difference between a 40B and a Friendly 40B is that the City cooperates with developer instead of fighting. City is involved. Doesn't matter who own but who uses it. If church uses this but uses as housing then no longer an exempt use. Edits from Planning Board are what we requested this is how the process works.

Councillor Peterson feels like she is sitting in a different room. This will go to committee after first passage.

Councillor McCarthy – Lease agreement Church giving a 99-year lease. Church may retain ownership be new owner is not exempt. If one more time after 1 year this should be important because it will be difficult to swallow. Public was comfortable with this.

Councillor Gerard – Clear on the process. We didn't get it clean; we get it with recommendations and we either agree with them or not or amend. We can pass it for first passage, refer it and then make changes. If something else needs to be changed. Without this whole Ordinance Salem loses – just stop- its been too long Spring of 2018 over 1 year.

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Councillor Sargent – Mickey Northcutt quoted us saying will move forward so not as pressing. Friendly 40B City doesn't fight it of course they will if they don't like it. We fight it because we are over the threshold. Friendly 40B gives 25% affordable housing this ordinance has none.

Councillor Turiel – Because Salem is over 10% in housing stock then only option is "Friendly 40B". 40B is not a tool that is available goes to Board of Appeals only. One City Property that will be sold.

Councillor McCarthy's motion on the floor to reinstate the deleted sentence on parking in section 6.11.8. It was voted.

Councillor Dibble – Zoning is permanent – everyone has had their say. Have not heard from Building Inspector of Board of Appeals. What happened to the affordability portion? People jammed the Chambers. We are not being road blocks there are some issues not addressed need zoning experts here. We've been discussing 3-4 properties but affects more. My hope was to approve tonight. But would like this to go back to committee.

Councillor Dibble asked for Immediate Reconsideration on Councillor Sargent's motion to send it to committee. Reconsideration passed 7-3. This will be taken up at our next special meeting. (Special Meeting was cancelled therefore taken up on July 18, 2019 Regular Council meeting.)

#436 (#20) – PRESENTATION BY DAVID SWEETSER, HIGH ROCK DEVELOPMENT, REGARDING THE UPDATE ON THE PROJECT AT THE COMMUNITY LIFE CENTER

David Sweetser was unable to attend this meeting. Councillor Milo read into the record the email he sent in response to Councillor Milo's order to invite him to speak to the City Council to give an update on the project at the Community Life Center.

Councillor Milo moved the communication be received and filed. It was so voted.

Clerk Simons – The status of the project is the following:

The City of Salem's condo is completed. The common areas and the landscaping are completed, as well. The punch list has been addressed and all issues have been resolved. The Community Life Center is fully operational. Regarding the remainder of the project development, I am finishing up internal issues that needed attention. I will be advancing the project at Boston and Bridge Streets. I look forward to completing the residential units as approved.

Thank you for your inquiry.

David Sweetser

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#437 – NATIONAL GRID TO INSTALL A CONDUIT ON BRIGGS STREET

A hearing was ordered July 18, 2019 for a petition from National Grid to install 1 conduit on Briggs Street.

#438 – AT&T TO INSTALL A TELECOMMUNICATION ON A POLE AT 40 LIBERTY HILL AVE.

A hearing was ordered September 12, 2019 for a petition from AT&T to install telecommunication on a pole located at 40 Liberty Hill Ave and to also install a conduit. (Councillor Gerard will not be at the July 18, 2019 council meeting and since this is her ward held the hearing until Sept. 12th)

#439 – KIDS FUN FEST AT THE SALEM COMMON

The Request from the Salem Common Neighborhood Association to hold Kids Fun Fest Carnival October 19, 20, 26 & 27, 2019 was granted.

#440 – BLOCK PARTY – CLARK STREET

A request from the Residents of Clark St. hold a block party on September 7, 2019 from 12:00 P.M. to 7:00 P.M. with a rain date of September 8, 2019 was granted.

#441 – BLOCK PARTY – ENGLISH STREET

A request from the Residents of English St. to hold a block party on July 14, 2019 from 12:00 P.M. to 6:00 P.M. with a rain date of July 21, 2019 was granted.

#442 – BLOCK PARTY – HEMENWAY ROAD

A request from the Residents of Hemenway Rd. to hold a block party on July 4, 2019 from 10:00 A.M. to 10:00 P.M. was granted.

#443 – BLOCK PARTY – ORCHARD STREET

A request from the Residents of Orchard St. to hold a block party on September 21, 2019 from 3:00 P.M. to 10:00 P.M. was granted.

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#444 – BLOCK PARTY – CONNERS ROAD

A request from the Residents of Connors Rd. to hold a block party on July 4, 2019 from 1:00 P.M. to 9:00 P.M. was granted.

#445 – BLOCK PARTY – PEABODY ESSEX MUSEUM – ESSEX STREET

A request from the Peabody Essex Museum, 161 Essex St. to hold a block party on July 27, 2019 with events from 3:00 P.M. to 10:00 P.M. Street to be closed at 121 Essex St. from 12:00 P.M. through Midnight was granted.

#446 - #448 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:	Katherine York, 102 Bay View Ave., Salem Bridgette Perkins, 100 Wharf St., Salem Pamela Cyran, 394 Essex St., Salem
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TAXI OPERATOR:	Jaime Lopez, 12 Rockmere Garden, Lynn
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VEHICLE FOR HIRE – OPERATORS ONLY:	Mark Gauthier, 40 Oak Ave., Peabody
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#449 – LICENSE APPLICATION – PUBLIC GUIDE

The following License Application was denied.

PUBLIC GUIDES:	Beth Crowley, 7 Forrester St., Salem
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#450 – LICENSE APPLICATION – PUBLIC GUIDE

The following License Application was referred to the Committee on Ordinances, Licenses and Legal Affairs.

PUBLIC GUIDES:	Thomas Vallor, 4 Lyme St., Salem
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TAG DAYS: MCJROTC: July 20; August 10 & 17; September 15 & 29;
October 13, 20, 27, 2019

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

CLAIMS: Leanne Schild, 354 Essex St., Salem
Todd Malicki, 21 Buffum St., Salem
Allena Pond, 65 Mason St., Salem
Carol Cudmore, 19 Becket St., Salem

The matter of second and final passage of an ordinance amending Ch. 46 Sec. 230 - Sewer Use Charges was then taken up. It was adopted for second and final passage.

In the year Two Thousand and Nineteen

An Ordinance to amend to amend an Ordinance relative to Ch. 46, Sec. 230 - Sewer Use Charges

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

Section I. Chapter 46, Section 230 is hereby amended by deleting subsection (c) in its entirety and replacing it with the following:

“(c) The rates for sewer use charges effective July 1, 2019 shall be as follows:

Residential, per 100 cubic feet...	\$ 6.91
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Nonresidential, per 100 cubic feet up to 25,000 cubic feet per month	\$10.46
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Nonresidential, per 100 cubic feet for 25,000 cubic feet and greater per month	\$13.40
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The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

(#322) – ORDINANCE AMENDING CH. 46, SEC. 66 – RATES FOR USE OF WATER

The matter of second and final passage of an ordinance amending Ch. 46 Sec. 66 - Rates for Use of Water was then taken up. It was adopted for second and final passage

An Ordinance to amend an Ordinance relative to Rates for Use of Water

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

Section 1. Chapter 46, Section 66 is hereby amended by deleting subparagraph (b) in its entirety and replacing it with the following:

“(b) The rate for all water furnished by meter measurements effective July 1, 2019 shall be as follows:

(1) Residential, per 100 cubic feet \$3.46

(2) Nonresidential, per 100 cubic feet \$4.68

Section 2. Chapter 46, Section 66 is hereby further amended by deleting subparagraph (e) in its entirety and replacing it with the following:

“(e) The minimum rate for residential metered water for each quarter shall be \$34.60 per 1000 cubic feet effective July 1, 2019.

The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

(#375) – ORDINANCE AMENDING TRAFFIC – CH. 42, SEC. 50B – HANDICAP PARKING – WINTER STREET

The matter of second and final passage of an ordinance amending Traffic Ch. 42 Sec. 50B – Handicap Parking 5 Winter Street was then taken up. It was adopted for second and final passage

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In the year two thousand and Nineteen

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 Zone Limited Time” is hereby amended by adding the following:

In Front of #5 Winter Street for a distance of 20 feet, “Handicap Parking, Limited Time, Tow Zone”

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

(#328) SECOND PASSAGE OF A BOND ORDER FOR FY2020 WATER/SEWER FUND-CIP

The matter of second and final passage of Bond Order for FY2020 Water/Sewer Enterprise Fund Capital Improvement Program was then taken up. It was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

**Fiscal Year 2020 Water/Sewer Enterprise Fund Capital Improvement Program
Bond Ordered:**

That the sum of \$1,800,000.00 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY20 CIP- Funded from BOND AUTHORIZATION 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 sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor

FY20 CIP-Funded from \BOND AUTHORIZATION			
	Water	Bertram Field Phase 2	\$ 100,000
	Water	City Wide System Flushing, Valve Maint., Leak Detection and GIS Admin.	\$ 100,000
	Water	Distribution Main System Initiatives (plan, design & construct)	\$ 100,000
	Water	Transmission main system initiatives (plan, design & construct)	\$ 100,000
	Sewer	Derby St at Congress - Drainage system repairs (Waterfront Hotel Commitment)	\$ 250,000
	Sewer	Bertram Field Phase 2	\$ 250,000
	Sewer	SSES report implementation (eliminate I/I sources city wide)	\$ 600,000

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Sewer	City Wide System Flushing, Valve Maint., Leak Detection and GIS Admin.	\$ 200,000
Sewer	Pre-Paving Sewer/ drain inspections (prior to annual paving)	\$ 50,000
Sewer	Spoil Material Testing and Disposal at DPS	\$ 50,000
	TOTAL BOND AUTHORIZATION:	\$ 1,800,000

BE IT FURTHER ORDERED:

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

#329 - SECOND PASSAGE OF A BOND ORDER FOR FY2020 GENERAL FUND CAPITAL IMPROVEMENT PROJECT

The matter of second and final passage of Bond Order for FY2020 General Fund Capital Improvement Program was then taken up. It was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Furey was recorded as absent.

FISCAL YEAR 2020 GENERAL FUND CAPITAL IMPROVEMENT PROJECT

Fiscal Year 2020 General Fund Capital Improvement Program			
Ordered:			
That the sum of \$11,770,192.00 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY20 CIP- Funded from BOND AUTHORIZATION 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 sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.			
FY20 CIP-Funded from \BOND AUTHORIZATION			
Dept.	Description	Amount	
Electrical	Smart Signalization Expansion	225,000	
Engineering	Boston Street Corridor Roadway improvements (TIP program)	200,000	
Engineering	Bridge Street (Massworks) Roadway improvements	150,000	
Engineering	Common Bandstand Restoration	43,400	

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	Engineering	Forest River Park and Pool Design/Improvements	200,000	
	Engineering	Willows Park Restoration	210,000	
	Engineering	Derby St Complete Streets	842,400	
	Engineering	Szetela Lance Shared Use Path	303,000	
	Engineering	Roads, Sidewalks & Crosswalks (Non Chapter 90 eligible)	1,540,000	
	IT	Annual Equipment-Life-Cycle Mgmt Program (City)	120,995	
	IT	Annual Equipment- Life-Cycle Mgmt Program (Schools)	171,506	
	IT	Ongoing Digitization of record, City wide	75,000	
	IT	View Permit Upgrade	74,680	
	IT	Theft detection system replacement	30,000	
	Library	Children's Room redesign furniture and fixtures	20,000	
	Library	Envelope & leak detection	10,000	
	Recreation	Bertram Field Phase 2	4,956,357	
	Recreation	Court Renovations	75,000	
	Recreation	Playground, Irrigation & Fence Upgrades	75,000	
	Dept.	Description	Amount	
	Parking and Traffic	Traffic Calming Improvements	76,500	
	Parking and Traffic	Bicycle Infrastructure Upgrades (Annual)	25,500	
	Parking and Traffic	Museum Place Garage Renovation Phase 1 Design	200,000	
	Parking and Traffic	Parking Kiosk Purchase/Installation	50,000	
	Parking and Traffic	Signs/Safety/Tactical	25,500	
	Parking and Traffic	MP & SH Garage Maintenance	100,000	
	Planning	Gallows Hill Park Renovation	227,259	
	Planning	Municipal Harbor Plan		

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			55,500	
	Planning	Palmer Cove Park Renovation	50,000	
	Planning	Bike Plan Implementation	25,000	
	Planning	Dickson Memorial Chapel Study and Door Repair	25,000	
	Planning	Underpass Public Art Installation	25,000	
	Planning	OTH Capital and Business Needs Study	25,000	
	Police	Police & Fire Radio Communication System	50,000	
	Police	Cameras - Community/Police	75,000	
	Police	Boiler and Heaters	157,595	
	Public Services	Ball Field Maint. Mach.	31,000	
	Public Services	Winter Island Lighthouse Concrete Restoration, Painting	30,000	
	Schools	SHS Library Remodel	20,000	
	Schools	Saltonstall Water Heaters	84,000	
	Schools	Witchcraft Chiller & Assoc. HVAC System	605,000	
	Schools	Site/Field Studies & Small Repairs to Capital Assets	30,000	
	Schools	Life Safety Studies & Small Repairs to Capital Assets	90,000	
	Schools	MEP/Elevator/Utility Studies & Small Repairs to Capital Assets	180,000	
	Schools	Roof/Envelope Studies&Small Repairs to Capital Assets	25,000	
	Schools	Access/ADA/Architectural Studies & Small Repairs to Capital Assets	160,000	
		TOTAL BOND AUTHORIZATION:	\$ 11,770,192	

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Any premium received 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 by 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.			
Be it further Ordered:			
That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.			

On the motion of Councillor Sargent the meeting adjourned at 11:15 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK