

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

*Ilene Simons
City Clerk*



April 9, 2019

MEETING NOTICE AND AGENDA

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

The City Council will meet in the City Council Chamber on Thursday, April 11, 2019 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

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

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

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

Assistive Listening System Now Available for City Council Meetings.

Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Ilene Simons at 978-619-5610 or isimons@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, April 11, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 9, 2019, at 10:37 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Dibble presided.

Councillor _____ moved to dispense with the reading of the record of the previous meeting.

VOTED

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

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes

Public Testimony is not a public hearing or question and answer period

Name must be on roster 30 minutes prior to meeting

Agenda items only

How to Sign Up:

Anyone wishing to present testimony at a City Council meeting regarding a matter on the agenda, must sign the roster in person stating their name, address and subject matter. The Roster will be available in the City Clerk’s Office (Room 1) and may sign the roster From the time the agenda is posted until thirty (30) minutes prior to the start of the regular Council Meeting (by 6:30 p.m.). Only those on the roster may present testimony at the Meeting. (For complete rules for Public Testimony please refer to Council Rules Section 28C)

APRIL 11, 2019
CITY COUNCIL
REGULAR MEETING
HEARINGS

ORDERED: National Grid to install a conduit on Front Street

Appearing in Favor:

Appearing Opposed:

Councillor Madore	Moved that the hearing be closed	Voted
Councillor Madore	Moved	Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor’s appointment of Cynthia Nina-Soto of 6 Laurent Rd to serve on the Affordable Trust Fund Board with a term to expire on March 14, 2020

Action Contemplated

Councillor Peterson	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor’s appointment of Dr. Tayla Rose of 4 Nurse Way to serve on the Scholarship and Education Committee with a term to expire on March 28, 2022

Action Contemplated

Councillor Flynn	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor’s appointment of Mr. Benjamin Winthrop of 3 Essex St. to serve on the Housing Authority with a term to expire on March 28, 2024

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yeas	Nays	Abs
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APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of Ms. Stacey Norkun of 53 Summer St. to serve on the Salem Historical Commission and with a term to expire on April 11, 2022

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Peterson Held Under the Rules Voted

Mayor's appointment of Amy Stewart 3 A Willow Ave. to serve on the Scholarship and Education Committee with a term to expire on April 11, 2022

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Turiel Held Under the Rules Voted

Mayor's appointment of Jennifer McAlpine, 35 Washington Sq.to serve on the Scholarship and Education Committee with a term to expire on April 11, 2022

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Madore Held Under the Rules Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Mayor's reappointment of Geraldine Yuhas of 28 C Federal St. to serve on the Board of Health with a term to expire April 14, 2022

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's reappointment of Jeff Cohen of 12 Hancock St. to serve on the Sustainability, Energy and Resiliency Committee with a term to expire April 14, 2022

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's reappointment of Debra Ruehrwein of 32 Pine St., Wakfield to serve as a Constable with a term to expire May 16, 2022

Action Contemplated

Councillor McCarthy	Moved Received and Filed	Voted
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APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" Account to the "Planning Contracted Services" Account in accordance with the recommendation of Her Honor the Mayor.

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Peterson	Moved Adoption OR Held under the Rules	Voted
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ORDERED: That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" Account to the "Treasurer Credit Card Fees" Account in accordance with the recommendation of Her Honor the Mayor.

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Peterson	Moved Adoption OR Held under the Rules
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APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That a petition to the General Court, accompanied by a bill authorizing the Salem retirement board to retire Brian Benson as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to intent of this home rule petition:

AN ACT AUTHORIZING THE RETIREMENT BOARD OF THE CITY OF SALEM TO RETIRE BRIAN BENSON, A POLICE OFFICER OF THE CITY OF SALEM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the Salem retirement board shall retire Brian Benson, a police officer of the city of Salem, who as a result of injuries sustained while in the performance of his duties in October, 2014, is totally and permanently incapacitated from performing the essential duties of a police officer. (b) The annual amount of pension payable to Brian Benson shall be equal to the regular rate of compensation which would have been paid had he continued in service as a police officer of the city of Salem at the grade held by him at the time of his retirement until his death or reaching mandatory retirement age whichever comes first. The additional benefits granted in this act shall be funded and administered by the Salem retirement board, consistent with and subject to chapter 32 of the General Laws, except sections 8 and said 91A of said chapter 32 shall not apply. All amounts paid under this act shall be non-taxable. (c) Upon attaining the mandatory retirement age for a police officer in the city of Salem, Brian Benson shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day before he reaches the mandatory retirement age for a police officer in the city of Salem.

SECTION 2. Brian Benson shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties in October, 2014, in accordance with sections 100 and 100B of chapter 41 of the General Laws.

SECTION 3. In addition to the benefits granted herein and upon retirement, Brian Benson shall receive a lump sum from the Salem retirement board equal to his total accumulated retirement deductions.

SECTION 4. If Brian Benson is married at the time of retirement, then upon his death, should his wife, Shannon, survive him, the Salem retirement board shall pay to her an annuity in the amount of 75 per cent of the amount of the pension which otherwise would have been payable to him until her death. The pension shall be subject to section 103 of chapter 32.

SECTION 5. In the event that both Brian Benson and his wife, Shannon, die before their children reach the age of 18 or 22, as provided in this act, the payments that would otherwise have been made to Shannon shall be payable, in equal shares, to each surviving child under the age of 18; provided, however, that payments shall continue for the benefit of a surviving child 18 years or older who, on or before the date of death of Shannon or Brian, whichever is later, had been medically determined to be permanently physically or mentally incapacitated from earning or for the benefit of a child under the age of 22 who is enrolled as a full-time student.

SECTION 6. This act shall take effect upon its passage.

Action Contemplated

Councillor McCarthy

Moved Confirmation by RCV

Yeas

Nays

Abs

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

RESOLUTION - DAY OF RECOGNITION & RESILIENCE

WHEREAS: Salem is proud to be a No Place for Hate community and that we stand with all victimized by senseless violence and honor the memories of those hurt and killed at Pulse; and

WHEREAS: Salem's City Council in 2014 unanimously passed a non-discrimination ordinance that included protections for gender identity; and

WHEREAS: Hundreds marched across nearly 65 groups during the 6th annual North Shore Pride Parade and Festival in Salem in 2017 (the events are held in Salem every year), celebrating the region's lesbian, bisexual, gay, transgender and questioning community and Christopher Hansen, a Pulse nightclub shooting survivor, led the parade as grand marshal:

NOW THEREFORE, I, KIMBERLEY DRISCOLL, MAYOR OF THE CITY OF SALEM, MEMBERS OF SALEM CITY COUNCIL DO HEREBY DECLARE June 11th, 2019

DAY OF RECOGNITION & RESILIENCE

In the City of Salem, to honor individuals killed or wounded by acts of hate and violence. It is a day of reflection, education and advocacy to facilitate acceptance within our communities, homes, schools, work environments, and places of worship.

Action Contemplated

Councillor Madore

Moved Adoption

Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

Communication from the Mayor to request that the Salem Youth Commission address the Council

Ladies and Gentlemen of the City Council:

I am asking to please include this letter on the mayor's informational page on your agenda.

The Salem Youth Commission recently participated a trip to the State House to advocate with State Representative Paul Tucker and Senator Joan Lovely for more protections for Massachusetts youth from Salem from vaping, menthol and tobacco products.

Lastly, a member of the Youth Commission was recently recognized as this year's State-Wide Youth Leadership Award recipient for her work over the past 3 years. Members of the Youth Commission would appreciate the opportunity to briefly address the Council at your meeting on April 11, 2019.

Sincerely,
Kimberley Driscoll
Mayor

Action Contemplated

Councillor Dominguez

Moved Received and Filed

Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Furey

RESOLUTION:

WHEREAS: On March 2, 2019, a Son of Salem, Thomas A. O'Donnell, a Son of Salem, passed unexpectedly at the young age of Seventy-Six; and

WHEREAS: His death has taken from our Community not just only a prominent business man, but a compassionate, kind, gentle and caring soul who demonstrated these virtues to other families in their most difficult and challenging times; and

WHEREAS: Salem values its rich family traditions and legacies like the O'Donnell Family. Tom worked in the family business, Henry J. O'Donnell & Sons and took the reins at the age of 28 and became the third generation to help the residents of Salem and the North Shore in their time of need and comfort; and who passed his living legacy of compassion and service to humanity onto his only son Anthony in 2013; and

WHEREAS: Tom will always be remembered for greeting friends and family with "Top of the Morning" with his sparkling eyes, wide grin and hearty laugh. His Priest said "Heaven is a kinder place with Tom in it." His brother Henry "Hank" O'Donnell also paid homage to his brother from a quote by Ted Kennedy "Our work begins anew, hope rises again and the dream will never die"; and

WHEREAS: Tom lived and loved every 76 years of his life. Thomas O'Donnell was much more than a Funeral Director. He attended St. Mary's Grammar School, he enjoyed his summers and weekends on the Common as a member of the Drum and Bugle Corps. He attended Salem High School and played Varsity Football and was a 1960 graduate. Tom continued his education at the Main Maritime Academy receiving a Bachelor's degree in Engineering in 1964. Shortly after, he began working for Texaco Oil Company as a Junior Engineer and as he travelled and saw the world from the bottom of the engine room he rose to the top and became Texaco's Chief Engineer. In 1969, Tom came home, back to his roots, to help his family; and

WHEREAS: Tom O'Donnell also was one to give back to his city and his community. Tom was a member of the Salem Common Neighborhood Association, the Salem Rotary Club, the Knights of Columbus, the Salem-Beverly Elks Lodge and the Aleppo Shrine Temple to name a few. He was always there to help and always with a smile; and

WHEREAS: Tom has earned the respect, admiration and high regard of all whom he came into contact with and all of those he helped, and this community has sustained a great loss in his death; and

NOW, THEREFORE, RESOLVED that the Salem City Council on behalf of all our citizens hereby extends to the members of his family and those he loved our sincere condolences in this time of their bereavement; and

BE IT FURTHER RESOLVED that this Resolution be made a part of the official records of our City and that an official copy of this expression of our sympathy be given to the O'Donnell Family.

Action Contemplated

Councillor Furey

Moved Adoption

Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Peterson

ORDERED: That the FY19 Monthly Financial Report dated March 31, 2019 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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Councillor Peterson

ORDERED: That the Year-to -Date Budget Report for January, February & March, 2019 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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Councillor Peterson

ORDERED: That the Powers and Sullivan Year End June 30, 2018 Report on Federal Award Programs be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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Councillor Peterson

ORDERED: That the Powers and Sullivan Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2018 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Peterson

Resolution:

WHEREAS: Shortly after the 2018 midterm elections, there was a groundswell of grassroots support for a proposal from then Rep-elect Alexandria Ocasio-Cortez, to create a "House Select Committee on a Green New Deal" and she and Massachusetts Senator Ed Markey are leading the efforts in the Congress; and

WHEREAS: Such a Green New Deal would address the climate crisis at the scale of intervention called for by the recent IPCC special report on climate change¹, a report that was ultimately rejected by the US government and other oil exporting countries at COP 24 in Poland (US pulling out of the Paris Accords); and

WHEREAS: Such a Green New Deal would also create many new jobs for hard working Americans who have been left behind by globalization and automation; and

WHEREAS: Grassroots advocacy groups have organized more than 250 visits to district offices around the country around this issue in just over a month's time, winning the support of more than 60 members of congress including Salem's House delegation member Seth Moulton; and

WHEREAS: The City of Salem is already taking action to reduce its carbon emissions and promote clean energy, including implementing PowerChoice, which we have had in effect for over four years, bringing 100% green energy options to all residents and businesses, encouraging alternative transportation through increased bicycling and feasibility of a Citywide shuttle, installing electric vehicle charging stations, pursuing renewable energy generation projects to rely less on conventional utilities for power, continuing to implement energy efficiency and conservation strategies in buildings and operations in accordance with the City's participation in the Mass DOER Green Communities program; and

WHEREAS: The City of Salem has already completed a Climate Change Vulnerability Assessment and Adaptation Plan in 2014, recognizing the threat of climate change to Salem's infrastructure and natural resources, The City has already begun addressing these vulnerabilities using MA Office of Coastal Zone Management resources to assess green infrastructure adaptation strategies including zero net energy, flood control management and beginning to update the City's emergency management plan to reflect rising sea levels and storm surges for major events; and

WHEREAS: The City of Salem was the first community in MA to pass a 100% clean energy resolution in 2014 and passed a resolution in 2018 to encourage our state legislators to pass legislation to institute carbon pricing and a comprehensive omnibus energy bill that addresses the wide range of initiatives such as mitigating gas leaks, net metering and increasing the state's portfolio of renewable energy sources such as wind and solar; and

WHEREAS: It is imperative that Congress address the climate crisis with the urgency that is required to avoid the worst consequences of climate change including extreme heat, drought, fires, flooding, natural disasters, and poverty; and

WHEREAS: The United States is indeed already experiencing these impacts, from devastating hurricanes in Puerto Rico, North Carolina & Texas to the "Camp" wildfire in California that demolished an entire town, Salem is experiencing the recognized consequences of being a coastal community, in particular coastal flooding and sea level rise that is already being realized; now therefore be it

RESOLVED: That the Salem City Council go on record in full support of a Green New Deal that includes both a rapid shift away from fossil fuels and creating jobs for American workers in renewable energy and associated industries; and be it further

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

RESOLVED: That the Salem City Council go on record urging our Congressional Delegation to continue advocating for such a Green New Deal and to make addressing the climate crisis a top priority in 2019 and beyond; and be it further

RESOLVED: That all relevant Council Subcommittees and City Boards & Commissions work together to achieve the maximum resiliency and sustainability possible: and be it further

RESOLVED: That the City Clerk hereby will forward suitably engrossed copies of this resolution to Rep. Seth Moulton and on behalf of the entire Salem City Council.

Action Contemplated

Councillor Peterson

Moved Adoption

Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

COMMITTEE REPORTS

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs to whom was referred the matter of granting certain licenses has considered said matter and would recommend the following be granted

Tag Days: SHS MCJROTC June 16, 22 & 30, 2019

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Peterson offered the following report for the Administration and Finance Co-Posted with the Committee of the Whole to whom was referred the matter of fees and usage policies of municipally controlled meeting spaces in Salem has considered said matter and would recommend the matter remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

NONE

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

Request from the Multi Faith Festival to hold their festival and use of city streets running between 1-13 Hawthorne Blvd. on July 4, 2019

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

Request from Woodlands Reality Trust to name the new streets of the subdivision located off Clark Ave to Woodlands Road and South Ridge Circle (Per City Ordinance Ch 38, Sec 38.3 (c))

Action Contemplated

Councillor Peterson

Moved Granted

Voted

Request from Residents of Salem St. to hold a block party July 6, 2019 from 7:00 A.M. – 11:00 P.M.

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

PETITIONS

The Following License Applications:

PUBLIC GUIDES	Sarah Ellis 190 Bridge St, Salem Katelyn Gordon 4 Shillaber St., Peabody Chelsea Borden 40 Aborne St., Peabody Joel Cassidy 35 March St., Salem Nancy Serio 16 Crowninshield St. #17, Peabody Donald Wanock Jr. 1 Fortune Way, Salem Robert Hawkins 402 Lowell St., Worcester
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SEAWORMS	Timothy Lynch 28 Anawan Ave., Saugus Paul Lynch 28 Anawan Ave., Saugus
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TAXI CAB / LIMO	Americab Taxi 92 Jackson St., (2 Taxi & 4 Limo) Salem Taxi 30 Church St., (2 Limo) Witch City Taxi 92 Jackson St., (1 Taxi & 4 Limo)
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TAXI OPERATORS	Kevin Varela 38 Reed Rd., Peabody Marc Tirado 73 Preston St., Everett Nicolas Diaz 56 Palmer St. #2, Salem Pedro Luis Elena 4 Rice St., Salem Felipe Garcin 30 Ridgeway St., Lynn Jorge Guerrero 215 Rantoul St., Beverly, Yajaira Romero 60 Dow St. #53, Salem
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VEHICLE FOR HIRE OPERATORS ONLY	Marcie Olsen 3 Federal St., Salem Joel Cassidy 35 March St., Salem
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Action Contemplated

Councillor McCarthy

Moved Granted

VOTED

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

PETITIONS

The Following License Application:

TAG DAYS: SHS Marching Band 12/14/2019

Action Contemplated

Councillor McCarthy

Refer to Comm. On Ord., Lic. &
Legal Affairs

Voted

The Following Drainlayer/Contract Operator License Applications:

Linskey Excavating PO Box 325, Danvers
D & M Civil Inc., 20 Log Bridge Rd., Middleton
Caruso and McGoven Construction, Inc

Action Contemplated

Councillor McCarthy

Moved Granted

VOTED

APRIL 11, 2019

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

NONE

On the motion of Councillor

the meeting adjourned at

P.M.