

City of Salem, Massachusetts  
Office of the City Clerk

2019 FEB 26 AM 11:07  
CITY CLERK  
SALEM, MASS

*Ilene Simons*  
City Clerk



February 26, 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 sub-committee meetings are held to take action for the purpose of making recommendations to the full council.

The City Council Committee on Ordinances, Licenses and Legal Affairs will meet in the City Council Chambers on Thursday, February 28, 2019 at 6:30 P.M. for the purpose of granting certain licenses (Tag Days).

Very truly yours,

ATTEST:

ILENE SIMONS  
CITY CLERK

This notice posted on “Official Bulletin Board”  
City Hall, Salem, Mass. on **FEB 26 2019**  
at **11:07AM** in accordance with MGL Chap. 30A,  
Sections 18-25.

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

*Ilene Simons  
City Clerk*



February 26, 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, February 28, 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

**FEBRUARY 28, 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, February 28, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 26, 2019, at 11:17 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)**

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**HEARINGS**

**NONE**

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Held from the last meeting, Mayor’s appointment of Todd Waller of 148 Washington St. Salem to the Traffic and Parking Commission with a term to expire on September 29, 2019

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor’s appointment of Mikhaela Abreu, Salem to serve on the Salem Youth Commission with a term to expire on February 14, 2020

Action Contemplated

Councillor Flynn	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from last meeting, The Mayor’s appointment of Kerry Neenan of 331 Lafayette St, Salem to serve on the Salem Disabilities Commission with a term to expire on February 14, 2022

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Held from last meeting, The Mayor's appointment of Josh Gillis of 7 Union St, Salem to serve on the Salem Bicycling Advisory Committee with a term to expire on February 14, 2022.

Action Contemplated

Councillor McCarthy                      Moved Confirmation by RCV                      Yeas      Nays      Abs

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Mayor's appointment of Christian Bednar of 17 Beacon St., Salem to serve on the Affordable Trust Fund Board with a term to expire on February 28, 2020

Councillor                      Suspension of Rules                      Councillor                      Objection

Action Contemplated

Councillor Madore                      Held under the rules

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Mayor's reappointment of the following Department Heads and Assistants with their terms to expire

<b>Name</b>	<b>Position</b>	<b>Term</b>	<b>Term Expiration</b>
John Doyle	Sealer of Weights & Measures	3 years	January 31, 2022
Kathleen McMahon	City Treasurer	3 years	January 31, 2022
David Knowlton	Director of Public Services	2 years	January 31, 2021
David Kucharsky	Director of Traffic & Parking	2 years	January 31, 2021
Tom Watkins	Purchasing Agent	2 years	January 31, 2021

Action Contemplated

Councillor Flynn                      Moved Confirmation by RCV                      Yeas      Nays      Abs

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's reappointment of Paul Durand of 209 Essex St to the Design Review Board with a term to expire March 1, 2022

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's reappointment of David Pabich, PE, of 8 Harbor View Terrace to the Salem & Beverly Water Supply Board with a term to expire March 1, 2022

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's reappointment of Mickey Northcutt of 9 Northey St to the Community Preservation Committee with a term to expire March 1, 2022

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's reappointment of the following to serve on the Conservations Commission with a term to expire as follows

<u>Name</u>	<u>Term to Expire</u>
Dan Ricciarelli, 397 Essex St.	March 1, 2022
Scott Sheehan, 51 Lafayette St.	March 10, 2022

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's reappointment of the following to serve on the Historical Commission with a term to expire as follows

<u>Name</u>	<u>Term to Expire</u>
F. Reed Cutting, 14 Clifton Ave.	March 1, 2021
Rebecca English, 24 Prescott St.	March 1, 2022

Action Contemplated

Councillor Peterson	Moved Confirmation by RCV	Yeas	Nays	Abs
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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's reappointment of the following to serve on the Planning Board with a term to expire as follows

<u>Name</u>	<u>Term to Expire</u>
Ben Anderson, 10 Adams St	March 1, 2024
Noah Koretz, 10 Woodside St.	March 1, 2024

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

A Home Rule Petition to establish a means-tested senior citizen property tax exemption

In City Council February 28, 2019

That a petition to the General Court, accompanied by a bill for an act concerning the establishment of a means-tested senior citizen property tax exemption in the city of Salem 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 II, 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 the intent of this home rule petition:

**AN ACT AUTHORIZING THE CITY OF SALEM TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.**

*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, and subject to sections b to e, inclusive, the city of Salem shall reduce the property taxes due on a qualifying property by the amount equal to fifty percent of the amount of the circuit breaker income tax credit, provided under subsection (k) of section 6 of chapter 62 of the General Laws, that the applicant received in the year prior to the application being filed, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the city of Salem with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. In the event that the dollar cap is reached, a reduction shall be reduced proportionally. The property taxes due on such property shall not be reduced below zero. This reduction shall not be in addition to any exemption allowable under the General Laws. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

(b) Real property shall qualify for the exemption under this act if all of the following criteria are met:

(i) the qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or owned jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

(iii) the qualifying real property is owned and occupied by the single applicant or by the joint applicants as their domicile;

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

(iv) the single applicant or at least 1 of the joint applicants has been domiciled and owned a home in the city of Salem for at least the 10 consecutive years preceding the filing of the application for the exemption;

(v) the maximum prior year assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the department of revenue; and

(vi) the board of assessors has approved the application.

(c) A person who seeks to qualify for the exemption under this act shall, before the deadline established by the board of assessors, file an application on a form to be adopted by the board of assessors along with the supporting documentation of the filed income tax return of the applicant showing the circuit breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

(d) No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

(e) The exemption provided for in this act shall begin in fiscal year 2020 and shall expire after 3 years of implementation, provided, however, that the city of Salem may reauthorize the exemption for additional 3-year intervals by a vote of the city council.

SECTION 2. This act shall take effect upon its passage.

Action Contemplated

Councillor Peterson

Moved for confirmation by RCV

Yeas

Nays

Abs

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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

**NONE**

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Flynn

ORDERED: That the City Council appoint Deborah Greel to the Community Preservation Act Committee with a term to expire on May 23, 2020 by roll call vote

Action Contemplated

Councillor Flynn	Moved Confirmation by RCV	Yeas	Nays	Abs
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Councillor Flynn

ORDERED: That the Director of Park, Recreation and Community Services raise the Irish Flag at Riley Plaza on March 14, 15, 16 & 17<sup>th</sup>, 2019 in honor of St. Patrick's Day.

Action Contemplated

Councillor Flynn	Moved Adoption	Voted
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Councillor Peterson

ORDERED: That the FY2019 Monthly Financial Report dated January 31, 2019 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Peterson

ORDERED: That the Committee for Administration & Finance, Co-Posted with the Committee of the Whole, meet to discuss the fees and usage policies of municipally-controlled meeting spaces in Salem, and that the following be invited: The Mayor or her representative; the City Solicitor or her representative; the Director of Parks, Recreation & Community Services; Director of the Salem Public Schools Buildings & Grounds Department; and the Community Art Planner.

Action Contemplated

Councillor Peterson

Moved Adoption

Voted

Councillor Peterson

RESOLUTION:

WHEREAS: Nelson "Sparky" Nersasian served his country with honor, courage, and sacrifice as a U. S. Coast Guard gunner on the U.S.S Leopold (DE-319); and

WHEREAS: He was one of 28 survivors of a crew of 199 when the ship was sunk in action in the North Atlantic on March 9<sup>th</sup>, 1945 in what amounted to the worst combat loss in US Coast Guard history; and

WHEREAS: Saturday, March 9<sup>th</sup>, 2019 is the 75<sup>th</sup> anniversary of the torpedoing and sinking of the USS Leopold, after which he and his fellow crew members spent many hours in the cold water of the Atlantic before being rescued; and

WHEREAS: On his return to Salem after the war he became a beloved fixture in Tully Square as the proprietor of Nelson's Spa and a friend, confidant, and campaign manager for former City Councillor and State Representative J. Michael Ruane; and

WHEREAS: He was born, raised and lived in Ward 3 in Salem, and that the story of his experiences aboard the USS Leopold were captured and preserved in the book "Never to Return" by co-authors Randall Peffer and Sparky's brother, Col. Robert Nersasian, also of Salem; and

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

WHEREAS: He was posthumously awarded the Purple Heart at a ceremony on Winter Island in 2011, for his courageous service to our country;

NOW THEREFORE, BE IT RESOLVED: That the City of Salem recognizes and honors Mr. Nersasian’s military service as well that of his fellow crew members, who gave their lives in service;

AND BE IT FURTHER RESOLVED: That this resolution be made a matter of record of these proceedings, and that a suitable copy along with a City Seal be presented to his family, in his memory and with gratitude from the City of Salem in recognition of his remarkable military service to our country.

Action Contemplated

Councillor Peterson

Moved Adoption

Voted

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**FEBRUARY 28, 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 that the following license be granted.

TAG DAYS:                      SHS Boys and Girls Track 3/30/2019 & 4/20/2019  
    SHS Girls Soccer 9/14/2019, 9/28/2019 & 10/26/2019

Accept the Report                      Voted

Adopt the Recommendation              Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of discussing the ordinance on municipal and religious overlay district has considered said matter and would recommend that (action unknown, meeting took place after agenda deadline.)

Accept the Report                      Voted

Adopt the Recommendation              Voted

Councillor Peterson offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter to reduce qualifying age from 70 to 65 and adjust the maximum asset limit for married couples per MGL CH 59, Sec 5 Clause 41C has considered said matter and would recommend that (action unknown, meeting took place after agenda deadline.)

Accept the Report                      Voted

Adopt the Recommendation              Voted



**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM CITY OFFICIALS**

Communication from Human Resources Director submitting a Mayoral Salary Survey of surrounding Cities and Towns

Action Contemplated

Councillor Peterson

Moved Referred to the Comm. on  
Administration & Finance  
Or  
Received & Filed

Voted

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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

Request from North Shore Pride to have, sell and consume beer and liquor on the Salem Common on June 22, 2019 (this is the day of The Pride Parade)

Action Contemplated

Councillor Madore

Moved Granted

Voted

The Following License Applications:

**PUBLIC GUIDES**

Thomas Vallor 4 Lyme St. #3, Salem  
Kenneth Glover 20 Essex St., Beverly  
Kalif Melanson 32 Mt. Washington Ave., Malden

**TAXI CAB/LIMO**

Salem Taxi 30 Church St., Salem (5 Taxi Cabs, 5 Limos)  
Witch City Taxi 92 Jackson St., Salem (10 Taxi Cabs)

**TAXI OPERATORS**

Wade Durkee 116 Lafayette St #319, Salem  
Franklin Medina Sr. 31 Beach Rd. Apt.B2, Lynn  
Juan Vargas 98 Cottage St. Apt. 3, Lynn  
Victoriano Ozoria 9 Prince St., Salem  
Nolberto Pacheco 55 Coolidge Rd, Danvers  
Camilo Divanne 5 Hancock St, Peabody  
Santo Ozoria 9 Prince St. Pl., Salem  
Robinson Vago Gutierrez 19 Ward St. Apt. 32, Salem  
Leandro Aristy Zedeno 78 Tremont St., Salem  
Francisco Genao Gonzalez 56 River St., Beverly  
Delvin Hidalgo 200 Locust St. #605, Lynn  
Khris Lara 159 Boston St., Salem  
Marcos Rosario 12 Mason St. #1, Salem

Action Contemplated

Councillor McCarthy

Moved Granted

VOTED

**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

The Following Drainlayer/Contract Operator License Application:

Raffaele Construction 21 Elm Pl., Swampscott  
 R. Dilisio Co., Inc 113 Fayette St., Lynn  
 Bartlett & Steadman Co., Inc R 67 Village St., Marblehead  
 Phoenix Communications 25 Bowditch Dr., Shrewsbury

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

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The Following Claims:

John Hayes 13 Hancock St., Salem (Car 1)  
 John Hayes 13 Hancock St., Salem (Car 2)  
 Paul Adario 24 Whalers Ln., Salem  
 Vanessa Kinney 400 Humphrey St., Swampscott  
 David Helfman 28 Packards Rd Unit 532 Waterville Valley NH  
 Rebecca O'Loughlin 209 North St., Salem  
 Joseph Malionek 12 Cloutman St., Salem  
 Jennifer Salsich 10 Eden St., Salem  
 Claire Helfman 1 Brackett Pl., Marblehead

Action Contemplated

Councillor McCarthy

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

Voted

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**FEBRUARY 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**UNFINISHED BUSINESS**

**NONE**

On the motion of Councillor

the meeting adjourned at

P.M.