

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

*Ilene Simons  
City Clerk*



March 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, March 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

**MARCH 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@saalem.com](mailto:isimons@saalem.com).**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, March 28, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on March 26, 2019, at 9:53 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)**

MARCH 28, 2019

CITY COUNCIL

REGULAR MEETING

HEARINGS

NONE

**MARCH 28, 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 Susan DameGreene of 1 Broad St. to serve on the Cemetery Commission with a term to expire on February 28, 2022

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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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, 2020

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Flynn	Held Under the Rules	Voted
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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor’s appointment of Benjamin Winthrop of 3 Essex St. #3 to serve on the Salem Housing Authority with a term to expire on March 28, 2024

Councillor                                      Suspension of the Rules                                      Councillor                                      Objection

Action Contemplated

Councillor McCarthy                                      Held Under the Rules                                      Voted

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Mayor’s reappointment of David Desrosiers to serve as a Constable with a term to expire on November 20, 2021

Action Contemplated

Councillor McCarthy                                      Moved Received & Placed on File                                      Voted

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the sum of Five Thousand Three Hundred and Forty-four Dollars and Eighty-Eight cents (\$5,344.88) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY2019 Contractual Buyback for Arlene Wilson, School Department employee in accordance with the recommendation of Her Honor the Mayor.

Councillor

Suspension of the Rules

Councillor

Objection

Action Contemplated

Councillor Peterson

Moved Adoption  
OR  
Held under the Rules

Voted

**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

**Resolution: Approving A Statement of Interest to The Massachusetts School Building Authority For Salem High School**

**BE IT RESOLVED:**

Having convened in an open meeting on March 28, 2019, prior to the SOI submission closing date, the City Council of Salem, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 12, 2019 for the Salem High School located at 77 Willson Street, Salem, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

- Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
- Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

And, hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

**Action Contemplated**

<b>Councillor Peterson</b>	<b>Moved Adoption by roll call vote</b>	<b>Yeas</b>	<b>Nays</b>	<b>Abs</b>
<b>Councillor Peterson</b>	<b>Moved Immediate Reconsideration in the hopes it does not Prevail</b>			<b>Voted</b>

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

Resolution: Approving A Statement of Interest to The Massachusetts School Building Authority For The Bates Elementary School In Salem

BE IT RESOLVED:

Having convened in an open meeting on March 28, 2019, prior to the SOI submission closing date, the City Council of Salem, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 12, 2019 for the Bates Elementary School located at 53 Liberty Hill Avenue, Salem, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

- Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

And, hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Action Contemplated

Councillor Peterson	Moved Adoption by roll call vote	Yeas	Nays	Abs
Councillor Peterson	Moved Immediate Reconsideration in the hopes it does not Prevail			Voted

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

**NONE**

MARCH 28, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Peterson

ORDERED: That the FY19 Monthly Financial Report dated February 28, 2019 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson

Moved Adoption

Voted

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Councillor Madore

ORDERED: That the Committee on Administration and Finance co-posted with the Committee of the Whole meet to discuss establishing a Percent for Art Ordinance to require a percentage of our annual capital improvement budget be devoted to funding for public artworks and cultural programming in the City of Salem and that the following be invited: The Mayor or Representative, Public Art Commission, Public Art Planner, City Solicitor, Finance Director, Director of Capital Projects, and Director of Salem Main Streets.

Action Contemplated

Councillor Madore

Moved Adoption

Voted

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Councillor Madore

That the Committee on Ordinance, Licenses, and Legal Affairs co-posted with the Committee of the Whole meet to discuss repealing Sec. 1-2 Definitions and Rules of Construction: *Gender*. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations, as well as to males; and revising City Ordinances to use gender neutral language; and the following be invited: City Solicitor and City Clerk.

Action Contemplated

Councillor Madore

Moved Adoption

Voted

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MARCH 28, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Dibble

ORDERED: That Councillor Dominguez replace Councillor Furey on the Ad-Hoc Committee to Review City Council Rules and Orders

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

Councillor Dibble

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss and review the attached (and below) draft zoning ordinance amendment relative to Section 3.0 – Nonconforming Uses and Structures for the purpose of reviewing the Ordinance, defining the subject matter sufficient for identification in order to properly advertise and to bring forth a final draft ordinance to the full council to schedule a joint public hearing with the planning board. And the following be invited: Mayor or her Rep., City Planner, City Solicitor, the Zoning Enforcement Officer, and the Chairpersons from the Zoning Board of Appeals and the Planning Board.

In the year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. The following is an amendment to Section 3.3 – Nonconforming Uses and Structures by adding the following to Section 3.3. – Section 3.3.3

**3.3 – NONCONFORMING and Exempt USES AND STRUCTURES**

3.3.1 Applicability. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming and Exempt uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

3.3.2 Nonconforming **and Exempt** Uses. The Board of Appeals may award a special permit to change a nonconforming **and Exempt** use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming **and Exempt** use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming **and Exempt** use to another, less detrimental, nonconforming **and Exempt** use.

3.3.3 Nonconforming **and Exempt** Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming **and Exempt** structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming **and Exempt** structure to the neighborhood. The following types of changes to nonconforming **and Exempt** structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

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**MARCH 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 licenses be granted.

TAG DAY: S.H.S Softball – 4/14/2019, 4/28/2019, 5/5/2019

Accept the Report Voted

Adopt the Recommendation Voted

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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 amending an ordinance relative to prohibit activities on the Salem Common, Ch. 26, Sec. 75 by deleting subsection (8) has considered said matter and would recommend a negative recommendation.

Accept the Report Voted

Adopt the Recommendation Voted

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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 amending an ordinance relative to Circuses and Carnivals within Riley Plaza by deleting Ch. 24 Sec. 18 has considered said matter and would recommend a negative recommendation.

Accept the Report Voted

Adopt the Recommendation Voted

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**MARCH 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 amending an ordinance relative to Zoning Sec. 3.3 – Non-Conforming Uses and Structures (Councillor Dibble subsequently withdrew this Order) has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report                      Voted

Adopt the Recommendation              Voted

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM CITY OFFICIALS**

Communication from the City Clerk submitting four (4) resumes and applications for the Tree Commission - City Council Appointee Member to the Committee on Government Services co-posted with the Committee of the Whole for their review and recommendation. The candidates are: Curtis Dragon, David Rowand, Lisa Lavoie and Susan Yochelson

Action Contemplated

Councillor Flynn

Moved Received & Filed

Voted

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

Petition from National Grid to install a conduit on Front St.

HEARING ORDERED APRIL 11, 2019

Request from Salem YMCA to hold their annual Notch road race and use of city streets September 8, 2019

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

Request from Wicked Running Club to hold their annual Miles over the Moon road race and use of city streets July 12, 2019

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

Communication from Salem State University to inform the City Council that the MLK Freedom March was postponed from January 21, 2019 (due to weather) to April 4, 2019. Request use of city streets.

Action Contemplated

Councillor Dibble

Moved Granted

Voted

**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

The Following License Applications:

**PUBLIC GUIDES**

Courtney Buckley, 17 B Woodward Ave, Lowell  
Jeffrey Lilley, 265 Lafayette St, Salem  
Adam Lynch, 451 Broadway, Lynn  
Jessica Brennan, 212 Loring Ave, Salem  
Courtney Reardon, 35 Old Acres Rd, Moodus, CT  
Christine Remus, 13 Merrimac St #2, Amesbury  
Dominic Lavorante, 2 Barton PL, Salem  
Michael Keefe, 51 Lafayette St Unit 302, Salem

**TAXI OPERATORS**

Santos Castillo 5 Porter St #3R, Salem  
Dane Terry 275 Cooledge St, Revere  
Rex Allen Kent 42 Maple Ave, Swampscott  
Jaime Mejia, 58 Pulaski St, Peabody  
Isaura Suriel, 26 Mill St #1, Danvers  
Salvador Adams, 65 Aborn St #3, Peabody  
Roberto Gutierrez, 19 Linden St, Salem  
Michael Paciulli, 7B River Dr, Danvers  
Michael Minchello 20 N. Central St #6, Peabody  
Shane Kieran, 40 Hawthorne Cir, Peabody  
Paul Doucette Jr. 13 Carlton St, Lynn  
John Marley, 121 Sylvan St Apt E, Danvers  
Juan Polanco, 19 Ward St, Salem  
Mauro Fernandez 78 Palmer St #2, Salem  
Reidy Rosario, 12 Mason St, Salem  
Anthony Pimemtel, 34 Prince St Apt 5, Salem  
LeeAnn Bellegarde, 10 Rantoul St, Beverly

Action Contemplated

Councillor McCarthy

Moved Granted

VOTED

**MARCH 28, 2019**  
**CITY COUNCIL**  
**REGULAR MEETING**  
**PETITIONS**

The Following License Applications:

PAWNBROKERS: Salem Loan & Jewelry 133 Washington St, Salem

TAG DAYS: S.H.S MCJROTC– 6/16/2019, 6/22/2019, 6/30/2019

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Claims:	Caitlin Fortuna 47 Bridge St., Salem Laura Christinsen 8 Aurora Lane, Salem Hysen Ooshja (Opus) 87 Washington St, Salem Philip Burke 266 Essex St., Salem
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Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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**MARCH 28, 2019****CITY COUNCIL****REGULAR MEETING****UNFINISHED BUSINESS**Councillor Milo

Take from the Table the following Order:

ORDERED: That the City Council Elect Councillor Dominguez and Councillor Sargent to the Affordable Housing Trust Fund Board of Trustees per ordinance Ch. 2, Sec. 1002: "The city council shall annually elect two members of the city council to serve for a term of one year. The city council president or his or her designee shall serve for a term of one year." And that their terms are from April 12, 2019 to April 12, 2020

Action Contemplated

Councillor Milo

Moved

Voted

The Second Reading of an Order to amend the rules and orders of the City Council

ORDERED: That Section 36 of the Rules and Orders of the City Council be amended by deleting the reference to "Cushing's Manual" and inserting in place thereof "Roberts Rules of Order"

Action Contemplated

Councillor Gerard

Moved Adopted (2/3 Vote required)

OR

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

Voted

**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**UNFINISHED BUSINESS**

**SECOND PASSAGE** of an Ordinance Amending Traffic Ch. 42, Sec. Section 51 –  
“Parking Prohibited on Certain Streets”

Be it Ordained by the City Council of the City of Salem, as follows

**SECTION 1.** Amending Ch. 42, Section 51, as follows:

**Repealing:**

Whaler’s Lane, southbound, on the westerly side, starting one hundred and sixty-five (165) feet from First Street and extending to Fortune Way. “No Parking Anytime”

**And Replacing With:**

Whaler’s Lane, southbound, on the westerly side, from First Street to Good Hope Lane. “No Parking Anytime”

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

Action Contemplated

Councillor Peterson

Moved Adoption for Second & Final Passage

Voted

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**MARCH 28, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**UNFINISHED BUSINESS**

**SECOND PASSAGE** of an Ordinance Amending Traffic Ch. 42, Sec. Section 51 –  
“Parking Prohibited on Certain Streets”

Be it Ordained by the City Council of the City of Salem, as follows

**SECTION 1.** Amending Ch. 42, Section 51, by adding the following:

Whaler’s Lane, southbound, on the westerly side, from First Street to Majestic Way;  
westbound, on the northly side, from Majestic Way to Queensberry Drive;  
northbound, on the easterly side from Queensberry Drive to Captain’s Lane;  
northbound, on the easterly side, from the driveway serving 162-168 Whaler’s Lane to the driveway  
serving 170-176 Whaler’s Lane. “No Parking Anytime”

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

Action Contemplated

Councillor Peterson

Moved Adoption for Second & Final Passage

Voted

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On the motion of Councillor

the meeting adjourned at

P.M.