

Cheryl

City of Salem, Massachusetts
Office of the City Clerk

2018 FEB -6 AM 9:20

Cheryl A. LaPointe
City Clerk



CITY CLERK
SALEM, MASS

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February 6, 2018

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 8, 2018 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,

Cheryl A. LaPointe

CHERYL A. LAPOINTE
CITY CLERK

ATTEST:

This notice posted on "Official Bulletin Board"
City Hall, Salem, Mass. on *FEB 6, 2018*
at *9:30 AM* in accordance with MGL Chap. 30A,
Sections 18-25.

FEBRUARY 8, 2018

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 Cheryl LaPointe at 978-619-5610 or clapointe@saalem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, February 8, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 6, 2018, at 9:20 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Gerard presided.

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

VOTED

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

PUBLIC TESTIMONY

**Public Testimony not to exceed 15 minutes
Name must be on roster 30 minutes prior to meeting
Agenda items only**

FEBRUARY 8, 2018

REGULAR MEETING

HEARINGS

NONE

FEBRUARY 8, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, Mayor's appointment of Kurt Ankey-Beauchamp to serve as a member of the Salem Public Art Commission with the term to expire on January 11, 2020

Action Contemplated

Councillor McCarthy	Confirmation by roll call vote	Yeas	Nays	Abs
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Held from the last meeting, Mayor's appointment of Mary Anne Silva to serve as a member of the Salem Cemetery Commission with the term to expire on February 2, 2019

Action Contemplated

Councillor Dibble	Confirmation by roll call vote	Yeas	Nays	Abs
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Held from the last meeting, Mayor's appointment of Geri Yuhas to serve as a member of the Salem Board of Health with the term to expire on April 14, 2019

Action Contemplated

Councillor Madore	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 8, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, Mayor's appointment of the following to serve as members of the Salem Affordable Housing Trust Fund Board of Trustees with their terms to expire on:

<u>Name</u>	<u>Address</u>	<u>Term to Expire</u>
Rebecca Curran	14 Clifton Ave., Salem	January 25, 2020
Mickey Northcutt	9 Northey St., Salem	January 25, 2020

Action Contemplated

Councillor Turiel	Confirmation by roll call vote	Yeas	Nays	Abs
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Held from the last meeting, Mayor's appointment of the following to serve as members of the Salem Youth Commission with the following terms to expire:

<u>Name</u>	<u>Term to Expire:</u>
Ashley Blanco	May 12, 2018
Valentina Mendez	May 12, 2018
Ishmael Telemaco	May 12, 2018
Lillian Kelley	May 12, 2019

Action Contemplated

Councillor Sargent	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 8, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of Deborah Amaral to serve as a member of the Salem Parks and Recreation Commission with a term to expire on May 1, 2018

Councillor	Suspension	Councillor	Objection
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Action Contemplated

Councillor Flynn	Held under the rules
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Mayor's appointment of Attorney Chris Drucas to serve as a member of the Salem Zoning Board of Appeals with a term to expire on May 1, 2018

Councillor	Suspension	Councillor	Objection
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Action Contemplated

Councillor Peterson	Held under the rules
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Mayor's appointment of Benjamin Anderson and Grace Harrington to serve as members of the Salem Affordable Housing Trust Fund Board of Trustees with their terms to expire on February 1, 2020

Councillor	Suspension	Councillor	Objection
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Action Contemplated

Councillor Peterson	Held under the rules
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FEBRUARY 8, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

The Mayor’s reappointment of Robert St. Pierre to serve as a member of the Salem Licensing Board with the term to expire on January 8, 2024

Action Contemplated

Councillor McCarthy	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 8, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDER: Appropriation of \$64,050.00 from "Capital Outlay – Renovations & Repairs" account to purchase Turn Out Gear for the Fire Department.

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Turiel	Moved Adoption Or Refer to Committee on Administration And Finance under the rules	Voted
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ORDER: Appropriation of \$42,148.86 from "Receipts Reserved – Golf Course" to "Golf Course – Equipment" account.

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Turiel	Moved Adoption Or Refer to Committee on Administration And Finance under the rules	Voted
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ORDER: Appropriation of \$12,000.00 from "Fund Balance – Free Cash" account to the "Electrical – Street Lighting" account

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Turiel	Moved Adoption Or Refer to Committee on Administration And Finance under the rules	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDER: Appropriation of \$3,722.00 from "Receipts Reserved – Golf Course" to "Golf Course – Renovations and Repairs" account

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Turiel	Moved Adoption Or Refer to Committee on Administration And Finance under the rules	Voted
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ORDER: To accept the donation of \$2,000.00 from the Friends of the Council on Aging to the Council on Aging Donation Fund

Action Contemplated

Councillor Turiel	Moved Adoption	Voted
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ORDER: That the Canal Street and Salem/Marblehead Bike Path be named the "Mayor Anthony V. Salvo Bike Trail" in honor of the late Mayor Anthony V. Salvo.

Action Contemplated

Councillor Turiel	Moved Adoption	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

A communication from the Mayor relative to high-speed fiber internet provider SiFi which intends to install a fiber network that will provide high-speed internet service to any home or business that wishes to purchase it.

(The full letter can be seen on the City's website under Agenda documents or in the office of the City Clerk during regular business hours)

Action Contemplated

Councillor Turiel

Moved Receive & File

Voted

FEBRUARY 8, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Dominguez **NEW**

RESOLUTION: on the arrival of Dr. Henry Mejia Oviedo to meet with the Dominican Communities of Salem, Lynn and Boston for the celebration of Dominican Independence Day which is February 27th.

Action Contemplated

Councillor Dominguez	Moved Adoption	Voted
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Councillor Milo

ORDERED: That an AD-Hoc committee be formed to work with the administration to research and implement the best open checkbook like product to purchase and implement in the upcoming fiscal year 2019.

Action Contemplated

Councillor Milo	Moved Adoption	Voted
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FEBRUARY 8, 2018**REGULAR MEETING****COMMITTEE REPORTS**

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

TAG DAYS: S.H.S. Spring Track, March 24, 2018 (corrected date)
 Disable American Veterans, May 17-20, 2018 & Nov. 1-4, 2018
 VFW, May 25-29, 2018 & Nov. 8-11, 2018
 Salem VET Council, July 1-4, 2018
 Salem Little League, June 2, 2018 & June 16, 2018
 (corrected date)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of The Planning Board's Recommendations relative to Three (3) Zoning Ordinances regarding Marijuana including section 3.0, 6.10 and 10.0 has considered said matter and would recommend that the Planning Board's recommendations be adopted with the following amendments: Section 3.0 – Table of Principal and Accessory Uses - be amended that B1 and B2 for all four (4) Marijuana uses be designated with as a "N"; and that district B5 for Marijuana Testing Facility be amended to BA; Section 6.10 – Special Regulations - that 6.10.6 subsection 5 that the language stricken be adopted and 6.10.6 subsection 12 that the proposed language stricken by the planning board be put back in; Section 6.10.9 and 6.10.10 be approved as amended by the planning board(language stricken); Section 10.0 – Definitions - that the language stricken by the planning board be put back in

Accept the Report Voted

Adopt the Recommendation Voted

FEBRUARY 8, 2018**REGULAR MEETING****COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a Zoning Ordinance Amendment regarding Marijuana - Section 3.0 – Table of Principal and Accessory Uses – has considered said matter and would recommend Adoption for first passage as amended: that the Table of Principal and Accessory Use Regulations for B1 and B2 for all four (4) Marijuana uses be designated with an “N” and that district B5 for Marijuana Testing Facility be amended to “BA”

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a Zoning Ordinance Amendment regarding Marijuana Section 6.10 – Special Regulations – has considered said matter and would recommend Adoption for first passage as amended: that 6.10.6 subsection 5 that the language stricken be adopted and 6.10.6 subsection 12 that the proposed language stricken by the planning board be put back in and Section 6.10.9 and 6.10.10 be approved as amended by the planning board (language stricken)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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FEBRUARY 8, 2018**REGULAR MEETING****COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a Zoning Ordinance Amendment regarding Section 10.0 – Definitions – has considered said matter and would recommend Adoption for first passage as amended: that the language stricken by the planning board be put back in

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of a hearing on the denial of a taxi operator license for Kerwyn Medrano has considered said matter and would recommend that this matter be discharged from committee

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of a hearing on the denial of a taxi operator license for Victor Pimental has considered said matter and would recommend that this matter remain in committee

Accept the Report	Voted
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Adopt the Recommendation	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

COMMITTEE REPORTS

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of a hearing on the denial of a taxi operator license for Joshua Plummer has considered said matter and would recommend that his taxi operator license be granted

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance Amending Chapter 24 Section 16 – Smoking prohibited on off road, paved bicycle route has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance Amending Chapter 1 Section 10c – Non-Criminal Disposition relative to smoking on off-road paved bicycle route has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

FEBRUARY 8, 2018**REGULAR MEETING****COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance Amending Chapter 24 Section 30 – Offenses Miscellaneous Provisions new section retail Marijuana Establishments, limits has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance Amending Chapter 26, Article III, Common use Policy Parks and Recreation has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor Turiel 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 of the appropriation of \$72,600.00 within the "Capital Outlay Equipment" account to be expended for the purchase of A/V and presentation system equipment at the Jean Levesque Center by the IT Department has considered said matter and would recommend (Action unknown meeting took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

COMMITTEE REPORTS

Councillor Turiel 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 of the appropriation of \$106,696.00 from the "Fund Balance Reserved for Appropriation – Free Cash" account to the DPS Equipment account for the first-year lease payment of two snow removal equipment by the Department of Public Services has considered said matter and would recommend (Action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Turiel 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 of the appropriation of \$68,500.00 from "Retained Earnings – Water/Sewer Fund" account to the DPS Vehicle Parts and Repairs account has considered said matter and would recommend (Action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Turiel 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 of the appropriation of \$18,500.00 from the "Fund Balance Reserved for Appropriation – Free Cash" account to the DPS Vehicle Parts and Repairs account has considered said matter and would recommend (Action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

FEBRUARY 8, 2018

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The Traffic and Parking Commission submitting an Ordinance amendment to Chapter 42 Traffic.

ORDINANCE relative to Chapter 42, Traffic, delete in its entirety and incorporate within the Traffic and Parking Commission Regulations.

Councillor McCarthy

Moved

Voted

RECEIVED AFTER THE DEADLINE OF TUESDAY NOON

Planning Board recommendation regarding a proposed Zoning Ordinance amendment to sub-section 3.1 – Principle Uses of Section 3.0 regarding land area for agricultural uses.

1. Propose a zoning ordinance amendment that would bring the existing local ordinance into alignment with the Massachusetts 2010 Small Plot Farming Amendment
2. Consider amendments to the current Zoning Ordinance Section 3.2 (accessory use) to allow for a special permit provision relative to agriculture use.

Councillor McCarthy

Moved refer to the Committee on Ordinances,
Licenses & Legal Affairs due to the late file.

FEBRUARY 8, 2018

REGULAR MEETING

PETITIONS

Presentation by the Register of Deeds on the Property Fraud Watch Program

Councillor Sargent	Moved Receive & place on file	Voted
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The Following License Applications:

PUBLIC GUIDES:	Joseph Maloney 11 Crest Ave., Dracut William Clemens 49 Summer St., Salem Kevin Wynott 64 Veterans Memorial Dr., Peabody Deborah Pantazelos 8 Michael Dr., Danvers Brian McCarron 14 Lyman St., Beverly Joel Cassidy 35 March St., Salem Joyce Harrington 49 Valiant Way, Salem Heather Goss 25 Judson St., Beverly Daniel Minkle Fury 126 Federal St. #1, Salem Brenda Canady 11 Glover St. #1, Salem Raymond Swartz 30 Ocean Ave., Salem Rita Parisi 43 Merrimac St., Amesbury Cynthia Haigh, 4 Brackett St., Milton
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TAXI OPERATORS:	Santos Castillo, 5 Porter St. Ct., Salem Luis Toribio, 2 Park St., Salem Antonia Fernandez, 230 Jefferson Ave., Salem Victoriano Osorio, 9 Prince Pl., Salem Leandro Cecero, 21 Goldberg Rd., Peabody Jesus Rosario, 28 Summit Ave., Salem Lao Rosario, 230 Jefferson Ave., Salem
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Action Contemplated

Councillor McCarthy	Moved Granted	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

PETITIONS

The Following License Applications:

TAG DAYS: Salem Boys Lacrosse, 4/7/18 & 4/28/18
 Salem Youth Football & Cheering, 10/6/18 & 10/20/18

Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Drainlayer/Contract Operator Licenses:

Caruso & McGovern, 1 Industrial Way, Georgetown
 Cahill Excavation, 9 Shortell Ave., Beverly
 Linskey Excavating Co., 38 Mitchell Rd., Ipswich
 Rooter Man, 15 Littles Lane, Peabody

Action Contemplated

Councillor McCarthy	Moved Granted	Voted
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The Following Claims:

Lynda Clifford 73 Church St., Hampton, NH
 Nilla Majahalm 10 Calabrese St., Salem
 Deborah Bogardus 14 Westminster Rd., Marblehead
 Stephen Louf Jr. 63 Lynn St., Peabody
 Angelina Brogna, 8 Cliff St., Marblehead

Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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FEBRUARY 8, 2018

REGULAR MEETING

UNFINISHED BUSINESS

NONE

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On the motion of Councillor

the meeting adjourned at

P.M.