

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

*Cheryl A. LaPointe  
City Clerk*



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March 21, 2017

**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 23, 2017 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:

CHERYL A. LAPOINTE  
CITY CLERK

**MARCH 23, 2017**

**“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](mailto:clapointe@saalem.com).**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, March 23, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on March 21, 2017 at 11:06 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Milo presided.

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

VOTED

President Milo 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**

**MARCH 23, 2017**

**HEARINGS**

ORDERED: Comcast to install a conduit on Traders Way to a building located at 29 Traders Way

IN FAVOR:

OPPOSED:

Councillor Lovely

Moved that the Hearing be Closed

Voted

Counillor Lovely

Moved

Voted

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**MARCH 23, 2017**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's appt. of Kerry Murphy to serve on the Board of Health with a term to expire on March 23, 2020

Councillor Gerard	Suspension of the Rules	Councillor	Objections
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Action Contemplated

Councillor Gerard	Held under the Rules	Voted
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Mayor's appt. of Fred Atkins to serve on the Salem Harbor Port Authority with a term to expire on March 23, 2019

Councillor Turiel	Suspension of the Rules	Councillor	Objections
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Action Contemplated

Councillor Turiel	Held under the Rules	Voted
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Mayor's appt. of Nikolas Berard to serve as a Constable with a term to expire on February 21, 2018

Action Contemplated

Councillor Ryan	Moved Received & Filed	Voted
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**MARCH 23, 2017**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's appt. of Michael Dobe to serve as a Constable with a term to expire on February 21, 2018

Action Contemplated

Councillor Ryan

Moved Received & Filed

Voted

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Mayor's reappt. of FernandoValadao to serve as a Constable with a term to expire on January 27, 2020

Action Contemplated

Councillor Ryan

Moved Received & Filed

Voted

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**MARCH 23, 2017**

**COMMUNICATIONS FROM THE MAYOR**

Appropriation of \$75,000.00 from "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account to be expended for the negotiated sick leave buyback provision as needed.

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Gerard	Moved Adoption Or Ref. to Comm. on Administration & Finance	Voted
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Appropriation of \$2,500.00 from "Fund Balance – Free Cash" account to the "Health Department – Rodent Control" account.

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Gerard	Moved Adoption Or Ref. to Comm. on Administration & Finance	Voted
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RESOLUTION: Approving submission of the Statement of Interest to Massachusetts School Building Authority by the Superintendent of Schools for the Horace Mann Laboratory School.

Action Contemplated

Councillor Gerard	Moved Adoption Or Ref. to Comm. on Administration & Finance	Voted
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**MARCH 23, 2017**

**COMMUNICATIONS FROM THE MAYOR**

Mayor submitting an Ordinance to amend an Ordinance relative to Chapter 2, Administration, Article IV. Boards, Commissions, Committees and Authorities (Board of Health) Certificate of fitness of rented dwelling unit, apartment or tenement.

Action Contemplated

Councillor Ryan	Moved Adoption for first passage Or Refer to Comm. on Ordinances, Licenses & Legal Affairs	Voted
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**MARCH 23, 2017**

**MAYOR'S INFORMATIONAL PAGE**

Letter from Mayor Driscoll requesting a meeting be held on the proposed Ordinance relative to Constables which was referred to the Committee on Ordinances, Licenses and Legal Affairs.

Action Contemplated

Councillor Ryan

Moved receive & file

Voted

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Letter from Mayor Driscoll sharing correspondence she received from Brigadier General Albin Irsyk, formerly of Salem, whom the Mayor sent a City Seal to in recognition of his 100<sup>th</sup> Birthday.

Action Contemplated

Councillor

Moved receive & file

Voted

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**MARCH 23, 2017**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Gerard

Order: That the Monthly Financial Report dated February 28, 2017, be referred to the Committee on Administration and Finance.

Action Contemplated

Councillor Gerard

Moved Adopted

Voted

Councillor Ryan

**A CITY COUNCIL RESOLUTION RELATIVE TO IMMIGRATION AND THE VALUES OF THE CITY OF SALEM**

*WHEREAS:* SALEM, like cities and towns all across America, was built by immigrants and continues to flourish thanks to the hard work, dreams, investments and creativity of all our residents, including both the descendants of immigrants and new immigrants who choose to make our great city their home. Throughout our history as a community, the people of SALEM have welcomed and valued the arrival, presence, and contributions of each generation of new residents, and through the generations, our diversity has made us a stronger, richer, more inclusive community;

*WHEREAS:* SALEM Public Schools are committed to the success of our students and to protecting the rights and privacy of all students, and do not discriminate on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, economic status, age, ability, and/or immigration status; and we embrace the diversity of our students and families and are committed to providing a safe and secure learning environment for all students without distinction;

*WHEREAS:* The rights of SALEM Public School students are guaranteed by the United States Constitution and state and federal laws; and under Supreme Court precedent, all students have a right to attend public school regardless of their immigration status;

*WHEREAS:* State and federal laws prohibit educational agencies from disclosing students' personally identifiable information to law enforcement without the consent of a parent or guardian or a court order, or in the event of a health emergency; and SALEM Public Schools do not give third parties, including federal immigration agents, access to students or student information without parental consent or court order;

*WHEREAS:* SALEM believes in and supports community policing; and our police professionally protect and serve the public fairly and equally without regard to where an individual was born;

*WHEREAS:* Pursuant to federal law, local law enforcement agencies are not authorized or obligated to enforce immigration law, and the federal government cannot force SALEM to do so;

*WHEREAS:* "Federal detainer requests" issued by federal immigration officials do not obligate our police to hold an individual after the point at which our police no longer have a lawful reason to do so, and the constitutionality of such detainer requests is in doubt; and

**MARCH 23, 2017**

**MOTIONS, ORDERS, AND RESOLUTIONS**

*Continued from previous page*

**WHEREAS:** The Chief of Police has promulgated a written policy affirming that our resources will not be used to enforce immigration law, and this policy is fully **consistent** with federal law, the United States Constitution, and Supreme Court precedent;

**THEREFORE,** We, the Salem City Council, commit to the following:

SALEM will continue to value, welcome, and support new residents and immigrants;

SALEM will continue to ensure that all of our public schools are safe and welcoming places for all students to receive a quality education and support in the event of a personal or family crisis;

SALEM will continue to fairly provide for the public safety, welfare, education, and privacy of all residents;

SALEM will continue to comply with the law;

SALEM will continue to use our local resources to provide for the safety and welfare of all our residents, students, workers, and visitors; and

SALEM will continue to value and support our residents, both new and old, as they study, grow, work, and follow their American dream.

**AND BE IT FURTHER RESOLVED**

**That the City Council of the City of Salem make this Resolution a matter of record of these proceedings**

**Action Contemplated**

Councillor Ryan

Moved that it be referred to the Special Meeting to be held on Wednesday, March 29, 2017 at the Bentley School following the Ad-Hoc Committee meeting

Voted

Councillor Ryan

Order: That the attached Tag Day Application for SHS Marine JROTC for 4/2/17, 5/14/17, 6/17/17 and 6/24/17 be granted

**Action Contemplated**

Councillor Ryan

Move Adoption

Voted

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

Accept the Report	Voted
Adopt the Recommendation	Voted

Accept the Report	Voted
Adopt the Recommendation	Voted

Accept the Report	Voted
Adopt the Recommendation	Voted

**MARCH 23, 2017**

**COMMITTEE REPORTS**

Councillor Gerard offered the following report for the Committee on Administration & Finance co-posted with the Committee of the Whole to whom was referred the matter of the City implementing an open checkbook has considered said matter and would recommend that the matter remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

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**MARCH 23, 2017**

**COMMUNICATIONS FROM CITY OFFICIALS**

City Solicitor submitting for the City Council’s approval an Order approving a Massachusetts Conflict of Interest Law exemption for Mayor Driscoll to serve as the Commonwealth of Mass. Dept. of Housing and Community Development appointee to the Salem Housing Authority with a term to expire February 1, 2021.

Councillor Ryan	Moved Adopted by a majority vote Of the City Council or Refer to Committee on Ordinances, Licenses & Legal Affairs	Voted
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**MARCH 23, 2017**

**PETITIONS**

Petition from Lighttower Fiber Networks, LLC to install a conduit at the intersection of Central and Essex Streets to the building located at 209 Essex Street.

HEARING ORDERED APRIL 13, 2017

The Following License Applications:

**PUBLIC GUIDES:**

Kevin Stirnweis, 26 Ruby Ave., Marblehead  
John Flanagan, 38 Bayview Terrace, Danvers  
Robert Lease, 56 Margin St., Salem  
Nancy Mades-Byrd, 190 Bridge St., Salem  
Jeffrey Howard, 14 Proctor St., Gloucester

**TAXI OPERATORS:**

Cesar Maldonado Cruz, 7 Prince St. Pl., Salem  
Victoriano Ozoria, 24 Peabody St., Salem  
Felipito Guzman, 6 Grant St., Beverly  
Jaime Lopez, 12 Rockmere Garden, Lynn  
Ramon Rodriguez, 9 Prince St. Pl., Salem  
Cynthia Fox, 104A Lafayette St., Salem  
Francisco Gonzalez, 11 Harrison Ave., Salem  
Roberto Gutierrez, 11 Ropes St., Salem  
Ahmed Kusturica, 105 Lewis St., Lynn  
Camilo Divanne, 113 Loring Ave., Salem  
Franklin Pimentel, 101 Springfield St., Lawrence

**VEHICLE FOR HIRE  
OPERATORS ONLY:**

Sharon Moulton, 396 Jefferson Ave., Salem

Action Contemplated

Councillor Ryan

Moved Granted

Voted

**MARCH 23, 2017****PETITIONS**

The Following License Application:

SEAWORM: Joe Mendonca, 22 Spring St., Peabody

TAG DAY: S.H.S. Softball, 4/30/17

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Claims:

Manuel Alvarez, 15 Palmer St., Salem  
Phillip Montague, 238 Kennedy Dr., Malden  
Joseph Kadich, 329 Summer St., Manchester

SUBROGATED: Atty. Timothy Buckley (for Carolyn Winkler), 274 Main St. Suite 307, Reading

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Bonds:

CONSTABLE: Fernando Valadao, 50 Hanson St., Salem  
Nikolas Berard, 67 Croteau Ct., Manchester, NH  
Michael Dobe, 8 Charleston Ave., Londonderry, NH

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs & Returned Approved	Voted
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**MARCH 23, 2017**

**UNFINISHED BUSINESS**

SECOND PASSAGE Ordinance Traffic, Ch. 42 Sec. 50B, Handicap Parking Limited Time, Tremont Street

Councillor Gerard

Moved second and final passage

Voted

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On the motion of Councillor

the meeting adjourned at

P.M.