

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

*Cheryl A. LaPointe
City Clerk*



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February 20, 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 22, 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,

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

FEBRUARY 22, 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 22, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 20, 2018, at 11:49 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 22, 2018

REGULAR MEETING

HEARINGS

NONE

FEBRUARY 22, 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, the 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

Action Contemplated

Councillor Flynn	Confirmation by roll call vote	Yeas	Nays	Abs
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Held from the last meeting, the 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

Action Contemplated

Councillor Peterson	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 22, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the 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

Action Contemplated

Councillor Peterson	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's appointment of Annie Scott, to the Salem Beautification Committee for a term to expire on February 22, 2021

Councillor	Suspension of the rules	Councillor	Objection
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Action Contemplated

Councillor Madore	Held under the Rules
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The Mayor's appointment of Nick Angeramo, to the Salem's Youth Commission for a term to expire on May 12, 2019

Councillor	Suspension of the rules	Councillor	Objection
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Action Contemplated

Councillor Madore	Held under the Rules
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FEBRUARY 22, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

The Mayor's reappointment of the following to serve as members of the Salem Conservation Commission with their terms to expire on February 22, 2021

Thomas Campbell, 23 Olde Village Dr.
Tyler Glode, 2 Heritage Dr. #36
Bart Hoskins, 22 Larchmont Rd.

Action Contemplated

Councillor Dibble	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's reappointment of the following to serve as members of the Salem Zoning Board of Appeals with the following terms to expire on

Paul Viccica, 35 Broad St., Salem	February 22, 2019
Peter Copelas, 40 Warren St., Salem	March 8, 2023

Action Contemplated

Councillor Peterson	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's reappointment of Sara Fiore to serve as a member of the Salem Beautification Committee with the term to expire on February 22, 2021

Action Contemplated

Councillor Turiel	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 22, 2018**REGULAR MEETING****APPOINTMENTS AND REAPPOINTMENTS**

The Mayor's reappointment of Damian Johnson to serve as a member of the Salem Board of Assessors with the term to expire on February 22, 2021

Action Contemplated

Councillor Furey	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's reappointment of Dr. Jeremy Schiller to serve as a member of the Salem Board of Health with the term to expire on February 22, 2021

Action Contemplated

Councillor Turiel	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's reappointment of George Barbuzzi to serve as a member of the Salem Council on Aging with the term to expire on February 22, 2021

Action Contemplated

Councillor Turiel	Confirmation by roll call vote	Yeas	Nays	Abs
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The Mayor's reappointment of Jane Turiel to serve as a member of the Salem Historical Commission with the term to expire on February 22, 2020

Action Contemplated

Councillor Madore	Confirmation by roll call vote	Yeas	Nays	Abs
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FEBRUARY 22, 2018

REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

NONE

FEBRUARY 22, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Turiel

ORDERED: That the monthly financial report dated January 31, 2018 be referred to the Committee on Administration and Finance.

Action Contemplated

Councillor Turiel

Moved Adoption

Voted

Councillor Dibble

ORDEDRED: That the Planning Director work with the City Solicitor to consider and develop amendments to the current Zoning Ordinance Section 3.2 (Accessory Use) to allow for a special permit provision relative to agricultural use. The Planning Director shall report their findings and recommendations to the City Council for consideration.

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

Councillor Dibble

RESOLUTION: relative to creating a working group to determine the feasibility of locating a huge early childhood facility and an elementary school within the SSU south campus.

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

Or Ref. to the Committee on Economic
Development co-posted with Committee of the Whole

FEBRUARY 22, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Furey

ORDERED: That upon the retirement of the City Clerk on March 30, 2018, in accordance with City Ordinance Chapter 2 Section 2-311, the City Council shall elect by majority vote the City Clerk, therefore I nominate to elect assistant city clerk Ilene Simons as City Clerk with a term beginning March 31, 2018 and finish the unexpired term of the city clerk to expire November 9, 2018. Upon completion of this term she shall be re-elect for a term of three years expiring November 9, 2021.

Action Contemplated

Councillor Furey

Moved Adoption by Roll call vote

YEAS

NAYS

ABSENT

Councillor Gerard

ORDERED: That an AD-Hoc Committee be formed for the purpose of reviewing applications and to interview candidates for the replacement of the City Clerk due to the vacancy in accordance with Chapter 2, Section 2-68 of the City of Salem Ordinance.

Action Contemplated

Councillor Gerard

Moved Adoption

Voted

FEBRUARY 22, 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: Salem Boys Lacrosse, 4/7/18 & 4/28/18
Salem Youth Football & Cheering, 10/6/18 & 10/20/18

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of the Planning Board's recommendation regarding a proposed Zoning Ordinance Amendment to sub-section 3.1 Principle Uses of Sec 3.0 regarding land area for agricultural uses (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 2 Sec. 1005 – Powers and Duties of Ch. 2, Article IV, Div. 14 - relative to the Affordable Housing Trust Fund Board of Trustees (Action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

FEBRUARY 22, 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 discussing the use of up to four parking spaces on Washington St. to be used in conjunction with the two southernmost rows of parking in Riley Plaza for a valet parking pilot (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 in the amount of \$42,148.86 from Receipts Reserved – Golf Course to Golf Course – Equipment Account (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 22, 2018**REGULAR MEETING****COMMUNICATIONS FROM CITY OFFICIALS**

City Planner Tom Daniels submitting the following Zoning Ordinance amendments.

ORDINANCE: amending Zoning Sec. 3.0 Table of Principal & Accessory Use Regulations, amending scrivener's error from 2009 recodification – Section A. Residential Use Table, Section B. Zoning District I of Section C. Commercial Uses of the Table, Section D. Zoning District I of Section D. Industrial Uses of the Table and Zoning District I of Section E. Accessory Uses of the Table

(to view full text of the Ordinance can be seen during normal business hours in the office of the City Clerk or on the website under City Council Agenda Documents)

Councillor McCarthy	Moved Refer to the Planning Board to schedule A joint public hearing with the City Council	Voted
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ORDINANCE: amending Zoning Ch. 3.2.5 – Swimming Pools to correct scrivener's error from 2009 recodification, 2. Pools shall be surrounded on all sides by a permanent wall or fence at least four feet high and located no further than 25 feet from any side of the pool. Fences shall be constructed of pickets, stockade or chain-link type material. Rail fences shall not be permitted. The fence shall have only 1 opening, three feet maximum in width, with a locking and closing device so as to keep the gate shut at all times.

(to view full text of the Ordinance can be seen during normal business hours in the office of the City Clerk or on the website under City Council Agenda Documents)

Councillor McCarthy	Moved Refer to the Planning Board to schedule A joint public hearing with the City Council	Voted
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FEBRUARY 22, 2018

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

ORDINANCE: amending Zoning Ch. 4.1.1 – Table of Dimensional Requirements adding a new row to the table for maximum height of retaining walls, boundary walls and/or fences (feet) ***

(to view full text of the Ordinance can be seen during normal business hours in the office of the City Clerk or on the website under City Council Agenda Documents)

Councillor McCarthy	Moved Refer to the Planning Board to schedule A joint public hearing with the City Council	Voted
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ORDINANCE: amending Zoning Sec. 10.0 – Definitions relative to Dwelling Units, Rooming, Boarding or Lodging Houses and inserting new definitions for Assisted Living Residences, Site Plan Review and Zoning Board of Appeals.

(to view full text of the Ordinance can be seen during normal business hours in the office of the City Clerk or on the website under City Council Agenda Documents)

Councillor McCarthy	Moved Refer to the Planning Board to schedule A joint public hearing with the City Council	Voted
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ORDINANCE: amending Zoning 8.4.9 – Parking Requirements section 4(a) One and a half parking spaces per dwelling unit.

(to view full text of the Ordinance can be seen during normal business hours in the office of the City Clerk or on the website under City Council Agenda Documents)

Councillor McCarthy	Moved Refer to the Planning Board to schedule A joint public hearing with the City Council	Voted
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FEBRUARY 22, 2018**REGULAR MEETING****PETITIONS**

The Following License Applications:

PUBLIC GUIDES: Robert Lease, 12 Lowell St., Waltham
 PJ Maguire, 102 Shanley Dr. Attleboro
 Kenneth Glover, 20 Essex St., Beverly

TAXI OPERATORS: Ramon Rodriguez, 9 Prince St. Pl., Salem
 Cesar Maldonado Cruz, 7 Prince St. Pl., Salem
 Juan Carlos Ramon, 9233 Crane Brook Way, Peabody

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

The Following License Applications:

TAG DAYS: S.H.S MCJROTC, 3/10/18, 3/25/18, 4/14/18, 4/29/18,
 5/6/18, 5/13/18, 6/9/18

Action Contemplated

Councillor McCarthy

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

Voted

FEBRUARY 22, 2018

REGULAR MEETING

PETITIONS

The Following Claims:

Mark D. Fields, 352 Jefferson Ave., Salem

Action Contemplated

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

DRAINLAYER	K&B Excavating, 105 Mason St., Salem (Name Change to Brennan Construction)
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Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs & Returned Approved	Voted
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FEBRUARY 22, 2018

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance relative to Ch. 24-16 – Smoking Prohibited on Off-road, paved bicycle route.

Action Contemplated

Councillor McCarthy Moved second & final passage Voted

SECOND PASSAGE Ordinance relative to Ch. 1 Sec. 1-10 – Non Criminal Disposition of Ordinance Violations relative to penalty for smoking prohibited on off-road, paved bicycle route.

Action Contemplated

Councillor McCarthy Moved second & final passage Voted

SECOND PASSAGE Ordinance relative to Ch. 24 – Offenses and Miscellaneous Provisions Section 24-30 – Retain Marijuana Establishment limits

Action Contemplated

Councillor McCarthy Moved second & final passage Voted

SECOND PASSAGE Ordinance relative to Ch. 26, Article III, Common Use Policy Parks and Recreation, prohibited activities

Action Contemplated

Councillor McCarthy Moved second & final passage Voted

FEBRUARY 22, 2018

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Zoning Section 3.0 – Table of Principal and Accessory Uses relative to Marijuana Cultivator, Manufacturer, Testing Facility and Retailer

Action Contemplated

Councillor McCarthy

**Moved second & final passage by roll call vote
(requires 8 votes to pass)**

YEAS

NAYS

ABSENT

SECOND PASSAGE Ordinance amending Zoning Section 6.0 – Special Regulations of Salem Zoning Ordinance relative to Marijuana Establishments

Action Contemplated

Councillor McCarthy

**Moved second & final passage by roll call vote
(requires 8 votes to pass)**

YEAS

NAYS

ABSENT

FEBRUARY 22, 2018

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Zoning Section 10.0 – Definitions by adding terms and definitions relative to Marijuana

Action Contemplated

Councillor McCarthy

Moved second & final passage by roll call vote
(requires 8 votes to pass)

YEAS

NAYS

ABSENT

On the motion of Councillor

the meeting adjourned at

P.M.