City of Salem, Massachusetts Office of the City Clerk

Cheryl A. LaPointe City Clerk



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July 18, 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, July 20, 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

"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@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, July 20, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 18, 2017 at 2:58 P.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

<u>JULY 20, 2017</u>

HEARINGS

<u>NONE</u>

<u>JULY 20, 2017</u>

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of John Andrews to serve as a member of the Salem Public Art Commission with a term to expire on July 20, 2019			
Councillor	Suspension of the Rules	Councillor	Objection
Action Contemplate	ed		
Councillor McCarth	y Held under the Ru	es	Voted
	nt of Jayne O'Leary to serve as a erm to expire on July 20, 2020	member of the Sa	alem Bicycle Advisory
Councillor	Suspension of the Rules	Councillor	Objection
Action Contemplate	ed		
Councillor Turiel	Held under the Ru	es	Voted
	nt of Lisa Kay Rosenthal to serve erm to expire on July 20, 2020	as a member of t	he Salem Renewable Energy
Councillor	Suspension of the Rules	Councillor	Objection
Action Contemplated			
Councillor Dibble	Held under the Ru	es	Voted

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of David Knowlton to the position of Director of Public Services with a term to expire on January 31, 2019

Councillor	Suspension	of the Rules	Councillor	Objection
Action Contemplate	ed			
Councillor Sargent		Held under the Rule	es	Voted

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$539,801.90 from "Fund Balance – Free Cash" account to "Retirement Stabilization Fund"

Councillor	Suspension of the rules	Councillor	object
Action Contemplated			
Councillor Gerard	Moved Adoption Or Ref. to Comm. on Ad	ministration & Finance	Voted

Appropriation of \$203,050.70 from "Retirement Stabilization Fund – Vacation Sick Leave Buyback Account" for the retirement of School Department employees:

9,119.50
32,831.20
14,632.00
31,789.60
15,848.00
34,332.80
15,571.20
33,736.00
15,190.40

Councillor	suspension of the rules	Councillor	object
Action Contemplated			
Action Contemplated			
Councillor Gerard	Moved Adoption Or		Voted
	•		
	Ref. to Comm. on Admir	listration & Finance	

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$90,000.00 from "Stabilization Fund 8301" account to "Police Dept. – Full Time Salaries" for FY 2018 contractual increases for Police Superiors

Councillor	Suspension of the rules	Councillor	object
Action Contemplated			
Councillor Gerard	Moved Adoption Or Ref. to Comm. on Admir	istration & Finance	Voted
	00 from "Receipts Reserved – Sa Public Services – Burial" account'	•	eserved –
Councillor	Suspension of the rules	Councillor	object
Action Contemplated			
Councillor Gerard	Moved Adoption Or Ref. to Comm. on Admir	istration & Finance	Voted
current Fiscal Year approp	Sec. 64 allows a municipality to paper priation by a <u>2/3rd vote of the C</u> rent and tax invoices in the amou	ouncil for Public Property t	
Councillor	Suspension of the rules	Councillor	object
Action Contemplated			
Councillor Gerard	Moved Adoption by roll call vote Or Ref. to Comm. on Administration		ABSENT

COMMUNICATIONS FROM THE MAYOR

Transfer of \$8,615.12 from "Public Property – Full Time Salary" account to "Public Property – Contracted Services" account"

Councillor	Suspension of the rules	Councillor	object	
Action Contemplated				
Councillor Gerard	Moved Adoption Or Ref. to Comm. on Ad	ministration & Finance	Voted	
ORDER: to accept donations from the Friends of the Council on Aging in the amount of \$4,050.00 to the Council on Aging Donation Fund				
Action Contemplated				
Councillor Gerard	Moved Adoption		Voted	

ORDER: to accept gifts made for the improvements to Proctors Ledge totaling in the amount of \$3,098.14

Action Contemplated		
Councillor Gerard	Moved Adoption	Voted

COMMUNICATIONS FROM THE MAYOR

Home Rule Petition for the conversion of two seasonal all alcohol liquor licenses to be drunk on the premises to two annual licenses for Brothers Tavern located at 283 Derby Street and Mercy Tavern located at 142-148 Derby Street

Action contemplated				
Councillor Ryan	Moved Adoption by roll call vote Or Ref. to Comm. on Ordinances, Licenses & Legal Affairs	yeas	nays	absent

Home Rule Petition for an additional liquor license for Castle Hill Minimart located at 280 Jefferson Avenue to sell wine and malt beverages not to be drunk on the premises.

Action contemplated

Councillor Ryan	Moved Adoption by roll call vote Or	yeas	nays	absent
	Ref. to Comm. on Ordinances, Licenses & Legal Affairs	1		

Home Rule Petition for the conversion of a liquor license for the sale of wine and malt beverages not to be drunk on the premises, to a license for the sale of all alcoholic beverages not to be drunk on the premises for Pamplemousse, Inc. located at 185-189 Essex Street.

Action contemplated

Councillor Ryan	Moved Adoption by roll call vote Or	yeas	nays	absent
	Ref. to Comm. on Ordinances, Licenses & Legal Affairs	S		

COMMUNICATIONS FROM THE MAYOR

Home Rule Petition for an additional liquor license for the sale of wine and malt beverages to be drunk on the premises for Dotty and Rays, LLC located at 112 North Street.

Action contemplated

Councillor Ryan Moved Adoption by roll call vote yeas nays absent Or Ref. to Comm. on Ordinances, Licenses & Legal Affairs

MAYOR'S INFORMATIONAL PAGE

Mayor informing the City Council of a request by Iberdrola working on Footprint Power Plant project for extentions of work hours. Per City Ordinance Sec. 22-2(5) City Council approval not required.

Councillor McCarthy	Moved Receive & File	Voted
Mayor informing the City Co Council confirmation is requ	ouncil of Her appointments to the Salem (uired.	Cultural Council no City
Councillor Sargent	Moved Receive & File	Voted

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor McCarthy

ORDINANCE: amending Traffic Ch. 42, Sec. 50B – Handicap Parking Limited Time, Derby St. in front of #85 Derby Street, twenty feet northeast of Blaney Street and continuing for a distance of 20 feet, Handicap Parking, Tow Zone.

Action Contemplated		
Councillor McCarthy	Moved Adoption for first passage	Voted

Councillor Famico

ORDINANCE: amending Traffic Ch. 42, Sec. 50B – "Handicap Parking, Limited Time", Repeal Northey Street in front of #12 Northey Street, for a distance of twenty feet, "Handicap Parking only, Tow Zone"

Action Contemplated

Councillor Famico	Moved Adoption for first passage	Voted
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Councillor Turiel

ORDINANCE: amending Traffic Ch. 42, Sec. 50B – "Handicap Parking, Limited Time", Repeal Northey Street in front of #12 Northey Street, for a distance of twenty feet, "Handicap Parking only, Tow Zone"

Action Contemplate	ntemplated	Action Cor
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MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Turiel

ORDINANCE: amending Traffic Ch. 42, Sec. 49 – "Obedience to Isolated Stop Signs", Laurel Street, east and west bound traffic, stop at Linden Street, "Stop Signs"

Action Contemplated

Councillor Turiel	Moved Adoption for first passage	Voted
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Councillor Gerard

ORDER: That the Monthly Financial Report dated June 30, 2017, be referred to the Committee on Administration and Finance.

Action contemplated

Councillor Gerard Moved Adoption

Voted

COMMITTEE REPORTS

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 license

TAG DAY:	Salem/Swampscott Youth Hockey, 9/2/17
	S.H.S. Basketball, 12/9/17, 12/16/17, 1/13/18 & 1/27/18

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Ryan 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 relative to Prohibiting Dogs in Historic Cemeteries has considered said matter and would recommend that the following ordinance submitted by the City Solicitor be adopted for first passage

In the year Two Thousand and Seventeen

An Ordinance to amend an Ordinance relative to prohibiting dogs in historic cemeteries

Section I. Article I of Chapter 16 – Cemeteries is hereby amended by inserting a new section as follows:

"Sec. 16-6. – Dogs prohibited from certain historic cemeteries.

- (a) Dogs, excluding service dogs leashed and in control of the owner, are prohibited in the Broad, Charter, Howard and Essex Street cemeteries.
- (b) Any person violating this section shall be punished by a fine not exceeding \$50.00.
- (c) The Asst. Director of Public Services or his/her designee, the Inspector of Animals or a police officer may enforce this section."

Section II. This Ordinance shall take effect as provided by City Charter.

Accept the Report Voted

Adopt the Recommendation Voted

COMMITTEE REPORTS

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of discussing the creation of an ordinance relative to the Treatment and Rights of Domesticated Animals in Salem has considered said matter and would recommend that the attached (and below) Order to create a working group be adopted

Ordered: A Protection of Animals Working Group is hereby created for the purpose of reviewing existing state laws relative to the protection of animals, drafting any necessary amendments to the City Ordinance to fill any gaps in the law to ensure the safety and wellbeing of animals in the City of Salem, and reporting its findings and recommendations to the City Council. This Working Group shall be comprised of seven members:

- 1. A City Councilor designated by the Council President;
- 2. The City Solicitor;
- 3. The Police Chief or her designee;
- 4. Former City Councilor William Legault;
- 5. Laurie Strathopoulos and one other member of Salem Saves Animals not-for-profit organization as selected by its President; and
- 6. A veterinarian, animal trainer or individual whose work focuses on the care of animals and who shall be designated by the other six members of the Working Group.

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Gerard offered the following report for the Committee on Administration & Finance to whom was referred the matter of a \$20,000 appropriation from Fund Balance Reserved for Appropriation – Free Cash to Council on Aging Accounts as follows: \$17,000 – Council on Aging Full Time Salaries and \$3,000 – Council on Aging Vehicle Parts and Accessories has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

COMMITTEE REPORTS

Councillor Gerard offered the following report for the Committee on Administration & Finance to whom was referred the matter of \$20,392.00 appropriation within the Capital Outlay Renovation and Repair Account to be expended for the repairs of electrical system in the pump house at the Olde Salem Greens by the Recreation Department has considered said matter and would recommend (action unknown meeting took place after the agenda deadline)

Accept the Report	Voted
Adopt the Recommendation	Voted

COMMUNICATIONS FROM CITY OFFICIALS

NONE

PETITIONS

Petition from National Grid to install conduits near 76 Lafayette Street to bring secondary service for cell antenna on street light pole 6150

HEARING ORDERED SEPTEMBER 14, 2017

Request from National Grid for a Special Variance Request for work to be conducted on Sunday, September 24, 2017 (This variance was originally granted on March 9th for May 13th)

Action Contemplated

Councillor Famico	Moved	Voted

Request from the Residents of English Street to hold a block party on August 6, 2017 from 1:00 P.M. to 7:00 P.M. with a rain date of August 13, 2017

Action Contemplated

Councillor McCarthy	Moved	Voted

Request from the Residents of Orchard Street to hold a block party (between Dearborn & Franklin Streets) on September 23, 2017 from 3:00 P.M. to 10:00 P.M.

Action Contemplated

Councillor Gerard

Moved

Voted

PETITIONS

Request from the Residents of Peabody Street to hold a block party on September 30, 2017 from 8:00 A.M. to 10:00 P.M. (these times include set up and breakdown)

Action Contemplated		
Councillor McCarthy	Moved	Voted
	or the YMCA Witch City Triathlon originally app A.M. to September 2, 2017 at 9:00 A.M. and u	
Action Contemplated		
Councillor Turiel	Moved	Voted
Request from Salem YMCA to hold a 5l at 9:00 A.M.	K road race and use of city streets on Septembe	er 10, 2017
Action Contemplated		
Councillor McCarthy	Moved	Voted
Request from B&S to hold a road race (September 16, 2017 at 7:00 A.M.	Wicked half Marathon) and use of city streets o	n
Action Contemplated		
Councillor McCarthy	Moved	Voted

PETITIONS

Request from B&S to hold a road race (Devil's Chase) and use of city streets on October 28, 2017 at 7:00 A.M.

Action Contemplated Councillor McCarthy Moved Voted The Following License Applications: LIMOUSINE: Salem Taxi, 30 Church St. #204, Salem (2 Limo) PUBLIC GUIDES: Holly Travis, 5 Curtis St., Salem Macey Jennings, 220 Loring Ave., Salem Victoria Basso, 15 Roslyn St., Salem Ashley Skeffington, 30 Crescent Dr., Salem Lauren Hall, 793 Lynnfield St., Lynn Madeline Mooney, 30 Wallis St., Beverly Ashlee Yates, 10 Trask Ct., Beverly Grace Harrington Murdoch, 57 Butman St., Beverly Stephen Busby, 9 Hillside Ave., Marblehead Sam Baltrusis Jr., 445 Artisian Way, Somerville TAXI OPERATORS: Edward Toribio, 38 Prince St., Salem Estaban Soto, 90 Ford St., Lynn Bautista Dominguez, 12 Pope St., Salem Jeffry Reves Santana, 2 Park St., Salem Rexx Kent, 42 Maple Ave., Swampscott Alexis InFante, 34 Harbor St., Salem **VEHICLE FOR HIRE** Patti Ann Spongberg, 236 Western Ave., Essex **OPERATOR ONLY** Migael Santana, 59 Harbor St., Salem Action Contemplated Councillor Ryan Moved Granted Voted

PETITIONS

The Following License Applications:

SEAWORMS:	Paul Lynch, 28 Anawan Ave., Saugus Timothy Lynch, 28 Anawan Ave., Saugus	
TAG DAY:	Salem Youth Football & Chair, October 7 & 8, 2017	
Action Contemplated		
Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
The Following Claims:		
	Katherine Ford, 4 Hancock St., Salem Janet Sobelman, 225 Humphrey St., Swampscott	
Action Contemplated		
Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Zoning Section 9.5.2 *Applicability*, Section 9.5.3 *Application* and Section 9.5.6 *Review Criteria*.

Action Contemplated				
Councillor Ryan	Moved second & final	passage by roll c	all vote	
	YEAS	NAYS	ABSENT	

SECOND PASSAGE Ordinance amending Zoning parcels currently zoned B-1 (Business Neighborhood) are rezoned R-2 (Residential Two-Family: 15 Green Street, 72 Leach Street, 76 Leach Street, 80 Leach Street, 2 Glover Street, 4 Glover Street and 6 Glover Street

Action Contemplated

Councillor Ryan	Moved second & final passage by roll call vote
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YEAS NAYS ABSENT

SECOND PASSAGE Ordinance amending Traffic, Ch. 42 Sec. 50B, Handicap Parking, Limited Time in front of #2 Devereaux Street

Action Contemplated

Councillor Gerard

Moved second & final passage

Voted

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Traffic, Ch. 42 Sec. 74, General Prohibition, Tow Zone, Jefferson Avenue

Action Contemplated

Councillor Lovely	Moved second & final passage	Voted

SECOND PASSAGE Ordinance amending Traffic, Ch. 42 Sec. 75, Resident Sticker Parking, Hawthorne Boulevard

Action Contemplated

Councillor McCarthy

Moved second & final passage

Voted

On the motion of Councillor

the meeting adjourned at P.M.