

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

*Cheryl A. LaPointe
City Clerk*



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June 20, 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, June 22, 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

JUNE 22, 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.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 22, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 20, 2017 at 10:59 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**

JUNE 22, 2017

HEARINGS

ORDERED: Mobilitie for a grant of location to install a wireless antenna and related equipment onto an existing pole on Loring Avenue at Raymond Road

APPEARING IN FAVOR:

APPEARING OPPOSED:

Councillor Dibble Moved that the Hearing be closed

Councillor Dibble Moved Voted

JUNE 22, 2017

HEARINGS

ORDERED: Lighttower to install conduits for a building located at 76 Lafayette St.

APPEARING IN FAVOR:

APPEARING OPPOSED:

Councillor Turiel Moved that the Hearing be closed

Councillor Turiel Moved Voted

JUNE 22, 2017

APPOINTMENTS AND REAPPOINTMENTS

NONE

JUNE 22, 2017

COMMUNICATIONS FROM THE MAYOR

ORDER: per MGL Chapter 44, Section 64 authorize to pay for prior fiscal year invoices using current fiscal year appropriations in the amount of \$13,580.56 for the Police Department to the North Shore Medical Center to pay for unanticipated medical expenses.

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Gerard	Moved Adoption by roll call vote (requires a 2/3 vote) Or Ref. to Comm. on Administration & Finance	Voted
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Transfer of the sum of \$12,500.00 within the Treasurer's Department as listed below:

Debt-Prof. Services	to	Credit Card Fees	\$12,500.00
Action Contemplated			

Councillor Gerard	Moved Adoption Or Ref. to Comm. on Administration & Finance	Voted
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Appropriation of \$1,561.43 from the "Retirement Stabilization Fund – Vacation /Sick Leave Buyback" account for Robert Harvey of the DPW

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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JUNE 22, 2017

COMMUNICATIONS FROM THE MAYOR

ORDER: to accept donations from the following:

<u>From</u>	<u>To</u>	<u>Amount</u>
Francis Mahoney	Recreation Donation Fund	\$1,400.00
Michael Petropoulos	Recreation Donation Fund	<u>\$1,950.00</u>
Total		\$3,350.00

Action Contemplated

Councillor Gerard	Moved Adoption	Voted
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ORDER: to accept a donation from the following:

<u>From</u>	<u>To</u>	<u>Amount</u>
Thread & Needle Society	Council on Aging Donation Fund	\$1,000.00

Action Contemplated

Councillor Gerard	Moved Adoption	Voted
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ORDER: Authorize submission of City of Salem's Application for Federal Assistance Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) Funds for the period of July 1, 2017 through June 30, 2018

Action Contemplated

Councillor Gerard	Moved Adoption	Voted
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JUNE 22, 2017

COMMUNICATIONS FROM THE MAYOR

ORDER: to close Pope Street from Proctor Street to Boston Street on Wednesday, July 19, 2017 from 9:00 AM to 2:00 PM for the dedication ceremony of Proctor's Ledge Memorial.

Councillor Eppley

Moved Adoption

Voted

JUNE 22, 2017

MAYOR'S INFORMATIONAL PAGE

NONE

JUNE 22, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Eppley

ORDER: Beginning immediately, all regular pruning, maintenance, and/or removal of street trees by utility companies and/or their agents within the City of Salem shall cease. These activities shall not commence until the earliest of the following: the City Tree Warden issues a reinstatement order; the City Council enters a subsequent Order; or September 14, 2017.

Notwithstanding the above, in an emergency situation threatening public safety the city tree warden may lift this order.

And that this matter be referred to the Committee on Public Health, Safety & Environment co-posted with the Committee of the Whole.

Action Contemplated

Councillor Eppley

Moved Adoption

Voted

Councillor Gerard

ORDER: that the Monthly Financial Report dated May 31, 2017 be referred to the Committee on Administration and Finance.

Action Contemplated

Councillor Gerard

Moved Adoption

Voted

Councillor Gerard

ORDINANCE: amending Traffic Ch. 42, Sec. 50B – Handicap Parking Limited Time, Repeal Devereaux St. in front of #2 for a distance of 20 feet, Handicap Parking, Tow Zone. (12-12-16)

Action Contemplated

Councillor Gerard

Moved Adoption for first passage

Voted

JUNE 22, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Lovely

ORDINANCE: amending Traffic Ch. 42, Sec. 74 – “General Prohibition, Towing Zones”, Jefferson Avenue westerly side starting at Willson Street and continuing in a northerly direction for 54 feet, No Parking, Tow Zone

Action Contemplated

Councillor Lovely

Moved Adoption for first passage

Voted

Councillor McCarthy

ORDINANCE: amending Traffic Ch. 42, Sec. 75 – “Parking Prohibition, Towing Zones”, Hawthorne Blvd. Zone A, color blue, easterly side, from Essex St. to Charter St., 2 hour non-resident limit weekdays between the hours of 9:00 AM and 5:00 PM. “Resident Sticker Parking, Tow Zone”

Action Contemplated

Councillor McCarthy

Moved Adoption for first passage

Voted

JUNE 22, 2017

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 Witches Softball, 7/9/17 & 7/15/17
 S.H.S. Girls Basketball, 12/2/17, 12/16/17 & 1/6/18

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 Amending an Ordinance relative to Ch. 40, Public Guides, for new prohibited conduct following Section 40.30 (6) has considered said matter and would recommend (action unknown meeting took place after the agenda deadline)

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 discussing an Ordinance Amending Ch. 24, Section 24-19.5 Public Consumption of Marijuana or Tetrahydrocannabinol has considered said matter and would recommend (action unknown meeting took place after the agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

JUNE 22, 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 a \$644,500 appropriation within the CPA Funds for the FY18 Projects recommended by the CPA committee has considered said matter and would recommend approval by a roll call vote for the following projects: Nathaniel Hawthorne Statue Restoration - \$45,000; Charter St. Cemetery Restoration - \$260,000; Turner-Ingersoll Mansion Roof Replace - \$42,500; Brennan Memorial Skate Park Renovation - \$75,000; Palmer Cove Assessment and Concept - \$27,000; Saltonstall School Playground - \$95,000 and Lafayette Park Renovation - \$100,000

Accept the Report	Voted
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Adopt the Recommendation	Voted
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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 reviewing MGL Ch. 32, Sec. 90C & 90D relative to Retirement Systems and Pensions has considered said matter and would recommend (action unknown meeting took place after the agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor Dibble offered the following report for the Committee on Community & Economic Development co-posted with the Committee of the Whole to whom was referred the matter of discussing provisions for accessory apartments has considered said matter and would recommend that this matter remain in committee to hold a Community & Economic Development Public Hearing after the Solicitor drafts an Ordinance regarding this subject matter

Accept the Report	Voted
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Adopt the Recommendation	Voted
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JUNE 22, 2017

COMMUNICATIONS FROM CITY OFFICIALS

The following Order submitted by the City Solicitor

ORDER: per MGL Chapter 268A, Section 20(b) City Council to approve the exemption of Mass. Conflict of Interest Law for John Jacob Fraczek to serve as a Reserve Police Officer.

Councillor Ryan	Moved Approval	Voted
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Communication from the Planning Board with their recommendation of denial of the proposed Zoning Ordinance amendment to Section 7.3.6.

Councillor Ryan	Moved receive & file	Voted
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Communication from the Planning Board with their recommendation of approval to amending the Zoning Map be rezoning the following properties from Business Neighborhood (B-1) to Residential Two-Family (R-2):

15 Green Street	Map 33, Lot 567
72 Leach Street	Map 33, Lot 566
76 Leach Street	Map 33, Lot 565
80 Leach Street	Map 33, Lot 564
2 Glover Street	Map 33, Lot 563
4 Glover Street	Map 33, Lot 562
6 Glover Street	Map 33, Lot 561

Councillor Ryan	Moved receive & file	Voted
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Councillor Ryan	Moved Adoption for First Passage by roll call vote
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YEAS, NAYS, ABSENT

JUNE 22, 2017

COMMUNICATIONS FROM CITY OFFICIALS

Communication from the Planning Board with their recommendations to amend the proposed Zoning Ordinance for Section 9.5.2 Applicability, Section 9.5.3 Application and Section 9.5.6 Review Criteria

9.5.2 Applicability:

- 9.5.2(2) Residential structure containing one (1) or more residential dwelling units.
The Planning Board voted unanimously (6-0) to recommend the proposed change be denied.
 - There was consensus among the Board that reducing the threshold to one (1) residential unit would be overreach. The Board discussed whether less than 6 made sense but could not find a compelling reason to vary from the existing threshold.
- 9.5.2(3) Salem Redevelopment Authority Development Project Reviews.
The Planning Board voted unanimously (6-0) to recommend the proposed change be denied.
 - “Salem Redevelopment Authority Development Project Reviews” is not defined. In addition, projects within the urban renewal area that meet the threshold for a Site Plan Review are already subject to site plan review. The Salem Redevelopment Authority is capable of reviewing smaller projects that do not meet the threshold for a Site Plan Review.
- 9.5.2(4) Planned Unit Developments.
The Planning Board voted unanimously (6-0) to recommend the proposed change be denied.
 - Planned Unit Developments are already subject to site plan review.

9.5.3 Application

- 9.5.3(2) (Location and dimensions of all parking areas...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved.
 - The Board noted that it makes sense to include this in the ordinance since it is information they typically ask the applicant to provide.
- 9.5.3(4) (Location, function, photometric intensity...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved.
 - The Board noted that it makes sense to include this in the ordinance since it is information they typically ask the applicant to provide.
- 9.5.3(5) (Location, type, dimensions and quantities of landscaping...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved as amended herein:
 - **Location, type, dimensions and quantities of landscaping and screening including retaining walls and fences;**
- 9.5.3(6) (Current and proposed locations and dimensions of utilities...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved as amended herein:
 - **Current and proposed locations, dimensions, and screening of utilities including: water, storm water, sewer, drainage, drain inlets, drainage tanks, back flow preventors, manholes, hydrants, gas, electrical, telephone, wireless communication facilities, HVAC-related mechanicals, transformers, switchgears, generators, intake and exhaust features including: ventilation, stacks, fans, louvers, steam, and recycling and other waste disposal locations;**

JUNE 22, 2017

COMMUNICATIONS FROM CITY OFFICIALS

- 9.5.3(7) (Location and dimensions of snow...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved.
 - The Board noted that it makes sense to include this in the ordinance since it is information they typically ask the applicant to provide.
- 9.5.3(8) (Location of all existing natural features...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved as amended herein:
 - **Location of all existing natural features, including ponds, brooks, streams, wetlands, street trees, and existing vegetation up to the curb line;**
- 9.5.3(9) (Topography of the site...).
The Planning Board voted (5-1) to recommend the proposed change be approved.
 - The majority of the Board concurred that many plans are already submitted with one (1) foot contour lines, and that there is not an additional cost to create plans with one (1) foot contours. This was not unanimous. The Chair recommended that this change be denied, for the reason that requiring that level of detail is not necessary for every site plan review, and noted that the board should ask for this further detail on a case by case basis.

9.5.6 Review Criteria

- 9.5.3(3) (Adequacy of traffic circulation for all modes of transit, consistent with Salem's Complete Streets policy).
The Planning Board voted unanimously (6-0) to recommend the "Consistent with Salem's Complete Streets policy", be stricken and approve the change as amended herein:
 - **Adequacy of traffic circulation system for all modes of transit.**
- 9.5.3(8) (Adequacy of the methods and storage dimensions for disposal of sewage, refuse, recycling, and other waste).
The Planning Board voted unanimously (6-0) to recommend the proposed change be approved.
- 9.5.3(11) (Adequacy of pedestrian circulation...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be denied.
- 9.5.3(14) (Subsections 2 and 4...).
The Planning Board voted unanimously (6-0) to recommend the proposed change be denied.

The Planning Board fully supports the Complete Streets Policy. In making the recommendation to deny the language relating to the Complete Streets Policy (Sec. 9.5.3 (3, 11, and 14), the Board considered what makes sense to include in the zoning ordinance regarding the Complete Streets Policy under Section 9.5 for Site Plan Review. As was stated at the joint public hearing, the Traffic and Parking Commission does not have approval authority. The board recognized that the Traffic and Parking Commission is charged with implementing the City's Complete Streets Policy, which applies to the public rights of way. The purpose of the Complete Streets Policy "is to accommodate all road users by creating a roadway network that meets the needs of individuals utilizing a variety of transportation modes." The Policy "directs decision-makers to consistently plan, design, construct, and maintain streets to accommodate all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles."

Unless the private development proposal is impacting a public right of way, the Complete Streets Policy does not apply.

In addition, other specific policies are not called out in the ordinance. Specifying the Complete Streets Policy would create an internal inconsistency.

JUNE 22, 2017

COMMUNICATIONS FROM CITY OFFICIALS

Thus, rather than having the Complete Streets Policy referenced in 9.5, the Board plans to modify the Site Plan Review application to note that impacts to the public right of way would be reviewed by the Director of Traffic and Parking for consistency with the Complete Streets Policy. The Director of Traffic and Parking would be required to provide comment with 35 days and may choose to solicit input from the Traffic and Parking Commission. (Note: The Director of Traffic and Parking was involved in discussions to develop this recommendation.)

Councillor Ryan	Moved receive & file	Voted
Councillor Ryan	Moved Adoption for First Passage by roll call vote	
	YEAS,	NAYS, ABSENT

JUNE 22, 2017**PETITIONS**

Held from the last meeting, communication from Salem Wreaths Across America informing the Council of date changes to their Carnival to be held at the Salem Willows, Park and Rec Commission approved new dates), will be held on August 28, 2017 – September 4, 2017 (dates include setting up and breaking down actual carnival dates 8/30-9/3) from Noon – 10:00 P.M. (Original dates granted June 28 – July 2 at the Salem Willow form 9:00 A.M. to 10:00 P.M.)

Action Contemplated

Councillor McCarthy

Moved

Voted

Request from the Residents of Salem Street to hold a block party on July 1, 2017 from 7:00 A.M. to 10:00 P.M. with a rain date of July 2, 2017

Action Contemplated

Councillor Turiel

Moved

Voted

Request from the Residents of Federal Street to hold a block party (at the intersection of Andover and Beckford St.) on July 9, 2017 from 4:00 P.M. to 8:00 P.M. with a rain date of July 16, 2017

Action Contemplated

Councillor Famico

Moved

Voted

JUNE 22, 2017

PETITIONS

Request from the Residents of Cedarcrest Ave. to hold a block party on July 29, 2017 from 2:00 P.M. to 10:00 P.M. with a rain date of July 30, 2017

Action Contemplated

Councillor Dibble	Moved	Voted
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Request from the Residents of Buffum St. (between Mason St. and Randall St.) to hold a block party on August 12, 2017 from 1:00 P.M. to 9:00 P.M. with a rain date of August 19, 2017

Action Contemplated

Councillor Dibble	Moved	Voted
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Request from Park & Rec. to hold their annual road race (Derby Mile) and use of city streets on August 25, 2017 at 7:00 P.M.

Action Contemplated

Councillor Ryan	Moved	Voted
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JUNE 22, 2017

PETITIONS

Request from Dan Shuman of Salem Cycle to hold a bike race, The Witches Cup and use of city streets on August 9, 2017 at 4:00 P.M. and to have and sell beer on the Salem Common

Action Contemplated

Councillor Famico

Moved

Voted

The Following License Applications:

LIMOUSINE: Salem Taxi, 30 Church St. #204, Salem (1 Limo)

PUBLIC GUIDES: JeanMarie LaPointe, 97 Spring View Dr., Lynn
 Marc Ewart, 10 Gifford Ct., Salem
 Kathleen Gannon, 21 State St., Marblehead
 Ryan Travis, 5 Curtis St., Salem
 Ashley Rogers, 231 Lafayette St., Salem
 Amanda Rivera-Dixey, 2 Ober St., Salem

TAXI OPERATORS: Rafael Pena, 14 Cherry St., Salem
 Pedro Sanchez, 3 Harbor St., Salem

Action Contemplated

Councillor Ryan

Moved Granted

Voted

JUNE 22, 2017

PETITIONS

The Following License Applications:

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

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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The Following Drainlayers/Contract Operator License Application:

Manter Co. Inc., 20 Popes Lane, Danvers
Suffolk Engineering Inc., 104 Pine St., Waltham

Action Contemplated

Councillor Ryan	Granted	Voted
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The Following Claims:

Cherylann Healey, 11 Creesy St., Marblehead

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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JUNE 22, 2017

PETITIONS

The Following Bonds:

DRAINLAYER: Manter Co. Inc., 20 Popes Lane, Danvers
 Suffolk Engineering Inc., 104 Pine St., Waltham

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs & Returned Approved	Voted
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JUNE 22, 2017

UNFINISHED BUSINESS

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

Action Contemplated

Councillor Gerard Moved second & final passage Voted.

SECOND PASSAGE of a Bond Order for Fiscal Year 2018 General Fund Capital Improvement Program for the following sums:

- | | |
|--|----------------|
| 1) FY18 CIP – funded from Bond Premium | \$510,388.00 |
| 2) FY18 CIP – funded from Capital Leases | \$503,600.00 |
| 3) FY18 CIP – funded from Bond Authorization | \$3,842,460.00 |

Action Contemplated

Councillor Gerard Moved for second & final passage by roll call vote

YEAS NAYS ABSENT

JUNE 22, 2017

UNFINISHED BUSINESS

SECOND PASSAGE of a Bond Order for Fiscal Year 2018 Water and Sewer Capital Improvement Program for the following sums:

FY18 CIP – Funded from **Bond Premium** for the sum of \$651,799.00

FY18 CIP – Funded from **Bond Authorization** for the sum of \$500,000.00

Action Contemplated

Councillor Gerard Moved for second & final passage by roll call vote

YEAS NAYS ABSENT

On the motion of Councillor the meeting adjourned at P.M.