

SEPTEMBER 22, 2016

“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, September 22, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 20, 2016 at 1:03 P.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Turiel presided.

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

VOTED

President Turiel 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**

SEPTEMBER 22, 2016

HEARINGS

ORDERED: Verizon and Mass. Electric to install one new jointly-owned pole on the northerly side of Silver Street

IN FAVOR:

OPPOSED:

Hearing Closed:

Action Contemplated

Councillor Gerard

Moved Granted

Voted

SEPTEMBER 22, 2016APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appt. of Mary Lauby, 8 Riverbank Rd., Salem, to serve as a member of the Board of Health with a term to expire on July 21, 2019

Action Contemplated

Councillor Dibble	Moved Confirmation by RCV	Yeas	Nays	Abs
-------------------	---------------------------	------	------	-----

Held from the last meeting, Colby Miller, 12 Winthrop St., Salem, to serve as a member of the Beautification Committee with a term to expire on July 21, 2019

Action Contemplated

Councillor Lovely	Moved Confirmation by RCV	Yeas	Nays	Abs
-------------------	---------------------------	------	------	-----

Mayor's appt. of James Fallon, 1 Hibernia Way, to serve as a member of the Public Art Commission with a term to expire on September 22, 2018

Councillor	Suspension of the Rules	Councillor	Objection
------------	-------------------------	------------	-----------

Action Contemplated

Councillor Lovely	Held under the Rules	Voted
-------------------	----------------------	-------

SEPTEMBER 22, 2016**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's appt. of Gail Kubik, 48 Howard St., to serve as a member of the Renewable Energy Task Force with a term to expire on September 22, 2010

Councillor	Suspension of the Rules	Councillor	Objection
------------	-------------------------	------------	-----------

Action Contemplated

Councillor Gerard	Held under the Rules		Voted
-------------------	----------------------	--	-------

Mayor's appt. of Marc Salinas to serve as a Constable with a term to expire on September 8, 2017

Action Contemplated

Councillor McCarthy	Received & Placed on File		Voted
---------------------	---------------------------	--	-------

Mayor's reappt. of Brady Campusano to serve as a Constable with a term to expire on September 25, 2019

Action Contemplated

Councillor McCarthy	Received & Placed on File		Voted
---------------------	---------------------------	--	-------

SEPTEMBER 22, 2016

COMMUNICATIONS FROM THE MAYOR

ORDER: Appropriation of \$30,000.00 from "Receipts Reserved accounts as listed below.

Receipts Reserved– Sale of Lots"	to	"DPS – Burial" account	\$15,000
Receipts Reserved – Sale of Vaults	to	"DPS – Burial" account	\$15,000

Councillor Eppley	Suspension of the Rules	Councillor	Objects
-------------------	-------------------------	------------	---------

Action Contemplated

Councillor Eppley	Moved Ref. to Committee on Administration and Finance or Adoption	Voted
-------------------	---	-------

ORDER: Appropriation of \$25,000.00 from "Retirement Stabilization Vacation/Sick Leave Buyback" account for negotiated sick leave buybacks.

Councillor Eppley	Suspension of the Rules	Councillor	Objects
-------------------	-------------------------	------------	---------

Action Contemplated

Councillor Eppley	Moved Ref. to Committee on Administration and Finance or Adoption	Voted
-------------------	---	-------

SEPTEMBER 22, 2016**COMMUNICATIONS FROM THE MAYOR**

ORDER: Appropriation of \$7,005.09 from "Retirement Stabilization Vacation/Sick Leave Buyback" account for the retirement of the following:

William Woolley	Park & Rec	1,266.73
Thomas O'Shea	DPS	5,738.46

Councillor Eppley	Suspension of the Rules	Councillor	Objects
-------------------	-------------------------	------------	---------

Action Contemplated

Councillor Eppley	Moved Ref. to Committee on Administration and Finance or Adoption	Voted
-------------------	---	-------

ORDER: Accept a donation in the amount of \$1,500.00 from the Salem Rotary Club to be deposited into the Salem Park & Recreation account

Action Contemplated

Councillor Eppley	Moved Adoption	Voted
-------------------	----------------	-------

ORDER: Authorize the Mayor to execute a deed to convey to North Shore Medical Center Inc., a certain parcel of dedicated park land 1,219 sq. ft. adjacent to Bertram Field in exchange for a deed from NSMC to the City of Salem for a parcel of land 6,298 sq. ft. adjacent to Bertram Field.

Action Contemplated

Councillor McCarthy	Moved Adoption	Voted
---------------------	----------------	-------

SEPTEMBER 22, 2016

COMMUNICATIONS FROM THE MAYOR

ORDER: Parking rates effective Oct. 1 through Oct. 31, 2016 for South Harbor Garage, Museum Place Garage and Church Street lot shall be \$20.00

Action Contemplated

Councillor Eppley

Moved Adoption

Voted

ORDER: Authorize Salem Youth Organizations to staff the parking lot at 297 Bridge Street and collected parking fees of \$20.00 per day on designated day during the month of October 2016.

Action Contemplated

Councillor McCarthy

Moved Adoption
Or Refer to Committee of the Whole

Voted

ORDINANCE: to amend an Ordinance relative to Chap. 24 – Offenses and Miscellaneous Provisions by adding Section 24-29 Proctor's Ledge to prevent entry between dusk and dawn.:

Action Contemplated

Councillor Famico

Moved Adoption for First passage

Voted

SEPTEMBER 22, 2016

COMMUNICATIONS FROM THE MAYOR

ORDINANCE: to amend an Ordinance relative to Chap. 32 – Police by deleting Section 32-19 Constables and replacing it in its entirety. (full ordinance can be viewed in the City Clerk's Office during normal business hours)

Action Contemplated

Councillor Famico

Moved Adoption for First passage

Voted

ORDER: Home Rule Petition for additional liquor licenses notwithstanding the provisions of Section 17 and 17A of chapter 138 of the General Laws as set forth below:

- convert the seasonal liquor licenses of Bonchon & Flatbread to and annual license
- 1 additional license for the sale of alcoholic beverages for Merchant Hotel
- 1 additional license for the sale of wine & malt for Brew on the Grid
- 5 additional licenses for the sale of alcoholic beverages to establishments located within the City of Salem

Action Contemplated

Councillor McCarthy

Moved Adoption by Roll Call vote

YEAS

NAYS

ABSENT

SEPTEMBER 22, 2016

MAYOR'S INFORMATIONAL PAGE

NONE

SEPTEMBER 22, 2016

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Dibble

ORDINANCE: amending Traffic Ch. 42 Sec. 75 "Parking Prohibitions Towing Zone (Resident Sticker)"

Section 1. Preston Road, Zone B, Color Red, Preston Road in it's entirety, both sides between Sumner Road and Jefferson Avenue, "Resident Sticker Parking"

Action Contemplated

Councillor Dibble Moved Adoption for first passage Voted

Councillor Dibble

ORDINANCE: amending Traffic, Ch. 42 Sec. 74, "General Prohibition Towing Zone" Raymond Avenue, northerly side starting at Lafayette Street and continuing for seventy (70) feet in a westerly direction, "No Parking Tow Zone"

Action Contemplated

Councillor Dibble Moved Adoption for first passage Voted

Councillor Famico

Councillor Famico

ORDER: that the intersection of Federal Street and Washington Street be designated as a Veterans square in honor of Capt. Henry C. Nichols.

Action Contemplated

Councillor Famico Moved Adoption Voted

SEPTEMBER 22, 2016

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Gerard

ORDINANCE: amending Traffic, Ch. 42 Sec. 50B, "Handicap Parking Limited Time"
Repeal Dearborn Street, in front of #12 for a distance of twenty feet, "Handicap Parking Tow Zone"
(1/22/15)

Action Contemplated

Councillor Gerard

Moved Adoption for first passage

Voted

Councillor Gerard

ORDINANCE: amending Traffic, Ch. 42 Sec. 50B, "Handicap Parking Limited Time"
Upham Street, easterly side starting at a point twenty feet from Dearborn Street and continuing in a
southerly direction for twenty feet, "Handicap Parking Tow Zone"

Action Contemplated

Councillor Gerard

Moved Adoption for first passage

Voted

Councillor Lovely

ORDINANCE: amending the Zoning map by adding Jefferson Avenue as a designated corridor
with the Entrance Corridor Overlay District.

Action Contemplated

Councillor Lovely

Moved refer to the Planning Board
to schedule a joint public hearing with
the City Council

Voted

SEPTEMBER 22, 2016

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Lovely

ORDINANCE Amending Traffic, Ch.42 Sec.49, "Obedience to Isolated Stop Sign" Willson Road northerly bound traffic on Willson Road stop at Cottage Street..

Action Contemplated

Councillor Lovely Moved Adoption for First Passage Voted

Councillor McCarthy

ORDINANCE Amending Traffic, Ch.42 Sec.50B, "Handicap Parking Limited Time" Allen Street In front of #10 for a distance of twenty feet.

Action Contemplated

Councillor McCarthy Moved Adoption for First Passage Voted

Councillor Eppley

ORDER: that the Monthly Financial Report dated July and August 2016 be referred to the Committee on Administration and Finance.

Action contemplated

Councillor Eppley Moved Adoption Voted

SEPTEMBER 22, 2016

COMMITTEE REPORTS

Councillor Gerard offered the following report for the Committee on Public Health, Safety & Environment co-posted with Committee of the Whole to whom was referred the matter of a Memorandum of Understanding submitted by the Salem State University Students relative to Clean Energy has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report	Voted
Adopt the Recommendation	Voted

Councillor Gerard offered the following report for the Committee on Public Health, Safety & Environment to whom was referred the matter of creating an Ordinance regarding Plastic Bags and poly styrene food and beverage container reduction in Salem 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 of the Whole to whom was referred the matter of discussing the City of Salem and Ota’s Sister City Relationship has considered said matter and would recommend that the matter remain in Committee

Accept the Report	Voted
Adopt the Recommendation	Voted

SEPTEMBER 22, 2016

COMMITTEE REPORTS

Councillor Turiel offered the following report for the Committee of the Whole to whom was referred the matter of a Home Rule Petition for an additional liquor license for Ragazza Hospitality Group located at 41 Lafayette Street (Kokeshi Restaurant) has considered said matter and would recommend that the attached Home Rule Petition be adopted as amended

Accept the Report Voted

Adopt the Recommendation Voted

SEPTEMBER 22, 2016

COMMUNICATIONS FROM CITY OFFICIALS

City Solicitor Elizabeth Rennard submitting an Ordinance amending Ch. 36 Solid Waste Management

ORDINANCE: amending Ch. 36 Solid Waste Management Sec. 36-4 Pickup of Large Items and Sec. 36-5 Residential Curbside Solid Waste and Recycling Collection and Sec. 36-6 Collection Fee for Certain Residents and Sec. 36-8 Collection Fee for Certain Commercial Establishments (amended ordinance can be viewed in the City Clerk's office during normal business hours)

Action contemplated

Councillor McCarthy

Moved Adoption for first passage

Voted

SEPTEMBER 22, 2016PETITIONS

The Following License Applications:

PUBLIC GUIDES: Patricia Bridgman, 5 Harbor Rd. Gloucester
David Pszenny, 21 Thomas Cir., Salem
Melissa Nierman, 26R Chestnut St., Salem
Thomas Alley, 4 Horton St., Salem

TAXI OPERATORS: Cristian Toribio, 20 Dow St., Salem
Rafael Gomez Burgos, 18 Peabody St., Salem
Ramon Burgos, 14 Mason St., Salem
Edwin Carmona, 100 Rainbow Ter., Salem
Kevin Munoz Polanco, 46 Peabody St., Salem
Kevin Guilfoyle, 14 Douglass St., Lynn
Juan Pena, 52 Tremont St., Salem
Juan Torres, 2 Hancock St., Salem

VEHICLE FOR HIRE OPERATOR ONLY: Jeffrey Trott, 21B Andrew St., Salem

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

The Following License Application:

TAXI OPERATOR: Jeffrey Suazo, 55 Rock Ave., Lynn

Action Contemplated

Councillor McCarthy

Moved Denied

Voted

SEPTEMBER 22, 2016**PETITIONS**

The Following License Applications:

TAG DAY: SHS Marine JROTC, 10/16/16, 10/30/16, 11/3/16, 11/19/16, 12/4/16, 12/18/16
SHS Boys Hockey, 12/11/16 & 1/8/17

Action Contemplated

Councillor McCarthy	Moved Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
---------------------	---	-------

The Following Claims:

Ryan Buckley, 21 Goodell St., Salem
Albert Carnevale, 721 Barefoot Blvd, Barefoot Bay, FL
Erin Cyr, 22 Lathrop St., Salem
Yelpatora Marina, 3 Cedar Knoll, Boxford
Bobby Jo Burris, 106 Liberty St., North Adams
Shubh Joshi, 170 Central St., Somerville
Alicia Brady, 120 Washington St., Salem
Nicholas Dell'Orfano, 62 Moffatt Rd., Salem
Erin Huggard, 75 Summer St., Salem
John Serlis, 47 Glidden St., Beverly

Subrogated

Jason Stone Injury Lawyers (for Carol Roberts), 55 Franklin St., Boston

Action Contemplated

Councillor McCarthy	Moved Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
---------------------	---	-------

SEPTEMBER 22, 2016

PETITIONS

The Following Drainlayer/Contract Operator License Applications:

New England Electrical Contracting Corp., 21 Marion Dr., Kingston
R. DiLisio Co. Inc., 113 Fayette St., Lynn
J. Masterson Construction, 46 Prince St., Danvers

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

The Following Bonds:

CONSTABLE: Marc Salinas, 218 Wilson Rd., Nahant
Brady Campusano, 120 Haverhill St., Lawrence

DRAINLAYER: New England Electrical Contracting Corp., 21 Marion Dr., Kingston
DiLulis Brothers, 31 Collins St. Terrace, Lynn

SIGN: New England Dog Biscuit Co., 7 Central St., Salem
Turtle Alley, 177 Essex St., Salem

Action Contemplated

Councillor McCarthy

Moved Referred to Comm. on Ord., Licenses &
Legal Affairs & Returned Approved

Voted

SEPTEMBER 22, 2016

UNFINISHED BUSINESS

SECOND PASSAGE of an Ordinance amending Traffic, Ch. 42, Sec. 50B, "Handicapped Zones, Limited Time" Repeal Prescott Street in front of #10, for a distance of 20 feet. (9/24/2015)

Action Contemplated

Councillor Lovely Moved adoption for second and final passage Voted

SECOND PASSAGE of an Ordinance amending Traffic, Ch. 42, Sec. 51 "Parking Prohibited on certain streets" **Repeal Jefferson Avenue** easterly side, (7/3/68 DPW 5-94)

And replace with the following:

Chapter 42, Section 74, "General Prohibitions, Tow Zone"
Jefferson Avenue, easterly side, for a distance of three hundred and ninety (390) feet from Colonial Road in a northerly direction,

Chapter 42, Section 74, "General Prohibitions, Tow Zone" **Repeal Jefferson Avenue**, easterly side, beginning at Colonial Road, to the end of Margin Street. (6/27/2002)

Action Contemplated

Councillor Lovely Moved adoption for second and final passage Voted

SECOND PASSAGE of an ORDINANCE amending Traffic Ch. 42, Sec. 74, "Parking Prohibited Tow Zone" Francis Road

Action Contemplated

Councillor Lovely Moved adoption for second and final passage Voted

SEPTEMBER 22, 2016

UNFINISHED BUSINESS

SECOND PASSAGE of an ORDINANCE amending Traffic Ch. 42, Sec. 45, "Heavy Vehicles Prohibited Summer Street and Winthrop Street

Action Contemplated

Councillor McCarthy Moved adoption for second and final passage Voted

SECOND PASSAGE of an Ordinance amending Ch. 14 Sec. 44 Operative air pump required to store fuel

Action Contemplated

Councillor McCarthy Moved adoption for second and final passage Voted

SECOND PASSAGE of an ORDINANCE amending Traffic Ch. 42, Sec. 45A, "Heavy Commercial Vehicles over 26,001 pounds prohibited Willson Street

Action Contemplated

Councillor McCarthy Moved adoption for second and final passage Voted

