

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

*Cheryl A. LaPointe
City Clerk*



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December 6, 2016

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, December 8, 2016 at 7:00 P.M. to hold its regular meeting and a Public Hearing for the allocation of local property tax levy among the four real property classes for FY 2017 and 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

DECEMBER 8, 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, December 8, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on December 6, 2016 at 10:45 A.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**

DECEMBER 8, 2016

HEARINGS

Public Hearing on the issue of allocating the local property tax levy among the four (4) property Classes for the fiscal year of 2017, and the residential, open space, and small commercial exemption options

Present are: Mayor Driscoll, Deborah Jackson Director of Assessor, Asst. Director Jim Bond, Asst. Assessor Stephen Cortes

Board of Assessors: Richard Jagolta Chairman, Damian Johnson and Robert Millerick

President Turiel then turned the Public Hearing over to the Board of Assessors and the Mayor.

Action Contemplated

Councillor Eppley

Moved to close the public hearing

Voted

DECEMBER 8, 2016

APPOINTMENTS AND REAPPOINTMENTS

The Mayor's appointment of Janine Liberty, 6 Maple Ave., to serve as a member of the Public Art Commission for a term to expire on December 8, 2018

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Dibble Held Under the Rules

The Mayor's appointment of Chrissy Kobyljanec, 22 Warren St., to serve as a member of the Renewable Energy Task Force for a term to expire on December 8, 2019

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Famico Held Under the Rules

The Mayor's appointment of Christine Madore, 2 Federal St., to serve as a member of the Salem Redevelopment Authority for a term to expire on December 8, 2021

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Famico Held Under the Rules

DECEMBER 8, 2016

APPOINTMENTS AND REAPPOINTMENTS

The Mayor's appointment of Samuel Hoang (Ward 4) and Collin McLean (Ward 2) to serve as members of the Salem Youth Commission for a term to expire on May 12, 2017

Councillor Suspension of the Rules Councillor Objection
Action Contemplated

Councillor Eppley Held Under the Rules

The Mayor's reappointment of Mark Snider to serve as a Constable with a term to expire on November 8, 2019

Action Contemplated

Councillor McCarthy Received & File Voted

DECEMBER 8, 2016

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$2,421,386.10 from the "General Fund – Free Cash" to the following special revenue funds:

Stabilization Fund 20%	1,076,171.60
Capital Improvement Fund 20%	1,076,171.60
Other Post Employ Benefits (OPEB) 5%	269,042.90

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

Appropriation of \$500,000.00 from "General Fund – Free Cash" to "Retirement Stabilization Fund"

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

Appropriation of \$400,000.00 from the "General Fund – Free Cash" to "Contributory Retirement Account"

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

DECEMBER 8, 2016

COMMUNICATIONS FROM THE MAYOR

ORDER: Accept the provisions of Section 4, Chapter 73 of Acts of 1986 for Fiscal Year 2017, And that such additional exemptions granted by 100% of the statutory exemption amounts, provided all other qualifications specified in said Section 4, Chapter 73 of the Acts of 1986 are met.

Action Contemplated

Councillor Eppley	Moved Adoption		
		Voted	

Appropriation of \$100,383.00 from the "Capital Outlay – Renovation & Repair" account to cover the city's share of the project to renovate McGlew Park by the Planning Department.

Councillor	suspension of rules	Councillor	object
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Action Contemplated

Councillor Eppley	Moved Adoption		
		Voted	

Appropriation of \$82,856.00 from the "Capital Outlay – Renovation & Repair" account to initiate design phase services for Boston Street Roadway Improvement Project by the Engineering Department.

Councillor	suspension of rules	Councillor	object
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Action Contemplated

Councillor Eppley	Moved Adoption		
		Voted	

DECEMBER 8, 2016

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$35,000.00 from the "Fund Balance – Free Cash" account to "Planning – Contracted Services" account

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

Appropriation of \$30,000.00 from the "Fund Balance – Free Cash" account to "Police – Medical Active" account

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

Appropriation of \$3,234.00 from the "Capital Outlay - Equipment" account to be expended for the Design, Fabrication and Installation of Interpretive Panel for Remond Park by the Planning Dept.

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

DECEMBER 8, 2016

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$2,400.00 from the “Capital Outlay – Renovation & Repair” account to be expended for repairs to the main elevator in the Library

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption Voted

ORDER: In accordance with MGL Ch. 44 Sec. 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council a request of \$2,324.32 of outstanding FY2016 Police Dept. invoices be paid from FY 2017 Police Budget.

Police North Shore Medical Center \$2,324.32

Councillor suspension of rules Councillor object

Action Contemplated

Councillor Eppley Moved Adoption by roll call vote Voted

YEAS NAYS ABSENT

ORDER: Accept donation of \$1,400.00 from the Williams Family to the Park & Recreation Donation Fund

Action Contemplated

Councillor Eppley Moved Adoption Voted

DECEMBER 8, 2016

COMMUNICATIONS FROM THE MAYOR

ORDER: Accept donation of \$1,000.00 from the Von Wormer German Film Company to the Park & Recreation Donation Fund

Action Contemplated

Councillor Eppley

Moved Adoption

Voted

ORDER: Dedication of a newly installed bench in Patton Park on School Street with a plaque in honor of the late Ray Krajeski, lifelong resident of Salem spending most of his life in North Salem who served our nation with distinction during the Vietnam era and an active member of the American Legion and most importantly a devoted husband, brother, father and grandfather.

Action Contemplated

Councillor Gerard

Moved Adoption

Voted

DECEMBER 8, 2016

MAYOR'S INFORMATIONAL PAGE

Letter from the Mayor with her recommendation of the setting of the current fiscal year tax rate. The Mayor's recommendation is to maintain the current 1.65 CIP split tax rate or (0.874987). The current split maintains a reasonable balance between trying to provide relief to our homeowners, while also trying to grow our commercial base.

(The letter can be viewed in the City Clerk's office during normal business hours)

Action Contemplated

Councillor Eppley

Moved Receive & File

Voted

DECEMBER 8, 2016

MOTIONS, ORDERS, AND RESOLUTIONS

RESIDENTIAL FACTOR

Determination of the percentage of total taxes to be borne by the (4) classes of property

Action contemplated

Councillor Eppley Moved that the City of Salem adopt a RESIDENTIAL FACTOR OF
 ___ ___% for fiscal year 2017.

Roll call vote YEAS NAYS ABSENT

Councillor Eppley Moved for immediate reconsideration in the hopes it would not prevail.

DENIED

OPEN SPACE EXEMPTION

Councillor Eppley Moved that the City NOT adopt an OPEN SPACE EXEMPTION for Fiscal Year
 2017

Roll call vote YEAS NAYS ABSENT

Councillor Eppley Moved for immediate reconsideration in the hopes it would not prevail.

DENIED

DECEMBER 8, 2016

MOTIONS, ORDERS, & RESOLUTIONS

RESIDENTIAL EXEMPTION

Councillor Eppley Moved that the City NOT adopt a RESIDENTIAL EXEMPTION for Fiscal Year 2017

Roll call vote YEAS NAYS ABSENT

Councillor Eppley Moved for immediate reconsideration in the hopes it would not prevail.

DENIED

SMALL COMMERCIAL EXEMPTION

Councillor Eppley Moved that the City NOT adopt a SMALL COMMERCIAL EXEMPTION for Fiscal Year 2017

Roll call vote YEAS NAYS ABSENT

Councillor Eppley Moved for immediate reconsideration in the hopes it would not prevail.

DENIED

DECEMBER 8, 2016

MOTIONS, ORDERS, & RESOLUTIONS

Councillor Furey

ORDER: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss a home rule petition reducing the speed limit to 25 mph city-wide in Salem and that the following be invited: Mayor or her rep., Police Traffic, Traffic and Parking Director and the City Solicitor

Action Contemplated

Councillor Furey

Moved Adoption

Voted

Councillor Lovely

ORDINANCE: amending Traffic Ch. 42, Sec. 50B Handicap Parking Limited Time, Mt. Vernon Street in front of #14, for a distance of twenty (20) feet, Handicap Parking Tow Zone.

Action Contemplated

Councillor Lovely

Moved Adoption for first passage

Voted

Councillor McCarthy

ORDINANCE: amending Traffic Ch. 42, Sec. 50B Handicap Parking Limited Time, Repeal Becket Street in front of #18, for a distance of twenty (20) feet, Handicap Parking Tow Zone. (10/18/16)

Action Contemplated

Councillor McCarthy

Moved Adoption for first passage

Voted

DECEMBER 8, 2016**COMMITTEE REPORTS**

Councillor McCarthy 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

JUNK DEALER: 15 Robinson Road, LLC, 15 Robinson Road (for year 2017)

TAG DAYS: S.H.S. Winter Track, 1/15/17 & 2/4/17
 S.H.S. Girls Lacrosse, 4/8/17 & 5/13/17

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 to execute a deed to convey to NSMC a parcel of dedicated Park Land adjacent to Bertram Field in exchange for a deed from the NSMC to the City of Salem which shall be dedicated for park purposes has considered said matter and would recommend that the order be adopted as amended

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 carrying matters forward has considered said matter and would recommend that Rule 31B be suspended and the attached matters be carried into 2017 (meeting took place after agenda deadline list not determined in time for agenda)

Accept the Report Voted

Adopt the Recommendation Voted

DECEMBER 8, 2016

COMMITTEE REPORTS

Councillor Eppley 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 an order to authorize the Mayor to purchase property located at 289 Derby Street, on behalf of the City of Salem, for \$1.4 Million. Said land shall be subject to an open space preservation restriction has considered said matter and would recommend that the matter remain in Committee

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Eppley 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 Bond Oder in the amount of \$1,400,000 to be appropriated to pay costs for the Community Preservation Act Project - The acquisition of 289 Derby Street for recreation purposes and the payment of all costs incidental and related thereto has considered said matter and would recommend that the matter to remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Eppley 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 an appropriation of \$100,000 from CPA Funds to CPA-289 Derby St. Design & Costs has considered said matter and would recommend adoption

Accept the Report Voted

Adopt the Recommendation Voted

DECEMBER 8, 2016

COMMITTEE REPORTS

Councillor Eppley 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 an order pursuant to MGL Ch. 79, that the City Solicitor shall prepare and submit to the City Council all necessary documents including the Order of Taking, to take by Eminent Domain, on behalf of the City of Salem, the property located at 289 Derby Street has considered said matter and would recommend that the attached Order of Taking relative to the taking of 289 Derby Street by Eminent Domain be adopted by roll call vote

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Eppley 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 Bond Oder in the amount of \$1,400,000 be appropriated to pay costs for the Eminent Domain Taking of 289 Derby Street considered said matter and would recommend that the matter be adopted for first passage

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Eppley 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 amending an ordinance relative to pay for the City Council solely for the purpose of separating any future increase in the pay for the Mayor from any future increase in pay for the City Council has considered said matter and would recommend that the matter remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

DECEMBER 8, 2016**COMMITTEE REPORTS**

Councillor Eppley offered the following report for the Committee on Administration & Finance to whom was referred the matter of carrying matters forward has considered said matter and would recommend that Rule 31B be suspended and the attached matters be carried into 2017 (list on file in the City Clerk's Office)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Milo offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of discussing the use of Municipal Public Garages and Surface Lots has considered said matter and would recommend that the matter (action unknown meeting took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Milo offered the following report for the Committee on Community and Economic Development Affairs to whom was referred the matter of carrying matters forward has considered said matter and would recommend that Rule 31B be suspended and the attached matters be carried into 2017 (meeting took place after agenda deadline list not determined in time for agenda)

Accept the Report Voted

Adopt the Recommendation Voted

DECEMBER 8, 2016

COMMITTEE REPORTS

Councillor Turiel offered the following report for the Committee of the Whole to whom was referred the matter of carrying matters forward has considered said matter and would recommend that Rule 31B be suspended and the attached matters be carried into 2017 (meeting took place after agenda deadline list not determined in time for agenda)

Accept the Report Voted

Adopt the Recommendation Voted

DECEMBER 8, 2016

COMMUNICATIONS FROM CITY OFFICIALS

NONE

DECEMBER 8, 2016

PETITIONS

Petition from Verizon and Mass Electric to install a jointly owned pole at #6 Lovett Street

HEARING REQUESTED JANUARY 12, 2017

Application from Footprint Power for an inflammable license to increase the gallons of inflammable liquids to be kept/stored above ground for the property located at 24 Fort Avenue, Salem

HEARING REQUESTED JANUARY 12, 2017

The Following License Applications:

PUBLIC GUIDES: Richard Jacobson, 72 Country Club Way, Ipswich
Christine Gandolfi-Piper, 40 Aborn St., Peabody
Kathyn Rutkowski, 2 Essex St., Salem
Leo Ward, 31 Crescent Ave., Beverly
Karen Scalia, 29RR Upham St., Salem
Seth Mascolo, 40 English St., Salem
Rory O'Brien, 20 West Ave., Salem
James Morfis-Gass, 123 Lynn St., Peabody
Brigitta Amsler, 286 Ocean Ave., Marblehead
William Clemens, 49 Summer St., Danvers

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

DECEMBER 8, 2016**PETITIONS**

The Following Taxi Operator License:

Steve Rosario, 99 Buffum St., Salem

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

The Following Taxi Operator License:

Jael Pena, 52 Tremont St., Salem
Oscar Garcia, 9 Abbott St., Salem

Action Contemplated

Councillor McCarthy

Moved Denied

Voted

Request from Jael Pena to hold a hearing on the denial of his Taxi Operator License

Action Contemplated

Councillor McCarthy

Refer to the Comm. on Ord., Lic. & Legal
Affairs to hold an Executive Session

Voted

Request from Oscar Garcia to hold a hearing on the denial of his Taxi Operator License

Action Contemplated

Councillor McCarthy

Refer to the Comm. on Ord., Lic. & Legal
Affairs to hold an Executive Session

Voted

DECEMBER 8, 2016

PETITIONS

The Following License Applications:

JUNKYARD: Newark Recycled Fibers/North Shore Recycling, 53 Jefferson Ave., Salem

SEAWORM: Eduardo Santos, 4 Collins St., Salem

SECOND HAND CLOTHING: Boston St. Resale, 134 1/2 Boston St., Salem

SECOND HAND VALUABLE: Glass and Etc., 180 Essex St., Salem
 Old Naumkeag Antiques, 1 Hawthorne Blvd, Salem
 Tobies Jewelry, 140 Washington St., Salem
 Jaqueline Satin, Antiques Gallery, 69 Wharf St., Salem

Action Contemplated

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

Cairo Charsi, 15 Crombie St., Salem
 Janice Helsor, 35 Ariel St., Lincoln, ME
 Christine Gomes, 15 Hillside Ave., Salem

SUBROGATED: Vigorito Law (for Cynthia Douglas), 100 State St., Boston

Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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DECEMBER 8, 2016

UNFINISHED BUSINESS

Councillor Eppley

SECOND PASSAGE ORDINANCE: amending Traffic Ch. 42, Sec. 50B "Handicap Parking Limited Time" **Ord Street**, in front of #8 for a distance of twenty (20) feet. "Handicap Parking Tow Zone"

Action Contemplated

Councillor Eppley	Moved Adoption for second and final passage	Voted
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Councillor Gerard

SECOND PASSAGE ORDINANCE amending Traffic Ch. 42, Sec. 50B "Handicap Parking Limited Time" **Devereux Street**, in front of #2 Devereux Street for a distance of twenty (20) feet. "Handicap Parking Tow Zone"

Action Contemplated

Councillor Gerard	Moved Adoption for second and final passage	Voted
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Councillor Lovely

SECOND PASSAGE ORDINANCE amending Traffic Ch. 42, Sec. 50B "Handicap Parking Limited Time" **Wheatland Street**, in front of #12 Wheatland Street for a distance of twenty (20) feet. "Handicap Parking Tow Zone"

Action Contemplated

Councillor Lovely	Moved Adoption for second and final passage	Voted
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DECEMBER 8, 2016

UNFINISHED BUSINESS

Councillor Turiel

SECOND PASSAGE ORDINANCE amending Traffic Ch. 42, Sec. 50B “Handicap Parking Limited Time” **Laurel Street**, in front of #14 Laurel Street for a distance of twenty (20) feet. “Handicap Parking Tow Zone”

Action Contemplated

Councillor Turiel Moved Adoption for second and final passage Voted

Councillor Famico

SECOND PASSAGE ORDINANCE: amending Traffic Ch. 42, Sec. 50B “Handicap Parking Limited Time” **Emerton Street**, easterly side along #2 Emerton Street for a distance of twenty (20) feet. “Handicap Parking Tow Zone”

Action Contemplated

Councillor Famico Moved Adoption for second and final passage Voted

On the motion of Councillor

the meeting adjourned at

P.M.