

**JUNE 28, 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 Ilene Simons at 978-619-5610 or isimons@salem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 28, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 26, 2018, at 12:34 P.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.

**President Gerard to Administer the Oath of Office to the New City Clerk, Ilene Simons**

**PUBLIC TESTIMONY**

**Public Testimony not to exceed 15 minutes**

**Public Testimony is not a public hearing or question and answer period**

**Name must be on roster 30 minutes prior to meeting**

**Agenda items only**

**How to Sign Up:**

**Anyone wishing to present testimony at a City Council meeting regarding a matter on the agenda, must sign the roster in person stating their name, address and subject matter. The Roster will be available in the City Clerk’s Office (Room 1) and may sign the roster From the time the agenda is posted until thirty (30) minutes prior to the start of the regular Council Meeting (by 6:30 p.m.). Only those on the roster may present testimony at the Meeting.**

**(For complete rules for Public Testimony please refer to Council Rules Section 28C)**

**JUNE 28, 2018**

**REGULAR MEETING**

**HEARINGS**

ORDERED: Comcast to install a conduit and vault for 160 Bridge Street

HEARING HELD UNTIL THE NEXT MEETING ON JULY 19, 2018

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ORDERED: Comcast to install a conduit for 15 Front Street

HEARING HELD UNTIL THE NEXT MEETING ON JULY 19, 2018

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JUNE 28, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

The Mayor's appointment of Mark Pattison of 2 Beaver Street to fill the vacant seat on the Salem Historical Commission for a term to expire June 28, 2021.

Councillor	Suspension of the Rules	Councillor	Object
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Action Contemplated

Councillor Gerard	Held under the rules
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The Mayor's re-appointment of Helen Sides to the Salem Planning Board with a term to expire June 28, 2023.

Action Contemplated

Councillor Peterson	Moved Confirmation by Roll call vote
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YEAS	NAYS	ABSENT
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The Mayor's re-appointment of Mike Duffy, term to expire July 1, 2022 and Jimmy Tsitsinos term to expire on July 1, 2021 to the Salem Zoning Board of Appeals

Action Contemplated

Councillor Peterson	Moved Confirmation by Roll call vote
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YEAS	NAYS	ABSENT
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JUNE 28, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

RECEIVED AFTER THE DEADLINE OF TUESDAY NOON

**Councillor Madore Moves suspension of the rules to allow the matter to come before the Council due to the late file (Rule Sec. 28A)**

The Mayor's appointment of Chris Nagle of 11 Warren Street to the Salem Disabilities Commission for a term to expire December 3, 2018.

Councillor	Suspension of the Rules	Councillor	Object
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Action Contemplated

Councillor Madore	Held under the rules
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**JUNE 28, 2018**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDER: Appropriation of \$64,685.00 from the "Fund Balance – Free Cash" account to "Short Term CIP Fund" for repair of Salem Willows Pier

Councillor                      suspension of the rules                      Councillor                      object

Action Contemplated

Councillor Turiel                      Moved Adoption                      Voted  
Or Refer to Committee on Administration  
And Finance under the rules

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ORDER: Appropriation of \$33,000.00 from "Fund Balance – Free Cash" account to the "Treasurer Credit Card Fee" account

Councillor                      suspension of the rules                      Councillor                      object

Action Contemplated

Councillor Turiel                      Moved Adoption                      Voted  
Or Refer to Committee on Administration  
And Finance under the rules

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ORDER: Appropriation of \$18,309.17 from the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback account for the contractual buyback of Elizabeth Melin of the School Department.

Councillor                      suspension of the rules                      Councillor                      object

Action Contemplated

Councillor Turiel                      Moved Adoption                      Voted  
Or Refer to Committee on Administration  
And Finance under the rules

**JUNE 28, 2018**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDER: Accept In-Kind Services, labor and materials from Brennan Construction Inc. and the Brennan Family in the amount of \$21,832.50.

Action Contemplated

Councillor Turiel	Moved Adoption	Voted
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ORDER: daily parking rate in the South Harbor Parking Garage for July 4, 2018 be \$5.00. The daily rate commences at 2:00 AM and concludes the following day at 1:59 AM.

Action Contemplated

Councillor Turiel	Moved Adoption	Voted
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ORDINANCE: An Ordinance to Amend an Ordinance relative to Commission on Disabilities Section 2-927 - Appointment and Term is amended by replacing the word "seven" with the word "nine" and is appears in the first sentence of this section.

Action Contemplated

Councillor McCarthy	Moved Adoption for first passage Or Refer to Committee on Ordinances Licenses & Legal Affairs	Voted
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**JUNE 28, 2018**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDERED: Parking Rates for Municipal Parking Garages and Lots with the exception of special event rates

Action Contemplated

Councillor Turiel

Moved Adoption

Voted

OR

Refer to Comm. on Administration &  
Finance

ORDINANCE: amending Traffic Ch. 42, Sec. 57 and Sec. 57A Parking Time Limited replace 8:00 AM to 6:00 PM with 8:00 AM to 8:00 PM

Action Contemplated

Councillor McCarthy

Moved Adoption for first passage  
Or Refer to Committee on Ordinances  
Licenses & Legal Affairs

Voted

JUNE 28, 2018

REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

NONE



**JUNE 28, 2018**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Dibble

ORDER: Approve retroactive pay (salary and stipends) for the former Assistant City Clerk who has been filling in and executing the duties of the vacant Salem City Clerk’s position since April 2, 2018

Action Contemplated

Councillor Dibble	Moved Refer to Admin. & Finance	Voted
	OR	
	Adopted	

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Councillor Dibble

ORDER: Approve the pay rate (salary and stipends) of the New Salem City Clerk, Ilene Simons, effective June 28, 2018

Action Contemplated

Councillor Dibble	Moved Refer to Admin. & Finance	Voted
	OR	
	Adopted	

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Councillor Peterson

ORDER: Repeal for a trial period, Whaler’s Lane easterly side from Aurora Lane to First Street, No Parking this side. The repeal is for a parking trial for a period of 60 days to allow for parking on the easterly side. Remove signage.

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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**JUNE 28, 2018**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Peterson

ORDER: Trial Period for 60 days on Whaler's Lane westerly side, starting at Fortune Way and continuing in a southerly direction to Cavendish Circle, No Parking Tow Zone.

Action Contemplated

Councillor Peterson	Moved Adoption	Voted
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Councillor Peterson

ORDINANCE: amending Traffic Ch. 42, Section 45 – Heavy Commercial Vehicles Prohibited – Certain Streets, First Street, from Trader's Way to Highland Avenue in its entirety.

Action Contemplated

Councillor Peterson	Moved Adoption for first passage	Voted
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Councillor Turiel

ORDER: That the Monthly Financial Report dated May 31, 2018 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Turiel	Moved Adoption	Voted
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**JUNE 28, 2018**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Madore

ORDINANCE: amending Traffic Ch. 42, Section 74 – General Prohibition Towing Zones Skerry Street, northerly side beginning at Bridge Street and continuing to the entrance of the Carlton School, no parking tow zone 7:30 AM to 8:30 AM and 2:00 PM to 3:00 PM, Monday through Friday school days only, No Parking Tow Zone

Action Contemplated

Councillor Madore	Moved Adoption for first passage	Voted
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Councillor Madore

ORDINANCE: amending Traffic Ch. 42, Section 50B – Handicapped Parking, Limited Time Repeal Briggs Street, beginning at the intersection of Webb Street and Briggs Street on the northwesterly side and proceeding twenty (20) feet in a southwesterly direction (in front of #35)

Action Contemplated

Councillor Madore	Moved Adoption for first passage	Voted
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JUNE 28, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor McCarthy

ORDINANCE: amending Traffic Ch. 42

*In the year Two Thousand and Eighteen*

**An Ordinance to amend an Ordinance relative to Traffic**

***Be it ordained by the City Council of the City of Salem, as follows:***

**Section 1.** Chapter 42, Article I, Section 1 – Definitions is hereby amended by adding a new definition as follows:

*“Skateboard. A vehicle propelled by human power and gravity consisting of material or portion of material formed in a thin firm sheet with wheels attached to the underside.”*

**Section 2.** Chapter 42 is hereby further amended by adding the following new section:

**“Section 43B – Use of Skateboards on Streets and Sidewalks.**

- A. Operation and Use.** Individuals using skateboards shall follow the same local ordinances and state laws that pertain to the operation of a bicycle on City streets and sidewalks. Individuals using skateboards shall be subject to all local ordinances and state laws regarding damage to or destruction of public or private property.
- B. Helmet Required.** Any person 16 years of age or younger operating a skateboard or riding as a passenger on any such skateboard on a public way, bicycle path or on any other public right-of-way shall wear a helmet. Such helmet shall fit the person’s head and be secured by straps at all times while operating or riding upon a skateboard.
- C. Operation and Use Prohibited.** No person shall use, and no parent or guardian of a minor shall knowingly permit a minor to use any skateboard or other manually-propelled wheeled vehicle, collectively referred to as skateboards herein, on any public sidewalk or on any publicly or privately owned property on which signs have been posted prohibiting the use of such skateboards on such property
- D. Penalty.** Any person who violates the provisions of this section may be penalized by noncriminal disposition as provided under MGL c. 40, § 21D, as amended. This section shall be enforced by a police officer of the city of Salem. The penalty for a first violation shall be a written warning, and \$20 for a second and all subsequent violations.”

**Section 3. This Ordinance shall take effect as provided by City Charter**

Action Contemplated

Councillor McCarthy

Moved Adoption for First Passage

Voted

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JUNE 28, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor McCarthy

ORDINANCE: amending and Ordinance relative to Ch. 24 Sec. 7 - Skateboarding

*In the year Two Thousand and Eighteen*

An Ordinance to amend an Ordinance relative to Skateboarding

*Be it ordained by the City Council of the City of Salem, as follows:*

**Section 1.** Chapter 24, Section 24-7 Skateboarding shall be repealed in its entirety.

**Section 2.** Chapter 1, Sec. 1-10. - Noncriminal Disposition of Ordinance Violations is hereby amended by inserting the following within the subsection entitled Chapter 42 Traffic:

"Penalty for Use of Skateboards on Streets and Sidewalks	
First offense:	Written Warning
Second offense and subsequent offense:	\$20.00

Enforcing person: Police."

**Section 3. This Ordinance shall take effect as provided by City Charter**

Action Contemplated

Councillor McCarthy

Moved Adoption for First Passage

Voted

**JUNE 28, 2018**

**REGULAR MEETING**

**COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs to whom was referred the matter of granting certain licenses has considered said matter and would recommend granting the following licenses:

SECOND HAND CLOTHING

Die With Your Boots On, 77 Wharf St., Salem

TAG DAYS

Salem Little League, July 14, 2018

Salem/Swampscott Youth Hockey, September, 9, 2018

Accept the Report

Voted

Adopt the Recommendation

Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a Fiber Optic Network Installation Agreement has considered said matter and would recommend (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 Public Health, Safety & Environment co-posted with the Committee of the Whole to whom was referred the matter of smoking outside of restaurants and bars has considered said matter and would recommend to receive suggestions and examples from City Solicitor and the Board of Health

Accept the Report

Voted

Adopt the Recommendation

Voted

**JUNE 28, 2018**

**REGULAR MEETING**

**COMMITTEE REPORTS**

Councillor Milo offered the following report for the Committee on Public Health, Safety & Environment co-posted with the Committee of the Whole to whom was referred the matter of the presentation from the Sustainability Committee has considered said matter and would recommend that the matter be discharged from Committee

Accept the Report Voted

Adopt the Recommendation Voted

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**JUNE 28, 2018**

**REGULAR MEETING**

**PETITIONS**

Request from the residents of Porter Street to hold a block party on Porter Street on July 4, 2018 from 12:00 Noon to 8:00 P.M.

Action Contemplated

Councillor Turiel

Moved Granted

Voted

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Request from the residents of Buffum Street (between Mason St. & Randall St.) on Saturday, August 18, 2018 from Noon to 10:00 P.M. with a rain date on Saturday, August, 25, 2018

Action Contemplated

Councillor Gerard

Moved Granted

Voted

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The Following License Application:

PUBLIC GUIDE

Macey Jennings, 220 Loring Ave. Apt. #3, Salem  
Audrey J. Allen, 39 Dodge St., Beverly

VEHICLE FOR HIRE  
(OPERATOR)

Ana Espaillat, 16 Hersey St. #2, Salem  
Jonathan Haile, 1 Warner St., Salem  
Peter Harrington, 180 Newbury St. Apt. 2409, Danvers

VEHICLE FOR HIRE  
(LIMOUSINE)

Witch City Taxi, 32B Palmer St., Salem (4 vehicles)

(TROLLEY)

Salem Trolley, 8 Central St., Salem (6 Trolleys)

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

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**JUNE 28, 2018**

**REGULAR MEETING**

**PETITIONS**

The Following Claims:

William & Carol Kenney, 17 Rockdale Avenue, Salem

Action Contemplated

Councillor McCarthy

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

Voted

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**JUNE 28, 2018**

**REGULAR MEETING**

**UNFINISHED BUSINESS**

SECOND PASSAGE Ordinance amending Chapter 46, Section 66 – Rates for Use of Water.

Action Contemplated

Councillor Turiel	Moved Adoption for Second & Final Passage By Roll Call vote	YEAS	NAYS	ABSENT
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SECOND PASSAGE Ordinance amending Chapter 46, Section 230 – Sewer Use Charges.

Action Contemplated

Councillor Turiel	Moved Adoption for Second & Final Passage By Roll Call vote	YEAS	NAYS	ABSENT
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SECOND PASSAGE Ordinance amending Chapter 32, Article II, Sec. 47 – Chief of Department Control and Discipline of Department and Sec. 48 – Vacancy in Office.

Action Contemplated

Councillor McCarthy	Moved Adoption for Second & Final Passage By Roll Call Vote	YEAS	NAYS	ABSENT
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**JUNE 28, 2018**

**REGULAR MEETING**

**UNFINISHED BUSINESS**

SECOND PASSAGE BOND ORDER for the sum of \$10,696,190.00 for Fiscal Year 2019 General Fund Capital Improvement Program

Action Contemplated

Councillor Turiel

Moved Adoption for Second & Final Passage  
By Roll Call vote

YEAS                      NAYS                      ABSENT

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SECOND PASSAGE BOND ORDER for the sum of \$13,300,000.00 for Fiscal Year 2019 Enterprise Fund (Water/Sewer) Capital Improvement Program

Action Contemplated

Councillor Turiel

Moved Adoption for Second & Final Passage  
By Roll Call vote

YEAS                      NAYS                      ABSENT

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On the motion of Councillor

the meeting adjourned at

P.M.