

SEPTEMBER 27, 2018

CITY COUNCIL

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, September 27, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 25, 2018, at 10:00 A.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.

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)

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REGULAR MEETING

HEARINGS

ORDERED: National Grid to install a conduit on Dodge Street

Appearing in Favor:

Appearing in Opposition

Action Contemplated

Councillor Turiel	Moved that the hearing be closed	Voted
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Councillor Turiel	Moved Granted	Voted
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SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

HEARINGS

ORDERED: New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 250 Highland Ave.

Appearing in Favor:

Appearing in Opposition

Action Contemplated

Councillor Flynn

Moved that the hearing be closed

Voted

Councillor Flynn

Moved Granted

Voted



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REGULAR MEETING

HEARINGS

Petition from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 31 Symonds St. and to install conduits or direct bury cables

Appearing in Favor:

Appearing in Opposition

Action Contemplated

Councillor Gerard

Moved that the hearing be closed

Voted

Councillor Gerard

Moved Granted

Voted



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CITY COUNCIL

REGULAR MEETING

HEARINGS

Petition from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 27 Liberty Hill Ave. and to install conduits or direct bury cables

Appearing in Favor:

Appearing in Opposition

Action Contemplated

Councillor Gerard Moved that the hearing be closed Voted

Councillor Gerard Moved Granted Voted



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CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of Philip Koch to the Sustainability, Energy and Resiliency Committee with a term to expire on December 3, 2018

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of Deborah Greel to the Licensing Board with a term to expire on December 3, 2021

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of Rebecca English to the Historical Commission with a term to expire on March 1, 2019

Councillor	Suspension of the Rules	Councillor	Object
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Action Contemplated

Councillor Peterson	Held under the rules <u>(conflict due to prior commitment)</u>
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SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of Claudia Chuber to the Salem Housing Authority Board with a term to expire on July 19, 2023

Action Contemplated

Councillor Gerard	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of David Gauthier to the Cable Television and Technology Commission with a term to expire on September 13, 2020

Action Contemplated

Councillor Flynn	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of Tyler Carlton to the Scholarship and Education Committee with a term to expire on June 1, 2019

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yeas	Nays	Abs
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SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of Attorney Datanis Elias to the Board of Health with a term to expire on July 21, 2019

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yeas	Nays	Abs
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The Mayor's re-appointment of Robin Seidel to the Salem Traffic & Parking Commission with a term to expire on September 27, 2021

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDINANCE: An Ordinance to amend an Ordinance regarding Short-Term Residential Rentals to allow registration fees for short-term rentals in the City of Salem

Action Contemplated

Councillor Mccarthy	Moved Adoption for first passage Or Refer to Committee on Ordinances, Licenses and Legal Affairs	Voted
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ORDERED: In accordance with the 760 CMR 66.08, the Mayor on behalf of the City of Salem is hereby authorized to submit to the MA Dept. of Housing & Community Development (DHCD) an amendment to the existing Downtown Salem Housing Development Zone and Housing Development Incentive Program Plan originally approved by DHD in 2017. The HD Zone shall be expanded to include all parcels within the Center Development (B5) Zoning District, the adjacent North River Canal Corridor Zoning District and three additional parcels, specifically 5 Broad St., 17 Hawthorne Blvd., and 150 Federal St.

Action Contemplated

Councillor Dibble	Moved Adoption Or Refer to Committee on Community & Economic Development	Voted
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The Mayor submitting a Draft of the Housing Development Incentive Program (HDIP) Zone Amendment Proposal (the entire document can be viewed at the City Clerk’s office during normal business hours)

Action Contemplated

Councillor Dibble	Moved Adoption Or Refer to Committee on Community & Economic Development	Voted
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MAYOR'S INFORMATIONAL PAGE

NONE

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CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Turiel

RESOLUTION:

A Resolution Reaffirming Current City of Salem and Massachusetts Non-Discrimination Laws Prohibiting Discrimination in Places of Public Accommodation on the Basis of Gender Identity and Gender Expression.

WHEREAS, *The Massachusetts House of Representatives and Senate approved the addition of gender identity to the Massachusetts Public Accommodations Law (M.G.L c. 272, §§ 92A, 98 and 98A) on July 7, 2016; and*

WHEREAS, *Governor Charlie Baker signed this legislation, An Act relative to transgender anti-discrimination (S. 2407), into law on July 8, 2016; and*

WHEREAS, *The updated Public Accommodations Law has been in full effect since October 1, 2016; and*

WHEREAS, *Two years prior to enactment of these protections statewide, the City of Salem demonstrated leadership on this issue when the City Council unanimously passed a Non-Discrimination Ordinance, as the fifth community in Massachusetts and the first on the North Shore, thereafter including gender identity and gender expression in this policy, ensuring equal opportunity and protection from discrimination by the City of Salem and those doing business with the City of Salem; and*

WHEREAS, *The November 6, 2018 statewide election includes a ballot question seeking to repeal the provision in the Massachusetts Public Accommodations Law prohibiting discrimination on the basis of gender identity in places of public accommodation; and*

WHEREAS, *Repeal of this law would have a devastating effect for transgender and gender non-binary members of our community and would be against principles we as a city uphold and reaffirm; and*

BE IT RESOLVED, *We the members of the Salem City Council, do hereby express our commitment to defend transgender equality in Salem and will hereby pledge to sign on to Freedom For All Massachusetts' Yes on 3 Coalition to say clearly: Discrimination has no place in Massachusetts and no place in Salem.*

BE IT FURTHER RESOLVED, *That on this 27th day of September in the year Two Thousand and Eighteen, a copy of this resolution be spread upon the records of the City of Salem.*

Action Contemplated

Councillor Turiel

Moved Adoption

Voted

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REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Furey

ORDERED: That the meetings of the qualified voters of the City of Salem be held in the several voting precincts in the city at the polling places designated hereinafter on **Tuesday, November 6, 2018** from 7:00 A.M. to 8:00 P.M. for the purpose of casting votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS.....FOR THIS COMMONWEALTH
 GOVERNORFOR THIS COMMONWEALTH
 LIEUTENANT GOVERNORFOR THIS COMMONWEALTH
 ATTORNEY GENERAL.....FOR THIS COMMONWEALTH
 SECRETARY OF STATEFOR THIS COMMONWEALTH
 TREASURER AND RECEIVER GERNERAL.....FOR THIS COMMONWEALTH
 AUDITOR.....FOR THIS COMMONWEALTH
 REPRESENTATIVE IN CONGRESS.....SIXTH CONGRESSIONAL DISTRICT
 COUNCILLOR.....FIFTH DISTRICT
 SENATOR IN GENERAL COURTSECOND ESSEX DISTRICT
 REPRESENTATIVE IN GENERAL COURT.....SEVENTH ESSEX DISTRICT
 DISTRICT ATTORNEY.....EASTERN DISTRICT
 CLERK OF COURTS.....ESSEX COUNTY
 REGISTER OF DEEDS.....ESSEX SOUTHERN COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;
- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined stable : 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical telemetry, or observational /outpatient treatment patients, or any other unit : 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

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Question #2 -Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A YES VOTE would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

A NO VOTE would not create this commission.

Question #3 Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

SUMMARY

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and

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REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

females (such as restrooms) to allow access to and full use of those areas consistent with a person’s gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

A YES VOTE would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

A NO VOTE would repeal this provision of the public accommodation law.

BE FURTHER ORDERED: That the following places be and hereby are designated as polling places for said voting:

- WARD ONE**
- PRECINCT ONE Bentley School Gymnasium, 25 Memorial Drive
- PRECINCT TWO 135 Lafayette Street - Community Room
- WARD TWO**
- PRECINCT ONE & TWO St. Peter’s Church Parish Hall, St. Peter’s Street
- WARD THREE**
- PRECINCT ONE & TWO Salem High School Auditorium, 77 Willson St.
- WARD FOUR**
- PRECINCT ONE & TWO Witchcraft Heights School Gymnasium,
1 Frederick St.
- WARD FIVE**
- PRECINCT ONE & TWO Saltonstall School Auditorium, 211 Lafayette St.
- WARD SIX**
- PRECINCT ONE Bates School, Liberty Hill Avenue
- PRECINCT TWO Mack Park, Tremont Street
- WARD SEVEN**
- PRECINCT ONE & TWO Salem State Enterprise Ctr., 121 Loring Ave.

BE IT FURTHER ORDERED: That the polls for said voting be opened at 7:00 A.M. and closed at 8:00 P.M. and that the City Clerk be instructed to post this notice as required by law

Action Contemplated

Councillor Furey

Moved Adopted

Voted

SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****MOTIONS, ORDERS, AND RESOLUTIONS****Councillor Furey**

ORDERED: That the regular meetings of the City Council, for the month of November and December, be held on Thursday, November 15, 2018 and Thursday, December 6, 2018 and be it further Ordered that the regular meeting of the City Council scheduled for Thursday, October 25, 2018 meeting be moved to Thursday, October 18, 2018 due to Early Voting

Action Contemplated

Councillor Furey

Moved Adopted

Voted

Councillor Madore

ORDERED: That the Traffic & Parking Department shall in conjunction with the Traffic & Parking Commission recommend to City Council updates to the City's traffic ordinance, rules, and regulations as related to resident sticker parking by January 15, 2019.

Councillor Madore

Moved Adopted

Voted

Councillor McCarthy/Dominguez

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss a new PA system for the Council Chambers and that the information researched by the City Clerk be included

Action Contemplated

Councillor McCarthy/Dominguez

Moved Adopted

Voted

SEPTEMBER 27, 2018

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REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Flynn

ORDERED: That the following Veteran Squares be adopted

Swiniarski Square: to be located in Ward 1 at corner of Turner and Essex Streets. In honor of US Army Master Sergeant Benny S. Swiniarski, who was killed in action on 8 January 1952 during the Korean War. A 17 year veteran of the Army, he served with distinction in both World War II and Korea. He was awarded the Silver Star in WWII, along with several Purple Hearts for wounds received during both WWII and Korea.

Tondreau Square: to be located in Ward 5 at the corner of Cherry and Porter Streets. In honor of US Army Corporal George A. Tondreau, who died on, or about, 20 February 1951 while imprisoned as a POW in North Korea during the Korean War.

Carson Square: to be located in Ward 6 at the corner of Garden Terrace and North Street. In honor of US Army Sergeant Paul R. Carson, who was killed in action on 6 October 1971 during the Vietnam War while assigned to Battery C, 3rd Battalion, 23rd Infantry.

1. The Salem Veterans Council fully endorses the naming of the below city squares, as requested by family members, in honor of the sacrifices of these Salem veterans.

1. All the veterans meet the eligibility criteria for veteran square nomination.
2. It is requested that these be given favorable consideration by the Salem City Council.

Action Contemplated

Councillor Flynn

Moved Adoption

Voted

SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Madore

ORDINANCE: *In the year Two Thousand and Eighteen*

An Ordinance to amend an Ordinance relative to use of Salem Common

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

Section I. Article III – Common Use Policy of Chapter 26 Parks and Recreation is hereby amended by deleting sub-paragraph (8) of Division 2, Sec. 26-75. – *Prohibited activities* in its entirety and replacing it with the following:

“(8) Mechanical rides or amusements, including carnivals and circuses, except in connection with a City Council permitted event.”

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

Action Contemplated

Councillor Madore

Moved Adoption for first passage

Voted

SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

COMMITTEE REPORTS

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 an ordinance to amend an ordinance relative to Traffic Ch. 42, Sec. 17A Schedule of fines by repealing \$15 fine & \$40 Fine on Friday, Saturday and Sunday during the month of October for violation of Resident Sticker Parking and replacing with a \$50.00 fine Monday – Sunday during the month of October and would recommend this Ordinance be made an Order and that the fine will cover all parking violations for Residential Parking for either existing or temporary streets for the month of October be \$50.00.

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 given certain streets temporary status (Broad, Downing, Endicott, Hathorne, Margin, Mt. Vernon, Prescott, Summer, Winthrop and Union) as Resident Sticker from 10/1/18 – 10/31/18 and fines for violations has considered said matter and would recommend that the Order be adopted as amended to include Phelps St. and Ward St. and to make the fines \$50.00 Monday – Sunday during the month of October for violation of Parking Prohibitions Towing Zone (Resident Sticker Parking)

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 residents of the following addresses (7 Crombie St., 11 Church St., 281 Essex St., 51 Lafayette St., 50 St. Peter St., Townhouse Square Condos, 141 Washington St.) required to purchase parking passes at ehthe garages shall be granted a one (1) month parking pass, allowing them to park upon any street granted temporary resident only parking status between 10/1/18 -10/31/18, either by ordinance or an order has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report Voted
Adopt the Recommendation Voted

SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****COMMUNICATIONS FROM CITY OFFICIALS**

The following Order was introduced by the Chief of Police

ORDERED: That the City Council hereby authorizes the closure of the following roadways from October 16, 2018 through November 2, 2018:

1. The right-hand southbound lane of Washington Street between a point approximately 125 feet north of Federal Street and the southernmost end of Washington Street's intersection with Federal Street; and
2. Federal Street from Washington Street to a point approximately 180 feet to the west.

Action Contemplated

Councillor Madore

Moved Granted

Voted

The following Order was introduced by the Chief of Police

ORDERED: Pursuant to City Ordinance Ch. 1, Sec. 1-11 Safety Enhancement zone; violations and penalties, the City Council hereby Orders that the Safety enhancement zone designation dates shall be extended as provided in Sec. 1-11(b)(3), to include Friday, October 26, 2018 at 12:01 AM through Sunday, October 28, 2018 at midnight thereby establishing the dates of the Safety Enhancement Zone designation from 12:01 am on Friday, October 26, 2018 through midnight on Friday, November 2, 2018.

Action Contemplated

Councillor Madore

Moved Granted

Voted

SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****PETITIONS**

Request from Honey Dew Donuts located at 138 Canal Street for extended hours of operation continue to operate from 5:00 A.M. to 8:00 P.M. Monday through Sunday

HEARING ORDERED OCTOBER 11, 2018

Request from Fiesta Shows to hold a Carnival from October 19 to October 31, 2018 located at Federal St., Washington St., District Court parking lot (hours given on application)

Action Contemplated

Councillor Madore	Moved Granted	Voted
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PUBLIC GUIDES:

Chris Dowgin 202 Jefferson Ave. #3, Salem
 Richard O'Keefe 7 Essex St., Salem
 Erin Shine 1 Loring Ave. Viking Hall, Salem
 Adrianna Neefus 1 Daniels St. Ct., Salem
 Bessie Dragonis 5 Margin St., Salem
 Jessica Brennan 212 Loring Ave., Salem
 Blake Campbell 16 Roslyn St. Apt 1, Salem
 Kiana Reid 75 Lyman St., Pittsfield

Action Contemplated

Councillor McCarthy	Moved Granted	Voted
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The Following License Applications:

TAG DAYS:	S.H.S. Boys Lacrosse 10/14/2018 S.H.S. Wrestling 12/2/2018
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Action Contemplated

Councillor McCarthy	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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REGULAR MEETING

PETITIONS

The Following Claims:

Jesse Gaudet 14 Shillaber St., Salem
Savita DeFreitas 15 Highland St., Woburn
Linda LaClair 12 Fox Run Ln., Marblehead
Sheree Price 137 rainbow Ter., Salem
Ramesh Rao 945 North St., Salem
Mark Colon 12 Messervy St., Salem
Daniel Szymczak 25 Mulberry St., Beverly

Action Contemplated

Councillor McCarthy

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

Voted

SEPTEMBER 27, 2018CITY COUNCILREGULAR MEETINGUNFINISHED BUSINESS

Second Passage:

An Ordinance Allowing Short Term Rentals in Salem (Summary of Ordinance below)

AMENDMENT SUMMARY

The City of Salem Code of Ordinances is amended to include a new section, PART III, CHAPTER 15 SHORT-TERM RENTALS, permitting and regulating the use of certain residential units as short-term (under 30 days) rentals.

Allowed Short-Term Rental Uses

1. An Operator may use his or her entire **Home Share Unit** (defined as an entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence) provided it is his/her Primary Residence without a limitation as to the number of days per year. Individual rooms within Home Share Units may not be offered as separate Short-Term Rentals.
2. An Operator may use his or her **Limited Share Unit** (defined as a Residential Unit that is the Operator's Primary Residence, a portion of which is offered as a Short-Term Rental while the Operator is present) without limitation as to the number of days per year. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.
3. An Operator may use his or her **Owner-Adjacent Unit** as a Short-Term Rental (defined as an entire Residential Unit offered as a Short-Term Rental that is not the Owner's Primary Residence but that is located within the same dwelling or is otherwise within the same property) without limitation as to the number of days per year. Rentals of Owner-Adjacent Units must be for the entire unit; individual rooms within Owner-Adjacent Units may not be offered as separate Short-Term Rentals.
4. An Operator may use his or her **Non-Owner Occupied Unit** as a Short-Term Rental only if the Operator was engaged in the Short-Term Rental of the property as of the date this Ordinance was filed (July 19, 2018) and provided that the Operator obtains a Special Permit from the Zoning Board of Appeals. Qualifying Operators must petition for a Special Permit within 60 days of the date of passage of this Ordinance in order to be eligible for this exception. Rentals of Non-Owner Occupied Units must be for the entire unit; individual rooms within Non-Owner Occupied Units may not be offered as separate Short-Term Rentals. Non-Owner Occupied Units shall be required to pay a trash fee under section 36-6.
5. Currently licensed lodging houses, existing bed and breakfasts, residential units contracted for hospital stays, residential units used for furnished institutional or business stays are not considered short-term rentals for the purposes of this Ordinance.

Ineligible for Short-Term Rental Use

1. Residential Units where the Operator or Owner does not live in either the unit, the building, or within the property and it is not the Operator's primary residence, unless it was in existence as a Short-Term Rental as of the date the Ordinance was filed and receives a Special Permit from the Board of Appeals.
2. Residential Units that are located within properties designated as a "Problem Property."

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REGULAR MEETING

UNFINISHED BUSINESS

3. Residential Units that are the subject of three or more findings of violations of this or of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period.
4. Residential Units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the City.

Additional Requirements for Short-Term Rentals

1. The owner and/or operator of the Short-Term Rental must register their property and obtain a certificate of fitness pursuant to Section 2-705.
2. When registering, an Operator must provide his or her name and contact information, and/or the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two hours of being notified. Contact information must include a telephone number that is active 24 hours per day.
3. The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.
4. The Operator shall furnish each guest with a Community Information Card containing emergency telephone numbers for the Salem Police and Fire Departments, a description of any on-street parking regulations, information regarding trash and recycling requirements and collection dates, and a copy of the City's noise ordinance. The Operator shall also post a sign providing guests with information on the location of all fire extinguishers, exits, and alarms in the unit.
5. The Operator, upon listing or modifying a Short-Term Rental with a Booking Agent shall file with the City an exact duplicate of the listing, including property address and shall also furnish a copy of the Community Information Card at the time of registration or inspection.
6. Booking Agents shall provide quarterly reports to the City which shall include a breakdown of where the listings are located, type of listing, the number of nights each unit was reported as occupied, and the Operator's name and full contact information
7. Should an excise tax be adopted applicable to Short-Term Rentals, the Operator is solely responsible for collecting and remitting the applicable tax although the Booking Agent may collect and remit the tax to the City.

Violations and Enforcement

1. Complaints shall be made to the Inspectional Services Department and may, if proven, result in a warning or an Ordinance ticket and the maximum appropriate fine.
2. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D and/or by seeking to restrain a violation by injunction.

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3. The City shall enter into agreements with Booking Agents whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental and agrees to prohibit a host from listing any Short-Term Rental without proof of registration. Any Booking Agent that fails to enter into such agreements to with respect to ineligible listings shall be prohibited from conducting business in the City.
4. The Ordinance is severable and if any provision is invalidated by subsequent legislation regulation, or court decision, then the remainder of the Ordinance shall remain in full force and effect.
5. This ordinance shall take effect on April 15, 2019.

Action Contemplated

Councillor McCarthy	Moved Adoption for second and final passage	Voted
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Second Passage:

An Ordinance to amend the ordinance to set fines for violation of short-term rentals ordinance in the City of Salem.

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

AN ORDINANCE TO AMEND THE ORDINANCE TO INCLUDE FINES FOR VIOLATIONS OF THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE IN THE CITY OF SALEM

SECTION 1. An amendment to the City of Salem Code, Ordinances, PART II, CHAPTER 1, Sec. 1-10 (c). - *Noncriminal disposition of ordinance violations* is hereby enacted as follows:

"CHAPTER 15 SHORT-TERM RESIDENTIAL RENTALS:

Sections 15-1 through 15-9, Violations of Short-Term Rental Ordinance.

Penalty:

First offense \$ 50.00

Second offense \$150.00

Third and all subsequent offenses \$300.00

Enforcing persons: Building inspector(s), board of health personnel, and police department personnel."

SECTION 2. This ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor McCarthy	Moved Adoption for second and final passage	Voted
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SEPTEMBER 27, 2018**CITY COUNCIL****REGULAR MEETING****UNFINISHED BUSINESS****Second Passage: An Ordinance to Amend an Ordinance relative to Traffic, Ch. 42 Sec. 10
“One Way Streets”**

Section 1. Ch. 42, Section 10 is hereby amended by adding the following:

Brown Street – One Way Streets – from opposite #2 Brown Street to Washington Square West, one way in an easterly direction, with two dedicated turn lanes, one to turn right and one to turn left

Washington Square North – One Way Streets – from 19 ½ Washington Square North to 2 Brown Street, one way in a southwesterly direction.

Section 2. This Ordinance shall take effect as provided by City Charter

Action Contemplated

Councillor Madore

Moved Adoption for second and final passage

Voted

Second Passage: An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops and Section 56 “Parking Meter Zones Established”

Section 1. Ch. 42 Sec. 11 Bus Stops is hereby amended by repealing the following:

Washington Street – Bus Stops – easterly side, from a point beginning on the southerly side of Federal Street and Washington Street and proceeding thirty (30) feet in a southerly direction.

Washington Street – Bus Stops – easterly side, from a point beginning twenty (20) feet from the southerly side of Federal Street in a southerly direction to a point located twenty (20) feet from the northerly side of Church Street.

Section 2. Ch. 42, Sec 56 is hereby amended by replacing the following:

Washington Street – Parking Meter Zones Established – easterly side, from Church Street to Essex Street. Four (4) hour parking and replacing with

Washington Street – Parking Meter Zones Established – easterly side, from a point beginning sixty (60) feet north of Federal Street to Essex Street. Four (4) hour parking.

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

Action Contemplated

Councillor Madore

Moved Adoption for second and final passage

Voted

SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

Second Passage:

An Ordinance to Amend an Ordinance relative to traffic Ch. 42, Sec. 57A “Parking Time Limited: Unmetered Zones”

Section 1. Section 57A of Article V be amended by repealing the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Fifteen (15) minute parking only tow zone, Monday through Friday 7:00 A.M. to 4:00 P.M., or by special permit only issued by the Horace Mann Laboratory School (HMLS).

And replacing it with the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Four (4) hour parking as marked by signs, Monday through Friday, 8:00 A.M. to 8:00 P.M.

Section 2. This Ordinance shall take effect as provided by City Charter

Action Contemplated

Councillor Turiel

Moved Adoption for second and final passage

Voted

SEPTEMBER 27, 2018

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

Second Passage:

An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops

Section 1. Ch. 42, Sec.11 Bus Stops is hereby amended by repealing the following:

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting at the beginning of the Bridge curbing. Near 26 Congress Street. Tour Bus Parking only, Tow Zone.

And replacing it with

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting one hundred fifty (150) feet from the beginning of the Bridge curbing. Tour Bus Parking only, Tow Zone.

Section 2. Ch. 42, Sec. 11 Bus Stops is hereby amended by adding the following:

Congress Street – Bus Stop – Inbound, northwesterly direction for a distance of fifty (50) feet beginning eighty-six (86) feet from the intersection of Peabody Street. Tour Bus Parking Only. Tow Zone.

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

Action Contemplated

Councillor McCarthy

Held for second and final passage until next meeting
(Error by SEN was not published)

Voted

On the motion of Councillor

the meeting adjourned at

P.M.