

JULY 19, 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@saalem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, July 19, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 17, 2018, at 12:41 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.

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)

JULY 19, 2018

REGULAR MEETING

HEARINGS

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

APPEARING IN FAVOR:

APPEARING IN OPPOSITION

Action Contemplated

| | | |
|-------------------|----------------------------------|-------|
| Councillor Gerard | Moved that the Hearing be Closed | Voted |
| Councillor Gerard | Moved that the Order be granted | Voted |

JULY 19, 2018

REGULAR MEETING

HEARINGS

ORDERED: Comcast to install a conduit for 15 Front Street

APPEARING IN FAVOR:

APPEARING IN OPPOSITION

Action Contemplated

| | | |
|-------------------|----------------------------------|-------|
| Councillor Madore | Moved that the Hearing be Closed | Voted |
| Councillor Madore | Moved that the Order be granted | Voted |

JULY 19, 2018

REGULAR MEETING

HEARINGS

ORDERED: Comcast to install an underground conduit to provide serve to #267 Highland Ave.

APPEARING IN FAVOR:

APPEARING IN OPPOSITION

Action Contemplated

| | | |
|---------------------|----------------------------------|-------|
| Councillor Peterson | Moved that the Hearing be Closed | Voted |
| Councillor Peterson | Moved that the Order be granted | Voted |

JULY 19, 2018

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, 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.

Action Contemplated

| | | | | |
|-------------------|---------------------------|------|------|-----|
| Councillor Gerard | Moved Confirmation by RCV | Yeas | Nays | Abs |
|-------------------|---------------------------|------|------|-----|

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

Action Contemplated

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|-------------------|---------------------------|------|------|-----|
| Councillor Madore | Moved Confirmation by RCV | Yeas | Nays | Abs |
|-------------------|---------------------------|------|------|-----|

The Mayor's appointment of Patrick Shea, 31 Highland St., Salem to the Zoning Board of Appeals with a term to expire on May 1, 2019

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | Suspension of the Rules | Councillor | Object |
|------------|-------------------------|------------|--------|

Action Contemplated

| | |
|-------------------|----------------------|
| Councillor Gerard | Held under the rules |
|-------------------|----------------------|

The Mayor's re-appointment of Donald Bates to the Board of Registrars of Voters with a term to expire on July 19, 2021

Action Contemplated

| | | | | |
|---------------------|---------------------------|------|------|-----|
| Councillor McCarthy | Moved Confirmation by RCV | Yeas | Nays | Abs |
|---------------------|---------------------------|------|------|-----|

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Two Hundred and Eight Thousand Four Hundred and Forty-five Dollars and Twelve cents (\$208,445.12) in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account to be expended for the FY 2019 contractual buybacks for a list of school employees in accordance with the recommendation of Her Honor the Mayor

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | suspension of the rules | Councillor | object |
|------------|-------------------------|------------|--------|

Action Contemplated

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

ORDERED: That the sum of Ninety-Five Thousand, Five Hundred and Sixty-One Dollars and Sixty-eight Cents (\$95,561.68) is hereby appropriated "General Fund Balance Reserved for Free Cash" account to the following special revenue funds. This transfer is requested in accordance with the recommendation of Her Honor the Mayor.

| <u>Fund Name/Description</u> | <u>Amount</u> |
|-------------------------------|---------------|
| Capital Improvement Fund 2000 | \$95,561.68 |

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | suspension of the rules | Councillor | object |
|------------|-------------------------|------------|--------|

Action Contemplated

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

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from the "Retained Earnings – Trash Fund" account to the "Engineering – Solid Waste Collection" Account in accordance with the recommendation of Her Honor the Mayor

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | suspension of the rules | Councillor | object |
|------------|-------------------------|------------|--------|

Action Contemplated

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

ORDERED: That the sum of Two Thousand (\$2,000.00) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account to be expended for the negotiated sick leave buyback provision as needed in accordance with the recommendation of Her Honor the Mayor

| | | | |
|------------|-------------------------|------------|--------|
| Councillor | suspension of the rules | Councillor | object |
|------------|-------------------------|------------|--------|

Action Contemplated

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

ORDERED: That the City Council hereby waives City Ordinance Sec. 24-18. Circuses and Carnivals Prohibited within Riley Plaza for a period of October 9, 2018 through November 2, 2018 to enable Fiesta Shows to hold a carnival at Riley Plaza

Action Contemplated

| | | |
|----------------------------|---------------|-------|
| Councillor McCarthy/Madore | Moved Granted | Voted |
|----------------------------|---------------|-------|

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the Mayor is hereby authorized to execute on behalf of the City of Salem, a five-year extension of a lease between the City of Salem and American Tower Asset Sub II, LLC to enable the city to attach equipment to American Tower's pole for the City's two-way radio system

Action Contemplated

Councillor McCarthy

Moved Adopted

Voted

ORDERED: That the Salem City Council hereby declares that Lot 2, comprising 3,903+/- S.F of land shown on Plan entitled "Plan of Land in Salem, 289 Derby St., property of City of Salem; 285 Derby St., Property of South Harbor Holdings as surplus property

Be it further Ordered that the Salem City Council, in accordance with City Ordinance Chapter 2 Section 2-277, hereby authorizes the Mayor to execute a deed on behalf of the City of Salem conveying Lot 2 to the Salem Redevelopment Authority (SRA) for consideration of Ten Dollars. Such a conveyance is consistent with the public procurement law, Chapter 30B, as agreements between agencies, boards, commissions authorities, departments or public instrumentalities of one city or town are exempt from public bidding laws. The City Solicitor shall ensure that the deed the SRA contains restrictions consistent with the Order of Taking dated December 8, 2016

Action Contemplated

Council McCarthy

Moved Adoption (2/3 Vote)

Voted

Or

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

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

An Ordinance to allow short-term rentals in the City of Salem.

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

AN ORDINANCE ALLOWING SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF SALEM

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

SECTION 1. A new section of the City of Salem Code, Ordinances, PART III, CHAPTER 15 SHORT-TERM RENTALS is hereby enacted as follows:

“Chapter 15 Short-Term Residential Rentals.

15-1 Purpose.

The purpose of this section is to provide a process through which certain dwelling units may be registered with the City of Salem for use as short-term rental units under the stipulations laid out within the ordinance.

15-2 Definitions.

Booking Agent. Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.

Director. Director of the Inspectional Services Department or a designee.

ISD. City of Salem Inspectional Services Department.

Operator. A natural person who is either the owner or the lawful tenant of the Residential Unit that he or she seeks to offer as a Short-Term Rental. Only one owner or one tenant may be registered as an Operator for a residential Unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of Primary Resident, to offer a Residential Unit for Short-Term Residential Rental.

Home Share Unit. An entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence.

Limited Share Unit. 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. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.

Non-Owner Occupied Unit. An entire Residential Unit where the Operator or owner does not live in either the unit or the building and it is not the Operator's primary residence.

Owner-Adjacent Unit. 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 as the Primary Residence of, and is owned by, said Owner.

Primary Residence. The Residential Unit in which the Operator resides for at least six months out of a twelve-month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit, the Operator has resided in the Residential Unit for six of the past twelve months or that the Operator intends to reside in the Residential Unit for six of the next twelve months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.

Residential Unit. A Residential Unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing.

Short-Term Rental(s). The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through a Booking Agent.

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REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

15-3 Short-Term Residential Rentals in the City of Salem.

No Residential Unit shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that may be promulgated by the Building Inspector to carry out the provisions of this section.

15-4 Ineligible Residential Units.

a. The following Residential Units are not eligible to be offered as Short-Term Rentals:

(i) 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 qualifies under the exception for existing Non-Owner Occupied Unit, provided in section 15-6 d., below.

(ii) Residential Units that are located within properties designated as a "Problem Property" pursuant to Section 2-705 (a) (4) of this Code.

(iii) Residential Units that are the subject of three or more findings of violations of this section within a six (6) month period, or three or more violations 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 (6) month period. Units found ineligible pursuant to this subsection shall remain ineligible for a six (6) month period immediately following the third violation.

(iv) 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 so long as the matter remains unresolved. If a violation or other order is issued after the Residential Unit has been registered, ISD shall suspend the Residential Unit's registration until the violation has been cured or otherwise resolved.

15-5 Residential Units Not Subject to Certain Provisions of this Chapter.

a. ***Currently Licensed Lodging Houses.*** A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house from ISD and a lodging house license from the Salem Licensing Board as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

b. ***Existing Bed and Breakfasts.*** A Residential Unit offered as a Short-Term Rental that holds a current and valid Certificate of Occupancy as a bed and breakfast from ISD as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

c. ***Residential Units Contracted for Hospital Stays.*** The use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a healthcare facility or government entity or non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a Short-Term Rental.

d. ***Residential Units Used for Furnished Institutional or Business Stays.*** The use of a Residential Unit for which a contract or an agreement exists between the building owner, a corporate housing operator and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a Short-Term Rental.

15-6 Requirements for Short-Term Rentals.

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COMMUNICATIONS FROM THE MAYOR

An Operator may only offer a Short-Term Rental subject to the following provisions:

- a. **Registration** pursuant to Section 2-705. Consistent with Section 2-705, every new owner and/or Operator is required to complete a new registration form and obtain a new certificate of fitness prior to making the unit available as a Short-Term Rental.
- b. **Short-Term Rental of a Home Share Unit.** An Operator may use his or her entire Home Share Unit as a Short-Term Rental 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.
- c. **Short-Term Rental of a Limited Share Unit.** An Operator may use his or her Limited Share Unit as a Short-Term Rental without limitation as to the number of - days per year.
- d. **Short-Term Rental of a Non-Owner Occupied Unit.** 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 with the Council 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 used for Short-Term Rental under this subsection shall be subject to section 36-6 of the ordinance and required to pay a trash fee, but shall not be eligible for a vacancy waiver pursuant to section 36-6 d.
- e. **Short-Term Rental of an Owner-Adjacent Unit.** An Operator may use his or her Owner-Adjacent Unit as a Short-Term Rental 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.
- f. **Permission of Owner.** An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:
 - (i) Operator is the owner of the Residential Unit offered as a Short-Term Rental or is a tenant who uses the Residential Unit as his or her Primary Residence and has the permission of the Owner; and
 - (ii) that offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws, leases, or other governing documents.
- g. **Local Contact.** When registering, an Operator must provide his or her name and contact information, and, in the event the Operator is not present during the Short-Term Rental, 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 (2) hours of being notified. Contact information must include a telephone number that is active twenty-four (24) hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.
- h. **Compliance and Interaction with Other Laws.** The Operator shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and Sec. 2-2055 of this Code, and all other regulations applicable to residential dwellings. The Residential Unit offered as a Short-Term Rental shall continue to be subject to the requirements of Sec. 2-705 of this Code to obtain a certificate of fitness and the applicable requirements of the State Sanitary Code. Occupancy limits contained in the Zoning Ordinance and the State Building and Sanitary Codes shall apply. A Residential Unit offered as a Short-Term Rental may also be subject to annual fire prevention inspection.
- i. **Retention of Records.** The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section, including but not limited to:

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REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

records demonstrating number of months that Operator has resided or will reside in the Residential Unit and records showing that Operator is the owner or valid leaseholder of the Residential Unit offered

as a Short-Term Rental. The Operator shall retain such

records for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.

j. *Notifications.*

(i) The Operator shall furnish each guest with a Community Information Card containing, at a minimum, (a) emergency telephone numbers for the Salem Police Department and Salem Fire Department, (b) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (c) a description of the City's trash and recycling requirements, including the date of trash and recycling collection at the address, and (d) a copy of the City's noise ordinance. A current copy of the unit's Community Information Card should be furnished to the City at the time of registration or inspection. The Operator shall also post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.

(ii) The Operator, upon listing a Short-Term Rental with a Booking Agent, or modifying an existing listing shall file with the City an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October resident-parking zone. The City shall maintain a list of the address and unit type of all short-term rentals on file with the City that are currently being offered.

(iii) The Operator must have on file with the City the name and contact information for the Operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.

(iv) A Booking Agent with any listings in the City shall provide to the City on a quarterly basis an electronic report, in a format to be determined by the City. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information

15-7 Room Occupancy Excise.

Any Short-Term Rental Units to which the Commonwealth extends any excise or surcharge, and the City extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a Booking Agent and the Booking Agent may enter into an agreement with the City for the collection and remittance of such tax. If the Operator does not use a Booking Agent to do so, the Operator is solely responsible for collecting and remitting the applicable tax.

15-8 Complaint Process; Violations.

Complaints shall be made to the Inspectional Services Department and investigation shall commence within 30 days. Violations may, at the Building Inspector's discretion, result in a warning or an Ordinance ticket and the maximum appropriate fine. Three (3) or more such tickets within a six (6) month period will result in the unit no longer being eligible to that Operator for use as a short-term rental for a period of six (6) months following the most recent violation.

Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of Booking Agent listing or include required parking information in such listing, failure to furnish a Community Information Card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be liened against the property.

15-9 Enforcement.

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REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

a. ***Enforcement by City.*** The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the Short-Term Rental and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D, in an amount set forth in [section 1-10](#) of this Code. Any person aggrieved by the revocation of the right to operate a Short-Term Rental or the imposition of a penalty may file an appeal as provided by the general laws.

b. ***Enforcement by Booking Agent.*** The City shall enter into agreements with Booking Agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of this Ordinance and whereby the Booking Agent 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 actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the City.

c. ***Featured Short-Term Rental Status.*** An Operator who is able to certify that there are no health, building, zoning, or other violations (including police citations) in the prior twelve (12) months associated with the property, is current on all excise and property taxes, and who has filed the Booking Agent listing and a copy of the Community Information Card with the City for the past twelve (12) months, shall be eligible for listing as a 'Featured Short-Term Rental.'

15-10 Severability.

If any provision of this section is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect"

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

Action Contemplated

Councillor McCarthy
Voted

Moved Adoption for first passage

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

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

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

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

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 offense \$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 first passage

Voted

Or

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

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

An Ordinance to amend an Ordinance relative to Zoning
Be it ordained by the City Council of the City of Salem, as follows:

Section 3.0 Table of Principal and Accessory Uses

Amend Section 3.0 Table of Principal and Accessory Uses to include the following new uses:

The following uses shall be permitted as set forth in the Table of Principal and Accessory Use Regulations.

| | RC | R1 | R2 | R3 | B1 | B2 | B4 | B5 | I | BPD |
|---------------------------------------|----|----|----|----|----|----|----|----|---|-----|
| Non-Owner Occupied Short-Term Rentals | N | N | BA | BA | N | BA | BA | N | N | N |

Section 10.0 Definitions

Amend Section 10.0 Definitions to include the following new definitions:

Non-Owner-Occupied Short-Term Rental: A dwelling unit where the owner does not live in either the unit, the building, or otherwise on the property and which was being used as a Short-Term Rental prior to the date the general ordinance, Chapter 15 Short-Term Rentals, was filed with the City Clerk for consideration by the City Council.

Short-Term Rental: A Short-Term Rental is the use of a dwelling unit for residential occupancy for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through an online booking agent.

Action Contemplated

Councillor McCarthy

Moved Refer to the Planning Board to
 Schedule a Joint Public Hearing with
 The City Council

Voted

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REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

NONE

JULY 19, 2018

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, September 4, 2018** from 7:00 A.M. to 8:00 P.M. for the purpose of casting votes in the State Primary Election for the candidates of political parties for the following offices:

| | |
|--------------------------------------|------------------------------|
| SENATOR IN CONGRESS..... | FOR THIS COMMONWEALTH |
| GOVERNOR | FOR THIS COMMONWEALTH |
| LIEUTENANT GOVERNOR | FOR THIS COMMONWEALTH |
| ATTORNEY GENERAL..... | FOR THIS COMMONWEALTH |
| SECRETARY OF STATE | FOR 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 COURT..... | SECOND ESSEX DISTRICT |
| REPRESENTATIVE IN GENERAL COURT..... | SEVENTH ESSEX DISTRICT |
| DISTRICT ATTORNEY..... | EASTERN DISTRICT |
| CLERK OF COURTS..... | ESSEX COUNTY |
| REGISTER OF DEEDS..... | ESSEX SOUTHERN COUNTY |

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. |

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 Adoption

Voted

JULY 19, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Dibble

ORDERED: That the Committee on Public Health, Safety, and the Environment meet to discuss the **Human Health Risks** to Salem residents of natural gas infrastructure including carcinogens like benzene & formaldehyde; heavy metals like lead & mercury; radioactive elements like radon & radioactive lead; and tiny particles that make asthma and lung disease worse. To discuss proposed gas pipelines near our drinking water sources including the Wenham Lake, and to further discuss the damage caused by gas fires and explosions; contribution to air pollution and lung disease from burning natural gas and from gas releases and gas leaks. Be it further ordered that the Director of Public Services, SAFE, North Shore Medical Center, Salem Board of Health and Salem Health Agent be invited.

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

Councillor Sargent

Ordered: That the bidding process for The Rosie's Pond Flood Control work on Brooks Street be stopped until a neighborhood meeting is held so that an addendum can be added to the bid. The addendum shall: 1). address neighborhood concerns regarding saving the trees on Brooks Street from being cut down. 2). address saving the cobblestones, plantings, flower beds, boulders and landscaping along Brooks Street; and 3). address plans for restoring the cobblestones, plantings, flower beds, boulders and landscaping on Brooks Street to their pre-construction condition when the project is finished.

Action Contemplated

Councillor Sargent

Moved Adoption

Voted

JULY 19, 2018

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Sargent

ORDERED: That the City Solicitor request from The Peabody Essex Museum a list of all items in their possession, custody or control that are owned by The City of Salem.

Action Contemplated

Councillor Sargent

Moved Adoption

Voted

JULY 19, 2018

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 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 Turiel offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an appropriation in the amount of \$33,000.00 from "Fund Balance Reserved for Appropriation – Free Cash" Account to the "Treasurers – Credit Card Fee" Account 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 on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of Parking Rates for Municipal Parking Garages and Lots has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

| | |
|-------------------|-------|
| Accept the Report | Voted |
|-------------------|-------|

| | |
|--------------------------|-------|
| Adopt the Recommendation | Voted |
|--------------------------|-------|

JULY 19, 2018

REGULAR MEETING

COMMITTEE REPORTS

Councillor Turiel offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of an appropriation in the amount of \$20,000.00 for an Assessment Center for the Fire Chief has considered said matter and would recommend (action unknown meeting took place after agenda deadline)

Accept the Report

Voted

Adopt the Recommendation

Voted

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The following Order was introduced by the City Solicitor

Ordered: The Mayor is hereby authorized to execute, on behalf of the City of Salem, an Easement Grant to Quezada Painting & Carpentry LLC, acting through its Managers Tulio Quezada and Eduardo Quezada, as set forth in the attached Easement Grant and as shown on the attached plan entitled "Salem, Massachusetts Easement Sketch Over Land of the City of Salem East Collins Street, Salem, Massachusetts," prepared by Reid Land Surveyors, Lynn, MA dated April 4, 2018.

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an Order authorizing the Mayor to execute a Grant of Easement to Quezada Painting & Carpentry LLC, acting through its Managers Tulio Quezada and Eduardo Quezada, over a portion of City owned land.

The property owners, through their attorney Leonard Joseph, Esq., have requested this easement over a strip of City land shown on the attached plan and described in the draft Grant of Easement. The proposed easement has been approved by the Mayor, City Engineer and Building Commissioner. This property is not needed for any purpose by the City and will enable the grantees to access the rear of their property. As you will see from the attached photo, a curb cut already exists over the City property.

The City Assessor has determined that the value of this easement is \$1,000.00 and this consideration for the easement has been incorporated into the easement document. If you have any questions, please feel free to contact me. The owner's attorney plans to attend the Council meeting on July 19, 2018. Thank you.

Sincerely,
Elizabeth Rennard

Action Contemplated

Councillor McCarthy

Moved Adoption (2/3 vote)
Or
Referred to the Comm. on
Ord., Lic. & Legal Affairs

Voted

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

A communication from the City Solicitor filing a request to withdraw the Council Order that was filed on January 11, 2018 relative to the Exemption of the Conflict of Interest Law for the Mayor to serve on the Housing Authority (See full letter below)

To the City Council
City Hall
Salem, Massachusetts

Re: Withdrawal of Proposed Order/Filing New Order - § 20(b) Exemption Mayor Driscoll

Ladies and Gentlemen of the Council:

I am writing to withdraw the request I filed with the City Council on January 11, 2018 for the adoption of a City Council Order, pursuant to Massachusetts Conflict of Interest Law, General Law c. 268A, § 20(b), approving a § 20(b) exemption for Mayor Kimberley Driscoll to serve as the Commonwealth of Massachusetts Department of Housing and Community Development's (DHCD) appointee to the Salem Housing Authority. The reason for this withdrawal is that the Certificate of Appointment for the Mayor to serve on the Housing Authority, which was submitted with the exemption request, has expired.

DHCD is still very interested in having the Mayor represent the Baker Administration as a member of the Housing Authority. They are also aware of a concern raised by some councilors that the provisions of 760 CMR 4.03(2)(a) may preclude the Mayor from serving on the Housing Authority because she is an elected official. To address this, DCHC sent the Mayor a new appointment letter (attached) granting a waiver of Section 4.03(2)(a) conditional upon her receiving a § 20(b) Conflict of Interest Law exemption from the City Council. As a result, I have enclosed herewith a new request for a § 20(b) Conflict of Interest Law exemption consistent with the new appointment and waiver from DHCD.

Thank you for your consideration of this request.

Sincerely,
Elizabeth Rennard

Councillor McCarthy

Moved Adoption

Voted

JULY 19, 2018

REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The Following Order was recommended by the City Solicitor:

WHEREAS, the Commonwealth of Massachusetts Department of Housing and Community Development's (DHCD) has provided a conditional waiver of the provisions of 760 CMR 4.03(2)(a) which precludes elected officials from serving on Housing Authorities so that Mayor Kimberley Driscoll may represent DHCD on Salem's Housing Authority;

WHEREAS, this conditional waiver is subject to Mayor Driscoll also receiving a § 20(b) Conflict of Interest Law exemption from the City Council; and

WHEREAS, the Mayor is eligible to receive this exemption because the City does not regulate the activities of the Housing Authority, the service to the Housing Authority will be provided outside her normal working hours as City official, the services to the Housing Authority are not required as part of her regular duties, and she will not be compensated for more than 500 hours during a calendar year; NOW, THEREFORE,

It is hereby ORDERED that, pursuant to Massachusetts Conflict of Interest Law, General Law c. 268A, § 20(b), the City Council hereby approves a § 20(b) exemption for Mayor Kimberley Driscoll to serve as the Commonwealth of Massachusetts Department of Housing and Community Development's appointee to the Salem Housing Authority.

Action Contemplated

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

The Following Order was recommended by Tom Daniel, Executive Director of the Salem Redevelopment Authority

ORDERED: The Mayor is hereby authorized, on behalf of the City of Salem, to execute a perpetual easement to the Salem Redevelopment Authority to allow certain encroachments identified on two plans, "Ground Easement Plan" and "Air Rights Easement Plan," both dated July 16, 2018 and prepared by Allen & Major Associates, Inc., which plans are attached hereto. Final plans and easement shall be in a form approved the City Solicitor.

Action Contemplated

| | | |
|---------------------|--|-------|
| Councillor McCarthy | Moved Adoption (2/3 vote) OR Refer to the Comm. on Ord., Lic. & Legal Affairs | Voted |
|---------------------|--|-------|

JULY 19, 2018

REGULAR MEETING

PETITIONS

Request from the residents of Clark Street (at end of cul-de-sac) to hold a block Party on September 8, 2018 from 2:00 P.M. to 8:00 P.M. with a rain date of September 15, 2018

Action Contemplated

Councillor Peterson

Moved Granted

Voted

Request from the residents of Larch Avenue to hold a block Party on September 15, 2018 from 1:00 P.M. to 8:00 P.M. with a rain date of September 22, 2018

Action Contemplated

Councillor Gerard

Moved Granted

Voted

Request from the House of Seven Gable to close the end of Turner Street on Sunday, September 16, 2018 beginning at 12:00 P.M. to hold their annual fundraising event.

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

Request from the residents of Peabody Street (between Lafayette and Ward) to hold a Block Party on September 22, 2018 from 8:00 A.M. to 10:00 P.M. (these hours include set-up and bread down)

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

JULY 19, 2018

REGULAR MEETING

PETITIONS

The Following License Applications:

LIMOUSINE: Americab Taxi, 92 Jackson Street, Salem (1 Limo)

PUBLIC GUIDES: Ryan Boettcher, 8 Gifford Ct., Salem
Cynthia Geller, 42 Northey St., Salem
Elizabeth Blake, 25 Baker St., Malden

TAXI OPERATOR: Jones M. Romero, 11 Auburn Ct., Malden

VEHICLE FOR HIRE: Sharon Moulton, 396 Jefferson Ave., Salem
OPERATORS ONLY

Action Contemplated

Councillor McCarthy

Moved Granted

Voted

The Following Claims:

James Hacker, 4 Mayflower Ln, Salem
Emma Gardiner, 44 Balcomb St., Salem
Phyllis Vray, 19 Eclipse Ln, Salem
Peter LaChapelle, 19 Union St., Salem
Michael Beher, PO Box 472, West Lynn

Action Contemplated

Councillor McCarthy

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

Voted

JULY 19, 2018

REGULAR MEETING

PETITIONS

The Following Drainlayer/Contract Operator Licenses:

J. Derenzo Company, 338 Howard St., Brockton
Cavalieri Construction Co., 16 Robin St., Everett

Action Contemplated

| | | |
|---------------------|---------------|-------|
| Councillor McCarthy | Moved Granted | Voted |
|---------------------|---------------|-------|

The Following Bonds:

DRAINLAYER: J. Derenzo Company, 338 Howard St., Brockton
Cavalieri Construction Co., 16 Robin St., Everett
W.L. French Excavating Corp., 3 Survey Cir., N. Billerica

Action Contemplated

| | | |
|---------------------|---|-------|
| Councillor McCarthy | Refer to Comm. on Ord., Lic. & Legal Affairs & Returned Approved | Voted |
|---------------------|---|-------|

JULY 19, 2018

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE 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 Second & Final Passage

Voted

SECOND PASSAGE 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 Second & Final Passage

Voted

SECOND PASSAGE 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 Second & Final Passage

Voted

JULY 19, 2018

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE ORDINANCE: amending Traffic Ch. 42, Section 50B – Handicapped Parking, Limited Time - Repeal Briggs Street in front of #35

Action Contemplated

Councillor Madore

Moved Adoption for Second & Final Passage

Voted

SECOND PASSAGE ORDINANCE: amending Traffic Ch. 42, Article I, Section 1 – Definitions is hereby amended by adding a new definition for “Skateboard” and to further amend Ch. 42 by adding Section 43B - Use of Skateboards on Streets and Sidewalks.

Action Contemplated

Councillor McCarthy

Moved Adoption for Second & Final Passage

Voted

SECOND PASSAGE ORDINANCE: amending and Ordinance relative to Ch. 24 Sec. 7 – Skateboarding shall be repealed in its entirety and Amending Chapter 1, Sec. 1-10. - Noncriminal Disposition of Ordinance Violations- Penalty and Enforcement

Action Contemplated

Councillor McCarthy

Moved Adoption for Second & Final Passage

Voted

On the motion of Councillor

the meeting adjourned at

P.M.