City of Salem, Massachusetts Office of the City Clerk

Cheryl A. LaPointe City Clerk



2017 SEP 12 AM 8: 55 CITY CLERK SALEM, MASS

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September 12, 2017

MEETING NOTICE AND AGENDA

"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033."

The City Council will meet in the City Council Chamber on Thursday, September 14, 2017 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

The Agenda for this meeting is posted on the website and also listed below.

Very truly yours,

CHERYL A. LAPOINTE

CITY CLERK

ATTEST:

This note a posted on "Official Bulletin Board"

City Half Isalem, Mass. on Somether 12, 2017

at 8:55 A Me in accordance with MGL Chap. 30A,

Sections 18-25.

"Know Your Rights Under the Open Meeting Law, M.G.L. Chapter 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033."

Assistive Listening System Now Available for City Council Meetings.

Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Cheryl LaPointe at 978-619-5610 or clapointe@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, September 14, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 12, 2017 at 8:55 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Milo presided.

Councillor meeting.

moved to dispense with the reading of the record of the previous

VOTED

President Milo requested that everyone please rise to recite the Pledge of Allegiance.

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes
Name must be on roster 30 minutes prior to meeting
Agenda items only

HEARINGS

ORDERED: National Grid to install conduits near	· 76 Lafayette Street to bring secondary service
for cell antenna on street light pole 6150	

9 1		
APPEARING IN FAVOR:		
APPEARING OPPOSED:		
Action Contemplated		
Councillor Turiel	Moved the Hearing be Closed	Votod
Councillor Turler	Moved the Hearing be Closed	Voted
Councillor Turiel	Moved Granted	Voted

HEARINGS

ORDERED: Comcast to install	conduit and vaults to provide service to 224 and 226 E	Essex St.
APPEARING IN FAVOR:		
APPEARING OPPOSED:		
Action Contemplated		
Councillor Famico	Moved the Hearing be Closed	Voted
Councillor Famico	Moved Granted	Voted

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of John Andrews to serve as a member of the Salem Public Art Commission with a term to expire on July 20, 2019

Action Contemplated				
Councillor McCarthy	Moved Confirmation by Roll Call Vote	Yeas	Nays	Abs
Held from the last meetin Salem Bicycle Advisory C	g, the Mayor's appointment of Jayne O'Lea Committee with a term to expire on July 20,	iry to serve 2020	as a mem	ber of the
Action Contemplated				
Councillor Turiel	Moved Confirmation by Roll Call Vote	Yeas	Nays	Abs
Held from the last meeting, the Mayor's appointment of Lisa Kay Rosenthal to serve as a member of the Salem Renewable Energy Task Force with a term to expire on July 20, 2020				
Action Contemplated				
Councillor Dibble	Moved Confirmation by Roll Call Vote	Yeas	Nays	Abs

Voted

SEPTEMBER 14, 2017

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of Chris Cantone to serve as a member of the Salem Renewable Energy Task Force with a term to expire on September 14, 2020

Councillor Councillor Suspension of the Rules Objection **Action Contemplated** Councillor Eppley Held under the Rules Voted Mayor's appointment of the following to serve as members of the Designer Selection Committee with their terms to expire on September 14, 2020: Thomas St. Pierre, Building Inspector or his designee Tom Daniel, City Planner or his designee Jenna Ide, Director of Capital Projects or her designee Councillor Councillor Suspension of the Rules Objection **Action Contemplated** Councillor Furey Held under the Rules Voted Mayor's appointment of Laurieann Giardella, 29 Castle Rd., Nahant to the position of Finance Director/Auditor with a term to expire on January 31, 2020 Councillor Suspension of the Rules Councillor Objection **Action Contemplated**

Held under the Rules

Councillor Gerard

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appointment of Stephen Cummings, 241 North St., Salem, to the position of Assistant Building Inspector with a term to expire on September 14, 2019

Councillor Suspension of the Rules Councillor Objection **Action Contemplated** Councillor Gerard Held under the Rules Voted Mayor's appointment of Kelly Walton, 9 Japonica St. Salem, to the position of Assistant Building Inspector with a term to expire on September 14, 2019 Councillor Suspension of the Rules Councillor Objection **Action Contemplated** Councillor Gerard Held under the Rules Voted Mayor's re-appointment of Donald Famcio to serve as Constable with a term to expire on August 1, 2020

Action Contemplated

Councillor Ryan

Moved Received and Placed on File

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$60,084.22 from "Retirement Stabilization Fund - Vacation Sick Leave Buyback Account" for the retirement of two employees:

Michael Wong

Parking Dept.

\$13,275.74

Scott Englehardt Police Dept.

\$46,808.48

Councillor

suspension of the rules

Councillor

object

Action Contemplated

Councillor Gerard

Moved Adoption

Voted

Ref. to Comm. on Administration & Finance

Appropriation of \$26,979.11 from "Receipts-Reserved - Golf Course" account to "Golf Course" Renovations" account to purchase an aerator

Councillor

Suspension of the rules

Councillor

object

Action Contemplated

Councillor Gerard

Moved Adoption

Voted

Ref. to Comm. on Administration & Finance

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$20,383.15 from "Retirement Stabilization Fund – Vacation Sick Leave Buyback Account" for the retirement of George Sands from DPS

Councillor suspension of the rules Councillor object

Action Contemplated

Councillor Gerard Moved Adoption Voted

Or

Ref. to Comm. on Administration & Finance

ORDER: to accept a donation from The Moose Lodge No. 218 in the amount of \$1,344.00 to the Fire Donation Fund

Action Contemplated

Councillor Gerard Moved Adoption Voted

ORDINANCE: An Ordinance to amend an Ordinance Relative to Zoning (Section 8.2.2 and Section 8.2.8) to provide for additional Design Review as part of site plan review in the City's Entrance Corridor Overlay District (ECOD)

(Full text of Zoning Ordinance may be obtained at the City Clerk's Office during normal business hours)

Action Contemplated

Councillor Ryan Moved to refer to the Planning Board to schedule a Voted

Joint Public Hearing with the City Council

COMMUNICATIONS FROM THE MAYOR

Home Rule Petition for one (1) additional liquor license for the sale of wine and malt beverages to be drunk on the premises located at 142 Canal Street for Ling & Li, Inc. d/b/a Minzu Sushi

Action contemplated

Councillor Ryan

Moved Adoption by roll call vote

yeas

nays absent

Or

Ref. to Comm. on Ordinances, Licenses

& Legal Affairs

Resolution in support of Massachusetts House Bill 2683/Senate Bill 1845 to Protect Gas and Electricity Consumers

Action Contemplated

Councillor Eppley

Moved Adoption by roll call vote

yeas

nays absent

OR

Refer to Committee on Public, Health,

Safety and Environment

ORDER: To waive the Council's previous order and to Designate the intersection of East Collins Street and Conners Road as a Veteran's Square in honor of the late Master Sergeant Joseph F. E. Perrault, United States Army. M/Sgt. Perreault enlisted in the armed services on April 15, 1941 and proceeded to serve with distinction on behalf of this nation through the course of WWI

Action Contemplated

Councillor Famico

Moved

COMMUNICATIONS FROM THE MAYOR

ORDER: That the Mayor is hereby authorized to execute an easement Grant to Richard W. Jagolta, Jr. as set forth in the attached Easement Grant and as shown on the attached plan entitled "Plan of Land located at 4 Parker Court, Salem, MA

Action Contemplated

Councilor Ryan

Moved Adopted by Roll Call Vote

Voted

OR

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

ORDER: That the City Council renames the Renewable Energy Task Force as the Sustainability, Energy and Resiliency Committee

Action Contemplated

Councillor Sargent

Moved Adopted

Voted

Or

Refer to the Committee on Government Services

ORDER: That the daily weekend and holiday rate for parking in the Museum Place Parking Garage, South Harbor Parking Garage and Church Street West Lot (excluding the East lot adjacent to St. Peter's St.) shall be \$20.00 effective October 1, 2017 through and including October 31, 2017. Salem residents with valid ID at the Church St. Parking Lot shall not be subject to the \$20.00 fee and that the City of Salem lot at the MBTA Station shall be made available for use by Salem residents only at no cost for weekends in October.

Action Contemplated

Councillor Gerard

Moved Adopted

Voted

OR

Refer to A&F

COMMUNICATIONS FROM THE MAYOR

ORDER: That the following streets be given temporary resident only parking status from October 1st through October 31, 2017 to allow parking enforcement staff and police officers to enforce during the month of October: Broad, Downing, Endicott, Hathorne, Margin, Mt. Vernon, Prescott, Summer, Winthrop, Union and Becket Ave. and any additional streets as determined by Chief of Police

Action Contemplated			
Councillor Ryan	Moved Adoption	Voted	
ORDER: That the Salem Youth organizations (i.e. S.H.S. Music Boosters, SHS Football Boosters, SHS Drama Club and Salem Youth Football and others) are hereby authorized to staff the parking lot at 297 Bridge St. and collect a parking fee of \$20.00 per on the following designated weekend and holiday dates: Oct. 7,8, 9; Oct. 14 &15; Oct. 21 & 22; Oct. 28 & 29; and Oct. 31 (after 4PM) Dates are to be scheduled through the City of Salem's Traffic and Parking Dept.			
Action Contemplated			
Councillor Gerard	Moved Adoption	Voted	

SEPTEMBER 14, 2017 MAYOR'S INFORMATIONAL PAGE NONE

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Gerard

ORDER: That the Year to Date Budget Report dated June 30, 2017, be referred to the Committee on Administration and Finance.

Action contemplated

Councillor Gerard

Moved Adoption

Voted

Councillor Gerard

ORDER: That the Monthly Financial Report dated July 31, 2017, be referred to the Committee on Administration and Finance.

Action contemplated

Councillor Gerard

Moved Adoption

Voted

Councillor Gerard

ORDINANCE: amending Traffic Ch. 42, Sec. 74 - "General Prohibition Towing Zones"

North St., Westerly Odd Side, between the driveways of 111 North Street, No Parking Tow Zone"

Action Contemplated

Councillor Gerard

Moved Adoption for first passage

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Lovely

ORDINANCE: amending Traffic Ch. 42, Sec. 10 – "One Way Street" by adding the following:

Prescott Street, One Way, Eastbound side from Summer Street to Margin Street

Action Contemplated

Councillor Lovely

Moved Adoption for first passage

Voted

Councillor Lovely

ORDINANCE: amending Traffic Ch. 42, Sec. 50B – "Handicap Parking Limited Time"

Repeal Cloutman Street in front of #15 for a distance of twenty (20) feet, Handicap Parking Tow Zone (6/14/2001)

Action Contemplated

Councillor Lovely

Moved Adoption for first passage

Voted

Councillor Lovely

ORDINANCE: amending Traffic Ch. 42, Sec. 10 – "One Way Street" by adding the following:

Endicott Street, One Way, Eastbound from Summer Street to Margin Street

Action Contemplated

Councillor Lovely

Moved Adoption for first passage

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Famico

ORDINANCE: amending Traffic Ch. 42, Sec. 75 – "Parking Prohibitions Towing Zones (Resident Parking)" is hereby amended by adding the following:

Summer St., Zone D, Color Yellow, Easterly Side from Endicott St. to Broad St., "Resident Sticker Parking, Tow Zone"

Action Contemplated

Councillor Famico

Moved Adoption for first passage

Voted

Councillor Famico

ORDINANCE: amending Traffic Ch. 42, Sec. 50B - "Handicap Parking Limited Time"

Repeal Rice Street in front of #4 for a distance of twenty (20) feet, Handicap Parking Tow Zone

Action Contemplated

Councillor Famico

Moved Adoption for first passage

Voted

Councillor Eppley

ORDER: That this order keep in effect the moratorium placed on regular pruning, maintenance and/or removal of street trees by utility companies and/or their agents within the City of Salem issued on June 22, 2017. These activities shall not recommence until the earliest of the following: The City Tree Warden issues a reinstatement order, the City Council enters a subsequent order; or November 15, 2017. Notwithstanding the above, in an emergency situation threatening public safety or public health, the City Tree Warden may temporarily lift this Order to allow for emergency pruning and/or removal of street trees by utility companies and/or their agents. Further the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole shall meet to discuss recent over-pruning and destruction of trees by utility companies conducting pruning and maintenance operations in Spring 2017. Invited to this meeting shall be: the City Tree Warden, DPS Director or his designee; representatives of utility companies with utility lines and poles throughout the City.

Action Contemplated

Councillor Eppley

Moved Adopted

COMMITTEE REPORTS

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

SEAWORMS: Paul Lynch, 28 Anawan Ave., Saugus

Timothy Lynch, 28 Anawan Ave., Saugus

TAG DAY: Salem Youth Football & Cheer, October 7 & 8, 2017

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Famico 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 Gas Leaks in the city to include the effect on trees and the scheduling of repairs has considered said matter and would recommend that the matter remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

Voted

SEPTEMBER 14, 2017

COMMUNICATIONS FROM CITY OFFICIALS

Communication from Tom Daniel, City Planner regarding the Zoning Amendment to change the zoning designation of 204, 206, 214 & 222 Derby St. from Residential Two-Family (R-2) to Central Development (B-5) outlining the mechanism to include these four parcels in the urban renewal e е

boundary first and then rezone to B-5. Per the City Solicitor the rezoning could be approved by to City Council with an effective date specified many months in the future. If the Council supports to rezoning, an effective date of May 1, 2018, would provide enough time for the urban renewal boundary to be completed at the municipal and state levels		
(Full Copy of City Planner letter may hours)	be obtained at the City Clerk's	Office during normal business
Action Contemplated		
Councillor McCarthy	Moved	Voted
Communication from the Planning Bo Zoning Amendment to change the zo Residential Two-Family (R-2) to Cent changing the urban renewal area pre demolition oversite. However, at suc Board would be in favor of the rezoni (B-5). The Planning Board unanimou deny was based on factor that the four rezoning to ensure there will be design (Full copy of Planning Board Decision business hours)	oning designation of 204, 206, 2 tral Development (B-5) because sented two primary concerns, the time the urban renewal area ing of 204, 206, 214 & 222 Derbusly supported the B-5 zoning dur parcels to be included in the upper and demolition oversite.	14 & 222 Derby Street from changing the zoning without he lack of both design and sextended, the Planning y St. to Central Development esignation. The motion to urban renewal area prior to the

Moved

Action Contemplated

Councillor Ryan

COMMUNICATIONS FROM CITY OFFICIALS

Communications from City Solicitor submitting an Ordinance to Amend an Ordinance relative to Chapter 22, Noise Control (Complete copy of ordinance amendments on file in the City Clerk's office and available during normal business hours)

Action Contemplated

Councillor Ryan

Moved Adopted for First Passage

Voted

OR

Refer to committee on Ord., Lic.,

& Legal Affairs

PETITIONS

Petition from Comcast to install conduits for 401 Bridge Street and 50 Boston Street

HEARING ORDERED SEPTEMBER 28, 2017

Petition contesting the Handicap Parkin	ng Space request at #14 Naples Road		
Action Contemplated			
Councillor Turiel	Moved	Voted	
Request from House of Seven Gable to close the end of Turner Street from noon to allow for unloading of trucks for their Taste of Gables event on Sunday, September 17, 2017			
Action Contemplated			
Councillor McCarthy	Moved Granted	Voted	

PETITIONS

Request from the Residents of King Street (from Nursery to Woodside) to hold a block party on Sunday, September 25, 2017 from 3:00 P.M. to 7:00 P.M. with a rain date of Sunday, October 1, 2017.

Action Contemplated			
Councillor Gerard	Moved	Voted	
Request from Cynthia Johnson to hold a road race (Festivus 5K) and use of city streets on December 10, 2017 at 10:00 A.M.			
Action Contemplated			
Councillor McCarthy	Moved	Voted	
Request from Adam Fitch and Matt Richard to hold a Zombie Walk and use of city sidewalks/streets on October 7, 2017 at 4:30 P.M.			
Action Contemplated			
Councillor Famico	Moved	Voted	

PETITIONS

Action Contemplated			
Councillor McCarthy	Moved	Voted	
Request from Fiesta Shows to hold a Carnival at 289 Derby Street from October 13, 2017 through October 31, 2017 from 3:00 P.M. on Weekdays and Noon to 10:00 P.M. on Weekends			
Action Contemplated			
Councillor McCarthy	Moved	Voted	
Request from NE Open Markets/6one7 Productions for use of the Salem Common to have a Beer Garden during the Food Truck Festival on Saturday, September 30, 2017 and October 1, 2017 from 11:00 A.M. to 6:00 P.M. to serve beer, wine and cider (applying to licensing board on 9/18/17)			
Action Contemplated			

PETITIONS

The Following License Applications:

PUBLIC GUIDES: Kalen Gregory, 190 Bridge St., Salem

Raymond Swartz, 30 Ocean Ave., Salem Johnbarry Green, 305 Salem St., Woburn Kristin Harris, 181 Federal St., Salem

Michael Cherone, 601 Highland Ave., Malden

Julio Mota, 88 Newton Ave., Lynn
Sabrina Hunt, 229 Lafayette St., Salem
Bella Baidale, 22 Cabot St., Salem
Sarah Moriello, 10 Osborne St., Salem
Suzanne Hall, 15 Winter St., Salem
Cas Johnstone, 377 Essex St., Salem
Gina Iacono, 67A Rice St., Cambridge
David Stickney, 50 Palmetto St., Saugus

Kiana Reid, 1 Loring Ave., Salem

TAXI OPERATOR: Eustauio Arnolfo Berroa Hernandez, 28 Mt. Pleasant Ave. Ipswich

Rafael Gomez-Burgos, 18 Peabody St., Salem

Andreson Bacelar, 730 Hale St., Beverly

VEHICLE FOR HIRE

OPERATOR ONLY:

Joel Cassidy, 35 March St., Salem Marie Olson, 3 Federal Ct., Salem

Action Contemplated

Councillor Ryan Moved Granted Voted

The Following License Applications:

TAG DAY: S.H.S. Gymnastics, 1/20/18 & 2/3/18

S.H.S. Marine JROTC, 10/15/17 & 10/28/17

Action Contemplated

Councillor Ryan Refer to Comm. on Ord., Lic. & Voted

Legal Affairs

PETITIONS

The Following Drainlayer/Contract Operator Application:

Rosciti Construction Co., 123 King Philip St., Johnston, RI Linskey Excavating Co., 38 Mitchell Rd., Ipswich

Action Contemplated

Councillor Ryan

Refer to Comm. on Ord., Lic. &

Legal Affairs

Voted

The Following Claims:

Sharon Gardner, 38 Orne St., Salem Natalie Jackson, 65 Palmer St., Salem John Matias, 57 Harbor St., Salem Julio Cuervas, 36 Perkins St., Salem Kimberly Day, 96 Kings Hill Dr., Lynn Ydelisa Gomez, 25 Perkins St., Salem Bryan Bermudez, 90 Congress St., Salem Amauris Gomez, 10 First St., Salem Melissa Theriault, 67 Palmer St., Salem Kristina Gurksnis, 23 Williams St., Salem Jose Sesura, 10 First St., Salem Raquel Delossantos, 71 Palmer St., Salem Kristen Veiga, 31 Maple St., Lynnfield Jairo Hernandez, 109 Congress St., Salem (Jeep Cherokee) Jairo Hernandez, 109 Congress St., Salem (Honda Accord) Manuel Hernandez, 109 Congress St., Salem Phyllis West, 4 Malone Dr. Salem Mara Cohen, 1 Berkshire Rd., Peabody

Action Contemplated

Councillor Ryan

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

PETITIONS

The Following Bonds:

DRAINLAYER: Rosciti Construction Co., 123 King Philip St., Johnston, RI

Linskey Excavating Co., 38 Mitchell Rd., Ipswich

SIGNS: Sperling Interactive, 10 Derby Sq. Unit S1, Salem

Derby Square Architects Inc., 10 Derby Sq. Unit NB, Salem

Action Contemplated

Councillor Ryan Refer to Comm. on Ord., Lic. &

Legal Affairs & Returned Approved

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 50B – Handicap Parking Limited Time, Derby St. in front of #85 Derby Street, twenty feet northeast of Blaney Street and continuing for a distance of 20 feet, Handicap Parking, Tow Zone.

Action Contemplated

Councillor McCarthy

Motion Adoption for Second & Final Passage

Voted

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 50B – "Handicap Parking, Limited Time", Repeal Northey Street in front of #12 Northey Street, for a distance of twenty feet, "Handicap Parking only, Tow Zone"

Action Contemplated

Councillor Famico

Motion Adoption for Second & Final Passage

Voted

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 50B – "Handicap Parking, Limited Time", Repeal Wisteria Street in front of #18 Wisteria Street, for a distance of twenty feet, "Handicap Parking only, Tow Zone"

Action Contemplated

Councillor Turiel

Motion Adoption for Second & Final Passage

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 49 – "Obedience to Isolated Stop Signs", Laurel Street, east and west bound traffic, stop at Linden Street, "Stop Signs"

Action Contemplated

Councillor Turiel

Motion Adoption for Second & Final Passage

Voted

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 50B, Handicap Parking Limited Time in front of #14 Naples Road

Action Contemplated

Councillor Turiel

Motion Adoption for Second & Final Passage

Voted

SECOND PASSAGE Ordinance amending Article 1 of Ch. 16 Cemeteries Sec. 16-6 Dogs Prohibited from certain historic cemeteries

Action Contemplated

Councillor Gerard

Motion Adoption for Second & Final Passage

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Traffic Ch. 42, Sec. 88 – "Special Speed Regulations", Repeal Swampscott Road – Eastbound and Westbound

Action Contemplated

Councillor Lovely

Motion Adoption for Second & Final Passage

Voted

SECOND PASSAGE Ordinance amending Ch. 22 – NOISE CONTROL, ARTICLE 1 In General. Section 1. Chapter 22 -1 Certain Noises Prohibited Generally by adding Section 22- 6 Excessive Noise from Compression Brakes Prohibited

Action Contemplated

Councillor Ryan

Motion Adoption for Second & Final Passage

Voted

On the motion of Councillor

the meeting adjourned at

P.M.