

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL**

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A Regular Meeting of the City Council held in the Council Chamber on Thursday, July 20, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 18, 2017 at 2:58 P.M. This meeting is being taped and is live on S.A.T.V.

Councillor Dibble was recorded as absent.

Council President Milo presided.

Councillor Furey moved to dispense with the reading of the record of the previous meeting. It was so voted.

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

**PUBLIC TESTIMONY**

1. Lisa Gilbert, representative for National Grid – Special Variance March Street Court.

**#435 – APPOINTMENT OF JOHN ANDREWS TO THE SALEM PUBLIC ART COMMISSION**

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, was held under the rules until the next meeting.

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### **#436 – APPOINTMENT OF JAYNE O’LEARY TO THE SALEM BICYCLE ADVISORY COMMITTEE**

The Mayor’s appointment of Jayne O’Leary to serve as a member of the Salem Bicycle Advisory Committee with a term to expire on July 20, 2020, was held under the rules until the next meeting.

### **#437 – APPOINTMENT OF LISA KAY ROSENTHAL TO THE SALEM RENEWABLE ENERGY TASK FORCE**

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, was held under the rules until the next meeting.

### **#438 – APPOINTMENT OF DAVID KNOWLTON AS DIRECTOR OF PUBLIC SERVICES**

The Mayor’s appointment of David Knowlton to the position of Director of Public Services with a term to expire on January 31, 2019, was confirmed under suspension of the rules by unanimous roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Turiel, Sargent, Ryan, McCarthy, Lovely, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative.

Councillor Dibble received unanimous consent for suspend the rules to allow David Knowlton to speak.

### **#439 - COMMUNICATIONS FROM THE MAYOR**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Five Hundred and Thirty-Nine Thousand, Eight Hundred and One Dollars and Ninety Cents (\$539,801.90) is hereby appropriated from “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.

Capital Improvement Fund	\$150,000.00
Retirement Stabilization Fund	<u>\$389,801.00</u>
	539,801.90\$

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**#440 – APROPRIATION FROM RETIREMENT STABILIZATION FUND – VACATION / SICK LEAVE BUYBACK FOR THE RETIREMENT OF SCHOOL DEPARTMENT EMPLOYEES**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Two Hundred and Three Thousand, Fifty Dollars and Seventy Cents (\$203,050.70) in the “Retirement Stabilization Fund – Vacation Sick Leave Buyback Account” to be expended for the FY 2017 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

Judy Johnson	9,119.50
Jane Pace	32,831.20
Mary Sueltenfuss	14,632.00
Elisa LaSota	31,789.60
RuthAnn Hatt	15,848.00
Anne LeBlanc	34,332.80
Christine Morin	15,571.20
Luz Barreto-Longus	33,736.00
Paula Dobrow	<u>15,190.40</u>
	<b>\$203,050.70</b>

**Councillor Ryan recused himself and left the Council Chamber**

**#441 – APPROPRIATION TO “POLICE DEPARTMENT – FULL TIME SALARIES”**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Ninety Thousand Dollars (\$90,000.00) is hereby appropriated from the “Stabilization Fund 8301” account to the account listed below to cover FY 2018 Police Superiors contractual increases in accordance with the recommendation of Her Honor the Mayor.

From : Stabilization 8301	To: “Police Dept. – Full Time Salaries”	90,000.00
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**Councillor Ryan returned to the Council Chamber.**

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**#442 – APPROPRIATION TO “DEPT. PUBLIC SERVICES – BURIAL” ACCOUNT**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated from the “Receipts Reserved – Sale of Lots” and “Receipts Reserved – Sale of Vaults” to “Dept. Public Services – Burial” account” in accordance with the recommendation of Her Honor the Mayor.

**#443 – ACCEPT MGL CH. 44 SEC. 64 FOR PUBLIC PROPERTY**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: Per MGL c. 44 Sec. 64 allows a municipality to pay for prior Fiscal Year invoices using current Fiscal Year appropriation by a two-thirds vote of the Council we request to approve the maximum expenditure of Fifteen Thousand, Five Hundred Dollars (\$15,500.00) of outstanding Fiscal Year 2016 Public Property Rent and Tax invoices to be paid from the Fiscal Year 2017 Public Property budget as listed below in accordance with the recommendation of Her Honor the Mayor.

<b><u>Department</u></b>	<b><u>Vendor</u></b>	<b><u>Amount</u></b>
Public Property	Peabody Block LLC/RCG	\$15,500.00

**#444 - COMMUNICATIONS FROM THE MAYOR**

The following Order recommended by the Mayor was adopted.

ORDERED: That the sum of Eight Thousand Six Hundred and Fifteen Dollars and Twelve Cents (\$8,615.12) is hereby transferred from the “Public Property – Full Time Salary” account to the “Public Property – Contracted Services” account” in accordance with the recommendation of Her Honor the Mayor

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**#445 – ACCEPT DONATION FOR THE COUNCIL ON AGING**

The following Order recommended by the Mayor was adopted.

ORDERED: to accept donations listed below totaling Four Thousand and Fifty Dollars (\$4,050.00). These funds will be deposited into the account listed below in accordance with the recommendation of Her Honor the Mayor.

From:	To:	Amount:
Friends of the Council on Aging	Council on Aging Donation Fund	\$4,050.00

**#446 – ACCEPT GIFTS FOR IMPROVEMENTS TO PROCTORS LEDGE**

The following Order recommended by the Mayor was adopted.

ORDERED: The City Council, on behalf of the City of Salem, accepts the following gifts made for the improvements to Proctor's Ledge:

Brian E. Bailey	\$20.00
Brunonia Barry	\$100.00
Michael Coleman	\$50.00
Alyssa & Ryan Conary	\$100.00
Alpha DaCosta	\$25.00
Kristi Dariano	\$100.00
Carole Davis	\$75.00
Carla Deluca-Wardwell & Gerry, Jarrod & Faith Wardwell	\$25.00
Nanette de Maine	\$25.00
Douglas, Diana, Lisa & Bannon Emerson	\$100.00
Laura & Stephen Engelhardt	\$50.00
Peter & Richard Fipphen	\$50.00
Anthony Griego	\$50.00
Irving Ingraham & Darleen Melis	\$250.00
John Keenan, Sr.	\$125.00
William LeBlanc	\$28.67
Joan Lovering Bartkiewicz	\$50.00
Arla Norton Luna & Bobby Bowman	\$50.00
Diane Stern & Neil Ungerleider	\$250.00
Rosanne Sable	\$25.00
Gail Sados	\$50.00
Mary Saratora	\$30.00

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Geoff & Angela Schutt	\$143.00
Helen Shaw	\$200.00
Joseph Smeali-Villarroel	\$11.47
Jeffrey Stark	\$50.00
Jane Walsh	\$15.00
Linda Wyman	\$25.00
The Deacon's Fund of the First Church in Salem	\$500.00
Towne Family Association, Inc.	\$525.00
<b>Total</b>	<b>\$3,098.14</b>

**#447 – HOME RULE PETITION FOR BROTHERS TAVERN AND MERCY TAVERN**

The following Home Rule Petition recommended by the Mayor was adopted for by a roll call vote of 10 yeas, 1 nay, 0 absent. Councillors Turiel, Ryan, McCarthy, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative. Councillor Sargent was recorded as voting in the negative.

ORDERED: That a petition to the General Court, accompanied by a bill for certain additional liquor licenses notwithstanding the provisions of sections 17 and 17A of chapter 138 of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

**AN ACT** authorizing the city of Salem to convert 2 seasonal licenses to annual licenses for the sale of all alcoholic beverages to be drunk on the premises.

*Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding sections 17 and 17A of chapter 138 of the General Laws, the licensing authority of the city of Salem may convert 1 seasonal license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 currently issued to Hazel Deli, LLC located at 283 Derby Street in the city of Salem to an annual license for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138 to Hazel Deli, LLC located at 283 Derby Street in the city of Salem. The license converted under this section shall be subject to all of said chapter 138 except sections 17 and 17A.

The licensing authority shall not approve the transfer of the license converted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of

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unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license converted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

**SECTION 2.** Notwithstanding sections 17 and 17A of chapter 138 of the General Laws, the licensing authority of the city of Salem may convert 1 seasonal license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 currently issued to The Good Wolf, LLC located at 142-148 Derby Street in the city of Salem to an annual license for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138 to The Good Wolf, LLC located at 142-148 Derby Street in the city of Salem. The license converted under this section shall be subject to all of said chapter 138 except sections 17 and 17A.

The licensing authority shall not approve the transfer of the license converted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license converted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

**SECTION 3.** (a) The city of Salem shall charge a fee for the conversion of the licenses authorized in sections 1 and 2 which shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into a contract with the licensees to allow the division of the fee into multiple payments over time from the licensee. If the city elects to accept multiple payments over time from the licensees, the option shall be made available, upon request, to all qualified applicants for a license.

(b) Any fees collected by the city of Salem for the licenses converted pursuant to sections 1 and 2 which are greater than the amount of the fees charged for an annual renewal of a similar license issued by the city shall be deposited into the city's economic development account and expended by it in a manner consistent with the purposes of such account.

**SECTION 4.** This act shall take effect upon its passage.

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****#448 – HOME RULE PETITION FOR CASTLE HILL MINIMART**

The following Home Rule Petition recommended by the Mayor was adopted for by a roll call vote of 10 yeas, 1 nay, 0 absent. Councillors Turiel, Ryan, McCarthy, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative. Councillor Sargent was recorded as voting in the negative.

ORDERED: That a petition to the General Court, accompanied by a bill for a certain additional liquor license notwithstanding the provisions of section 17 of chapter 138 of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

**AN ACT** authorizing the city of Salem to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises.

*Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may grant 1 additional license for the sale of wine and malt beverages not to be drunk on the premises under section 15 of said chapter 138 to Bosolakhana Thach d/b/a Castle Hill Minimart to be located at 280 Jefferson Avenue in the city of Salem. The license shall be subject to all of said chapter 138 except section 17.

The licensing authority shall not approve the transfer of the license granted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license granted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

**SECTION 2.** (a) The city of Salem shall charge a fee for the granting of the license authorized in section 1 which shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into a contract with the licensee to allow the division of the fee into multiple payments over time from the licensee. If the city elects to accept multiple payments over time from the licensee, the option shall be made available, upon request, to all qualified applicants for a license.

(b) Any fee collected by the city of Salem for the license granted pursuant to section 1 which is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be



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deposited into the city's economic development account and expended by it in a manner consistent with the purposes of such account.

**SECTION 3.** This act shall take effect upon its passage.

#### **#449 – HOME RULE PETITION FOR PAMPLEMOUSSE**

The following Home Rule Petition recommended by the Mayor was adopted for by unanimous roll call vote of 11 yeas, 1 nay, 0 absent. Councillors Turiel, Sargent, Ryan, McCarthy, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative.

ORDERED: That a petition to the General Court, accompanied by a bill for a certain additional liquor license notwithstanding the provisions of section 17 of chapter 138 of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

**AN ACT** authorizing the city of Salem to convert a liquor license for the sale of wine and malt beverages not to be drunk on the premises to a liquor license for the sale of all alcoholic beverages not to be drunk on the premises.

*Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may convert 1 license for the sale of wine and malt beverages not to be drunk on the premises under section 15 of said chapter 138 issued to Pamplemousse, Inc. pursuant to Chapter 214 of the Acts of 2004 and located at 185 to 189 Essex Street in the city of Salem to a license for the sale of all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138 to Pamplemousse, Inc. to be located at 185 to 189 Essex Street in the city of Salem. The license shall be subject to all of said chapter 138 except section 17.

The licensing authority shall not approve the transfer of the license converted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license converted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges

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and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

**SECTION 2.** (a) The city of Salem shall charge a fee for the conversion of the license authorized in section 1 which shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into a contract with the licensee to allow the division of the fee into multiple payments over time from the licensee. If the city elects to accept multiple payments over time from the licensee, the option shall be made available, upon request, to all qualified applicants for a license.

(b) Any fee collected by the city of Salem for the license granted pursuant to section 1 which is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be deposited into the city's economic development account and expended by it in a manner consistent with the purposes of such account.

**SECTION 3.** This act shall take effect upon its passage.

### **#450 – HOME RULE PETITION FOR DOTTY & RAYS LLC**

The following Home Rule Petition recommended by the Mayor was adopted for by a roll call vote of 10 yeas, 1 nay, 0 absent. Councillors Turiel, Ryan, McCarthy, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative. Councillor Sargent was recorded as voting in the negative.

ORDERED: That a petition to the General Court, accompanied by a bill for a certain additional liquor license notwithstanding the provisions of section 17 of chapter 138 of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

**AN ACT** authorizing the city of Salem to grant 1 additional liquor license for the sale of wine and malt beverages to be drunk on the premises.

*Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may grant 1 additional license for the sale of wine and malt beverages to be drunk on the premises under section 12 of said chapter 138 to Dotty and Rays, LLC to be located at 112 North Street in the city of Salem. The license shall be subject to all of said chapter 138 except section 17.

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The licensing authority shall not approve the transfer of the license granted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If the license granted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

**SECTION 2.** (a) The city of Salem shall charge a fee for the granting of the license authorized in section 1 which shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into a contract with the licensee to allow the division of the fee into multiple payments over time from the licensee. If the city elects to accept multiple payments over time from the licensee, the option shall be made available, upon request, to all qualified applicants for a license.

(b) Any fee collected by the city of Salem for the license granted pursuant to section 1 which is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be deposited into the city's economic development account and expended by it in a manner consistent with the purposes of such account.

**SECTION 3.** This act shall take effect upon its passage.

#### **#451 – MAYOR INFORMING CITY COUNCIL OF EXTENSION OF WORK HOURS FOR IBERDROLA**

A communication from the Mayor informing the City Council of a request by Iberdrola working on Footprint Power Plant project for extension of work hours. Per City Ordinance Sec. 22-2(5) City Council approval not required, was received and placed on file.

#### **#452 – APPOINTMENTS TO THE SALEM CULTURAL COUNCIL**

A communication from the Mayor informing the City Council of Her appointments to the Salem Cultural Council no City Council confirmation is required, was received and placed on file.

#### **#453 – ORDINANCE, TRAFFIC HANDICAP PARKING DERBY STREET**

Councillor McCarthy introduced the following Ordinance, which was adopted for first passage.

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In the year two thousand and seventeen

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 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.

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

**\$454 – ORDINANCE TRAFFIC HANDICAP PARKING NORTHEY STREET**

Councillor Famico introduced the following Ordinance, which was adopted for first passage.

In the year two thousand and seventeen

An Ordinance to repeal an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 50B – Handicap Parking Limited Time,

Repeal Northey Street in front of #12 Northey Street, for a distance of twenty (20) feet, “Handicap Parking only, Tow Zone”

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

**#455 – ORDINANCE TRAFFIC HANDICAP PARKING NORTHEY STREET**

Councillor Turiel introduced the following Ordinance, which was adopted for first passage.

In the year two thousand and seventeen

An Ordinance to repeal an Ordinance relative to Traffic

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

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Section 1. Chapter 42, Section 50B – Handicap Parking Limited Time,

Repeal Wisteria Street in front of #18 Wisteria Street, for a distance of twenty (20) feet,  
“Handicap Parking only, Tow Zone”

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

**#456 – ORDINANCE TRAFFIC STOP SIGN LAUREL STREET**

Councillor Turiel introduced the following Ordinance, which was adopted for first passage.

In the year two thousand and seventeen

An Ordinance to repeal an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 49 – “Obedience to Isolated Stop Signs”,

Laurel Street, east and west bound traffic, stop at Linden Street, “Stop Signs”

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

**#457 – MONTHLY FINANCIAL REPORT**

Councillor Gerard introduced the following Order which was adopted.

ORDERED: That the Monthly Financial Report dated June 30, 2017, be referred to the Committee on Administration and Finance.

**#458 – ORDINANCE TRAFFIC HANDICAP PARKING NAPLES ROAD**

Councillor Turiel introduced the following Ordinance, which was referred to the Committee on Ordinances, Licenses and Legal Affairs due to the late file.

In the year two thousand and seventeen

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 50B – Handicap Parking Limited Time,

Naples Road in front of #14 Naples Road, for a distance of twenty (20) feet, “Handicap Parking only, Tow Zone”

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

#### **#459 – (#428 & #429) GRANTING LICENSES**

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

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

TAG DAY:                      Salem/Swampscott Youth Hockey, 9/2/17  
                                      S.H.S. Basketball, 12/9/17, 12/16/17, 1/13/18 & 1/27/18

#### **#460.1 – (#34) ORDINANCE PROHIBITING DOGS IN HISTORIC CEMETERIES**

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole, to whom was referred the matter of an Ordinance relative to Prohibiting Dogs in Historic Cemeteries has considered said matter and would recommend that the following ordinance submitted by the City Solicitor be adopted for first passage

***In the year Two Thousand and Seventeen***

**An Ordinance** to amend an Ordinance relative to prohibiting dogs in historic cemeteries

**Section I.** Article I of Chapter 16 – Cemeteries is hereby amended by inserting a new section as follows:

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“Sec. 16-6. – Dogs prohibited from certain historic cemeteries.

- (a) Dogs, excluding service dogs leashed and in control of the owner, are prohibited in the Broad, Charter, Howard and Essex Street cemeteries.
- (b) Any person violating this section shall be punished by a fine not exceeding \$50.00.
- (c) The Director of Public Services or his/her designee, the Inspector of Animals or a police officer may enforce this section.”

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

**#461 – (#397) ORDINANCE FOR THE RIGHTS & TREATMENT OF DOMESTICATED ANIMALS**

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs, to whom was referred the matter of discussing the creation of an ordinance relative to the Treatment and Rights of Domesticated Animals in Salem has considered said matter and would recommend that the attached (and below) Order to create a working group be adopted

**#461.1 – A PROTECTION OF ANIMALS WORKING GROUP BE CREATED**

**ORDERED:** A Protection of Animals Working Group is hereby created for the purpose of reviewing existing state laws relative to the protection of animals, drafting any necessary amendments to the City Ordinance to fill any gaps in the law to ensure the safety and well-being of animals in the City of Salem, and reporting its findings and recommendations to the City Council. This Working Group shall be comprised of seven members:

1. A City Councilor designated by the Council President;
2. The City Solicitor;
3. The Police Chief or her designee;
4. Former City Councilor William Legault;
5. Laurie Strathopoulos and one other member of Salem Saves Animals not-for-profit organization as selected by its President; and
6. A veterinarian, animal trainer or individual whose work focuses on the care of animals and who shall be designated by the other six members of the Working Group.

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****#462 – (#397) APPROPRIATION FOR COUNCIL ON AGING ACCOUNTS**

Councillor Gerard offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of a \$20,000 appropriation from Fund Balance Reserved for Appropriation – Free Cash to Council on Aging Accounts as follows: \$17,000 – Council on Aging Full Time Salaries and \$3,000 – Council on Aging Vehicle Parts and Accessories has considered said matter and would recommend Approval.

**#463 – (#398) APPROPRIATION FOR REPAIRS TO THE OLDE SALEM GREEN PUMP HOUSE**

Councillor Gerard offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of \$20,392.00 appropriation within the Capital Outlay Renovation and Repair Account to be expended for the repairs of electrical system in the pump house at the Olde Salem Greens by the Recreation Department has considered said matter and would recommend Approval.

**#464 – PETITION FROM NATIONAL GRID FOR A CONDUIT ON LAFAYETTE STREET**

A hearing was ordered for September 14, 2017 on the petition from National Grid to install conduits near 76 Lafayette Street to bring secondary service for cell antenna on street light pole 6150.

**#465 – REQUEST FROM NATIONAL GRID FOR SPECIAL VARIANCE**

A request from National Grid for a Special Variance Request for work to be conducted on Sunday, September 24, 2017 (This variance was originally granted on March 9<sup>th</sup> for May 13<sup>th</sup>) was approved with the same condition that the abutters be notified and no work before 7:00 AM.

**#466 – BLOCK PARTY ENGLISH STREET**

A request from the Residents of English Street to hold a block party on August 6, 2017 from 1:00 P.M. to 7:00 P.M. with a rain date of August 13, 2017, was granted.



**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****#467 – BLOCK PARTY ORCHARD STREET**

A request from the Residents of Orchard Street to hold a block party (between Dearborn & Franklin Streets) on September 23, 2017 from 3:00 P.M. to 10:00 P.M. was granted.

**#468 – BLOCK PARTY PEABODY STREET**

A request from the Residents of Peabody Street to hold a block party on September 30, 2017 from 8:00 A.M. to 10:00 P.M. (these times include set up and breakdown) was granted.

**#469 – YMCA WITCH CITY TRIATHLON DATE CHANGE**

A request from B&S to change the date for the YMCA Witch City Triathlon originally approved by City Council for August 12, 2017 at 8:00 A.M. to September 2, 2017 at 9:00 A.M. and use of streets was granted.

**Councillor Gerard recused herself and left the Council Chamber.**

**#470 – ROAD RACE FOR YMCA**

A request from Salem YMCA to hold a road race and use of city streets on September 10, 2017 at 9:00 A.M. was granted with the condition that the residents of Church Street be notified.

**Councillor Gerard returned to the Council Chamber.**

**#471 – ROAD RACE - WICKED HALF MARATHON**

A request from B&S to hold a road race (Wicked half Marathon) and use of city streets on September 16, 2017 at 7:00 A.M. was granted.

**#472 – ROAD RACE – DEVIL’S CHASE**

Request from B&S to hold a road race (Devil’s Chase) and use of city streets on October 28, 2017 at 7:00 A.M. was granted.

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****#473 - #476 – LICENSE APPLICATIONS**

The following license applications were granted.

LIMOUSINE:	Salem Taxi, 30 Church St. #204, Salem	(2 Limo)
PUBLIC GUIDES:	Holly Travis, 5 Curtis St., Salem Macey Jennings, 220 Loring Ave., Salem Victoria Basso, 15 Roslyn St., Salem Ashley Skeffington, 30 Crescent Dr., Salem Lauren Hall, 793 Lynnfield St., Lynn Madeline Mooney, 30 Wallis St., Beverly Ashlee Yates, 10 Trask Ct., Beverly Grace Harrington Murdoch, 57 Butman St., Beverly Stephen Busby, 9 Hillside Ave., Marblehead Sam Baltrusis Jr., 445 Artisian Way, Somerville	
TAXI OPERATORS:	Edward Toribio, 38 Prince St., Salem Estaban Soto, 90 Ford St., Lynn Bautista Dominguez, 12 Pope St., Salem Jeffry Reyes Santana, 2 Park St., Salem Rexx Kent, 42 Maple Ave., Swampscott Alexis InFante, 34 Harbor St., Salem	
VEHICLE FOR HIRE OPERATOR ONLY	Patti Ann Spongberg, 236 Western Ave., Essex Migael Santana, 59 Harbor St., Salem	

**#477 - #478 LICENSE APPLICATIONS**

The following license applications were referred to the Committee on Ordinances, Licenses and Legal Affairs.

SEAWORMS:	Paul Lynch, 28 Anawan Ave., Saugus Timothy Lynch, 28 Anawan Ave., Saugus
TAG DAY:	Salem Youth Football & Chair, October 7 & 8, 2017

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****#479 - #480 CLAIMS**

The following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

**CLAIMS**

Katherine Ford, 4 Hancock St., Salem  
Janet Sobelman, 225 Humphrey St., Swampscott

**#481 – PETITION FROM PETER & BARBARA MAITLAND FOR ZONING AMENDMENT**

A petition from Peter and Barbara Maitland for a zoning amendment change to Salem Zoning Ordinance relative to Principal Uses of Section 3.0 - Use Regulations of Land for Primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area, amend by deleting the word “five” and insert in place thereof the word “two”, was not put on the agenda in error and is considered a late file as it is after the deadline of Tuesday noon, was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole.

**(#228) – SECOND PASSAGE OF AN ORDINANCE AMENDING ZONING**

The matter of second passage of an Ordinance amending Zoning Section 9.5.2 Applicability, Section 9.5.3 Application, and Section 9.5.6 Review Criteria, was then taken up. It was adopted for second and final passage by unanimous roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Turiel, Sargent, Ryan, McCarthy, Lovely, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative.

**(#295) – SECOND PASSAGE OF AN ORDINANCE AMENDING ZONING**

The matter of second passage of an Ordinance amending Zoning parcels currently zoned B-1 (Business Neighborhood) are rezoned R-2 (Residential Two-Family: 15 Green Street, 72 Leach Street, 76 Leach Street, 80 Leach Street, 2 Glover Street, 4 Glover Street and 6 Glover Street, was then taken up. It was adopted for second and final passage by unanimous roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Turiel, Sargent, Ryan, McCarthy, Lovely, Gerard, Furey, Famico, Eppley, Dibble and Milo were recorded as voting in the affirmative.

**CITY OF SALEM****JULY 20, 2017****REGULAR MEETING OF THE CITY COUNCIL****(#401) - SECOND PASSAGE ORDINANCE TRAFFIC REPEAL HANDICAP PARKING  
DEVEREAUX STREET**

The matter of second passage of an Ordinance amending Traffic, Ch. 42 Sec. 50B, Handicap Parking, Limited Time in front of #2 Devereaux Street, was then taken up. It was adopted for second and final passage.

**(#402) – SECOND PASSAGE ORDINANCE TRAFFIC GENERAL PROHIBITION TOW ZONE  
JEFFERSON AVENUE**

The matter of second passage of an Ordinance amending Traffic, Ch. 42 Sec. 74, General Prohibition, Tow Zone, Jefferson Avenue, was then taken up. It was adopted for second and final passage.

**(#403) – SECOND PASSAGE ORDINANCE TRAFFIC RESIDENT STICKER PARKING**

The matter of second passage of an Ordinance amending Traffic, Ch. 42 Sec. 75, Resident Sticker Parking, Hawthorne Boulevard, was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 8:45 P.M.

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK