



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am sharing with you a copy of a correspondence I received this past week from retired Brigadier General Albin Irzyk, formerly of Salem. I had sent a City seal to General Irzyk in recognition of his 100th birthday recently and he offered this gracious reply, which I wish to share with you.

In 1999 the City of Salem dedicated the park and playground on Fort Avenue in honor of General Irzyk. During World War II he commanded the 8th Tank Battalion, which played a key role in the liberation of the Belgian Ardennes from Nazi occupation. In gratitude for his role and that of the U.S. Third Army in the liberation effort, the Belgian town of Vaux-sur-Sûre dedicated a central square in the town in General Irzyk's honor in 2009. In 2015 the City of Salem and the town of Vaux-sur-Sûre formalized a Sister City agreement, due entirely to our unique historic connection through General Irzyk's heroic service.

I am pleased to share this correspondence with you and to recognize, again, a truly remarkable son of Salem.

Sincerely,

A handwritten signature in blue ink that reads "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



Brigadier General Albin F. Irzyk, USA (Ret.)
2527 South Flagler Drive
West Palm Beach, FL 33401

15 March 2017

Hon. Kimberly Driscoll

Mayor, City of Salem

City Hall, 120 Washington St.

Salem, MA. 01970

Your Honor,

I was astonished, overwhelmed, but delightfully surprised to be presented on my hundredth birthday celebration with a colorful, attractive seal of the city together with a very special birthday message from you. Of course it was totally unexpected and quite impressive for me to be so recognized. I marvel and am most impressed that there was an awareness in the city that I had reached this unusual milestone.

I send to you and those who may have assisted my deepest, warmest most heartfelt appreciation for honoring me in such a manner. The award is something very special, and I will always greatly treasure it.

I am particularly proud to have been so recognized. I had a fantastic boyhood/ young manhood in the city which I have always greatly loved. My roots in the city are very deep. I was born in Salem, attended its public schools, played on its many baseball fields, graduated from its high school, left from it to go to Mass. State College (now UMASS), and left Salem to go to war. In later years the city has previously honored me. Those roots were earlier planted by my Dad, Felix, who served unprecedented years

as a city ward councillor.

During my lifetime, I have traveled extensively and have met many people. When asked the poverbial, "Where are you from?" I was always very proud to answer, Salem, Mass. It is truly amazing at the limited number whom I met who had never heard of our city.

Because of this, it is small wonder why this birthday gift so late in my life is so meaningful, greatly valued and rewarding. I send my most heartfelt thanks for being so specially recognized and honored.

Sincerely and gratefully,

A handwritten signature in black ink, appearing to read "Alvin J. Szyk". The signature is fluid and cursive, with a long horizontal stroke extending to the right.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Filed separate from this communication for this week's City Council meeting you will find the appointments of two new constables and a re-appointment of an existing constable. I wish to take this opportunity to ask that you take up the proposed Ordinance that was filed with you six months ago reforming and strengthening our Ordinances relative to constables.

At the time it was filed, September 22, 2016, it was referred to the Committee on Ordinances, Licenses, and Legal Affairs, and it was carried forward into 2017 in that committee. I encourage you to consider holding a meeting on this proposed Ordinance and welcome your questions or comments regarding it. I have attached, for informational purposes, a copy of the cover letter and Ordinance that was filed last September.

Sincerely,

A handwritten signature in blue ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 22, 2016

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance regards the appointment and registration of constables and amends our existing Ordinances regarding constables, Section 32-19 of our Code.

Most notably, the proposed changes limit the number of constables at any one time to 50 and requires that at least half be residents of Salem. While this sets a ratio of population-to-constables that is higher than comparable communities, we are the seat of the courts for Essex County and therefore normally would have a proportionally higher percentage of constables. The Ordinance additionally sets out more stringent background check reviews, requires photo identification, and prohibits constables from wearing a uniform similar to a police officer and from carrying a visible firearm in the exercise of their constable duties. Finally, the Mayor is empowered to revoke a constable's appointment for violations of the Ordinance, with City Council approval.

The Ordinance also adjusts the fees associated with constable appointments to better align them with the actual cost of staff time and materials used to process and oversee these appointments. The adjusted fees are also more in line with what is being charged in comparable communities.

The proposed Ordinance was developed after a number of months of research and work by our Assistant City Solicitor, the Chief of Police, and my office. I believe it is a suitable revision to our Code that will bring better oversight for constable appointments and activities moving forward and ensure a more appropriate, though not excessive, compensation to the City for their registration and review. I recommend adoption of the enclosed Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a faint, larger version of the same signature.

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Sixteen

An Ordinance to amend ordinance relative to Constables

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

Section I

Chapter 32 – Police is hereby amended by deleting Sec. 32-19 - Constables in its entirety and replacing it with the following:

“Sec. 32-19. - Constables.

(a) Pursuant to G.L. Chapter 41, Section 91, the mayor may appoint constables. Such appointments shall be made for a term not exceeding three years. An application for appointment as constable shall be accompanied by a non-refundable application fee of \$50.00 to cover the city's cost of processing. There shall also be a fee of \$35.00 for each year of the appointment, payable to the city upon application which shall be refunded in the event the application is not approved. The total number of constables at any one time, shall not exceed 50, at least half of whom shall be residents of the city. No new constables shall be appointed until there are fewer than 50 appointed constables. In addition, no new non-resident constables shall be appointed until the number is reduced to fewer than half of the existing constables. All individuals currently holding valid constable appointments shall not be prevented from continuing to serve due to these limits so long as they file for reappointment and meet the requirements contained herein. No fees or limits shall apply to any city employees who are appointed to serve as constables as a part of their city jobs.

(b) Applicants for constable must be at least 21 years of age and submit a written resume and completed application to the mayor containing such information reasonably required by the city for use in determining the fitness, reputation and character of the applicant to hold the office of constable. All applicants for appointment or reappointment as constable shall, as part of the application, consent in writing to a background investigation and a Criminal Offender Record Information (CORI) report. These application materials shall be forwarded to the police chief who shall conduct an investigation and make a recommendation to the mayor as to the individual's fitness to serve as a constable. Pursuant to M.G.L., Chap. 41, Sec. 91B, the application shall include a statement as to the moral character of the applicant signed by a minimum of five (5) citizens of the community in which he/she resides, one of whom must be an attorney. All constables shall also be subject to the fingerprinting requirements of Sec. 14-46, and shall, once appointed, receive a photo identification badge.

(c) Immediately upon appointment, a constable must submit to the city clerk a surety bond in the amount of \$5,000 pursuant to the provisions of M.G.L., Chap. 41, Sec. 92. Said bond shall be maintained throughout the term of the constable's appointment.

(d) Constables appointed pursuant to this ordinance shall be subject at all times to the orders as well as any rules and regulations pertaining to constables issued by the police chief. No constable appointed by the city shall wear a uniform similar to that of the appointed officers of the city's police department, or to that of any other appointed police officers within the Commonwealth, or otherwise attempt to present themselves as an appointed police officer. A constable who possesses a valid license to carry a firearm shall not wear the weapon as a visible part of any uniform or otherwise exhibit the weapon on his/her person while exercising duties as a constable. The mayor may, with the approval of the city council, revoke the appointment of a constable for gross misconduct. Gross misconduct shall include, but not be limited to: (1) failure to follow the police chief's orders; (2) violation of the rules and regulations governing constables; (3) violation of any provision of this section; and (4) criminal acts in violation of the laws of the United States or any local jurisdiction."

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

APPROVED FOR THE CITY COUNCIL
JULY 1, 1998



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

March 23, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

I re-appoint Fernando M. Valadao of 50 Hanson Street Salem, MA 01970 to serve as a Constable in the City of Salem for a term to expire January 27, 2020.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

(Please print or type)

Date January 27 2017

Application for Constable Re-Appointment

Office of the Mayor
City Hall
93 Washington Street
Salem, Massachusetts 01970

Application is hereby made under Chapter 41, Section 91B for appointment as Constable.

Name Fernando M Valadao Date of Birth 4-20-62

Present Address 50 Hanson Street, Salem, MA From 2002 to present

Previous Address _____ From _____

Telephone Number (Home) 978-741-0345 (Work) _____ (Cell) 978-335-8268

Date Present Appointment Expires May 2016

Reason to Appoint Business

Present Employer (Name and Address) Security Service Specialists

Position Held: Special Housing officer (SPO)

From: December 2013 To: Present

Previous Employer (Name and Address) _____

Position Held: _____

From: _____ To: _____

Fernando M Valadao

Signature of Applicant

Note: Application for re-appointment as constable shall be accompanied by a fee of Twenty-Five Dollars (\$25.00) for each year of the appointment, payable to the City of Salem to cover costs of processing. Fee must be received by the Mayor's office before appointment is presented to the City Council. A Bond must also be posted with the application covering entire period of re-appointment. Re-appointments may be made for periods of one, two or three years.

Signature of City of Salem Police Chief: Maurye Dittell

Signature of Police Chief in City or Town you reside: _____

Effective Date: January 27th, 2017

Western Surety Company

CONSTABLE'S BOND

Bond No. 63056162Fernando Valadao, as Principal and WESTERN SURETY COMPANY, as Surety

The undersigned Principal and Surety are held and firmly bound unto the Collector-Treasurer of City of Salem in the sum of Five Thousand and 00/100 DOLLARS (\$ 5,000.00), to be paid to said Collector-Treasurer to which payment well and truly to be made they jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

The condition of this obligation is, that if the undersigned Principal, having been appointed and confirmed a Constable of City of Salem, to hold office for the term ending January 27th, 2020, and until another be appointed and confirmed in his place, shall faithfully perform his duties as Constable in the service of all civil processes committed to him, this obligation shall become of no effect, otherwise it shall continue in full force.

Signed, sealed and delivered January 27th, 2017.

In the presence of

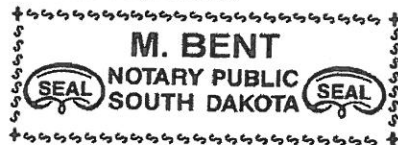
Witness

By _____ Principal
WESTERN SURETY COMPANY
By Paul T. Bruflat Surety
Paul T. Bruflat, Vice President

ACKNOWLEDGMENT OF SURETY (Corporate Officer)

STATE OF SOUTH DAKOTA }
County of Minnehaha } ss

On this 27th day of January, 2017, before me appeared Paul T. Bruflat, to me personally known, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

M. Bent

Notary Public

My Commission Expires March 2, 2020

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Constable City of Salem

bond with bond number 63056162

for Fernando Valadao

as Principal in the penalty amount not to exceed: \$ 5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Vice President with the corporate seal affixed this 27th day of January,
2017.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

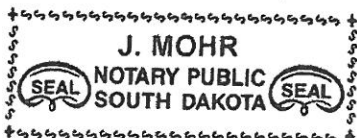
Paul T. Bruflat

Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 27th day of January, 2017, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.





CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

March 23, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

I appoint Nikolas Berard of 67 Croteau Court 1H Manchester, NH 03104 to serve as a Constable in the City of Salem for a term to expire February 21, 2018.

Very truly yours,

A handwritten signature in cursive script, reading "Kim Driscoll".

Kimberley Driscoll
Mayor



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

Date 11/20, 20 16

Office of the Mayor
City Hall
Salem, Massachusetts

Application is hereby made under Chapter 41, Section 91B, for appointment as Constable. (PLEASE PRINT OR TYPE)

Name Nikolas Berard Date of Birth 05/09/1995

Place of Birth Manchester NH
(City) (State)

Home Address 67 Croteau Court 1H Manchester 03104
(Street) (City) (Zip)

Telephone (Home) _____ (Business) _____ (Cell) 603-913-7821

Present Employer (Name & Address) Position Held
Walmart Loss Prevention 725 Gold St Manchester NH. Massachusetts Constables Office

Previous Employer

From:
To:

Nikolas Berard
Signature of Applicant

The signatures of five reputable citizens of applicant's city or town are required, at least one of whom must be an attorney. The undersigned consider the above applicant to be of good moral character. (PLEASE PRINT NAME & ADDRESS AND SIGN.)

NAME	ADDRESS	SIGNATURE
1. <u>Michael Dobe</u>	<u>8 Charleston Ave Londonderry, NH</u>	<u>[Signature]</u>
2. <u>Christina Fogg</u>	<u>13 Holmes St Nashua NH 03060</u>	<u>[Signature]</u>
3. <u>NEIL LEACH</u>	<u>2 SCITUATE PL. #33 MERRIMACK, NH 03054</u>	<u>[Signature]</u>
4. <u>MATT Costello</u>	<u>392B Pearl Street Manchester NH 03104</u>	<u>[Signature]</u>
5. <u>Gregory T Muller, Esq</u>	<u>1 City Hall Plaza Manchester NH</u>	<u>[Signature]</u>

Note: Application for appointment as constable shall be accompanied by a fee of Twenty-Five Dollars (\$25.00) for each year of the appointment, payable to the City of Salem to cover costs of processing. Fee must be received by the Mayor's office before appointment is presented to the City Council. A Bond must also be posted with the application covering entire period of re-appointment. Re-appointments may be made for periods of one, two or three years.

APPROVED: [Signature]
(Chief of Police - Salem)

APPROVED: [Signature] Capt. Tessier
(Chief of Police - Applicant's City/Town)



The Hanover Insurance Company | 440 Lincoln Street, Worcester, MA 01653
Citizens Insurance Company of America | 645 West Grand River Avenue, Howell, MI 48843
Massachusetts Bay Insurance Company | 440 Lincoln Street, Worcester, MA 01653

PUBLIC OFFICIAL BOND

Bond No.: BOND176120

Know all men by these presents,

That Nicholas Berard

as Principal, and The Hanover Insurance Company and/or Massachusetts Bay Insurance Company having its executive office in Worcester, Massachusetts, as Surety, are held and firmly bound unto the City of Salem in the penal

sum of Five Thousand Dollars (\$ 5,000.00) Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to said penal sum regardless of the number of years this bond remains in force or is renewed or of the number of premiums that shall be payable or paid.

The condition of this obligation is such, That, Whereas the said Principal was elected or appointed as _____
Constable

Now, therefore, if the Principal shall, during the term three years beginning on the 21st day of February, 2017, well and faithfully perform all and singular the duties incumbent upon it in said office or position, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

This bond may be extended at the option of the Surety by continuation certificate.

This bond may be terminated and cancelled, at any time, by the Obligee giving written notice to the Surety specifying the effective date of cancellation, or by the Surety mailing written notice to the Obligee and the effective date of such cancellation shall be at the expiration of fifteen days after the date of such notice.

In Witness Whereof, the Principal has hereunto set its hand and seal and the Surety has affixed its corporate seal and caused these presents to be signed by its Attorney-in-Fact this 21st day of February, 2017.

Witness:

Nicholas Berard

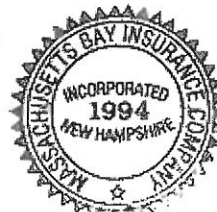
By: _____

☐ THE HANOVER INSURANCE COMPANY

By: _____

☒ MASSACHUSETTS BAY INSURANCE COMPANY

By: David O. Smith, Attorney-in-Fact



**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

David O. Smith

of Burgin, Platner, Hurley, Quincy, MA

and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, knowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Constable

in the amount of: \$5,000.00

WHEREAS, the Board of Directors of the Company duly adopted a resolution on March 24, 2014 authorizing and empowering certain officers of the Company to appoint attorneys-in-fact of the Company to execute on the Company's behalf certain surety obligations and other writings and obligations related thereto (the "Original Surety Resolution");

WHEREAS, the Company's Board of Directors wishes to affirm the continued authority of all of the attorneys-in-fact that were issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding; and

WHEREAS, the Company's Board of Directors wishes to restate the Original Resolution and adopt certain related resolutions.

NOW THEREFORE, be it hereby:

RESOLVED: That the authority of all attorneys-in-fact of the Company validly issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding as of the date hereof are hereby ratified, confirmed and approved in all respects.

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That all such surety Attorneys-in-facts issued by the Company from and including the date hereof shall be authorized pursuant to the foregoing resolution (the "Surety Resolution").

RESOLVED: That the President or any Vice President of the Company, in conjunction with any Vice President, be and hereby are authorized and empowered to establish, and from time to time review and amend, written security measures, protocols and safeguards for all Attorneys-in-fact issued by the Company pursuant to the Surety Resolution, including without limitation, security features on the actual certificates issued by the Company and evidencing such Attorneys-in-fact.

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 27th day of April, 2015.



THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

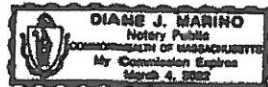
Robert Thomas
Robert Thomas, Vice President

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

J. Michael Peto
J. Michael Peto, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 27th day of April 2015 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Diane J. Marino
Diane J. Marino, Notary Public
My Commission Expires March 4, 2022

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 21st day of February 2017.

CERTIFIED COPY

Theodore G. Martinez
Theodore G. Martinez, Vice President



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

March 23, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

I appoint Michael Dobe of 8 Charleston Avenue Londonderry, NH 03053 to serve as a Constable in the City of Salem for a term to expire February 21, 2018.

Very truly yours,

A handwritten signature in black ink, reading "Kim Driscoll".

Kimberley Driscoll
Mayor



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

Date 10/27/, 20 16

Office of the Mayor
City Hall
Salem, Massachusetts

Application is hereby made under Chapter 41, Section 91B, for appointment as Constable. (PLEASE PRINT OR TYPE)

Name Michael Dobe Date of Birth 9/30/1988
Place of Birth Manchester NH
Home Address 8 Charleston Ave Londonderry NH 03053
(City) (State)
Telephone (Home) 603 434 6739 (Business) 603-623-3756 (Cell) 603 851-0263
(Street) (City) (Zip)

Present Employer (Name & Address) Rite Aid & MA Constable's Office Position Held Asset Protection & Deputy

Previous Employer

From:

To:

[Signature]
Signature of Applicant

The signatures of five reputable citizens of applicant's city or town are required, at least one of whom must be an attorney. The undersigned consider the above applicant to be of good moral character. (PLEASE PRINT NAME & ADDRESS AND SIGN.)

NAME	ADDRESS	SIGNATURE
1. <u>Nikolas Berard</u>	<u>67 Croteau Court 1H</u>	<u>Nikolas Berard</u>
2. <u>Brandon Knok</u>	<u>39 Dubuque St. Apt. 1</u>	<u>Brandon Knok</u>
3. <u>Shannon White</u>	<u>145 West River Dr. Apt 19</u>	<u>Shannon White</u>
4. <u>Gregory T. Muller, Esq.</u>	<u>1 City Hall Plaza, Manchester NH</u>	<u>Gregory T. Muller</u>
5. <u>Lorien Gardwin</u>	<u>209 Taylor St Manchester NH</u>	<u>Lorien Gardwin</u>

Note: Application for appointment as constable shall be accompanied by a fee of Twenty-Five Dollars (\$25.00) for each year of the appointment, payable to the City of Salem to cover costs of processing. Fee must be received by the Mayor's office before appointment is presented to the City Council. A Bond must also be posted with the application covering entire period of re-appointment. Re-appointments may be made for periods of one, two or three years.

APPROVED:

[Signature]
(Chief of Police - Salem)

APPROVED:

[Signature] 10/27/2016
(Chief of Police - Applicant's City/Town)



The Hanover Insurance Company | 440 Lincoln Street, Worcester, MA 01653
Citizens Insurance Company of America | 645 West Grand River Avenue, Howell, MI 48843
Massachusetts Bay Insurance Company | 440 Lincoln Street, Worcester, MA 01653

PUBLIC OFFICIAL BOND

Bond No.: BOND176800

Know all men by these presents,

That Michael Dobe

as Principal, and The Hanover Insurance Company and/or Massachusetts Bay Insurance Company having its executive office in Worcester, Massachusetts, as Surety, are held and firmly bound unto the

City of Salem in the penal sum of Five Thousand Dollars (\$ 5,000.00) Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to said penal sum regardless of the number of years this bond remains in force or is renewed or of the number of premiums that shall be payable or paid.

The condition of this obligation is such, That, Whereas the said Principal was elected or appointed as Constable

Now, therefore, if the Principal shall, during the term three years beginning on the 21st day of February, 2017, well and faithfully perform all and singular the duties incumbent upon it in said office or position, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

This bond may be extended at the option of the Surety by continuation certificate.

This bond may be terminated and cancelled, at any time, by the Obligee giving written notice to the Surety specifying the effective date of cancellation, or by the Surety mailing written notice to the Obligee and the effective date of such cancellation shall be at the expiration of fifteen days after the date of such notice.

In Witness Whereof, the Principal has hereunto set its hand and seal and the Surety has affixed its corporate seal and caused these presents to be signed by its Attorney-in-Fact this 22nd day of February, 2017.

Witness:

Michael Dobe

By: _____

☐ THE HANOVER INSURANCE COMPANY

By: _____

☒ MASSACHUSETTS BAY INSURANCE COMPANY

By: _____

David C. Smith, Attorney-in-Fact



**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

David O. Smith

of Burgin, Platner, Hurley, Quincy, MA

and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, knowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Constable

in the amount of: \$5,000.00

WHEREAS, the Board of Directors of the Company duly adopted a resolution on March 24, 2014 authorizing and empowering certain officers of the Company to appoint attorneys-in-fact of the Company to execute on the Company's behalf certain surety obligations and other writings and obligations related thereto (the "Original Surety Resolution");

WHEREAS, the Company's Board of Directors wishes to affirm the continued authority of all of the attorneys-in-fact that were issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding; and

WHEREAS, the Company's Board of Directors wishes to restate the Original Resolution and adopt certain related resolutions.

NOW THEREFORE, be it hereby:

RESOLVED: That the authority of all attorneys-in-fact of the Company validly issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding as of the date hereof are hereby ratified, confirmed and approved in all respects.

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That all such surety Attorneys-in-facts issued by the Company from and including the date hereof shall be authorized pursuant to the foregoing resolution (the "Surety Resolution").

RESOLVED: That the President or any Vice President of the Company, in conjunction with any Vice President, be and hereby are authorized and empowered to establish, and from time to time review and amend, written security measures, protocols and safeguards for all Attorneys-in-fact issued by the Company pursuant to the Surety Resolution, including without limitation, security features on the actual certificates issued by the Company and evidencing such Attorneys-in-fact.

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 27th day of April, 2015.



THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

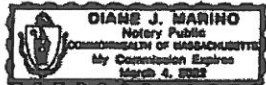
Robert Thomas
Robert Thomas, Vice President

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

J. Michael Pote
J. Michael Pote, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 27th day of April 2015 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Diane J. Marino
Diane J. Marino, Notary Public
My Commission Expires March 4, 2022

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 22nd day of February 2017.

CERTIFIED COPY

Theodore G. Martinez
Theodore G. Martinez, Vice President



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Kerry Murphy of 10 ½ Mall Street, to the Salem Board of Health for a three-year term to expire March 23, 2020. Ms. Murphy will take the seat previously held by Janet Greene, who has decided to step down from the Board. I hope you will join me in thanking Ms. Greene for her years of volunteer service to the board.

Ms. Murphy is a nutritionist and public health advocate who currently serves as the Salem Mass in Motion Healthy Living Coordinator and the program manager for our Salem Summer Meals program. She is leading our newly launched Salem Food Policy Council initiative, serves on the Salem for All Ages Task Force, and volunteers with the Salem Food Pantry, on the Carlton Innovation School Council, and as coordinator of the Salem Backpack Program. As a dietetic technician pursuing her M.S. degree in the field she has completed multiple supervised practices in community, long-term care, and outpatient nutrition.

I strongly recommend confirmation of Ms. Murphy's appointment. We are fortunate that she is willing to volunteer to serve our community in this important role and lend her expertise and dedication to this board and their work.

Sincerely,

A handwritten signature in black ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Fred Atkins of 3 Neptune Road, Marblehead, to the Salem Harbor Port Authority for a two-year term to expire March 23, 2019.

Mr. Atkins, who grew up in Salem, is the third-generation owner of the Fred J. Dion Yacht Yard, 23 Glendale Avenue, which was founded by his grandfather in 1914. An anchor business and employer in our community, Mr. Atkins has helped guide its growth and expansion since he became the owner in 1979. Today the facility provides marine storage, repair, maintenance, and restoration services, as well as leased space to East Coast Yachts and to North Sails sailmakers. Mr. Atkins and his team played a significant role in the completion of the mast, rigging, metal work, and figurehead of the Friendship in 1998 and with hull repairs to the ship over the years. Mr. Atkins holds a degree in marine engineering from Maine Maritime Academy, serves on the board of Sail Salem, an educational program based at Winter Island that promotes positive life skills and values in children through the sport of sailing, and co-chaired the 2008 Salem Harbor Plan Committee.

I strongly recommend confirmation of Mr. Atkin's appointment. We are fortunate that he is willing to volunteer to serve our community in this important role and lend his expertise and dedication to this new board and their work.

Sincerely,

A handwritten signature in black ink, reading "Kim Driscoll", written in a cursive style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Seventy-Five Thousand Dollars (\$75,000.00) from the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the negotiated sick leave buyback provision.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kim Driscoll", is written over the typed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

March 23, 2017

Ordered:

That the sum of Seventy-Five Thousand Dollars (\$75,000.00) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the negotiated sick leave buyback provision as needed in accordance with the recommendation of Her Honor the Mayor.



KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

CITY OF SALEM, MASSACHUSETTS

HUMAN RESOURCES
120 WASHINGTON STREET
TEL. (978) 745-9595 EXT. 5630
FAX (978) 745-7298

March 8, 2017

Kimberley Driscoll, Mayor
City of Salem
93 Washington Street
Salem, MA 01970

RE: Retirement Stabilization

Dear Mayor Driscoll:

I am respectfully requesting the amount of Seventy-Five thousand dollars (\$75,000) be appropriated in the Retirement Stabilization Fund for sick leave buybacks submitted in accordance with collective bargaining agreements with our various unions.

Sick leave buy back to be filled under this particular appropriation request are for these active employees, not retirees, who wish to take advantage of the most recent contractual language allowing members to buyback certain amounts of unused sick leave, on a one-time basis. A lump sum request for this purpose will allow us to process those requests in more efficient and timely manner.

Thank you for your attention and cooperation with this request, and if you have any questions, please do not hesitate to contact me.

Very truly yours,


Lisa B. Cammarata

cc: File



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

March 23, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request to transfer Two Thousand Five Hundred Dollars (\$2,500.00) from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the "Health Department Rodent Control" Account (15102-5785).

This request is necessary to cover the costs addressing increased rodent activity and more treatment.

I recommend passage of this accompanying order.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,
March 23, 2017

Ordered:

That the sum of Two Thousand Five Hundred Dollars (\$2,500.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the "Health Department Rodent Control" Account (15102-5785) in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

BOARD OF HEALTH

120 WASHINGTON STREET, 4TH FLOOR
TEL. (978) 741-1800 FAX (978) 745-0343
lramdin@salem.com



Public Health
Prevent. Promote. Protect.

KIMBERLEY DRISCOLL
MAYOR

LARRY RAMDIN, RS/REHS, CHO, CP-FS
HEALTH AGENT

March 16, 2017
Mayor Kimberly Driscoll
City of Salem
City Hall
93 Washington Street,
Salem MA 01970

Dear Mayor Driscoll,

The BOH rodent control budget (**Org: 15102, Object: 5785**) will be exhausted with one more request for treatment. I would be grateful if the line can be increased by another \$2 500.00, to cover the rest of this FY.

An increase in the rodent population and secondarily increases in calls from residents to treat their storm drains for rodents. While it is our hope that a cooler winter this year will reduce the problem, it is anticipated that there will be a population increase again because of the larger population we are starting with. Thus, the need to continue the treatments and provide this important public health service to our residents.

Again I will be grateful if we can have an increase in this line to cover this much needed service

Yours Very Truly

Larry A. Ramdin
Health Agent

CITY OF SALEM – Finance Department
Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: Health

Department


Department Head Authorizing Signature

Date March 16, 2017

Budget or R/Res

Transfers

To :

(Org/Object)

Desc: _____

Budget Amt: _____

Balance: _____

From :

Desc: _____

Budget Amt: _____

Balance: _____

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or To : 15102/5785

Desc: Rodent Control

Budget Amt: \$5000.00

Balance: \$425.00

Retained Earnings (W/S) (Org/Object)

Please circle one

Amount Requested:

\$ 2500

Reason (Be Specific) The department responded to increased rodent calls last fall and we provided treatments. We will expend the \$5000 allocated to Rodent Control due to increased Rodent activity calls with 1 more treatment(2 already done waiting on bill). We anticipate increased call as we enter into the spring. We are asking for \$2500 that will allow us to provide 20 more treatments for rodent complaints

For Finance Department and Mayor's Use Only:

_____ Budget Transfer

_____ Mayor Approval

_____ City Council Approval

_____ Free Cash Appropriation – City Council Approval – Gen Fund \$ _____

Free Cash Balance

_____ R/E Appropriation –Water \$ _____

R/E Balance

_____ R/E Appropriation Sewer \$ _____

R/E Balance

_____ Receipts Reserve – City Council Approval

\$ _____

R/Res Fund Balance

_____ Raise & Appropriate

_____ Other _____

Recommendation: _____ Approved _____ Denied


Finance Director

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed resolution expresses the City Council's endorsement of the Superintendent of the Salem Public Schools' submission of a formal State of Interest (SOI) to the Massachusetts School Building Authority (MSBA) and includes the language required for the MSBA SOI process. The SOI specifically establishes priorities for renovations to the Harrington Building at Salem State University's south campus in order to bring the facility to code for the relocation of the Horace Mann Laboratory School (HMLS). This measure is the first step in the MSBA's process to qualify the project for grants or other funding, and it requires approval from both the School Committee and the City Council. The School Committee voted unanimously to endorse the SOI submission at their regular meeting on March 20.

For many years, the City of Salem and the Salem Public Schools have been working with SSU to find a more suitable location for HMLS. A few years ago, the City completed a study of the Harrington Building to ascertain the modifications and general costs that would be required to upgrade the building to accommodate the HMLS needs and bring the facility up to code for an elementary school. SSU has last month completed their study to determine how and where they can relocate the university's existing programs currently in the Harrington Building. In addition, our Mass in Motion program will shortly be conducting a Safe Routes to School audit of the Harrison Road area, to better plan for any necessary pedestrian and bicycle improvements that may be necessary for the future location and access points to the elementary school.



CITY OF SALEM

In City Council,

Resolved

A RESOLUTION APPROVING THE STATEMENT OF INTEREST TO MASSACHUSETTS SCHOOL BUILDING AUTHORITY

BE IT RESOLVED:

Having convened in an open meeting on March 23, 2017, prior to the closing date, the City Council of Salem, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the State of Interest Form dated April 7, 2017 for the Horace Mann Laboratory School located at 33 Loring Avenue, Salem MA, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

- Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
- Replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Salem School District to filing an application for funding with the Massachusetts School Building Authority.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 23, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance amends our Code relative to the Certificate of Fitness issued to landlords for renting houses or units and extends these inspections to include short term rentals. It incorporates feedback we received following a public comment period and public meeting held in December.

This Ordinance ends the practice of relying solely on landlords to voluntarily self-report a change in tenant to trigger an inspection. In FY2015 we conducted 538 such inspections; however, based on Census data we know there are 9,727 rental units in the City. The proposed Ordinance it establishes a three-year schedule for these inspections, with some exceptions. Owner-occupied two- and three-family homes will continue to only require inspection upon a change in tenant and other dwelling units that have no previous code violations or disorderly house citations will be placed on a five-year inspection schedule, provided there is no change in ownership or tenant. Exemptions are also provided for owner-occupied units and for units that already undergo annual HUD inspections because they are a federal housing voucher unit.

The Ordinance additionally extends the requirement for these Certificates and inspections to short-term rental units (AirBNB, VRBO, etc.). Any residential property owner who intends to rent out a dwelling unit for a period of time equal to or exceeding 14 days in any one year will be required to notify the Health Department and undergo the same fitness inspection as any other rental unit. Such short-term rental inspections will also take place every three years or on a change in ownership, but not upon a change in tenant.

In addition, the Ordinance allows for problem properties to be inspected annually. Problem properties are defined in the Ordinance based on a history of police citations or building or health complaints. Finally, the penalty for renting out a dwelling unit without a Certificate of Fitness is increased from the current \$20 per day to \$50 per day, an amount that is both more in line with comparable communities and, importantly, identical to the amount charged for the inspection fee, though inspection fees are reduced for multiple inspections conducted on the same day in the same building.

The intention of this Ordinance is to ensure that rental units in Salem meet the highest standards for structural integrity, public health, and safety. Not only will it bring added security to renters, it will help landlords keep their investments in good repair and condition and, perhaps most importantly, ensure the quality of life of the surrounding neighborhood is not diminished. The current process, where changes in tenancy are voluntarily reported, does not provide for an objective, standardized inspection schedule for rental units and could be abused by landlords who wished to avoid inspections.

Especially with the provision requiring annual inspections for the most problematic properties, this Ordinance change is one more positive step in our efforts to ensure the quality of Salem's residential properties. Three years ago, we launched a Problem Properties Task Force and two years ago, we began an aggressive receivership program to rehabilitate the worst residential properties in the City. Last year our application to the Ash Center for Democratic Governance & Innovation at Harvard's Kennedy School was approved and Salem became the fourth Massachusetts city to join their Innovation Field Lab. As a partner in the Innovation Field Lab, Salem has a full-time fellow from the Ash Center, as well as a class of graduate students, working with the City to help develop and implement management tools and strategies to address problem properties in Salem. The specific focus for the initiative has been improving the condition and quality of investor-owned rental properties and abandoned/foreclosed properties through the problem properties efforts. This work has resulted in the development of the CityNexus program for calculating property risk scores so the City can be pro-active in addressing nuisance properties and an online database for tracking building and health code violations.

Ensuring that all of Salem's neighborhoods meet high standards for livability is a major priority. I believe the proposed changes to make these inspections required on a more standardized basis is an appropriate step toward accomplishing that goal. The inclusion of short term rentals should provide equal treatment for these types of rentals, while also giving renters the comfort of mind in knowing that all residential units in Salem meet all appropriate standards for habitation and use.

One other important way that we also help ensure greater fairness on this matter is by encouraging the state legislature to extend the existing local room occupancy tax to all short-term rentals and other licensed lodging establishments, regardless of the number of rooms they rent. Legislation that would have extended the state's occupancy tax to these uses was proposed in the State Senate last year, but failed to advance. It also did not include consideration of local occupancy taxes. I was encouraged to see that Governor Baker's proposed budget FY2018 state budget includes just such a measure, and I hope you will join me in asking our legislators to do what they can to help ensure it remains in the House and Senate budgets, as well. Such a proposal would help level the playing field among all of our hotels, motels, inns, bed and breakfasts, and short term rentals. All of these operators benefit economically from the revenues generated by the room tax, as those funds represent a substantial amount of the budget for our destination marketing organization, Destination Salem. Because they all stand to benefit from Destination Salem's work, they all should contribute in a fair manner. In addition, by extending this tax uniformly we would ensure that all lodging operators are playing by the same rules and face equal cost considerations in attracting customers.

I recommend adoption of the enclosed Ordinance as another positive step in our on-going efforts to address problem properties in Salem. Once in effect, we will work to establish the approved inspections schedule and evaluate the use of both in-house and contracted inspectional services to work to meet the increased work load in a manner that only utilizes as much funding as the inspection fees themselves generate.

The steps outlined in this Ordinance will ensure that all rental units, no matter the duration or intention of their rental use, are safe for those who will occupy them and respectful of those who live near them. I hope you will approve the proposed Ordinance and I look forward to your feedback on the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written in a cursive style.

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Seventeen

An Ordinance to amend the Ordinance relative to **Chapter 2, Administration, Article IV. Boards, Commissions, Committees and Authorities**

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

DIVISION 3. BOARD OF HEALTH

Section 2-705. - Certificate of fitness of rented dwelling unit, apartment or tenement is hereby amended by deleting subsections (a) through (d):

“(a) Owner/lessor responsibility. Whenever a rented dwelling unit, apartment, or tenement, other than one in a hotel or motel, is vacated by the occupant thereof or prior to such vacancy, the owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section.

(b) Certification required; fee. Such unit must be certified by the board of health or its agents as meeting 105 CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the state department of public health prior to being reoccupied by a new occupant. The fee for such a certificate shall be \$50.00.

(c) Refusal of certification. If, after any inspection by the board of health or its agents pursuant to this section, an inspector refuses to issue a certificate of fitness, such inspector shall issue a written order or copy of the inspection form setting forth the violations of chapter 11 of the state sanitary code existing in the unit, which must be corrected before a certificate of fitness may be issued. It shall be the responsibility of the owner or lessor receiving such order to notify the board of health when such violations have been corrected.

(d) *Time limitations on inspections.* The board of health shall make such an inspection within five working days of notification. If the inspection shall not have been made within five working days, the owner or lessor may rent the unit.”

And replacing them with:

“(a) *Purpose.* To ensure that all rental units within the city are fit for human habitation and meet the requirements of the sanitary code, all rented dwelling units, apartments, or tenements, other than those in a hotel or motel or otherwise exempted from this ordinance, shall be required to obtain a certificate of fitness at least every three years and every time a new tenant occupies a rental unit.

(1) *Three-year inspection requirement.* Every three years, each rental unit, excluding those in owner occupied two- and three-family homes or those which have provided proof of passing a HUD inspection within the previous three years, shall be inspected to ensure compliance with the state sanitary code and city ordinances. Any dwelling unit, apartment, or tenement which has not been found in violation of any sanitary or building code provisions and has not received any disorderly house citations in the three-year period since last inspected will be subject to inspection every five years, provided there has been no change of ownership or tenancy. The three-year inspection requirement shall not apply to any owner-occupied unit regardless of the number of units in the building.

(2) *Inspection upon change of tenancy.* Each rented dwelling unit, apartment, or tenement, including those in owner occupied two- and three- family homes, shall be subject to inspection whenever they are vacated by the occupant thereof or prior to such vacancy. The owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section. A change in tenancy shall not include circumstances where the change results in an owner becoming the new occupant of the unit.

(3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling on a short-term basis. “Short-term” shall be defined as fewer than fourteen days in any one year. Owners who intend to offer

such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every three years or upon a change in ownership, but not upon any change in the short-term tenancy.

(4) *Problem property.* Any rental dwelling unit, apartment, or tenement located at an address to which the police department has been called to not fewer than four (4) times within the preceding twelve (12) month period for any incident involving any arrestable offense including, but not limited to, disturbing the peace, trespassing, underage drinking or assault; or where the inspectional services department and/or the board of health have received no fewer than four (4) sustained complaints within the preceding twelve (12) month period, may be deemed a "problem property" and subject to annual inspection at the discretion of the director of inspectional services.

(b) *Certification required; fee.* Such unit must be inspected and certified by the board of health or its agents as meeting 105 CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the state department of public health. The fee for such an inspection shall be \$50.00. The fee for the inspection of a second unit in the same building, conducted on the same day as the first unit, shall be \$25. The fee for the inspection of a third and any additional units in the same building, conducted on the same day as the first two units, shall be \$15.

(c) *Refusal of certification.* If, after any inspection by the board of health or its agents pursuant to this section, an inspector refuses to issue a certificate of fitness, such inspector shall issue a written order or copy of the inspection form setting forth the violations of chapter 11 of the state sanitary code existing in the unit, which must be corrected before a certificate of fitness may be issued. It shall be the responsibility of the owner or lessor receiving such order to notify the board of health when such violations have been corrected. The initial inspection fee shall cover the cost of the initial inspection and one re-inspection of the unit. An additional fee of \$50.00 shall be imposed for the third and any subsequent inspections.

(d) *Time of inspections.* The board of health shall make such an inspection within ten working days of notification from the owner as to a change of

tenancy or the intent to establish a short-term rental. If the inspection shall not have been made within ten working days, the owner or lessor may proceed to rent the unit provided the owner arranges for an inspection to occur within thirty days of notification. The health agent, in consultation with the director of inspectional services, shall establish a schedule for the three-year inspections required under this provision.”

DIVISION 3. BOARD OF HEALTH

Section 2-705. - Certificate of fitness of rented dwelling unit, apartment or tenement is hereby amended by deleting subsections (g) through (k):

“(g) *Records.* Whether or not a certificate of fitness has been issued by the board of health for a particular unit shall be a matter of public record.

(h) *Penalties.* Any owner or lessor of such property used for dwelling purposes failing to comply with this section shall pay a fine of up to \$20.00 each and every day that he allows any person to live, occupy, or inhabit the premises without having received a certificate of fitness from the board of health for a particular unit.

(i) *Reinspections.* No rented dwelling unit, apartment, or tenement shall be required to be certified for occupancy more than once in any consecutive 12-month period.

(j) *Exemptions.* Exemptions from this section shall include property owned and managed by the city housing authority and any new construction completed less than five years prior to date on which the rented dwelling unit, apartment, or tenement becomes vacant. Also exempted from this section is property consisting of 100 or more rental units that is subject to periodic inspections by the state housing finance agency, the Metropolitan Housing Assistance Program, the Department of Housing and Urban Development, and/or the city housing authority.

(k) *Right to inspect.* The board of health reserves the right to inspect any dwelling unit, apartment, or tenement at any time.”

And replacing them with:

“(g) *Records*. Owners shall keep a register listing the names of tenants and dates of tenancy for the previous five years, including any short-term tenants, and make such record available for to the board of health inspector upon request. The owner’s register shall not be retained by the board of health and shall not be a public record under the law. Whether or not a certificate of fitness has been issued by the board of health for a particular unit shall be a matter of public record.

(h) *Penalties*. Any owner or lessor of such property used for dwelling purposes failing to comply with this section shall be subject to a fine of \$50.00 each and every day that he allows any person to live, occupy, or inhabit the premises without having received a certificate of fitness from the board of health for a particular unit upon a change in tenancy or upon failure to comply with the three-year inspection requirement.

(i) *Certification requirement limited*. Absent a change in tenancy or ownership, no rented dwelling unit, apartment, or tenement shall be required to be certified for occupancy more than once in any consecutive three-year period, unless the property has been determined by the director of inspectional services to meet the criteria for designation as a problem property so as to be subject to annual inspection.

(j) *Exemptions*. Exemptions from this section shall include property owned and managed by the city housing authority. Also exempted from this section is property consisting of 100 or more rental units that is subject to periodic inspections by the state housing finance agency, the Metropolitan Housing Assistance Program, the Department of Housing and Urban Development, and/or the city housing authority. Any new construction completed less than five years prior to the date on which the rented dwelling unit, apartment, or tenement becomes vacant shall not be required to be inspected under this section unless it has been designated as a problem property as provided above.

(k) *Right to inspect*. Notwithstanding the foregoing, the board of health reserves the right to inspect any dwelling unit, apartment, or tenement in accordance with the provisions of the state sanitary code.”