



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Chris Cantone, of 10 Vista Avenue, to the City of Salem's Renewable Energy Task Force, for a three-year term to expire September 14, 2020.

Mr. Cantone is a long-time resident of our city and comes with an extensive background in the energy sector. He is currently the Commercial Director for SunPower Corp. and, prior to that, worked for eight years at Constellation New Energy, rising to the position of Vice President and General Manager for Energy Solutions. Mr. Cantone holds a B.S. in Electrical Engineering Technology from Wentworth Institute of Technology and volunteers in our community as a Salem Youth Soccer board member and coach, as well as a coach for Salem Youth Baseball.

I strongly recommend confirmation of Mr. Cantone's appointment to the task force. We are fortunate that he is willing to serve our community in this important role and lend his broad expertise in the energy field to the board and its work.

Very truly yours,

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

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Stephen Cummings of 241 North Street in Salem to the position of Assistant Building Inspector, for a two-year term to expire September 14, 2019

Stephen brings sixteen years of experience in building construction having run his own business since 2001. He holds a construction supervisors license and is highly proficient in building plan reviews, construction methods and practices, and safety protocols. As someone who has specialized in residential construction for almost two decades, Stephen is amply equipped to carry out the daily inspectional work the position requires.

We are fortunate to have Stephen joining our team and I look forward to working alongside him to keep Salem moving forward with the kind of professionally run municipal government that Salem residents have come to enjoy and expect from their City departments. He brings a wealth of experience as detailed in the enclosed resumes and I strongly recommend confirmation of his appointment.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Kelly Walton of 9 Japonica Street in Salem to the position of Assistant Building Inspector, for two-year term to expire September 14, 2019

Kelly holds a Master's degree in civil engineering from Norwich University and has spent the last four years in construction project management for the Federal Reserve Bank of Boston. Prior to that Kelly interned in the engineering department at the Lowell Regional Wastewater Utility while completing her bachelor's degree in civil and environmental engineering at UMass-Lowell. She has extensive technology skills and holds an Engineer in Training License.

We are fortunate to have Kelly join our team and I look forward to working alongside her to keep Salem moving forward with the kind of professionally run municipal government that Salem residents have come to enjoy and expect from their City departments. She brings a wealth of experience as detailed in the enclosed resume and I strongly recommend confirmation of her appointments.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Laurieann Giardella of 29 Castle Road, Nahant, to the position of Finance Director/Auditor, for the remainder of the term to expire January 31, 2020.

Laurie is a seasoned professional with 17 years of experience as Auditor for the City of Revere and six years as a member of the Town of Nahant Finance Committee. She has prepared GFOA Certified Budgets, prepared and filed all of the standard and required annual municipal financial reports, developed five-year financial forecasts, developed financial policies and procedures, and chaired the Reverse Retirement Board. Prior to her time as Revere's auditor, Laurie served the City's Purchasing Agent for three years.

We are fortunate to have Laurie joining our team and I look forward to working alongside her to keep Salem moving forward with the kind of professionally run municipal government that Salem residents have come to enjoy and expect from their City departments. Laurie bring a wealth of experience as detailed in the enclosed and I strongly recommend confirmation of her appointment.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Pursuant to state law the City is required to have a Designer Selection Committee to review proposals for designer services for City projects. As we have a number of urgent projects that require this committee's review – including the Forest River Park upgrades, Common bandstand improvements, and others – and the committee's previous terms have expired, I hereby appoint the following three City department heads to serve as the City's Designer Selection Committee.

Thomas St. Pierre, Building Inspector or his designee, term to expire September 14, 2020
Tom Daniel, City Planner or his designee, term to expire September 14, 2020
Jenna Ide, Director of Capital Projects or her designee, term to expire September 14, 2020

In order to allow the designer selection process for these important projects to advance on schedule, I am asking for a confirmation vote on these appointments at today's City Council meeting.

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, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

I re-appoint Donald R. Famico of 74 Proctor Street, Salem, MA 01970 to serve as a Constable in the City of Salem for a term to expire August 1, 2020.

Very truly yours,

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

Kimberley Driscoll
Mayor



City of Salem, Massachusetts

Police Department Headquarters

95 Margin Street

Salem, Massachusetts 01970

(978) 744-2204

Mary E. Butler

Chief of Police

03 August 2017

Mayor Kimberley Driscoll
Salem City Hall
93 Washington Street
Salem, Massachusetts 01970

Dear Mayor Driscoll,

Mr. Donald R. Famico has submitted his renewal application for the position of constable with the City of Salem.

The required criminal indices checks on Mr. Famico have been completed and no derogatory information was surfaced. He was interviewed by the undersigned on August 3rd, 2017 during which he reaffirmed his responsibilities to comply with the requirements of Salem City Ordinance Chapter 32, Section 19 (of May 11th, 2017).

Based on the information provided by Mr. Famico on his application, the results of the criminal history checks and the results of my interview with him, Mr. Famico meets the standards for reappointment and continued service as a constable with the City of Salem.

Mr. Famico's application package is hereby forwarded for your review, consideration and presentation to the City Council.

Sincerely,

Mary E. Butler
Chief of Police

Encl: Constable Renewal (Famico)

MEB/rdm

City of Salem Police Department

95 Margin Street
Salem, MA 01970
Phone 978-744-0171

Application for Constable Appointment

Check ONE: Primary Application _____ Re-Application ☒

Name:

DONALD R. FAMICO

Residence:

74 PROCTOR Street SALEM MA. 01970

Mailing Address:

SAME
978 745-6410 HOME PUB

Daytime Telephone: _____ Cell Phone: _____

Email: GOLDBRAIDE@YAHOO.COM

I am legally authorized to work in the U.S. ☒ Yes ☐ No Date of birth: 9-19-52

Driver's License No.: 583741522

Social Security No.: 034-40-2527

Present Employer, Address & Phone:

CITY OF SALEM

Dates of current employment: 1976 TO Present

List your employers for the last five years, if different from above:

USMC 81 Highland Ave Salem

Pursuant to M.G.L. Chapter 41, §91B, this application must be accompanied by the signatures of five reputable citizens of the City or Town where the Applicant resides, one of whom shall be an attorney at law currently licensed to practice in the Commonwealth.

We, the undersigned, hereby attest to the good moral character and integrity of said applicant and that the applicant is possessed of sufficient qualifications and abilities to discharge the duties of the office of constable:

(Letters of reference for the below signed are enclosed with application for new applicants).

<u>Lorri DeFrancesco</u>	<u>37 Station Rd. Salem, MA</u>	<u>978-744-5959</u>	<u>Lorri DeFrancesco</u>
Name (Please Print)	Residential Address (No P.O. Box)	Phone	Signature

<u>Judi Marzotta</u>	<u>19 Wall St. Salem MA</u>	<u>978-853-6901</u>	<u>Judi Marzotta</u>
Name (Please Print)	Residential Address (No P.O. Box)	Phone	Signature

<u>Alice Kain</u>	<u>42 Jefferson Ave</u>	<u>978-594-8632</u>	<u>Alice Kain</u>
Name (Please Print)	Residential Address (No P.O. Box)	Phone	Signature

<u>Dorothy Gooden</u>	<u>46 Peabody</u>	<u>978-235-5577</u>	<u>Dorothy Gooden</u>
Name (Please Print)	Residential Address (No P.O. Box)	Phone	Signature

<u>Christopher T. Casey</u>	<u>71 Washington St Salem</u>	<u>978-741-3888</u>	<u>Christopher T. Casey</u>
Name of Atty (Please Print)	Residential Address (No P.O. Box)	Phone	Signature
(Include BBO #) <u>5611552</u>			

City of Salem Constable Application Requirements

1. Each applicant must fill out and return a completed application, including five (5) letters of reference from individuals residing within the applicant's city or town of residence, at least one of which is from an attorney who is currently a member of the Massachusetts Bar in good standing.

NOTE: *Incomplete applications, applications with incorrect information or applications improperly filled out will result in disqualification from consideration.*

2. All candidates must sign a CORI release authorizing a criminal history check and a release authorizing an investigative background check.

3. After the application, letters of reference and releases have been submitted, all candidates must schedule a pre-appointment interview with the Chief of Police or his/her designee.

4. After completion of the process, the Chief of Police or his/her designee shall then make recommendations to the Mayor regarding the fitness of the candidate.

Qualifications

1. All applicants shall be twenty-one years of age or older.
2. All applicants shall be of sound moral character.
3. All applicants shall maintain residency in, or proximity to, Salem.
4. Applicants who have any of the following shall be excluded from consideration:

- a) A conviction for a violent offense within the past ten (10) years*;
- b) A conviction for a misdemeanor within the past five (5) years;
- c) A current open case in criminal court;

*



SALEM POLICE DEPARTMENT

95 Margin Street
Salem, MA 01970



Constable Application Process - Criminal Offender Record Information (CORI)

As a prospective Constable making application through the City of Salem,

I DONALD R FAMICO, understand that a CORI check will be
Print Name

submitted for my personal information to the DCJIS and a background check of my moral character and integrity will be conducted in order to comply with the standards of the Salem City Ordinance C. 32, s. 19. I hereby acknowledge and provide permission to the Salem Police Department to submit a CORI check for my information to the DCJIS and to conduct a background check. This authorization is valid for six months for the processing of my application for Constable. I also understand that I may withdraw this authorization at any time by providing the Salem Police Department with written notice of my intent to withdraw consent to a CORI check and the background investigation.

FOR APPOINTMENT PURPOSES:

The Salem Police Department may conduct, on behalf of the City of Salem, a check of my CORI for the purposes of establishing that I am a qualifying candidate for appointment as a Constable. I understand that this information and any background investigation will be shared with the Mayor who is the appointing authority for all Constables making application through the City of Salem.

By signing below, I provide my consent to a CORI check and background investigation and affirm that the information provided in my application for Constable is true and accurate.

Donald R Famico
Signature of CORI subject

7/17/17
Date



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.: BON9215343

Know all men by these presents,

That Donald R. Famico

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 1st day of August, 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 13th day of July, 2017.

Witness:

Donald R. Famico

By: [Signature]

☐ THE HANOVER INSURANCE COMPANY

By: _____

☒ MASSACHUSETTS BAY INSURANCE COMPANY

By: [Signature]

David C. Smith,

Attorney-in-Fact



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

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS 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, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

David O. Smith

Of Burgin, Platner, Hurley, Quincy, MA

each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Constable

in the amount of: \$5,000.00

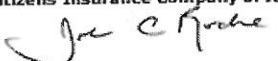
That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

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 any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America)

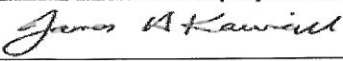
IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 30th day of **January, 2017**.

The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America


John C. Roche, EVP and President

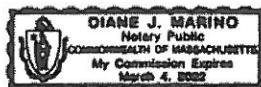


The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America


James H. Kawiecki, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 30th day of **January, 2017** 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.

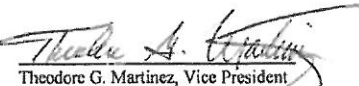



Diane J. Marino, Notary Public
My Commission Expires March 4, 2022

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 13th day of **July** 2017

CERTIFIED COPY


Theodore G. Martinez, Vice President



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

In August, the Renewable Energy Task Force voted to rename themselves the Sustainability, Energy, and Resiliency Committee (SERC), to reflect a larger function beyond simply addressing renewable energy matters.

In so voting the committee, recommitted themselves to promote a resilient environment and community as their primary goal. The SERC intends to focus on practical applications that enhance the sustainability of the city's municipal operations, businesses, and residents by:

- advocating for the environmental well-being of all of the city's inhabitants,
- developing long-term strategic planning focused on creating a more resilient community,
- implementing effective city-wide energy management including applications of sustainable energy technologies,
- help the City to achieve 100% clean energy procurement for municipal operations in order to reduce the City's greenhouse gas emissions, and
- leveraging with the private sector and other organizations to accomplish the above objectives and to help the city's businesses and residents reduce their carbon footprint and become more sustainable overall.

I am exceptionally proud to have formed the RETF when it was originally established in May 2006 and believe this change is merited. It is very much in keeping with our community's dedication to promoting sustainability and resiliency. Last year, then President Obama appointed me to the EPA's Local Government Advisory Committee, a body comprised of 30 municipal, county, state, and tribal officials from across the nation that provides advice to assist EPA in developing a stronger partnership with local governments and building state and local capacity to deliver environmental services and programs. The year before that, in 2015, Salem completed Climate Change Vulnerability Assessment and Adaptation Plan. That report studied some of the most serious climate change impacts, including extreme heat events, sea level rise, extreme precipitation events, and storm surges and the extent to which each of those four climate change events will have a potential impact on the City's critical building and water infrastructure, energy

supply, storm water systems, transportation networks and routes, and vulnerable populations. The plan also outlined actionable project ideas to address of the most critical issues.

As much as Salem is known for being one of America's greatest historical communities, we are also forward-looking. Critical to that is ensuring that we plan appropriately for the reality of life in a world with a changing climate. As a coastal city, it is even more vital that we identify our most vulnerable assets and take appropriate actions to mitigate potential threats that will be caused or exacerbated by climate change.

Salem is a designated Green Community and we value policies and practices that are sustainable and environmentally sensitive. Whether it is converting our City street lights to LED fixtures, siting solar panels on our schools to off-set electric costs, advancing electricity aggregation for consumers to save them money and reduce our carbon output, replacing our City fleet with more efficient vehicles, or increasing the energy efficiency of public buildings, Salem is focused on strategies that will reduce our overall carbon footprint and lessen our community's role in changing our planet's climate. That is one of the reasons I was proud to join the Compact of Mayors in 2016 and, earlier this year, the Mayors National Climate Action Agenda, better known as Climate Mayors, to continue our own commitment at the local level to upholding the spirit and goals of the Paris Climate Accords.

I am looking forward to working with the SERC on continuing to advance this important work in their expanded role and believe this new name for the board is fully warranted. I strongly recommend adoption of the enclosed Order to effectuate this change.

Sincerely,



Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

Ordered:

The City Council hereby renames the Renewable Energy Task Force as the Sustainability, Energy, and Resiliency Committee.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed herewith is a request to accept the following donation from The Moose Lodge No 218 in the amount of One Thousand Three Hundred and Forty-Four dollars (\$1,344.00). These funds will be deposited into the Fire Donation Fund 24131-4830.

In order to accept the donation approval must be given by both the Mayor and City Council. I ask that the members of the City Council join with me in accepting these funds to be used towards the Fire Donation Fund.

Very truly yours,

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

Kimberley Driscoll
Mayor



David W. Cody
Chief
(978) 744-6990
dcody@salem.com

City of Salem, Massachusetts

Fire Department

48 Lafayette Street
Salem, Massachusetts 01970-3695
Tel. (978) 744-1235
Fax (978) 745-4646

Fire Prevention
Bureau
978-745-7777

August 29, 2017


Dear Mayor and Members of the City Council,

It is our good fortune to have received a donation of one thousand three hundred and forty four dollars (\$1,344.00) from a comedy night held several months ago. This gift was made possible because of the hard work of Rosemary O'Connor and Pat Foley along with all the Officers and members of the Moose Lodge No. 218. This donation (check # 13595) will be used for safety training for our firefighters .

The sum of \$1,344.00 will be deposited in the account fund, Donations Fire 2413, 24131-4830 revenue, held by the department.

I ask on behalf of the Fire Department that you approve this donation.

Sincerely,


David W. Cody
Chief of Department

Cc; file



CITY OF SALEM

In City Council,

Ordered:

Sept 14, 2017

To accept the donation(s) listed below totaling Four Thousand and Fifty Dollars (\$1,344.00). These funds will be deposited into the account listed below in accordance with the recommendation of Her Honor the Mayor.

From:	Fund Name	Org/Obj	Amount	
Moose Lodge No 218	Fire Donation Fund	24131-4830	\$	1,344.00
Total			\$	1,344.00



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

September 14, 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-Nine Dollars and Eleven Cents (\$26,979.11) from the "Receipts Reserved – Golf Course" (24361-4800) to the "Golf Course" account (16512-5860).

This appropriation is necessary for the purchase of an aerator.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

September 14, 2017

Ordered:

That the sum of Twenty-Six Thousand Nine-Hundred and Seventy-Nine Dollars and Eleven Cents (\$26,979.11) is hereby appropriated from the "Receipts Reserved – Golf Course" account (24361-4800) to the "Golf Course Renovations" Account (16512-5860) in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS
PARK, RECREATION & COMMUNITY SERVICES
5 BROAD ST., SALEM, MA 01970

TEL: (978) 744-0180 OR (978) 744-0924
FAX (978) 744-7225
POBRIEN@SALEM.COM

KIMBERLEY DRISCOLL
MAYOR

PATRICIA O'BRIEN
SUPERINTENDENT

TO: The Honorable Mayor Kimberley L. Driscoll
FROM: Patricia O'Brien, Superintendent Parks, Recreation, Community Services
DATE: July 31, 2017

Dear Mayor Driscoll,

This letter is to request a transfer in the amount of \$26,979.11 from golf course receipts reserved (2436) to equipment (16512-5860).

This amount is for the purchase of an aerator.

Thank you for your attention to this matter.

Sincerely,

Trish O'Brien

Trish O'Brien
Superintendent
Park, Recreation and Community Services

CITY OF SALEM - Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: P&R Golf Course
Department


Department Head Authorizing Signature

7.31.17
Date

Budget or R/Res

Transfers To: 16512-5860 Desc: Equipment
(Org/Object)

Budget Amt: \$12,000.00

Balance: \$3,320.23

Budget Amt: _____

From: 2436 Desc: R/Res Golf Course

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: _____ Desc: _____
Retained Earnings (W/S) (Org/Object)
Please circle one

Budget Amt: _____

Balance: _____

Amount Requested:

\$ 26,979.11

Reason (Be Specific) _____

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

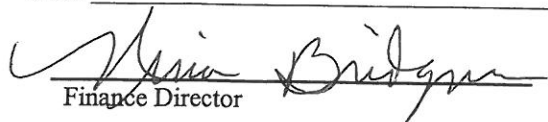
\$ 501,174.85
R/Res Fund Balance

8/1/17
NB

_____ Raise & Appropriate

_____ Other _____

Recommendation: _____ Approved _____ Denied


Finance Director

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



07/31/2017 12:16
14791don

CITY OF SALEM, MA
YEAR TO DATE BUDGET REPORT

2018

P 1
glytdbud

FOR 2018 13

ACCOUNTS FOR:
100 GENERAL FUND

JOURNAL DETAIL 2018 1 TO 2018 13

ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
16512 Golf Course-Expenses						
100 -600-651-170-00-000-0-2-5860						
2018/01/000214	07/10/2017 POE	12,000	629.37	8,050.40	3,320.23	72.3%
2018/01/000214	07/10/2017 POE	600.00 VND	004398 PO 5000854	RENT-ALL INC	Equipment Parts and Rentals	
2018/01/000417	07/12/2017 POE	300.00 VND	002261 PO 5000848	HARRIS F B	Equipment Parts	
2018/01/000615	07/17/2017 POE	6,054.00 VND	007636 PO 5001065	TURF PRODUCTS LLC	Golf Equipment Lift	
2018/01/000700	07/17/2017 POM	1,075.00 VND	032923 PO 5001293	TOOL & EQUIPMENT CON	Installation of Equipment Lift	
2018/01/001166	07/27/2017 API	21.40 VND	026051 PO 5000650	BRIDGESTONE GOLF	INCREASE PO	
		629.37 VND	007941 VCH	CENTURY BANK & TRUST	GOLF COURSE TRUCK 94077185	8001839
TOTAL Golf Course-Expenses						
TOTAL GENERAL FUND						
TOTAL EXPENSES						
		12,000	629.37	8,050.40	3,320.23	72.3%
		12,000	629.37	8,050.40	3,320.23	72.3%
		12,000	629.37	8,050.40	3,320.23	72.3%



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

September 14, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an order requesting an appropriation of Sixty Thousand Eighty-Four Dollars and Twenty-Two cents. (\$60,084.22) from the "Retirement Stabilization Fund – Vacation/Sick Leave Buyback" account (83113-5146) to cover the retirement buyback costs for the following employees.

NAME	DEPARTMENT	AMOUNT
Michael Wong	Parking Department	\$13,275.74
Schott Englehardt	Police Department	\$46,808.48

Total: \$60,084.22

I recommend passage of the accompanying Order

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

September 14, 2017

That the sum of Sixty Thousand Eighty-Four Hundred and Twenty-two Cents (\$60,084.22) in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2018 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
Michael Wong	Parking Dept	13,275.74
Scott Englehardt	Police Dept	46,808.48
		60,084.22



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

MEMORANDUM

TO: Nina Bridgman
DATE: August 9, 2017
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Parking Garage.

This former employee is contractually entitled to the following amount of sick leave and vacation buy-back.

Michael Wong

563.50 sick hours @ \$23.09 per hour	\$13,014.03
--------------------------------------	-------------

11.3319 vacation hours @\$23.09 per hour	261.71
--	--------

Total:	\$13,275.74
---------------	--------------------

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC


Finance Director

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department Parking Dept.

Date 8/8/17

Authorized Signature: [Signature]

Department Head/City or Business Manager/School

NAME: Michael Wong

CALCULATION

VACATION HOURS # 11.3319 @ \$ 23.09 = \$ 261.71

SICK HOURS # 563.50 @ \$ 23.09 = \$ 13,014.03

PRO-RATED STIPENDS # _____ @ \$ _____ = \$ _____

OTHER # _____ @ \$ _____ = \$ _____

Total Amount Due: \$ 13,275.74

Please attach corresponding PAF or other backup to this sheet.

Reason: Retirement 7/31/17

For Human Resources's Use Only:

☒ VACATION HOURS

☒ SICK HOURS

☐ PER ACCRUAL REPORT

☐ OTHER

Org and Object: 83113 - 5146

Recommendation:

☒ Approved

[Signature]
H R Director/City or Superintendent/Schools



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

MEMORANDUM

TO: Finance Department
DATE: August 16, 2017
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Police Department.
This former employee is contractually entitled to the following amount of sick leave and vacation buy-back.

Scott Englehardt

87.5 sick days @ \$382.11 per day	\$33,434.63
35 vacation days @\$382.11 per day	\$13,373.85

Total: \$46,808.48

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

Finance Director

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department Police 210

Date 8/4/17

Authorized Signature: [Signature]
Department Head/City or Business Manager/School

NAME: Lt. Scott Englehardt

CALCULATION

VACATION DAYS # 35 @ \$ 382.11 = \$ 13,373.85

SICK DAYS # 87.5 @ \$ 382.11 = \$ 33,434.63

PRO-RATED STIPENDS # @ \$ = \$ 6,800.00

OTHER Holidays 9/2 # 9 1.5 Hol 581.82
2 1.0 Hol @ \$ 387.88 = \$ 5,236.38
775.76

Total Amount Due: \$ 59,620.62

Please attach corresponding PAF or other backup to this sheet.

Reason: Lt. Englehardt retired effective 7/5/17.

For Human Resources's Use Only:

- ☒ VACATION DAYS
☒ SICK DAYS
☐ PER ACCRUAL REPORT
☐ OTHER

Org and Object: 53113 - 5/4/17

Recommendation:

☒ Approved

[Signature]
H R Director/City or Superintendent/Schools



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

September 14, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an order requesting an appropriation of Twenty Thousand, Three Hundred and Eighty-Three Dollars and Fifteen Cents (\$20,383.15) from the "Retirement Stabilization Fund – Vacation/Sick Leave Buyback" account (83113-5146) to cover the retirement buyback costs for George Sands Department of Public Services.

I recommend passage of the accompanying Order

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

September 14, 2017

That the sum of Twenty Thousand, Three Hundred and Eighty-Three Dollars and Fifteen Cents (\$20,383.15) in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2018 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
George Sands	DPS	20,383.15
		20,383.15



CITY OF SALEM, MASSACHUSETTS

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

KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

MEMORANDUM

TO: Nina Bridgman
DATE: September 7, 2017
RE: Retirement Stabilization Fund

Attached is a PAF for a former employee of the Department of Public Services.

This former employee is contractually entitled to the following amount of sick buyback.

George Sands

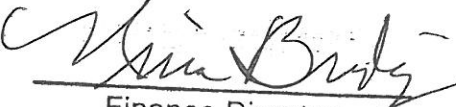
687 sick hours @ \$29.66 per hours	\$20,383.15
------------------------------------	-------------

TOTAL DUE:	\$20,383.15
------------	-------------

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC


Finance Director

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department DPS Date 9/7/17

Authorized Signature: [Signature]
Department Head/City or Business Manager/School

NAME: _____

CALCULATION

VACATION HOURS # _____ @ \$ _____ = \$ _____

SICK HOURS # 687.00 @ \$ 29.6697 = \$ 20,383.15

PRO-RATED STIPENDS # _____ @ \$ _____ = \$ _____

OTHER # _____ @ \$ _____ = \$ _____

Total Amount Due: \$ 20,383.15

Please attach corresponding PAF or other backup to this sheet.

Reason: Retirement - 8/25/17

For Human Resources's Use Only:

- ☐ VACATION HOURS
☒ SICK HOURS
☐ PER ACCRUAL REPORT
☐ OTHER

Org and Object: 83113 - 5146

Recommendation:

☒ Approved

[Signature]
HR Director/City or Superintendent/Schools



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please a Council Order to allow the Salem High School music boosters, Salem High School football boosters, Salem High School drama club, and Salem Youth Football to collect a donation in the amount of \$20 per car at the City's temporary parking lot on the former Universal Steel site on Bridge Street on October weekends, as well as October 9 and October 31.

The precise schedule of which group will utilize the lot on which dates is currently being coordinated by the Director of Traffic and Parking with those organizations and will be finalized later this month.

I respectfully request approval of this Order before October 1.

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 City Council, September 14, 2017

Ordered:

Salem youth organizations (e.g. Salem High School Music Boosters, Salem High School Football Boosters, Salem High School Drama Club and Salem Youth Football and others), are hereby authorized to staff the parking lot at 297 Bridge Street and collect a parking fee of \$20.00 per day on the following designated weekend and holiday dates:

- a) October 7, 8, 9
- b) October 14, 15
- c) October 21, 22
- d) October 28, 29
- e) October 31 (after 4:00 pm)

Organizations interested in staffing the lot are to schedule dates through the City of Salem's Traffic and Parking Department.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please find a Council Order establishing a \$20 fee to park in the Church Street surface parking lots and the City's parking garages on Saturdays and Sundays from October 1 through October 31, as well as Monday October 9 all day and Tuesday October 31. As October 31 falls on a weekday, parking staff will not begin charging the \$20 fee until mid to late afternoon.

Additionally, the Council Order allows Salem residents with identification to park for free on October weekends, October 9, and October 31 in the Church Street lot and in the City's surface lot at the MBTA for free on weekends.

This Order is identical to previous years' and establishes rates we have normally set for October weekends in the past. This measure generates the revenue necessary to support the public safety and other relative logistical costs the City incurs through the month of October.

I respectfully request approval of this Order before October 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

Ordered:

The daily weekend and holiday rate for parking in the Museum Place Parking Garage, South Harbor Parking Garage and Church Street West lot (excluding the East lot adjacent to St. Peter's Street), shall be \$20.00 effective October 1, 2017 through and including October 31, 2017. The daily rate commences at 2:00 A.M. and concludes the following day at 1:59 A.M.

Be it further ordered that any Salem resident who presents valid identification at the Church Street Parking Lot shall not be subject to the \$20.00 fee

Be it further ordered that the City of Salem lot at the MBTA Station shall be made available for use by Salem residents only at no cost for weekends in October.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

As you know, every October we post many downtown residential streets as temporarily resident-only parking streets for the month of October, pursuant to Article V-A, Section 75 of the City Ordinances.

Over the years requests have been received from residents and Councillors to post additional streets with the temporary "Resident Parking Only" signage. In July 2015, we filed with the City Council an Ordinance change to add these additional streets into the above referenced section of the traffic code, however the matter never received a vote. In the meantime, in order to respect the requests of these residents, we have accommodated them through temporary signage.

Absent a Council Order or Ordinance making them officially temporary resident only streets, however, parking enforcement and police officers are unable to ticket and tow non-resident vehicles parked on those streets. The signs that we post are a helpful deterrent, but are only advisory in nature and cannot be enforced, which adds to residents' frustration.

Recognizing that permanent Ordinance change may not be able to effectuated by October 1, the attached Order will provide temporary resident parking for these streets for at least this October to allow for regular enforcement by both parking enforcement and police officers. Signage will be posted, as in previous years, with "Resident Parking Only" signs from October 1 through November 1. Only residents of the October resident-only parking streets, with the October resident parking hang tags, may park on these streets.

Residents of these streets will receive the same notification that the existing streets named in the traffic code receive, to let them know they should pick up their October hang tags.

I recommend adoption of the enclosed Order before October 1 and welcome any questions you may have regarding it.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

Ordered:

That the following streets be given temporary resident only parking status from October 1 through October 31, 2017 to allow parking enforcement staff and police officers to enforce during the month of October.

1. Broad Street
2. Downing Street
3. Endicott Street
4. Hathorne Street
5. Margin Street
6. Mt. Vernon Street
7. Prescott Street
8. Summer Street
9. Winthrop Street
10. Union Street
11. Becket Avenue

And any additional streets as determined by Chief of Police.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Please find enclosed a proposed Council Order to initiate a Home Rule Petition for an additional liquor license for the sale of wine and malt beverages to be drunk on the premises for Minzu Sushi, 142 Canal Street.

Minzu Sushi has been open since January 2017 and they are now seeking a wine and malt beverage liquor license so that they may be able to offer their customers a glass of wine or beer with their meal. The attached application, developed by the City Solicitor, provides additional information about this business.

With all of the state and city investment taking place right now to improve Canal Street and enhance this important part of the community, having vibrant small businesses succeeding there is critical to the progress we are witnessing in this corridor. I strongly support the enclosed Order and respectfully request City Council adoption.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

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 Ling & Li, Inc., d/b/a Minzu Sushi to be located at 142 Canal 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 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.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Resolution expresses our shared support for H.2683 and S.1845, the Consumer Cost Protection Bill. If adopted, Salem would become the ninth Massachusetts municipality to pass such a resolution for this legislative session. In the last legislative session, a bill similar to this was endorsed by 38 municipalities, but never came up for a vote in the legislature.

Leaking natural gas pipelines are a prevalent and serious problem, not just in Salem but across our Commonwealth. 95% of natural gas is methane, a potent greenhouse gas, and fully 10% of our greenhouse gas emissions are estimated to be from these gas leaks. These impacts are worsened because as leaked methane kills off city trees, it reduces our canopy and further erodes our ability to combat climate change.

I am proud that Salem is a designated Green Community, that our electricity aggregation sources customers' electricity from 100% green and renewable sources, and that we've made our own strides to reduce our impact on climate change through putting solar panels on schools and the upcoming CLC and converting our street lights to LED fixtures. And I am equally proud to be an advocate for these positive types of actions in my position on the EPA's Local Government Advisory Committee, to which then-President Barack Obama appointed me last year. All these efforts, however, can be undercut by something as simple as unresolved natural gas leaks.

Importantly, gas leaks are not at the cost of the utility, but instead at the cost of the consumer. We worked hard to procure our electricity supply through Salem PowerChoice for all residents so that we could reduce electric bills and save homeowners money. And we should all be pleased that our prudent financial planning and practices allowed us to realize a \$0 change in water and sewer rates this year. But natural gas leaks are a cost directly passed on to Salem consumers, and we need state action to put an end to that. Massachusetts ratepayers pay up to

\$135 million extra every year because of these leaks. In the Boston area alone, the value of the lost gas amounts to enough to heat 200,000 homes for a year.

We know that only 7% of leaks emit half of the lost gas. Finding and fixing these alone would reduce the amount lost and the wasted ratepayer's dollars by 50%. In Salem, we have an estimated 55 leaks in just about every neighborhood across our city.

I believe our legislature can step up and do the right thing, to lessen our contribution to a changing climate and to save Massachusetts ratepayers millions. I hope you will join me in endorsing the enclosed resolution expressing our support for this important legislation.

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 City Council,

Resolved

A RESOLUTION IN SUPPORT OF MASSACHUSETTS HOUSE BILL 2683/SENATE BILL 1845 TO PROTECT GAS AND ELECTRICITY CONSUMERS

WHEREAS: Massachusetts House Bill 2683/Senate Bill 1845 is an "An Act Relative to Protecting Consumers of Gas and Electricity from paying for Leaked and Unaccounted for Gas (UFG)" that seeks to protect all gas and electricity customers, whether businesses, manufacturers, homeowners and municipalities or other gas users, from paying for UFG by prohibiting providers from including the cost of UFG, as well as the costs of reducing or remedying loss, in the rate base; and

WHEREAS: According to H. 2683/S.1845, "Unaccounted for gas or UFG is the difference between the total gas available from all sources that is acquired by a system type and the total gas accounted for as sales, net interchange or company use"; and

WHEREAS: H.2683/S.1845 covers leakage or loss by leakage or loss due to discrepancies from measuring or monitoring inaccuracies, variations of temperature or pressure, or both, and other circumstances; and

WHEREAS: H.2683/S.1845 will provide economic incentive to gas providers to develop improved technologies and practices for transportation, distribution and storage; and

WHEREAS: The cost of UFG is typically passed on from providers of natural gas to users or consumers of gas; and

WHEREAS: Leaking gas in the ground is harmful to vegetation and can kill valuable shade trees by depriving roots of oxygen; and

WHEREAS: Methane is a precursor to ozone formation that can decrease lung function and aggravate asthma; therefore be it

RESOLVED: That the Mayor and City Council of Salem strongly supports House Bill 2683/Senate Bill 1845 and urge the Massachusetts Legislature to take action to support this measure to protect consumers and the environment.

RESOLVED: That the City Clerk shall forward a copy of this resolution to the elected Salem delegation in the House and the Senate as well as House Speaker Robert A. DeLeo and Senate president Stanley C. Rosenberg and to the Governor on behalf of the City of Salem.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

In January, the City Council approved an Order that said it wished to receive a recommendation from the Salem Veterans Council prior to approving any additional Veterans Squares designations. Following that determination, the Veterans Council set some reasonable guidelines to standardize the recommendation process.

Notwithstanding those guidelines, however, I am filing the enclosed Order to waive the Council's previous Order and accept a Veterans Square designation at the intersection of East Collins Street and Conners Road in honor of the late Master Sergeant Joseph F. E. Perreault, United States Army, who lived on Planters Street. M/Sgt. Perreault enlisted in the armed services on April 15, 1941 and proceeded to serve with distinction on behalf of this nation through the course of World War II. Following the end of the war he continued to serve our country as a member of the Massachusetts National Guard until his honorable discharge in 1957.

During the war, M/Sgt. Perreault served as a combat infantryman in the Pacific Theater, specifically in the Northern Solomons and at Guadalcanal, from February 26, 1942 through July 30, 1944. In addition to therefore earning Asiatic Pacific Theater Campaign Ribbon and the American Defense Service Medal, he also earned a Purple Heart and the Bronze Star. The citation for M/Sgt. Perreault's Bronze Star is as follows:

"For meritorious service in action at Bougainville, Solomon Islands. During the period of 10 March 1944 to 12 March 1944, he was a member of a machine gun squad supporting an infantry attack on Hill 260. In successive exposed positions he aided in nullifying important enemy supply trails and pinning down enemy forces in other sectors. Although under direct fire, he continued his mission until an enemy shell destroyed the squad position, when

with those who were not casualties, he carried on with undaunted vigor as a rifleman."

M/Sgt. further received a Presidential Unit Citation by virtue of his division's distinguished service from August 7 to August 9, 1942. The citation specifically cites "outstanding gallantry and determination in successfully executing forced landing assaults against a number of strongly defended Japanese positions on Tulagi, Gavutu, Tanambogo, Florida and Guadalcanal, British Solomon Islands, completely routing all the enemy forces and seizing a most valuable base and airfield within the enemy zone of operations in the South Pacific Ocean. [The division] not only held their important strategic positions despite determined and repeated Japanese naval, air and land attacks, but by a series of offensive operations against strong enemy resistance drove the Japanese from the proximity of the airfield and inflicted great losses on them by land and air attacks. The courage and determination displayed in these operations were of an inspiring order."

Mr. Perreault's son and daughter-in-law reached out to my office with this request and I feel it is wholly merited. In the interest of fairness to Master Sergeant Perreault and in honoring his service and his memory, I encourage you to adopt the enclosed Order to allow this exemption and designate this intersection the Joseph F.E. Perreault Square.

Sincerely,



Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

Ordered:

Notwithstanding City Council Order #16 of 2017 or any other Order to the contrary, the City Council hereby designates the intersection of East Collins Street and Conners Road as a Veteran's Square in honor of the late Master Sergeant Joseph F. E. Perreault, United States Army, who lived on Planters Street. M/Sgt. Perreault enlisted in the armed services on April 15, 1941 and proceeded to serve with distinction on behalf of this nation throughout the course of World War II.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please find a proposed Easement and an associated Council Order authorizing me to execute, on behalf of the City, an Easement for the benefit of 4 Parker Court.

In the enclosed letter from the property owner, he explains the need for an Easement of approximately 154 square feet due to an encroachment onto Parker Court.

I recommend adoption of the enclosed City Council Order to that this Easement may be executed.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", with a stylized flourish at the end.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, September 14, 2017

Ordered:

The Mayor is hereby authorized to execute, on behalf of the City of Salem, an Easement Grant to Richard W. Jagolta, Jr., as set forth in the attached Easement Grant and as shown on the attached plan entitled "Plan of Land located at 4 Parker Court, Salem, Massachusetts," prepared by American Land Survey Associates, Inc., dated June 21, 2017.

Rich Jagolta
41 Chestnut Street
Salem, MA 01970

July 27, 2017

Mayor Kimberley Driscoll
93 Washington Street
Salem, MA 01970

Dear Mayor Driscoll,

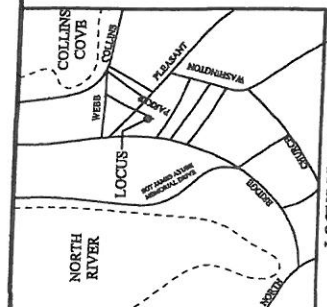
I purchased the house at 4 Parker Court, Salem. A title search on the property showed that the house encroached into the public street. The house was built in the late 1800s and apparently no one noticed this encroachment prior to now. There are only three houses on the street so my guess is the street was a private way when the house was built, in which case the landowner owns to the middle of the street, therefore the encroachment began when the street became a public way. My attorney has advised the only way to resolve the issue is for the city to grant an easement of approximately 154 square feet. I would very much appreciate it if you could put forth a request to the city council seeking the granting of this easement.

I have attached a plan of land and a draft easement grant for the property.

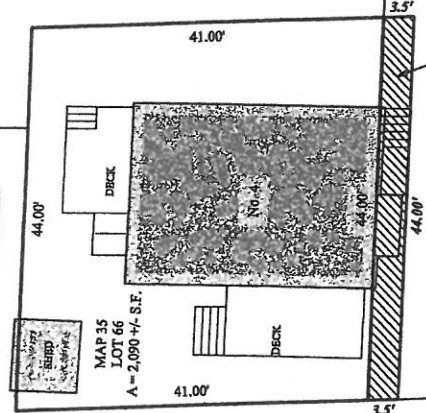
Sincerely,


Rich Jagolta
RichJagolta@gmail.com
978.590.5000

NOTES:
 ASSESSORS MAP 35 LOT 66
 RECORD OWNER: JEANNE M. GARRAHAN
 LOT ADDRESS: 4 PARKER COURT
 SALEM, MA
 DEED REFERENCE: BOOK 20258 PAGE 488



131 BRIDGE ST.
 MAP 36
 LOT 449
 N/F NUNCIA



16 PLEASANT ST.
 MAP 36
 LOT 439
 N/F SCHORK

2 PARKER CT.
 MAP 36
 LOT 450
 N/F CARRO

3 WINTER ST.
 MAP 35
 LOT 52
 N/F JOHNSON,
 MAGRIT, &
 RIERA-SMITH

PLEASANT STREET

PARKER COURT

3 PARKER CT.
 MAP 35
 LOT 65
 N/F COTE

1 PARKER CT.
 MAP 35
 LOT 64
 N/F SANGAP

18 PLEASANT ST.
 MAP 35
 LOT 63
 N/F BACCARI

I HEREBY CERTIFY THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN

THIS PLAN IS BASED ON THE REFERENCED PLANS, DEEDS, AND THE RESULTS OF A FIELD SURVEY AS OF THIS DATE. NO CERTIFICATION IS INTENDED AS TO PROPERTY TITLE OR AS TO THE EXISTENCE OF UNWRITTEN OR UNRECORDED EASEMENTS

PLAN OF LAND
 Located At
 4 PARKER COURT
 SALEM, MA
 Prepared By

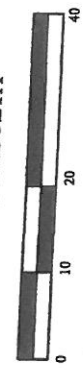
American Land Survey Associates, Inc.
 Kirk W. Benson, President, PLS
 42 Cherry Street Gloucester, MA 01930
 978-281-7878

SCALE 1" = 10' JUNE 21, 2017
 Prepared For

RICHARD JAGOLTA

PHOTO REPRODUCTION OF THE PROFESSIONAL SEAL IS INDICATIVE OF UNAUTHORIZED REPRODUCTION OF THIS PLAN AND IS TO BE CONSIDERED A COPYRIGHT INFRINGEMENT AND/OR FRAUD. ANY REPRODUCTION OF THIS PLAN SHALL BE AT THE USER'S RISK AND IS NOT TO BE SOLD OR TRANSFERRED TO ANY NEW OWNER OR THIRD PARTY.

KIRK W. BENSON, PRESIDENT, PLS #40036



EASEMENT GRANT

The City of Salem, a Massachusetts Municipal Corporation acting by and through its Mayor and City Council, having an address of 93 Washington Street, Salem, Essex County, Massachusetts and its successors and assigns for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby give, grant and convey a permanent, exclusive, perpetual easement to Richard W. Jagolta, Jr. of 41 Chestnut Street, Salem, Essex County, Massachusetts and his heirs, successors and assigns to permit the structure on the premises known and numbered 4 Parker Court, Salem, Essex County, Massachusetts to be maintained in its current location on property owned by the City of Salem as shown as, "Proposed Easement Area = 154+/- S.F., upon a plan entitled, "Plan of Land, 4 Parker Court, Salem, MA prepared by American Land Survey Associates, Inc., Kirk W. Benson, President PLS, 42 Cherry Street, Gloucester, MA 01930, Scale 1" = 10', June 21, 2017, prepared for Richard W. Jagolta, Jr.", a copy of which is attached hereto and incorporated herein as Exhibit "A".

The land to which the foregoing right is given is situated in said city of Salem and more fully described in a deed from _____ to Richard W. Jagolta, Jr. recorded at the Essex South District Registry of Deeds herewith. The City of Salem identifies the premises known and numbered 4 Parker Court, Salem, MA as Lot 66 on A.O. Map 35 ("Assessor's Map") containing 2090 square feet of land, more or less. The land area in which the aforesaid easement is granted is shown as "Parker Court" on said Assessor's Map.

The foregoing easement grant is subject to all matters of record insofar as these remain in force and applicable.

Executed as a sealed instrument this ____ day of _____, 2017.

City of Salem
By its Mayor

Kimberely Driscoll

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

_____, ___, 2017

Before me, the undersigned notary public, personally appeared KIMBERELY DRISCOLL, Mayor of the City of Salem, Massachusetts, who proved to me through satisfactory evidence of identification, which is a

_____,
to be the person whose name is signed on the preceding instrument, and who acknowledged to me that she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My Commission expires:



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

September 14, 2017

Salem City Council
City Hall
Salem, MA 01970

Ladies and Gentlemen of the City Council:

Enclosed please find a proposed amendment to the Zoning Ordinance that provides for additional design review as part of site plan review in the City's Entrance Corridor Overlay District (ECOD). Salem's entrance corridors are important places, and the ECOD provides for higher standards for storage, fences, parking areas, signage, and site plan review. This proposed amendment will enhance the Planning Board's site plan review of projects within the entrance corridors while not being burdensome to applicants.

Through this amendment, the Planning Board will be able to rely upon the design review expertise of the Salem Redevelopment Authority's Design Review Board (DRB) for projects that meet certain thresholds for site plan review. For projects that are 10,000 gross square feet or more of nonresidential construction, or six or more residential structures, review by the DRB will be required. For projects that are 2,000-9,999 gross square feet of nonresidential construction, the Planning Board will determine, by vote, if DRB review is needed. Having the DRB serve in this site plan review advisory capacity to the Planning Board is similar to what occurs for development projects in the North River Canal Corridor District.

The Planning Board worked to develop the proposed amendment and the DRB was consulted during the process. The City's *Commercial Design Guidelines* will serve as a reference for review of projects. Consideration of the amendment will require a joint public hearing by the City Council and the Planning Board. I want to thank the members of the Planning Board and DRB for the excellent job they do. Adding the DRB's expertise to the site plan review process for certain projects in entrance corridors will support the Planning Board's work and our broader goals.

Sincerely,

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

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Seventeen

An Ordinance to amend the Ordinance relative to Zoning

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

Section 1. Section 8.2.2 Applicability of Section 8 - Entrance Corridor Overlay District is hereby amended by inserting the following phrase at the end of 8.2.2:

“with the exception of the provisions set forth in Section 8.2.8, in which the boundary of the overlay is the rear lot line.”

Section 2. Sub-section 2 of Section 8.2.2 Applicability is hereby amended by inserting the following phrase at the beginning of sub-section 2:

“Except as set forth in Section 8.2.8,”.

Section 3. Section 8 — Entrance Corridor Overlay District is hereby amended by adding the following:

“Section 8.2.8 Design Review Board Recommendation Design Oversight by the Design Review Board of the Salem Redevelopment Authority shall be provided as follows:

1. The Planning Board shall not take action on construction of nonresidential structure(s) or premises ten thousand (10,000) gross square feet or more until it has received a recommendation from the Design Review Board of the Salem Redevelopment Authority concerning the design of the project.
2. The Planning Board shall vote to determine whether construction of nonresidential structure(s) or premises between 2,000 and 9,999 square feet in nonresidential uses will be referred to the Design Review of the Salem Redevelopment Authority for a recommendation concerning the design of the project. If a simple majority of the Planning Board votes in favor of referring the project to the Design Review Board, then the Planning Board shall not take action until such recommendation has been received.
3. The Planning Board shall not take action on any residential structure containing six (6) or more residential dwelling units until it has received a recommendation from the Design Review Board of the Salem Redevelopment Authority concerning the design of the project.”

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



**ELIZABETH M.
RENNARD**
CITY SOLICITOR
93 WASHINGTON STREET
SALEM, MA 01970
TEL: 978.619.5633
FAX: 978.744.1279
EMAIL: BRENNARD@SALEM.COM

CITY OF SALEM
KIMBERLEY L. DRISCOLL, MAYOR
LEGAL DEPARTMENT
93 WASHINGTON STREET
SALEM, MASSACHUSETTS 01970

VICTORIA B. CALDWELL
ASSISTANT CITY SOLICITOR
93 WASHINGTON STREET
SALEM, MA 01970
TEL: 978.619.5634
FAX: 978.744.1279
EMAIL: VCALDWELL@SALEM.COM

September 14, 2017

Salem City Council
City Hall
Salem, MA 01970

Ladies and Gentlemen of the Council:

Enclosed herewith is an Ordinance to amend an Ordinance relative to noise control. This proposed amendment is the first in what I expect to be two Ordinance amendments addressing maximum noise levels within the City.

This first amendment, specifically relative to the Essex Street Mall area, follows the testing of ambient noise levels within the downtown to establish maximum decibel levels at designated locations. The intent of this Ordinance is to establish reasonable time, place and manner restrictions that allow businesses and residents to conduct business and avoid noise disturbances while also allowing the use of the public sidewalks for entertainment and public expression. The noise levels along the Mall will be tested during the month of October and further amendment, if necessary, will be submitted for your consideration.

I have also enclosed for your review a strike-through version of the proposed Ordinance amendment, a chart of the sound level testing indicating ambient noise levels and the decibel level at 10dB above ambient, and a map showing the designated areas in color. And finally, I have enclosed the current street performer regulations adopted by the Licensing Board which will be amended on September 25, 2017 to lower the maximum decibel levels to be consistent with this Ordinance amendment.

I am hopeful that this proposed amendment is adopted by the City Council as soon as possible as it will provide the Salem Police Department with a tool to control noise during the month of October. Thank you for your consideration.

Sincerely,

Elizabeth Rennard

City of Salem

In the year Two Thousand and Seventeen

An Ordinance to amend an ordinance relative to Noise Control

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

Section 1. Chapter 22 Noise Control is hereby amended as follows:

- a) Insert the phrase "Except as provided in Sec. 22-6," at the beginning of Sec. 22-1(a), Sec. 22-1(b), Sec. 22-2(1), Sec. 22-2 (2)(a), Sec. 22-2 (2)(b), and 22-31(a), and at the beginning of the last paragraph of Sec. 22-2.
- b) Delete the fine of \$25.00 and replace it with \$50.00 as it appears in Sec. 22-3(a).
- c) Delete the phrase "not less than" as it appears in Sec. 22-3(b).
- d) Insert the phrase "for the second and subsequent offenses." at the end of Sec. 22-3(b).
- e) Insert a new section, Sec. 22-6 set forth below:

"Sec. 22-6. Special Regulations Relative to the Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks.

- (1) *Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks* shall include:
 - (a) 125 to 259 Essex Street;
 - (b) 93 to 155 Washington Street;
 - (c) Cervoni Walkway (Salem Green);
 - (d) Derby Square from Essex to 15 Derby Square; and
 - (e) Central Street from Essex Street to Charter Street.
- (2) No person shall use, for commercial or non-commercial purposes, a musical instrument or similar device, loudspeaker, amplifier, public address system or similar device, or radio, disc player or similar device which produces, reproduces or amplifies sound in excess of the decibels levels set forth below upon the Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks as measured fifteen feet from the noise source:
 - a) Exceeding 65 decibels between the hours of 8 p.m. and 4 p.m. the following day from Sunday at 8 p.m. through Friday at 4 p.m., between the hours of 8 p.m. Friday to 11:00 a.m. Saturday and between the hours of 8 p.m. Saturday to 11 a.m. Sunday upon the streets, sidewalks and public ways within the entirety of the Essex Street Mall and Adjacent Streets and Sidewalks;
 - b) Exceeding 68 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays

- upon the streets and sidewalks between and including 181 and 198 Essex Street and between and including 11 Central Street and Essex Street;
- c) Exceeding 73 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 208 and 259 Essex Street, 173 and 179 Essex Street, 125 and 133 Essex Street, 13 Central Street and Charter Street, 93 and 155 Washington Street, Cervoni Walkway, and Derby Square from Essex Street to 13 Derby Square.
 - d) Exceeding 78 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 137 and 161 Essex Street and 15 Derby Square and Front Street.
- (3) A map depicting the decibel limits set forth above shall be on file in the office of the City Clerk and available to the public at no fee.
 - (4) The Police Chief may issue a waiver from the decibel levels set forth in this section for organized city events."

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

Sec. 22-1. - Certain noises prohibited generally.

- (a) Except as provided in Sec. 22-6, ~~it~~ shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which:
- (1) Endangers or injures the safety or health of humans or animals;
 - (2) Annoys or disturbs a reasonable person of normal sensitivities; or
 - (3) Endangers or injures personal or real property, which noise shall be termed a "noise disturbance" for the purposes of this chapter.
- (b) Except as provided in Sec. 22-6, ~~A~~nnoncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. (Code 1973, § 16½-1)

Sec. 22-2. - Noises enumerated.

The following acts, among others, and the causing thereof are declared to be loud, disturbing and unnecessary noises and to be in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

- (1) Except as provided in Sec. 22-6, ~~r~~Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
 - a. Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such manner as to create a noise disturbance as set out in section 22-1 across a real property boundary, except for activities open to the public and for which a permit has been issued by an appropriate authority in the city.
 - b. In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space or in a boat on public waters.
 - c. In such a manner as to create a noise disturbance to any person other than the operator of a device, when operated by any passenger on a common carrier.

Except as provided in Sec. 22-6, ~~T~~his subsection shall not apply to noncommercial spoken language covered under section 22-1.
- (2) Loudspeakers/public address systems.
 - a. Except as provided in Sec. 22-6, ~~U~~Using or operating for any noncommercial purposes any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.
 - b. Except as provided in Sec. 22-6, ~~U~~Using or operating for any commercial purpose any loudspeaker, public address system or similar device such that the sound therefrom creates a noise disturbance across a real property boundary between the hours of 6:00 p.m. and 10:00 a.m. the following day on a public right-of way or public space.
- (3) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration makes sounds which create a noise disturbance across a residential real property boundary.
- (4) Loading and unloading, manufacturing activities. Loading and unloading of boxes, crates, and containers at all commercial and/or retail establishments. Loading, unloading or other handling of boxes, crates, containers or building materials or similar objects and the engaging in manufacturing activities between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary.
- (5) Construction and blasting
 - a. Construction. Operating or permitting the operation of tools or equipment used in construction or demolition work between the hours of 5:00 p.m. and 8:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance issued by the building inspector pursuant to this Code and notification to the police department. Before a waiver is

granted, the city council shall be notified that a waiver is being considered. A copy of any special variance issued by the building inspector pursuant to this subsection shall be forwarded to the city council.

- b. Blasting, rock crushing, jack hammering, hydraulic blasting, pile driving. The operation of drilling and/or blasting equipment, rock crushing machinery, pile driving, or jack hammers used in construction, reconstruction, repair, or demolition work between the hours of 5:00 p.m. and 8:00 a.m. the following day on weekdays or at any time on Saturdays, Sundays, or holidays, except for emergency work of public service utilities, or by special variance issued by the building inspector pursuant to this Code and notification to the police department. No special variances for any work herein shall be granted by the building inspector for work on Sundays or holidays without prior approval of the city council. Any special variance issued by the building inspector pursuant to this subsection shall first be approved by the city council.
 - c. No special variances for any work herein shall be granted by the building inspector for work on Sundays or holidays without prior approval of the city council. All building inspectors, in addition to police officers, shall be enforcing persons for the purposes of this subsection 22-2(5).
- (6) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary. All building inspectors, in addition to police officers, shall be enforcing persons for the purposes of this subsection.
 - (7) Explosives, rearms and similar devices. The use or ring of explosives, rearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way, without first obtaining a special variance issued pursuant to this Code. Such permit need not be obtained for licensed game-hunting activities on property where such activities are authorized.
 - (8) Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 100 feet from the source if on a public space or public right-of way. For the purposes of this subsection, the term "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means, such as but not limited to sensation by touch or visual observation of moving objects.
 - (9) Horns, signaling devices, etc.
 - a. The sounding of a horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.
 - b. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
 - (10) Automobile alarms. Unnecessary use of automobile alarms by remote control or any faulty or sensitive system.

Sec. 22-3. - Penalties.

- (a) Except as otherwise provided in this chapter, any person who violates any section of this chapter shall be fined for each offense not more than ~~\$2550.00~~.
- (b) Any person who willfully or knowingly violates any section of this chapter shall be fined for each offense a sum of ~~not less than \$100.00~~ for the second and subsequent offenses ~~and not more than \$200.00~~.
- (c) Each day of violation of any section of this chapter shall constitute a separate offense. (Code 1973, § 16½-3)

Sec. 22-4. - Other enforcement remedies.

No section of this chapter shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this chapter or from other law.

Sec. 22-5. - Idling of diesel powered locomotives.

No person shall cause, suffer, allow or permit the unnecessary operation of a diesel-powered locomotive while said locomotive is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to:

- (1) Locomotives being serviced, provided that operation of the engine is essential to the proper repair thereof, or
- (2) Locomotives engaged in an operation for which engine power is necessary for an associated power need other than movement and substitute alternate power means cannot be made available

provided that such operation does not cause or contribute to a condition of air pollution.

Further, except in an emergency situation, the exceptions, as noted in (1) and (2) above, shall not take place within 300 yards of any residential unit. Additionally, except in cases where the public welfare and safety may be compromised, no diesel red locomotive may be serviced or used for an alternate power source within a residential area.

Whoever violates any provision of this section shall be punished by a fine of not more than \$100.00. (Ord. of 10-14-2004, § 1)

Sec. 22-6. Special Regulations Relative to the Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks.

(1) Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks shall include:

- (a) 125 to 259 Essex Street;
- (b) 93 to 155 Washington Street;
- (c) Cervoni Walkway (Salem Green);
- (d) Derby Square from Essex to 15 Derby Square; and
- (e) Central Street from Essex Street to Charter Street.

(2) No person shall use, for commercial or non-commercial purposes, a musical instrument or similar device, loudspeaker, amplifier, public address system or similar device, or radio, disc player or similar device which produces, reproduces or amplifies sound in excess of the decibels levels set forth below upon the Essex Street Pedestrian Mall and Adjacent Streets and Sidewalks as measured fifteen feet from the noise source:

- a) Exceeding 65 decibels between the hours of 8 p.m. and 4 p.m. the following day from Sunday at 8 p.m. through Friday at 4 p.m., between the hours of 8 p.m. Friday to 11:00 a.m. Saturday and between the hours of 8 p.m. Saturday to 11 a.m. Sunday upon the streets, sidewalks and public ways within the entirety of the Essex Street Mall and Adjacent Streets and Sidewalks;
- b) Exceeding 68 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays upon the streets and sidewalks between and including 181 and 198 Essex Street and between and including 11 Central Street and Essex Street;
- c) Exceeding 73 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 208 and 259 Essex Street, 173 and 179 Essex Street, 125 and 133 Essex Street, 13 Central Street and Charter Street, 93 and 155 Washington Street, Cervoni Walkway, and Derby Square from Essex Street to 13 Derby Square.
- d) Exceeding 78 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 137 and 161 Essex Street and 15 Derby Square and Front Street.
- (3) A map depicting the decibel limits set forth above shall be on file in the office of the City Clerk and available to the public at no fee.
- (4) The Police Chief may issue a waiver from the decibel levels set forth in this section for organized city events.

Secs. 22-~~67~~—22-30. - Reserved.

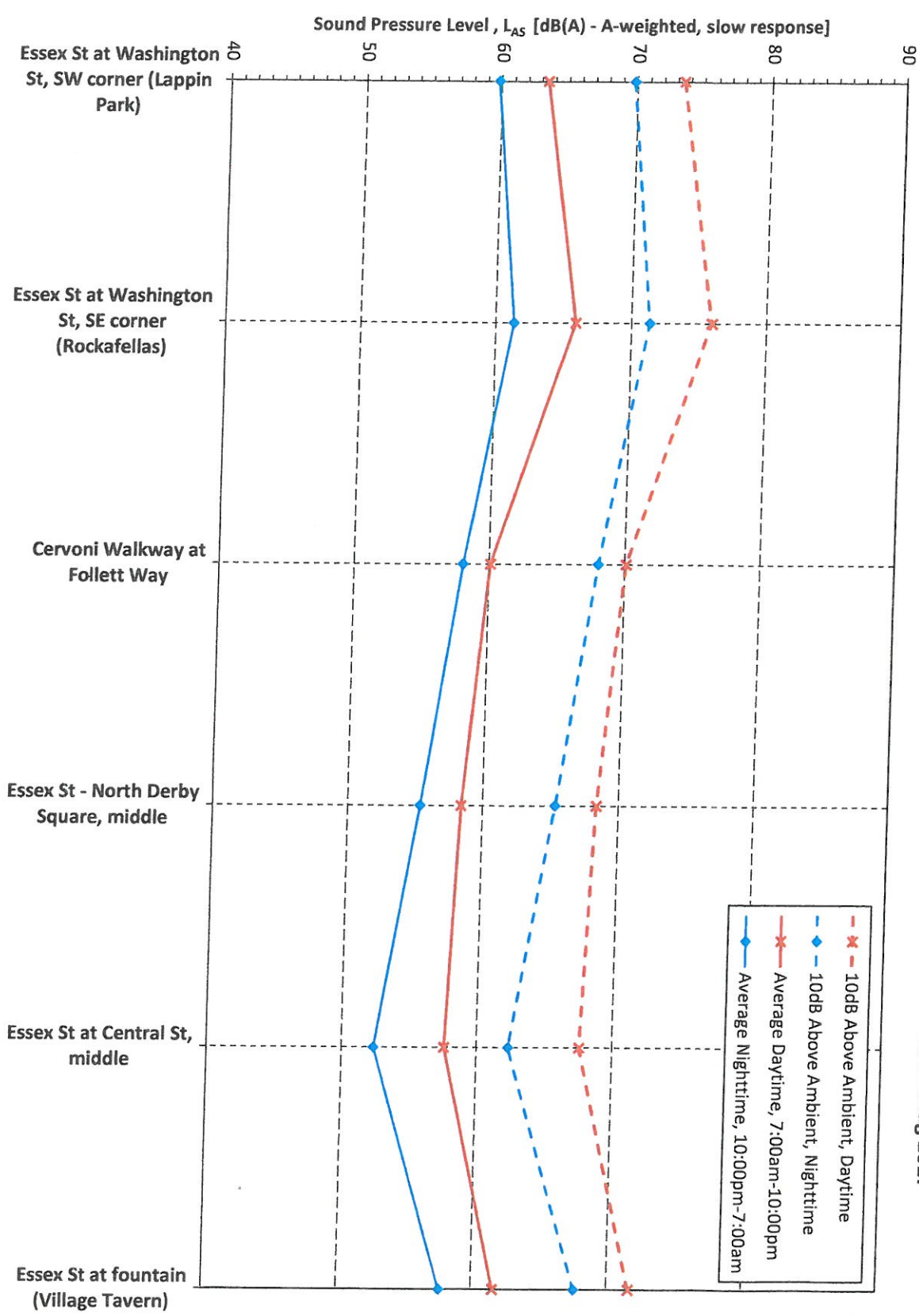
ARTICLE II. - RADIOS, BOOM BOXES, TAPE CASSETTES, DISC PLAYERS, ETC.

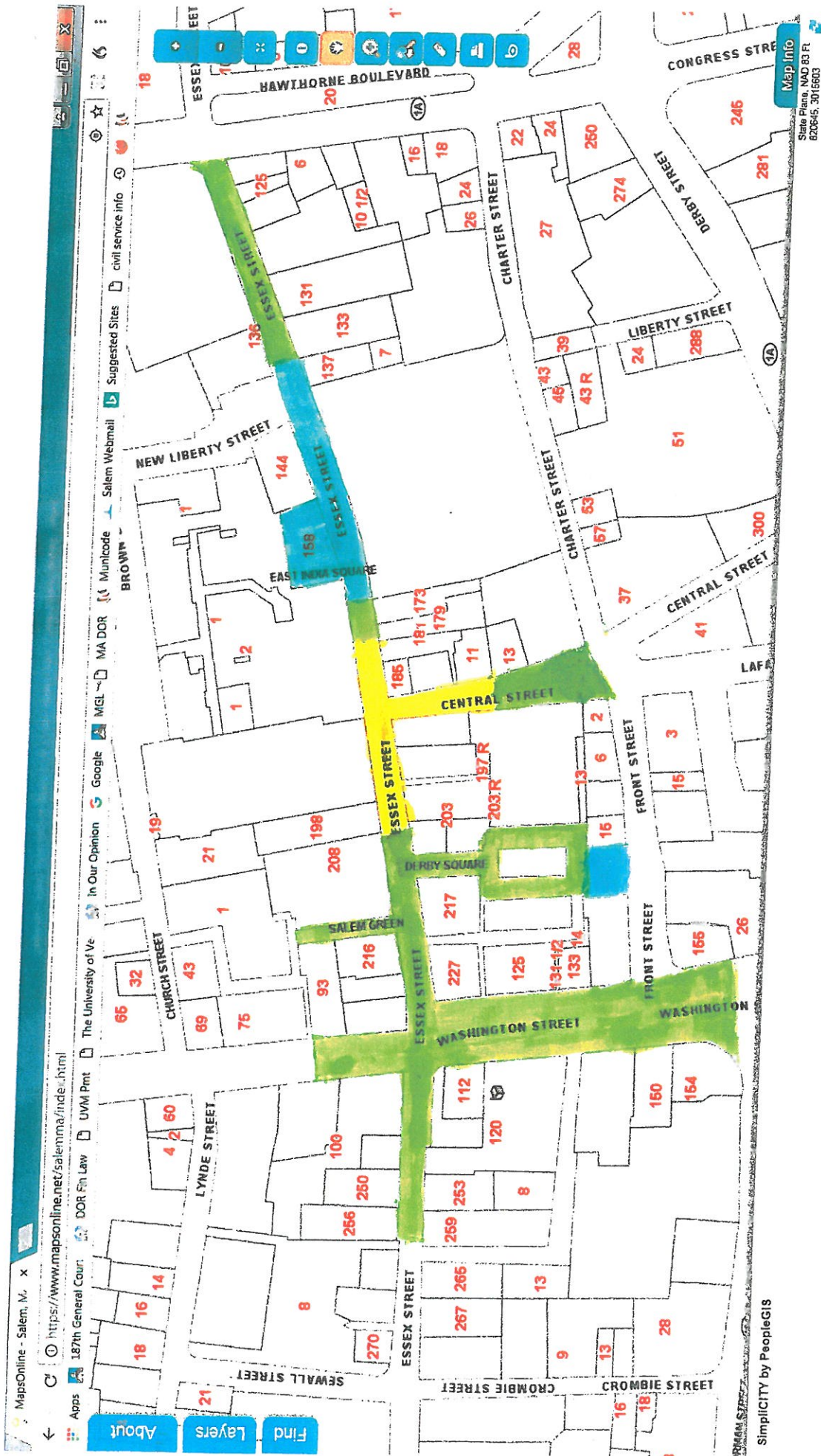
Sec. 22-31. - General prohibitions; penalties for violations.

- (a) Except as provided and Section 22-6, No person shall play any radio, music player such as a boom box, tape cassette, disc player or television, audio system or musical instrument or any other type of sound device upon any public road,

- street, highway, or private property in the city in a manner or at a volume as to disturb the quiet, comfort or repose of other persons. An exception is made for organized events that have received a valid permit from the city for such event.
- (b) The following penalties shall apply for a violation of this section:
 - (1) First offense, a mandatory fine of \$50.00.
 - (2) Second offense and thereafter, a mandatory fine of \$100.00.
 - (c) The dog constable, the health agent and their designees, in addition to police officers, shall be enforcing persons for the purposes of this section.

City of Salem Noise Ordinance - Ave. Daytime and Nighttime Ambient Noise +10dB 16-22 Aug 2017





Simplicity by PeopleGIS

CITY OF SALEM STREET PERFORMERS RULES & REGULATIONS

The City finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. These rules and regulations seek to balance the interests of the performers with those of the residents and businesses of the City.

A. Definitions.

1. "'Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. "Perform" shall not include the production of items for sale or services such as face painting or caricatures for which specific payment is requested.
2. "Performer" means a person who has obtained a License pursuant to this section.
3. "Public areas" means public sidewalks, parks, playgrounds and other Salem pedestrian areas.

B. License.

1. A License shall be issued by Licensing Board to each applicant therefore in exchange for a completed application and a fee of ten dollars.
2. A completed application for a License, and the License itself, shall contain the applicant's name, residential address and telephone number, and shall be signed by the applicant.
3. Annual license shall be valid July 1 – June 30.
4. A License shall be nontransferable, and shall contain the License number of the applicant and the year in which the License is valid. Each member of a group of performers who play together shall be required to obtain an individual License. In no event shall any group of performers, identified as such in their application and noted on their Licenses, be charged more than one hundred dollars total for Licenses for group members.
5. Upon issuing a License, the Licensing Board shall also give the performer a copy of these rules and regulations.
6. If a performer loses his or her License, one replacement License per year may be obtained for a fee of five dollars.

C. Display of License.

A performer shall clearly display his or her License while performing, and shall allow inspection of the License by any Salem police officer or staff person of the Salem Licensing Board on request.

D. Licensed Performances.

1. Performances may take place in the following locations:

- a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Director of Public Services, or the Chief of Police pursuant to subsection F of this section;
- b. On private property, with the written permission of the owner or other person in control of such property; and
- c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place 11AM – 8PM Daily.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by twelve inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window).

E. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing.

2. By decision of the Chief of Police in the case of an emergency or if the Chief determines safety so warrants. Any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

F. Prohibition.

1. No person may perform in a public area without a License issued pursuant to subsection B of these rules and regulations.

2. The use of fire of any kind during the performance or the use knives or weapons regardless of authenticity is strictly prohibited.

3. No performer or group of performers may generate noise exceeding the designated sound level of the performance area measured at a distance of fifteen feet from the performer or group of performers. Designated performance areas are shown on the attached map and have an accompanying maximum Db levels as follows:

- | | |
|-----------|---|
| Db Zone 1 | Quiet area suitable for human statues, mimes, acapella singers and the like and a maximum Db level of 73 |
| Db Zone 2 | Acoustic music allowed not to exceed 78 Db, excludes saxophones, horns and drums, or 5 Db above ambient (without any amplified sound) |
| Db Zone 3 | Amplification allowed not to exceed 83 Db or 5 Db above ambient (without any amplified sound) |

Note: On occasion, City-sponsored programmed events are scheduled at various locations such as Derby Square or the fountain stage across from the Peabody Essex Museum. During these occasions, these areas are not open public performance spaces.

4. Upon a complaint by a resident, a designated staff person from the Salem Licensing Board shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels, and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations.

5. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

f. No performer or group of performers may perform less than twenty-five feet from another performer or group of performers. A greater distance may be required if the performance demands a large area.

G. Revocation of License.

The Salem Licensing Board may revoke a License for the remainder of the calendar year, but before suspending or revoking a License, the Licensing Board must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.