

CITY OF SALEM
NOVEMBER 21, 2019
CITY COUNCIL REGULAR MEETING

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

Assistive Listening System Now Available for City Council Meetings. Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Ilene Simons at 978-619-5610 or isimons@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, November 21, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on November 19, 2019, at 3:31 P.M. This meeting is being taped and is live on S.A.T.V.

Councillor Madore had an excused absence.

Council President Dibble presided.

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

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

PUBLIC TESTIMONY

1. Stephen C. Kapantais Jr., 23A Wisteria St., Salem Automated Enforcement and the Tap Board Ordinance
2. Fawaz Abusharkh, 4 Harrison Rd., HDIP
3. William Legault, 7 Osgood St., Tap Board Ordinance

#664 – (#658) COMCAST TO INSTALL CONDUIT FOR 231 WASHINGTON STREET

Dave Flewelling, a representative from Comcast appeared in favor of this conduit. He stated it would provide service to the new hotel.

No one appeared in opposition.

Councillor Turiel moved that the hearing be closed. It was so voted.

Councillor Turiel moved that this Order be granted. It was so voted.

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#665 - APPOINTMENT OF ROSA ORDAZ TO THE ZONING BOARD OF APPEALS

The Mayor's appointment of Rosa Ordaz of 13 Forest Avenue to the Zoning Board of Appeals with a term to expire May 1, 2020 was confirmed under suspension of the rule 29A by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent.

#666 - APPOINTMENT OF GARY BARRETT TO THE LICENSING BOARD

The Mayor's appointment of Gary Barrett of 51 Larchmont Road to the Licensing Board with a term to expire February 8, 2024 was confirmed under suspension of the rule 29A by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent.

Councillor Furey moved that a City Seal and letter of thanks be sent to Chief St. Pierre. It was so voted

Councillor Gerard moved suspension of the rules to allow Mr. Barrett to address the Council. There were no objections.

#667 – APPROPRIATION OF \$873,851.02 FROM STABILIZATION FUND TO HR RETRO WAGES TO COVER PATROLMAN UNION CONTRACT FOR FY18, FY19 & FY2020

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

ORDERED: That the sum of Eight Hundred Seventy Three Thousand, Eight Hundred Fifty One and two cents (\$873,851.02) is hereby appropriated from the Stabilization Fund to the "Human Resources Retro Wages Account to cover the pay increases for the Police Patrolman Union Contract Settlement for FY2018, FY2019 and FY2020 in accordance with the recommendation of Her Honor the Mayor.

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#668 – APPROPRIATION OF \$526,250.00 TO THE PUBLIC, EDUCATIONAL & GOVERNMENT (PEG) ACCESS ENTERPRISE FUNDS

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

ORDERED: That the sum of Five Hundred Twenty-Six Thousand, and Two Hundred Fifty Dollars (\$526,250.00) is hereby appropriated to the Public, Educational and Government (PEG) Access Enterprise Fund accounts listed below to be funded as set out in the Comcast of Massachusetts/New Hampshire, LLC Cable Television Renewal License. The request is in accordance with the recommendation of Her Honor the Mayor.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
63003-5713	SATV Access Fees	\$495,000.00
63003-5713	Fiber Optic Upgrade	\$ 31,250.00
TOTAL		\$526,250.00

#669 – \$60,000.00 BOND ORDER TRANSFER OF UNEXPENDED BOND PROCEEDS FROM SHS TRANSFORMER REPLACEMENT TO SHS LIBRARY PROJECT

The following Bond Order introduced by the Mayor was adopted under suspension of the rules for first passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent.

ORDERED: That, because the transformer replacement project at Salem High School for which \$60,000.00 was appropriated pursuant to an order of the City Council passed June 26, 2014 and approved by the Mayor on July 1, 2014, which amount was raised pursuant to such order by issuing bond anticipation notes dated December 3, 2014 and permanently financed by issuing bonds dated December 2, 2015, was funded from other sources and has been completed, the remaining balance of \$60,000.00 borrowed therefore is hereby appropriated to pay costs of remodeling, reconstructing and making extraordinary repairs to the Salem High School Library, including all costs incidental and related thereto, pursuant to Section 20 of Chapter 44 of the Massachusetts General Laws.

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#670 – APPROPRIATION OF \$27,154.80 WITHIN RETIREMENT - VACATION/SICK LEAVE BUYBACK FOR POLICE DEPARTMENT

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

ORDERED: That the sum of Twenty-Seven Thousand, One Hundred Fifty-four Dollars and Eighty Cents (\$27,154.80) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the FY 2020 contractual buyback listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Name</u>	<u>Department</u>	<u>Amount</u>
Michael Lariviere	Police	\$27,154.80

#671 – ANNUAL PARKING TICKET AMNESTY PROGRAM (PEAS FOR FEES)

The following Order introduced by the Mayor was adopted.

ORDERED: Upon payment of unpaid parking fine and the donation of two non-perishable items or canned goods to be donated to local food pantries, the City Collector shall waive, from December 1, 2019 – December 23, 2019, up to thirty dollars in late fees added to an unpaid parking fine, as provided in Section 17A of the City of Salem Traffic Code. The collector shall not waive any surcharge imposed by the Massachusetts Registry of Motor Vehicles if the Collector has notified the Registry of Motor Vehicles of an unpaid fine and a non-renewal of license and/or registration has been recorded by the Registry of Motor Vehicles.

#672 – USE OF 297 BRIDGE STREET PARKING LOT TO SELL CHRISTMAS TREES

The following Order introduced by the Mayor was adopted.

ORDERED: The City Purchasing Agent is hereby authorized to solicit bids and lease, with the approval of the Mayor, no more than one-third of the city-owned lot at 297 Bridge Street for the period of November 28 though and including December 24, 2019, for the purpose of selling Christmas trees, wreathes, and similar holiday items.

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#673 – HOME RULE PETITION FOR AUTOMATED ENFORCEMENT OF SPEED LIMIT VIOLATIONS IN DESIGNATED SCHOOL ZONES

The following Home Rule Petition submitted by the Mayor relative to Automated Enforcement of Speed Limit Violations in Designated School Zones Within the City of Salem was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent.

ORDERED: That a petition to the General Court, accompanied by a bill for authorization to employ automated enforcement of speed limit violations in designated school zones within the city of Salem 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 employ automated enforcement of speed limit violations in designated school zones within the city of Salem.

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

AUTOMATED ENFORCEMENT OF SPEED LIMIT VIOLATIONS IN DESIGNATED SCHOOL ZONES WITHIN CITY OF SALEM

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Automated Road Safety Camera System" shall mean an automated motor vehicle sensor device installed which produces digital photographs and may record the speed of each motor vehicle at the time it is operated in a manner that is in violation of traffic laws and regulations where the automated road camera safety system is located.

"Camera Enforceable Violation" shall mean a violation of the traffic laws which may be enforced by an automated road safety camera system, limited to exceeding the speed limit pursuant to section 17 or section 18 of chapter 90 while travelling in a designated school zone.

"City" shall mean the City of Salem, Massachusetts.

"Designated School Zone" shall mean within 300 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational or secondary school if the violation occurs between 5:00 a.m. and midnight, whether or not school is in

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Section 2. (a) The City of Salem may employ an automated road safety camera system as a means of promoting traffic safety in a designated school zone, which may be fixed along any portion of any ways within a designated school zone its control, or within a designated school zone in the control of the commonwealth with written permission from the department of transportation and may impose a penalty on the owner of a motor vehicle for failure by the operator thereof to comply with traffic laws and regulations.

(b) The City may employ no more than two fixed automated road safety camera systems per designated school zone.

Section 3. (a) The maximum fine imposed for a violation issued pursuant to this chapter shall be twenty-five dollars per violation. For violations issued pursuant to this chapter, except as provided in section 4, the owner or owners of a vehicle shall be liable for the fine, however, no owner of a vehicle shall be responsible for a violation issued pursuant to this chapter where the operator of the motor vehicle was issued a citation for the underlying violation in accordance with section 2 of chapter 90C of the General Laws. The city may send a written warning to the owner or owners in lieu of enforcement for the purpose of education.

(b) A certificate, or a facsimile thereof, based upon inspection of photographs and data produced by an automated road safety camera system, and sworn to or affirmed by the police department or designee authorized to issue citations for violations of traffic laws and regulations, shall be prima facie evidence of the facts contained therein.

(c) A violation issued by the city shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such violation be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a motor vehicle premium pursuant to section 113B of chapter 175 of the General Laws.

(d) The police department shall supervise and coordinate the administration of violations issued in conformance with this chapter. The police department shall have the authority to hire and designate such personnel as may be necessary or contract for such services to implement the provisions of this chapter.

(e) It shall be the duty of the police department or designee of a city to cause a notice of violation to the registered owner or owners of a motor vehicle identified in photographs produced by such device as evidence of a violation pursuant to this chapter. Such notice shall contain, but not be limited to, the following information: a copy of the aforementioned recorded images and other data showing the vehicle in the process of a camera enforceable violation; the registration number and state of issuance of the vehicle; the date, time and location of the violation; the specific camera enforceable violation charged; instructions for payment of the violation; instructions to contest the violation in writing; and instructions to obtain a hearing.

(f) In the case of a violation involving a motor vehicle registered under the laws of the Commonwealth, a notice of violation shall be mailed within 14 days of the violation to

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the address of the registered owner or owners as listed in the records of the registrar of motor vehicles. In the case of any motor vehicle registered under the laws of another state or country, such notice of violation shall be mailed within 21 days of the violation to the address of the registered owner or owners as listed in the records of the official in such state or country having charge of the registration of such motor vehicle. If said address is unavailable, it shall be sufficient for the police department or designee to mail a notice of violation to the official in such state or country having charge of the registration of such motor vehicle.

(g) A notice of violation shall be sent by first class mail in accordance with subsection (f) and shall include an affidavit form approved by the police department for the purpose of complying with subsection (b). A manual or automatic record of mailing processed by or on behalf of the police department in the ordinary course of business shall be prima facie evidence thereof, and shall be admitted as evidence in any judicial or administrative proceeding, as to the facts contained therein. Unless an owner or owners pay the fine or contest responsibility within 60 days of the violation, the provisions of subsection (l) will apply.

(h) Any owner to whom a notice of violation has been issued shall not be liable for a violation under the provisions of this chapter if: the violation was necessary to allow the passage of an emergency vehicle; the violation was incurred while participating in a funeral procession; the violation was incurred during a period of time in which the motor vehicle was reported to the police department of any state, city or town as having been stolen and had not been recovered prior to the time the violation occurred; the operator of the motor vehicle was operating the motor vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or leasing company and has complied with the provisions of section 4 of this chapter; the operator of the motor vehicle was issued a citation for the underlying violation in accordance with section 2 of chapter 90C of the General Laws; or, the violation was necessary to comply with any other law or regulation governing the operation of a motor vehicle.

(i) Any motor vehicle owner to whom a notice of violation has been issued pursuant to this chapter may admit responsibility for such violation and pay the fine provided therein. Payment may be made personally or through a duly authorized agent, by appearing before the police department's designee during normal office hours, by mailing or online. Payment by mail shall be made by check, money order or credit card to the police department or city. Payment of the established fine and any applicable penalties shall operate as the final disposition of the violation. Payment by one motor vehicle owner shall operate as the final disposition of the violation as to all other motor vehicle owners of the same motor vehicle for the same violation.

(j) An owner may contest responsibility for a violation under this chapter in writing by mail or online. The owner shall provide the police department with a signed affidavit in a form approved by the police department, stating: the reason for disputing the violation; the full legal name and address of the owner of the motor vehicle; and the full legal name and address of the operator of the motor vehicle at the time the violation

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occurred. An owner may include signed statements from witnesses, which include the names and addresses of witnesses, supporting the owner's defense. Within 21 days of receipt, the police department or the hearing officer shall send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in (i) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of Chapter 30A of the General Laws.

(k) An owner may request a hearing to contest responsibility for a violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing request, the police department shall schedule the matter before hearing officer. Said hearing officer may be an employee of the police department of the city or such other person or persons as the police department may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to each registered owner. The hearing shall be informal, the rules of evidence shall not apply, and the decision of the hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter 30A of the General Laws. Within 21 days of the hearing, the police department or the hearing officer should send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in (i) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of Chapter 30A of the General Laws.

(l) If an owner to whom a notice of violation has been issued either fails to pay the fine in said notice in accordance with subsection (i), or is found responsible for the violation and does not pay the fine in accordance with subsection (j) or subsection (k), the police department shall notify the registrar of motor vehicles who shall place the matter on record. Upon receipt of the registrar of five or more of such notices, the registrar shall not issue or renew such owner's motor vehicle registration until after notification from the police department that all fines owed pursuant to this chapter have been paid. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department shall also serve as legal notice to the registrar that said violation has been disposed of in accordance with this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 4. (a) Notwithstanding section 3 of this chapter, if the registered owner of a motor vehicle in receipt of a notice of violation is a person or entity engaged in the business of leasing or renting motor vehicles, and such motor vehicle was operating under a rental or lease agreement at the time of a violation, then the provisions of this section shall be applicable, and the registered owner shall not be liable for any unpaid fines; provided, however, that such owner has complied with the procedures of this section.

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(b) The police department shall give to the registered owner notice in writing of each violation in which a motor vehicle owned by such owner is involved, as set forth in section 3.

(c) Within 45 days of the violation, the registered owner shall furnish to such department or designee in writing the name and address of the lessee or rentee of such motor vehicle at the time of the violation; the lessee's or rentee's driver's license number, state of issuance of such driver's license and the lessee's or rentee's date of birth.

(d) Such department or designee shall thereupon issue a notice of violation to such lessee or rentee in the form prescribed by section 3 and the lessee or rentee shall be liable for the violation.

(e) If such lessee or rentee to whom a notice of violation has been issued either fails to pay the fine in accordance with subsection (i) of section 3, or fails to receive a favorable adjudication of said notice in accordance with subsection (j) of section 3, or subsection (k) of section 3, the police department or designee shall notify the registrar of motor vehicles who shall place the matter on record. Upon notification to the registrar of five or more of such notices under this section, it shall be the duty of the registrar to suspend and not renew the license to operate a motor vehicle of such lessee or rentee or suspend the right to operate of a lessee or rentee not licensed in this commonwealth until after notification from the Salem police department that all fines, taxes and penalties owed by such owner pursuant to either this chapter, have been disposed of in accordance with this chapter. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department shall also serve as notice to the registrar that said violation has been disposed of in accordance this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 5. No speed limit violation shall be issued unless the vehicle exceeds the speed limit by at least five miles per hour.

Section 6. (a) The city shall install a sign notifying the public that an automated road safety camera system is in use at each location of said camera.

(b) The city shall make a public announcement and conduct a public awareness campaign of use of automated road safety camera systems beginning at least 30 days before the enforcement program is in use. The city may install but not activate automated road safety camera systems during said time period.

Section 7. (a) The compensation paid to the manufacturer or vendor of the automated road safety camera system as authorized herein shall be based on the value of the equipment or services provided and shall not be based on the number of traffic citations issued or the revenue generated by the systems.

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(b) Verification that the automated road safety camera system and any appurtenant traffic control signals are correctly calibrated shall be made by a professional engineer registered in the commonwealth.

Section 8. (a) Photographs and other recorded evidence shall only be captured when a camera enforceable violation occurs. Photographs and other recorded evidence shall be destroyed within 48 hours of the final disposition of a violation.

(b) No photographs taken in conformance with this chapter shall be discoverable in any judicial or administrative proceeding other than a proceeding held pursuant to this chapter without a court order. No photograph taken in conformance with this chapter shall be admissible in any judicial or administrative proceeding other than in a proceeding to adjudicate liability for such violation of this chapter without a court order. A court shall order a release of a photograph taken in conformance with this chapter only where the photograph tends to establish or undermine a finding of a moving violation and the violation is material as to a finding of civil or criminal liability.

(c) Photographs and other personally identifying information collected by the city pursuant to this chapter are not public record.

(d) No automated road safety camera system shall be utilized in such a manner as to take a frontal view photograph of a motor vehicle.

Section 9. This act shall take effect upon its passage.

**#674 – TRAFFIC AMENDING CH. 42, SEC. 50B – HANDICAP PARKING –
CHANDLER ROAD**

The following Ordinance introduced by Councillor Dibble was adopted for first passage.

ORDINANCE: to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by repealing the following:

Chandler Road – **REPEAL** the Handicapped Parking Space in front of #26 Chandler Road

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

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**#675 – TRAFFIC AMENDING CH. 42, SEC. 75 – RESIDENT STICKER PARKING –
REPEAL HIGHLAND AVENUE**

The following Ordinance introduced by Councillor Flynn was adopted for first passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 75 – “Parking prohibitions towing zone (resident sticker)” by repealing the following:

Highland Avenue – **REPEAL** - ZONE D-COLOR YELLOW-westerly side, beginning at the intersection of Proctor Street and continuing in a southerly direction for a distance of three hundred (300) feet. Resident Sticker Parking only. (12/14/92)

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

**#676 – TRAFFIC AMENDING CH. 42, SEC. 75 – RESIDENT STICKER PARKING –
HERITAGE DRIVE**

The following Ordinance introduced by Councillor Flynn was adopted for first passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 75 – “Parking prohibitions towing zone (resident sticker)” by adding the following:

Heritage Drive – ZONE D-COLOR YELLOW- both sides, from the intersection with Highland Avenue, proceeding in a northwesterly direction for a distance of one hundred (100) feet. No visitor passes shall be issued for qualifying addresses on this street.

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

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#677 – FREE PARKING IN CITY OWNED LOTS AND GARAGES ON CERTAIN HOLIDAY DATES

The following Order introduced by Councillor McCarthy was adopted.

Ordered: That Parking at all City owned lots, garages, and on-street spaces shall be free of charge on the following days:

1. Thursday, November 28
2. Friday, November 29
3. Saturday, November 30
4. Tuesday, December 24
5. Wednesday, December 25

#678 – (#623 & # 633) – NATIONAL GRID TO INSTALL CONDUIT ON LYNDE ST.

The following Order introduced by Councillor Flynn was adopted.

ORDERED: That a hearing for National Grid to install a conduit on Lynde St. be held at the next regular City Council Meeting on December 5, 2019.

#679 – (#661) – GRANTING CERTAIN LICENSES

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

The committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses has considered said matter and would recommend the following licenses be granted.

TAG DAY: S.H.S Wrestling December 1, 2019

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#680 – (#642) – RESOLUTION AND TIE AGREEMENT WITH HARBOR POINT PROPERTIES

Councillor Peterson offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred Resolution the Mayor to execute a Tax Increment Exemption Agreement between the City of Salem and Harbor Point Properties, LLC, has considered said matter and would recommend adopting the amended version of the Resolution and Agreement by a roll call vote of 10 yeas, 0 nays, 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent. (Full text of amended version below)

RESOLUTION:

WHEREAS, the City of Salem has been in negotiation with Harbor Point Properties, LLC regarding a development consisting of thirty-four (34) units of market rate housing, three (3) units of affordable housing at 20 Harbor Street and 129 Lafayette Street;

WHEREAS, Harbor Point Properties, LLC will designate three (3) units as affordable housing set aside for households earning an income of no more than 60% of the area median income (AMI) if they are awarded two million dollars in Housing Development tax credits from the state.

WHEREAS, Harbor Point Properties, LLC will designate three (3) units as affordable housing set aside for households earning an income of no more than 80% of the area median income if they are awarded one million dollars in Housing Development tax credits from the state.

WHEREAS, the 37-unit project is subject to the approval of the City of Salem Planning Board;

WHEREAS, Harbor Point Properties, LLC has applied for certification under the Massachusetts Housing Development Incentive Program created by Chapter 40V of Massachusetts General Laws;

WHEREAS, the project proposed by Harbor Point Properties, LLC meets the minimum requirements of the Housing Development Incentive Program and the local objectives of the City of Salem's Housing Development Zone Plan;

WHEREAS, the proposed project is located at 20 Harbor Street and 129 Lafayette Street, Salem MA, which is within the boundaries of the City of Salem's designated Housing Development Zone;

WHEREAS, the City of Salem has agreed to offer Harbor Point Properties, LLC a Tax Increment Exemption Agreement;

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WHEREAS, Harbor Point Properties, LLC is investing \$10.9 million to create 37 total units of housing;

NOW, THEREFORE, BE IT RESOLVED that the Salem City Council authorizes the Mayor to execute a Tax Increment Exemption Agreement between the City of Salem and Harbor Point Properties, LLC. Said agreement will provide for an exemption on property taxes based on the growth portion in assessed valuation of the property for a period not to exceed ten (10) years, beginning the first full fiscal year after the final Certificate of Occupancy is issued for the substantial rehabilitation of the buildings at 20 Harbor Street and 129 Lafayette Street, and in accordance with the schedule below. Said exemption being in accordance with the requirements and regulations established, which govern the implementation of such Tax Increment Exemption Agreements.

The tax exemption will be twenty percent (20%) for ten (10) years if the Sponsor is awarded \$2,000,000 in Housing Development (HD) tax credits from the state, or one hundred percent (100%) for ten (10) years if the Sponsor is awarded \$1,000,000 in HD tax credits from the state. If the Sponsor is awarded between \$1,000,000 and \$2,000,000 in HD tax credits, the tax exemption will be between 20% and 100% for a period of ten years and the three affordable units will be at a minimum of 60% of the AMI and a maximum of 80% of the AMI, as negotiated by the Mayor.

Year 1	20-100%
Year 2	20-100%
Year 3	20-100%
Year 4	20-100%
Year 5	20-100%
Year 6	20-100%
Year 7	20-100%
Year 8	20-100%
Year 9	20-100%
Year 10	20-100%

DRAFT FORM OF HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION (TIE) AGREEMENT between **City of Salem, Massachusetts** and **Harbor Point Properties, LLC**

This AGREEMENT is made this _____ day of _____, 2019 by and between the City of Salem, acting through its Mayor Kimberley Driscoll, ("Municipality") with a principal address of City Hall, 93 Washington Street, Salem, MA 01970 and Harbor Point Properties LLC ("Sponsor"), a Massachusetts Limited Liability Corporation with an address at _____.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment

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exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act:	M.G.L. c. 40V as may be amended from time to time.
Completion:	Certificates of occupancy have been issued for the entire Project.
DHCD:	Department of Housing and Community Development.
Event of Default:	An “Event of Default” as defined in Section 5 below.
Final Certification:	Determination by DHCD that the Sponsor has completed the substantial Rehabilitation of the Property, consistent with Rehabilitation Plans, including the creation of 34 rental units of which 31 will be defined as Market Rate Rental Units (“MRRUs”), as set forth in the Act and the Regulations.
Fiscal Year:	An annual period of July 1 through June 30.
HD Project:	A Certified Housing Development Project as defined in the Act and the regulations.
HD Zone:	The Housing Development Zone adopted by Salem City Council on the 13 th of April, 2017, and approved by DHCD as evidenced by a Certificate of Approval dated 7 th of June, 2017, and recorded with the Southern Essex District Registry of Deeds, Book 35972, Page 153, amended by the Salem City Council on the 10 th of December, 2018, and approved by DHCD as evidenced by a Certificate of Approval dated the 31 st of January, 2019, and recorded with the Southern Essex District Registry of Deeds, Book 37331, Page 16.
MRRU:	Market Rate Residential Unit(s) as defined at Section 3.B.1.
Property:	129 Lafayette Street and 20 Harbor Street as shown in Exhibit 1, “Map of Property” and further described in Exhibit 2, “Legal Description of Property”.
Regulations:	760 CMR 66.00.
Rehabilitation Plans:	The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a) and approved by DHCD.
Sponsor:	Harbor Point Properties, LLC, a Massachusetts Limited Liability Corporation, with an address at _____, its successors and assigns.

Section 3 – Sponsor’s Covenants

- A. Substantial Rehabilitation of the Property. Sponsor will undertake the substantial rehabilitation of the Property in accordance with the work and schedule set forth in the Rehabilitation Plans.
- B. Market Rate Residential Units.
 - 1) There shall be a total of 37 residential rental units created in the Project, currently comprised of five (5) studios, twenty-four (24) one-bedrooms, and eight (8) two-bedrooms. Thirty-four (34) of the units shall be MRRUs. The monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department, as set forth in Exhibit 3, “Market Rate Residential Units – Pricing Plan”.
 - 2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 20 years.
- C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the

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strategies, implementation plan and affirmative fair housing efforts set out in the Rehabilitation Plans.

D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant the Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

- A. Base Value. The Salem Assessor's Office lists 129 Lafayette Street and 20 Harbor Street with a FY2019 value of \$1,178,900.
- B. MRRU Percentage. Thirty-four (34) of the 37 units (92%) on the property will be designated as Market Rate Residential Units. Three (3) units will be designated as affordable housing units set aside for households earning an income of no more than 60 percent of the area median income (AMI). The Sponsor agrees to request DHCD approval for a local preference for Salem residents to the greatest extent possible for the affordable housing units. The City may modify the 60 percent AMI requirement up to 80 percent AMI if it determines the project is not feasible due to the 60 percent AMI requirement. The MRRU Percentage shall be confirmed as required in paragraph F, below.
- C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1:

Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

- D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).
- E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.
- F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

- A. Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

- 1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any

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material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be _____. The Effective Date shall be confirmed as required in Section 4 paragraph F, above.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

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C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

- 1) Until Completion, the status of construction in relation to the schedule contained in the Rehabilitation Plan;
- 2) Until Completion, the status of marketing in relation to the Rehabilitation Plans; and
- 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality:

Office of the Mayor
City of Salem
93 Washington Street
Salem, MA 01970

2) Sponsor:

Harbor Point Properties LLC

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Mayor Kimberley Driscoll as of the day and year first above written.

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Harbor Point Properties, LLC

 By: Kimberley Driscoll, Mayor

 By: David Pabich

 By: Lawrence Frej
 Duly Authorized

EXHIBIT 1 MAP OF PROPERTY

EXHIBIT 2 DESCRIPTION OF PROPERTY

EXHIBIT 3 MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: INSERT DESCRIPTION
 Proposed Initial
 Monthly Rent: \$_____

EXHIBIT 4 TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

In connection with the Tax Increment Exemption Agreement dated _____, 20____ by and between the City of Salem, and Harbor Point Properties, LLC, a Massachusetts Limited Liability Corporation with an address at _____, with respect to the property at 20 Harbor Street and 129 Lafayette Street Salem MA 01970 (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____
 2. The MRRU is: _____
 3. The assessed value of the of the residential portion of the Property upon Completion is: _____
- To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY

SPONSOR

 By: [CHIEF EXECUTIVE OFFICER]

 By:

 By: [LEGISLATIVE BODY]

 By:

Dated: _____

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#681 – (#471, #592, #652) – AMENDING THE HDIP ZONE TO INCLUDE ALL PARCELS IN SALEM

Councillor Dominguez offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred Amending the HDIP Zone to all districts in the city has considered said matter and would recommend adoption.

Under Discussion

Councillor Dibble stated he was in favor of this, this is the third time expanded to cover entire city. This tool is for more expensive housing then senior, veterans or low-income housing. Giving something back to developers. Do we want to build that much more expensive housing in Salem and not affordable?

Councillor Dibble made a motion to leave downtown area as is, but outside the downtown area make HDIP for senior housing and 20% affordable housing by roll call vote. Councillor Dominguez seconded motion.

Councillor Gerard stated HDIP not allowed for just senior housing – need to talk to Federal Representatives – can't require something if not allowed. Asked for suspension of the rules to allow Tom Daniel to speak.

Tom Daniel stated the notice for the public hearing advertisement was for all types/districts. If just one area of city can't see state approving this. Outside of city only 55 or older allowed to live outside of city then younger than 55 cannot.

Councillor Dominguez had the impression they were allowed to set the maximum to 20%

Tom Daniel stated the motion specified seniors and % - program requires 80% be market rate up to 20% be affordable – higher requirements has an impact on feasibility. For example, St. Joseph's wouldn't proceed because not feasible. Striving to do but can't use a broad brush – not feasible – then we would have zero new units.

Councillor Peterson – Remember need a lot of units for seniors but also for all types. Know of 2 families that had to leave Salem because no housing stock – can't be overly prescriptive.

Councillor McCarthy – It's a tool. Just passed TIE. We applauded the developer for revitalizing this property. Extends availability of a tool if they want to use it. If they do

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then they have to come back to this body for approval. Simply do we allow this or not. Do we want to extend this tool or not?

On Councillor's Dibble motion to leave the HDIP downtown as is and the area outside the downtown the HDIP would be used senior housing and 20% affordable units was defeated by a roll call vote of 4 yeas, 6 nays and 1 absent. Councillors Sargent, Flynn, Dominguez, and Dibble were all recorded in the affirmative and Councillors Turiel, Peterson, Milo, McCarthy, Gerard, Furey were all recorded in the negative and Councillor Madore was recorded as absent. The matter does not carry.

Councillor Furey motion to adopt the HDIP as submitted by Roll Call Vote.

Under Discussion: Councillor Sargent doesn't get to the heart of affordable housing. Not helping affordable crisis. Should be 20%. Need to find a way. When asked for more we should get more; 10% by right, 20% if special permit.

Councillor Turiel stated Revere Beach has seen growth and none of the buildings were HDIP properties. This allows for any project to have up to 20%. So, if a project being built under HDIP can ask for more when they come to Council. Helps affordable yes but as much as SHA no, but we can ask for more.

Councillor Gerard – State funds for 2020 and 2021 are gone. Not available until 2023 because such a great tool. Need this tool so we can get the taxes. This would only be one of the tools in our tool box.

Councillor Peterson – In Committee meeting so much enthusiasm because of who the developer is. One way to think about this tool – encourage more people who live here to develop here.

Councillor Dibble – Thanks his fellow Councillors for considering his motion. It didn't pass and he can accept that. Feels that the expensive development in Salem is driving up rents. Traffic is getting worse – we are jamming so much into this city right now and now talk about giving a tax break both local and state to build more expensive housing. Nothing for seniors, veterans or low-income. Project tonight HDIP already available because it is in the B% zone and not a new project. Doesn't see how it helps the city. More focus into getting businesses here. 1,000 units being built now.

Motion to expand the HDIP Zone to all districts in the city was adopted by a roll call vote of 7 yeas, 3 nays and 1 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Gerard, Furey, Dominguez all were recorded in the affirmative. Councillors Milo, Flynn and Dibble all were recorded in the negative. Councillor Madore was recorded as absent. The matter carries. Councillor Turiel moves for immediate reconsideration in hopes it does not prevail was denied.

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#682 – (#300) – PETITION FROM RESIDENTS OF CONANT STREET TO GET THEIR STREET REPAVED

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred petition from Residents of Conant St. to be repaved has considered said matter and would recommend this matter be discharged from committee

#683 - (#517) – NEW DRAINAGE PIPE AT FOOTPRINT

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred a new drainage pipe at Footprint has considered said matter and would recommend that the matter remain in committee.

#684 – (#593A) – FRIENDS OF GREENLAWN

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services co-posted with the Committee of the Whole to whom was referred meeting with Friends of Greenlawn to discuss ways to help and also discuss space availability has considered said matter and would recommend that the matter remain in committee.

#685 – ORDINANCE AMENDING CH. 38 SEC. 8 – OBSTRUCTING SIDEWALKS – TAP BOARDS

The following Ordinance introduced by the City Solicitor was adopted for first passage as amended.

An Ordinance to amend an ordinance relative to obstructions in sidewalks.

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

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Section 1. Section 38-8 Obstructing sidewalks with articles within Chapter 38 Streets and Sidewalks is hereby amending by adding a new paragraph at the end of this section as follows:

“The Director of Inspectional Services/Building Inspector shall ensure that when public or private work may potentially impact pedestrian mobility on a public sidewalk, there shall be established rules and/or permitting to ensure safe, unobstructed pedestrian passage. Such rules and permitting shall require, at a minimum, the installation of a continuous non-malleable opaque surface running at ground level along temporary structures including scaffolding and construction fences. The non-malleable opaque surface, hereinafter referred to as a “tapboard,” must be placed along the inside of the pedestrian walkway. Any portion of a temporary structure with hand rails or other barriers blocking pedestrian passage must have a tapboard at ground level. The tapboard shall be no less than 14 inches in height, one inch in depth and placed no more than one inch above ground unless otherwise approved by the Director of Inspectional Services/Building Inspector or designee.”

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

Councillor Peterson amended to add the words after pedestrian walkway “, vertically raised, contiguous to the pathway.” It was so voted.

As Amended:

An Ordinance to amend an ordinance relative to obstructions in sidewalks.

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

Section 1. Section 38-8 Obstructing sidewalks with articles within Chapter 38 Streets and Sidewalks is hereby amending by adding a new paragraph at the end of this section as follows:

“The Director of Inspectional Services/Building Inspector shall ensure that when public or private work may potentially impact pedestrian mobility on a public sidewalk, there shall be established rules and/or permitting to ensure safe, unobstructed pedestrian passage. Such rules and permitting shall require, at a minimum, the installation of a continuous non-malleable opaque surface running at ground level along temporary

structures including scaffolding and construction fences. The non-malleable opaque surface, hereinafter referred to as a “tapboard,” must be placed along the inside of the pedestrian walkway, vertically raised, contiguous to the pathway.” Any portion of a temporary structure with hand rails or other barriers blocking pedestrian passage must have a tapboard at ground level. The tapboard shall be no less than 14 inches in height, one inch in depth and placed no more than one inch above ground unless otherwise approved by the Director of Inspectional Services/Building Inspector or designee.”

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

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#686 – RESOLUTION – PARC PROGRAM FOR PALMER COVE PARK

The following Resolution introduced by the City Planner was adopted by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Fury, Flynn, Dominguez and Dibble were all recorded in the affirmative. Councillor Madore was recorded as absent.

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARC PROGRAM FOR IMPROVEMENTS TO PALMER COVE PARK

Whereas: Palmer Cove Park is by and far a community wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The Palmer Cove Park renovation will greatly enhance this facility with improved waterfront access and gathering areas, new paths, a relocated and expanded community garden, new trees, new parking spaces, etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the PARC Program, Chapter 933 Acts of 1977, as amended; and

Whereas: The project will cost a total of \$722,957.86

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby appropriates \$722,957.86 to implement the project, to be reimbursed up to a maximum amount of \$400,000 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and

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4. That Palmer Cove Park is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EOEEA's announcement of the awarding of said PARC Grant and be null and void in the event no grant is awarded.

#687 – CROWN CASTLE TO INSTALL A CONDUIT ON HIGHLAND AVE AT TRADERS WAY

A hearing was ordered for December 5, 2019 for a petition from Crown Castle NG East, LLC to install a conduit at Highland Ave at Traders Way.

#688 – (#521) – PRESENTATION BY THE INTERIM SUPT. OF SCHOOLS TO THE CITY COUNCIL

A communication from the Interim School Superintendent, Kathleen Smith to provide an update on the Salem Public Schools to the City Council was received and filed.

Supt. Kathleen Smith spoke to the Council and covered many topics. She started with her 120-day entry plan and determined 5 areas of focus which are understanding the Salem culture and values, strengthen School Committee – Admin. Relations, Build relationships with schools and community, clarify admin. Roles and functions and improve critical systems, processes and functions. Supt. Smith stated Education was the Backbone of our Community. Her direction for the future includes: Preparing for a new Supt., Address critical systems, supports and structures by ensuring safety and security at all schools, reclaim and strengthen direct access to IT and digital learning supports and position the district for competitive advantage by continuing all efforts to support 21st century learning, promote Salem as top choice for families and facilities upgrades and master plan. Supt. Smith as already had round table meetings with other schools in surrounding community, rode on the buses the first day, talked to kids and parents.

Supt. Smith spoke about the Budget and the Student Opportunity Act. This bill modernizes k-12 education funding and policy landscape in 4 areas: 1) Ensures that the school funding formula provides adequate and equitable funding to all districts (health care costs, increases special education, increases funding for English learners and address students from low-income households. 2) Provides additional state financial support to help public schools and communities deliver a high-quality education to every student. 3) Implements policy updates designed to maximize the

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impact of new funding in improving student outcomes and closing opportunity gaps. 4) Identifies areas requiring further analysis. A Budget Blitz was done.

Other topics covered were: Extended Day Schools, Class size 21-23 is a bonus for a teacher. She had come from a district with 30-35 kids in a classroom. Curriculum – digital technology no just books 1-1 devices. MCAS Growth and improvement however

math is flat but that is seen across the state. Salem has two innovation schools the New Liberty School and the Carlton School. Both strong models. Bentley will no longer be a Charter School, but looking for it to become a 3rd innovation school. Dual Language Schools – next year at Bentley (English and Spanish). Need 2-3 Police officers as School Resource Officers for public safety. They are going through preparedness and safety drills. SHS is showing progress the state is not involved. Extracurricular Activities.

Supt. Smith also covered areas of Challenge: Supt. Search conducted by UMASS Boston– What does Salem want. Application deadline December 20th. Just hired a Chief of Public Relations – Communications Director. Goal is when parents make a choice for schools, they look at Salem Schools. A Facility Master plan is needed to get funding. MSBA Funding can be challenging. Safety and Security. SHS checks people coming in. Badges for keyless entry. More cameras needed. Safety and Security Audit – long range planning – Promise Act.

IT Department - have made progress - need more support

Councillor McCarthy thanked Supt. Smith and asked if a candidate doesn't rise to the top hope we can talk you into staying. Moving in a positive direction.

Kathleen Smith responded by saying you have an excellent school committee and they are very welcoming.

Councillor Furey stated we hit the jackpot – she helped turned Brockton around.

Councillor Dominguez asked How in one year you can implement your vision and that it continues if you are not there.

Supt Smith responded its working with the school committee and the strength of this relationship will help continue the vision.

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#689 - #691 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES: Beth O'Grady 27 Williams St., Salem
Heide Hasselmann 2 Cranberry Hill, Duxbury
Carol Weitzman 4206 Woodbridge Rd., Peabody
William Sano 35 Daniels St., Salem
Seth Mascolo 40 English St., Salem
Michael Metzger 6 Bell Dr., Whitman
Susan Metzger 25 Shepard St., Marblehead
Tyler Carlton 92 Ocean Ave. #2, Salem
Richard Jacobson 72 Country Club Way, Ipswich
Joan Marie Pagliuca 31 Winthrop St., Dedham
Rory O'Brien 20 West Ave., Salem
Jonnet Holladay 4 Longfellow Pl., Boston
Nancy Sweeter 60 Burley St., Danvers
Brian Sims 23 Jackson St., Salem
Anne Harrington 6 Steele St., Stoneham
Abigail Russell 37 Forest St., Wakefield
Karen Scalia 29RR Upham St., Salem
Mark Scalia Jr. 29RR Upham St., Salem
Elisabeth DiCicco 40 Revere St Apt 6, Boston

TAXI CAB/LIMOS: Witch City Taxi 92 Jackson St (1 Taxi Cab)
Americab Taxi 92 Jackson St (7 Limos)

TAXI OPERATORS: Sandy Jaques 47 Aborn St., Peabody
Valentina Rodriguez 135 Lafayette St., Salem
Luz Sanchez Santiago 117 Congress St., Salem
Angelo Ramirez 7 Liberty Hill Ave., Salem

#692 - #698 – LICENSE APPLICATIONS

The Following License Applications were referred to the Committee on Ordinances, Licenses and Legal Affairs.

JUNK DEALER: 15 Robinson Rd., LLC 15 Robinson Rd

SECOND HAND VALUABLES: Tobies Jewelry 140 Washington St
RJ Coins and Jewelry 68 Wharf St.
Glass and Etc. 180 Essex St.
Olde Naumkeag Antiques 1 Hawthorne Blvd
Game Zone 270 Essex St.

SEAWORMS: Jose Machado 5 Marion Ave., Beverly

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#699 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The Following Drainlayers/Contract Operators were granted.

DiBiase Corp., 749 Lowell St. Lynnfield, MA
Geologic Earth Exploration 7 Sherwood Dr., Norfolk, MA
McGrath Enterprises 28 Oakville St., Lynn, MA
R.B. Strong Excavating 122 Western Ave., Gloucester, MA
The Warren Co. 18 Lovell Rd., Lynnfield, MA
Pitt Pipeline Co. 25 Sullivan Rd., Billerica, MA
Village Construction Co. 51 Wharf St., Salem, MA
J Masterson Construction 46 Prince St., Danvers
Spencer Contracting 67 Foster St., Peabody
J Desenco Co., 338 Howard St., Brocton
Delulis Brothers Construction 31 Collins St Ter., Lynn
Atlantic Paving Corp., 119R Foster St., Peabody

#700 - #710 – CLAIMS

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

Kevin Reid 7 Ugo Rd., Salem
Jessica Christel 47 Endicott St., Salem
Abdelghani Jaadouni 12 Raymond Rd., Salem
Benjamin St. Peter 50 Cambridge Rd., Woburn
Christopher Urban 5231 Town Walk Dr Hamden, CT
Christy Evans 1 Harrod St., Salem
Dr. Margaret Green 2 Electronics Ave., Danvers
Maureen O'Hare Mercer 436 Lafayette St., Salem
Yasi & Yasi 2 Salem Green, Salem
Janet Kerwin 12 Dahlea Ave., Peabody
Barbara Mann 29 Endicott St., Salem

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**(#646) – SECOND PASSAGE, TRAFFIC AMENDING – HANDICAP PARKING –
CROSS STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 50B “Handicap Parking” was then taken up. It was adopted for second and final passage.

ORDINANCE: to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by adding the following: Cross Street – One Handicapped Parking Space to be added in front of #3, starting sixty (60) feet from the corner and continuing in a southerly direction for a distance of twenty (20) feet, “Handicapped Zones, Limited Time”

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

**(#647) - SECOND PASSAGE, TRAFFIC AMENDING – HANDICAP PARKING – #38
PEABODY STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 50A “Handicap Parking” was then taken up. It was adopted for second and final passage.

Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50A – “Handicapped Parking Zones” is hereby amended by adding the following: Peabody Street –in front of #38, for a distance of twenty (20) feet, “Handicapped Parking Zones”

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

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**(#648) - SECOND PASSAGE, TRAFFIC AMENDING – HANDICAP PARKING – #46
PEABODY STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 50A “Handicap Parking” was then taken up. It was adopted for second and final passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50A – “Handicapped Parking Zones” is hereby amended by adding the following: Peabody Street –in front of #46, for a distance of twenty (20) feet, “Handicapped Parking Zones”

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

**(#649) - SECOND PASSAGE, TRAFFIC AMENDING – HANDICAP PARKING – #280
WASHINGTON STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 50A “Handicap Parking” was then taken up. It was adopted for second and final passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50A – “Handicapped Parking Zones” is hereby amended by adding the following: Washington Street –in front of #280, for a distance of twenty (20) feet, “Handicapped Parking Zones”

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

CITY OF SALEM
NOVEMBER 21, 2019
CITY COUNCIL REGULAR MEETING

**(#650) - SECOND PASSAGE, TRAFFIC AMENDING – TOW ZONE DOCTOR'S
OFFICE PARKING ONLY – #249 LAFAYETTE STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 74 "General Towing Zone" was then taken up. It was adopted for second and final passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 74 – "General Towing Zone" is hereby amended by adding the following: Lafayette Street –in front of #249 as marked by sign, Monday through Friday, 8:00 A.M. to 6:00 P.M. "Tow Zone, Doctor's Office Only"
Section II. This Ordinance shall take effect as provided by City Charter.

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

**(#651) - SECOND PASSAGE, TRAFFIC AMENDING – TOW ZONE DOCTOR'S
OFFICE PARKING ONLY – #156 LAFAYETTE STREET**

The matter of second and final passage of an Ordinance Amending Traffic Ch. 42, Sec. Section 74 "General Towing Zone" was then taken up. It was adopted for second and final passage.

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 74 – "General Towing Zone" is hereby amended by adding the following: Lafayette Street –in front of #156 as marked by sign, Monday through Friday, 8:00 A.M. to 5:00 P.M. "Tow Zone, Doctor's Office Only"

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

On the motion of Councillor

the meeting adjourned at

P.M.

ATTEST:

ILENE SIMONS
CITY CLERK