

**SPECIAL MEETING OF THE CITY COUNCIL**

A Special Meeting of the City Council held in City Council Chambers on Monday, December 19, 2016, at 6:00 P.M. for the purpose of taking action on the following items:

- Appropriation for the Fire Department to cover Medical expenses
- Transfer for Election Overtime account
- Appropriation for Police Dept. invoices
- Order of Taking by Eminent Domain 289 Derby Street
- Bond Order of \$1.4 million to pay costs for Eminent Domain taking of 289 Derby Street
- Appropriation for CPA funds for 289 Derby Street design and costs

This Special Meeting was posted on December 13, 2016 at 9:36 A.M.

All Councillors were present.

Council President Josh Turiel presided.

**#711 – APPROPRIATION TO “FIRE – MEDCAL ACTIVE” ACCOUNT**

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

ORDERED: That the sum of Twenty Thousand Seven Hundred and Eighty Dollars (\$20,780.00) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” Account to the “Fire – Medical Active” Account in accordance with the recommendation of Her Honor the Mayor.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

**#712 – TRANSFER TO ELECTIONS – POLL WORKERS**

The following Order recommended by the Mayor was adopted.

ORDERED: That the sum of Two Thousand Dollars (\$2,000.00) is hereby transferred from the “Elections - Poll Workers” Account to the “Elections – Overtime” Account, in accordance with the recommendation of Her Honor the Mayor.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

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**Councillors Famico, Gerard and Ryan were recused and left the Council Chambers.**

**(#671) – APPROPRIATION FOR POLICE DEPARTMENT INVOICES**

The following Order recommended by the Mayor, was adopted by a roll call vote of 8 yeas, 0 nays, 3 absent. Councillors Dibble, Eppley, Furey, Lovely, McCarthy, Milo, Sargent and Turiel were recorded as voting in the affirmative. Councillors Famico, Gerard and Ryan were recorded as absent.

ORDERED: Per MGL Ch. 44 Sec. 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the sum of Two Thousand Three Hundred and Twenty-Four Dollars (\$2,324.32) of outstanding FY2016 Police Dept. invoices are hereby allowed to be paid from FY 2017 Police Budget as listed below in accordance with the recommendation of Her Honor the Mayor.

POLICE	NORTH SHORE MEDICAL CENTER	\$2,324.32
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A motion for immediate reconsideration in the hopes it would not prevail was denied.

**(#689A) – TAKING OF LAND BY EMINENT DOMAIN**

Councillor Eppley moved for suspension of the rules to allow the public to speak for fifteen (15) minutes. There was no objection

1. Teasie Riley Goggin – 9 Wisteria Street stated that she is against taking this land.
2. Fawaz Abusharkh - 4 Harrison Road, stated he was against the taking
3. Jim Kearney – 1 ½ Cambridge Street, was against the taking
4. Patrick Curtain – 19 Raymond Avenue, was against the taking
5. Barbara Warren – 5 Hardy Street, stated she is part of Salem Coast Watch and is in favor of this taking
6. Debra Greel – 34 Boardman Street, in favor of the taking
7. Tim Clark – 1 Derby Street is in favor of the taking
8. Resident of – 29 School Street is in favor of the taking

The following Order recommended by the Mayor, was adopted as amended by a roll call vote of 8 yeas, 0 nays, 3 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Ryan and Turiel were recorded as voting in the affirmative. Councillors Lovely, Milo and Sargent were recorded as voting in the negative.

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ORDERED:

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Salem City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The Mayor of Salem and City Council, in order to provide for municipal purposes, including but not limited *inter alia*, providing public access to the water on this parcel and in conjunction with abutters, to provide a waterfront public walkway, creating a place for events that encourage public engagement, community-driven programming, promotion of the arts, music engagement, community-driven programming, promotion of the3 arts, music and recreation, and for all purposes and uses accessory thereto including dining concession, have approved and authorized that the City should, under the provisions of the aforesaid Chapters of the General Laws, take and hold for municipal purposes the parcel of land located at 289 Derby Street, Salem, County of Essex, Massachusetts as hereinafter bounded and described;

WHEREAS: The fee owners of the parcel of land affected by the taking have been identified and the value of the interests taken have been determined and specified in Exhibit 1 hereto; and

WHEREAS: An appropriation, through a Bond Order, duly made by the City Council, is sufficient to cover the expenses of acquisition as required by the aforesaid Sections of Chapters 40 and 43; now therefore be it

ORDERED: By virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Salem by its City Council does hereby take the land located at 289 Derby Street, Salem, County of Essex, Massachusetts and hereinafter described, and all privileges and appurtenances thereto belonging, for municipal purposes including but not limited to providing public access to the water on this parcel and in conjuncti8on with abutters, to provide a waterfront public walkway, creating a place for events that encourage public engagement, community-driven programming, promotion of the arts, music and recreation and for all purposes and uses accessory thereto including dining concession. Intending to take and hereby taking in fee simple all land 8included within such description by whomsoever the same may be owned, vis:

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A certain Parcel of wharf land, wharf and flats, located at 289 Derby Street, Salem, County of Essex, Massachusetts lying on the southerly side of Derby Street (formerly called Water Street) bounded and described as follows:

EASTERLY	on land, wharf and flats formerly of Winn and Whittredge;
WESTERLY	on land, wharf and flats now or formerly of Peter Lander;
NORTHERLY	on Derby Street, measuring there from said Lander's land to said Winn and "Whittredge's land, about one hundred twenty-eight (128) feet; and
SOUTHERLY	on the channel of the South River with all the wharves thereon and docks therein, with all privileges of dockage and all other privileges to any and every part of the premises appurtenant.

Containing about 0.487 acres more or less,

For title to said Parcel of Land see Southern Essex Registry of Deeds Book 21356, Page 130. Being the parcel of land shown on a plan of land entitled "Existing Features Plan. Sheet of 5, Scale 1" = 40'," signed by Stephen P. DeCoursey, Professional Engineer, filed with the Southern Essex Registry of Deeds at Plan Book 397, Plan 17.

The damages awarded with respect to said Parcel of Land are One Million Four Hundred Thousand (\$1,400,000) Dollars and the supposed owner of 289 Derby Street Realty Trust; Now therefore be it

**ORDERED:** The taking of fee simple title in the Parcel of Land is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended, for municipal purposes including, but not limited to providing public access to the water on this parcel and in conjunction with abutters, to provide a waterfront public walkway, creating a place for events that encourage public engagement, community-driven programming, promotion of arts, music and recreation and for all purposes and uses accessory thereto including dining concession.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

**SPECIAL MEETING OF THE CITY COUNCIL****(#615) – BOND ORDER FOR TAKING LAND BY EMINENT DOMAIN**

The following Order recommended by the Mayor, was adopted for first passage by a roll call vote of 8 yeas, 0 nays, 3 absent. Councillors Dibble, Eppley, Furey, Lovely, McCarthy, Milo, Sargent and Turiel were recorded as voting in the affirmative. Councillors Famico, Gerard and Ryan were recorded as absent.

BOND ORDERED: That the sum of One Million Four Hundred Thousand Dollars (\$1,400,000.00) be and hereby is appropriated to pay costs of the following project:

Eminent Domain Taking of 289 Derby Street	\$1,400,000.00
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And for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7(1), or pursuant to any other enabling authority and to issue bonds or notes of the City therefore.

FURTHER ORDERED, that any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount

FURTHER ORDERED, that the Treasurer is authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under the pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

**(#565) – APPROPRIATION FOR DESIGN & COSTS FOR 289 DERBY STREET**

The following Order recommended by the Mayor, was adopted by a roll call vote of 8 yeas, 0 nays, 3 absent. Councillors Dibble, Eppley, Famico, Furey, Gerard, McCarthy, Ryan and Turiel were recorded as voting in the affirmative. Councillors Lovely, Milo and Sargent were recorded as voting in the negative.

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ORDERED: That One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated within the "CPA Funds" for FY2017 to the accounts listed below in accordance with the recommendation of the Community Preservation Committee.

<u>FY</u>	<u>Fund</u>	<u>Fund Name</u>	<u>Description</u>	<u>Amount</u>
2017	2001	General Fund CPA	CPA-289 Derby St. Design & Costs	100,000

A motion for immediate reconsideration in the hopes it would not prevail was denied.

On the motion of Councillor Furey the meeting adjourned at 7:55 P.M.

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK