

**CITY OF SALEM**

**FEBRUARY 25, 2016  
DRAFT**

**REGULAR MEETING OF THE CITY COUNCIL**

**“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.”**

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Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Cheryl LaPointe at 978-619-5610 or [clapointe@salem.com](mailto:clapointe@salem.com).**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, February 25, 2016 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 23, 2016 at 10:16 A.M. This meeting is being taped and is live on S.A.T.V.

Councillor Dibble was recorded as absent.

Council President Turiel presided.

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

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

**PUBLIC TESTIMONY**

- |   |          |
|---|----------|
| 1. Rosario Minaya – Harbor Street CDC Volunteer         | - M.O.U. |
| 2. Keisha Delion  | - M.O.U. |
| 3. Teasie Riley Goggin – 9 Wisteria Street              | - M.O.U. |
| 4. Ana Nuncio – Latino Coalition                        | - M.O.U. |
| 5. Marcia Kirkpatrick – City of Salem employee          | - M.O.U. |
| 6. Jeff Cohen – No Place for Hate                       | - M.O.U. |
| 7. Polly Wilbert – Cedar Street                         | - M.O.U. |
| 8. Patrick Curtin – 19 Raymond Avenue                   | - M.O.U. |
| 9. Steve Pinto – 55 Columbus Avenue                     | - M.O.U. |
| 10. Paul Prevey – 5 Freeman Road                        | - M.O.U. |
| 11. Pamela Lombardini – 3 Larch Avenue                  | - M.O.U. |
| 12. John Carr – 7 River Street                          | - M.O.U. |
| 13. Attorney - Alex Mitchell Madivar – 423 North Street | - M.O.U. |
| 14. Isabel Vargas                                       | - M.O.U. |

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| <b>15.</b> Jane Arlander – Federal Street        | - M.O.U. |
| <b>16.</b> Marianne Curtin – 35 Forrester Street | - M.O.U. |
| <b>17.</b> Nestor Gruyon -                       | - M.O.U. |
| <b>18.</b> Jim Kearney – 1 ½ Cambridge Street    | - M.O.U. |

**(#9) – HEARING EXTENET SYSTEMS FOR CONDUIT ON LAFAYETTE ST./ NEW DERBY ST.**

The hearing was continued to April 14, 2016.

ORDERED: Extenet Systems to install a conduit on Lafayette St./New Derby Street and construct and maintain telecommunications wires and appurtenances, including fiber optic cable, a remote node and pole top antennas to one existing pole located in, across and over the same public ways

**(#13) – HEARING MOBILITIE, LLC ATTACH EQUIPMENT TO EXISTING POLE SUMMER ST.**

The hearing was continued to April 14, 2016

ORDERED: MOBILITIE, LLC to attach equipment to existing pole on Summer Street

**(#14) – HEARING MOBILITIE, LLC ATTACH EQUIPMENT TO EXISTING POLE BETWEEN POND ST. AND WASHINGTON ST.**

The hearing was continued to April 14, 2016.

ORDERED: MOBILITIE, LLC to attach equipment to existing pole between Pond Street and Washington Street

**(#15) – HEARING MOBILITIE, LLC TO ATTACH EQUIPMENT TO EXISTING POLE BETWEEN HIGHLAND AVE. AND CLARK ST.**

The hearing was continued to April 14, 2016.

ORDERED: MOBILITIE, LLC to attach equipment to existing pole between Highland Ave. and Clark Street

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**(#16) – HEARING MOBILITIE, LLC TO ATTACH EQUIPMENT TO EXISTING POLE BETWEEN PICKERING WAY AND CONGRESS ST.**

The hearing was continued to April 14, 2016.

ORDERED: MOBILITIE, LLC to attach equipment to existing pole between Pickering Way and Congress Street

**(#99) – APPOINTMENT OF RICHARD FRANK TO THE BICYCLING ADVISORY COMMITTEE**

Held from the last meeting, the Mayor's appointment of Richard Frank to serve as a member of the Bicycling Advisory Committee with a term to expire on February 11, 2019, was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

Councillor Famico requested and received unanimous consent to suspend the rules to allow Mr. Frank to speak.

**(#100) – APPOINTMENT OF MICHAEL JAROS TO THE BICYCLING ADVISORY COMMITTEE**

Held from the last meeting, the Mayor's appointment of Michael Jaros to serve as a member of the Bicycling Advisory Committee with a term to expire on February 11, 2019, was held until the next meeting.

**(#101) – APPOINTMENT OF JOSEPH O'NEIL TO THE BICYCLING ADVISORY COMMITTEE**

Held from the last meeting, the Mayor's appointment of Joseph O'Neil to serve as a member of the Bicycling Advisory Committee with a term to expire on February 11, 2019, was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

Councillor McCarthy requested and received unanimous consent to suspend the rules to allow Mr. Frank to speak.

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**(#102) – APPOINTMENT OF DAN SHUMAN TO THE BICYCLING ADVISORY COMMITTEE**

Held from the last meeting, the Mayor's appointment of Dan Shuman to serve as a member of the Bicycling Advisory Committee with a term to expire on February 11, 2019, was confirmed by a roll call vote of 9 yeas, 1 nays, 1 absent under suspension of the rule 29A. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, and Turiel were recorded as voting in the affirmative. Councillor Sargent was recorded as opposed. Councillor Dibble was recorded as absent.

**(#103) – APPOINTMENT OF MICHAEL WILLIAMSON BICYCLING ADVISORY COMMITTEE**

Held from the last meeting, the Mayor's appt. of Michael Williamson to serve as a member of the Bicycling Advisory Committee with a term to expire on February 11, 2019, was held until the next meeting.

**(#104) – APPOINTMENT OF ROBERTA CLEMENT TO THE CEMETERY COMMISSION**

Held from the last meeting, the Mayor's appt. of Roberta Clement to serve as a member of the Cemetery Commission with a term to expire on February 11, 2019, was held until the next meeting.

**#119 – APPOINTMENT OF MEREDITH MCDONALD AS THE COUNCIL ON AGING DIRECTOR**

The Mayor's appointment of Meredith McDonald to serve as the City of Salem's Council on Aging Director with a term to expire on January 31, 2018, was held until the next meeting under the rules.

**#120 – REAPPOINTMENT OF MICKEY NORTHCUTT TO THE COMMUNITY PRESERVATION COMMITTEE**

The Mayor's reappointment of Mickey Northcutt to serve as a member of the Community Preservation Committee with a term to expire on March 1, 2019, was referred to the Committee of the Whole. Councillors Gerard and Furey were recorded as opposed.

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**#121 – REAPPOINTMENT OF DAVID PABICH TO THE SALEM / BEVERLY WATER BOARD**

The Mayor's reappointment of David Pabich to serve as a member of the Salem & Beverly Water Supply Board with a term to expire on March 1, 2019 was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

**#122 – REAPPOINTMENT OF JANET GREENE TO THE BOARD OF HEALTH**

The Mayor's reappointment of Janet Greene to serve as a member of the Board of Health with a term to expire on March 1, 2019 was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

**#123 – REAPPOINTMENT OF DAN RICCIARELLI TO THE CONSERVATION COMMISSION**

The Mayor's reappointment of Dan Ricciarelli to serve as a member of the Conservation Commission with a term to expire on March 1, 2019 was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

**#124 – REAPPOINTMENT OF THE RINUS OOSTHOEK AND MICHAEL CAGGIANO TO THE PARKING BOARD**

The Mayor's reappointments of Rinus Oosthoek and Michael Caggiano to serve as members of the Parking Board with their terms to expire on March 1, 2017 was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

**#125 – REAPPOINTMENT OF PAUL VICCIA AS ALTERNATE MEMBER TO ZONING BOARD OF APPEALS**

The Mayor's reappointment of Paul Viccia to serve as an alternate member of the Zoning Board of Appeals with a term to expire on March 1, 2017 was confirmed by a roll call vote of 10 yeas, 0 nays 1 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, Sargent, and Turiel were recorded as voting in the affirmative. Councillor Dibble was recorded as absent.

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Councillor Furey assumed the chair.

Councillor Turiel recused himself and left the chamber due to conflict of interest.

**#126 – REAPPOINTMENT OF SUSAN KEENAN TO THE HISTORICAL COMMISSION AND JANE TURIEL AS AN ALTERNATE MEMBER**

The Mayor's reappointment of Susan Keenan to serve as a member of the Historical Commission with a term to expire on March 1, 2019 and reappt. Jane Turiel as an alternate member with a term to expire on March 1, 2018 was confirmed by a roll call vote of 9 yeas, 0 nays 2 absent. Councillors Eppley, Famico, Furey, Gerard, Lovely, McCarthy, Milo, Ryan, and Sargent were recorded as voting in the affirmative. Councillor Dibble and Turiel was recorded as absent.

**#127 – CONSTABLE**

The Mayor's reappointment of Mark Finer to serve as a Constable with a term to expire on March 8, 2019 was received and placed on file.

**#128 – APPROPRIATION FROM "CAPITAL OUTLAY – RENOVATIONS & REPAIRS" FOR JOSEPH A. O'KEEFE SR. FIRE STATION ON LORING AVENUE**

The following Order recommended by the Mayor was referred to the Committee on Administration and Finance under the rules.

ORDERED: That the sum of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated from the "Capital Outlay – Renovation & Repairs" account to carry out repairs and improvements at the Josepha A. O'Keefe, Sr., Fire Station at 64 Loring Avenue, Salem, in accordance with the recommendation of Her Honor the Mayor.

**#129 – APPROPRIATION FROM "RETIREMENT STABILIZATION – VACATION/SICK LEAVE BUYBACK FOR VALERIE COVIELLO**

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

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ORDERED: That the sum of Six Thousand and Twenty-Eight Dollars and Eighty-Nine Cents (\$6,628.89) in the "Retirement Stabilization – Vacation/Sick Leave Buyback" account to be expended for the FY 2016 contractual buyback listed below in accordance with the recommendation of Her Honor the Mayor.

Valerie Coviello      Dept. of Public Services.      \$6,628.89

**#130 – GRANT OF EASEMENT FROM SKOMURSKI DEVELOPMENT LLC**

The following Order recommended by the Mayor was adopted.

ORDERED: The Mayor is hereby authorized to execute, on behalf of the City of Salem, a Grant of Easement from Skomurski Development, LLC to the City of Salem. The 20' sewer easement will enable the City to access and maintain an existing sewer line running through Lot 2 shown on a plan entitled "Plan of Land 43 Bridge Street and 13 Planters Street, Salem, Massachusetts" within Exhibit A of the attached Grant of Easement.

**#131 – ZONING DEFINITIONS: SECTION 10-0 TASTING ROOM**

The following Ordinance recommended by the Mayor was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 10.0 – Definition of the City of Salem Zoning Ordinance is hereby amended by deleting the following sentence found within the definition of *Tasting Room*:

"A tasting room may not be greater than thirty-three (33) percent of the main building's gross square footage."

And replacing it with:

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“A tasting room may not be greater than fifty (50) percent of the main building’s gross square footage. A seasonal tasting area, e.g. patio or deck, shall not be included in calculating the tasting room’s square footage.”

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

**#132 – COMMUNICATION FROM THE MAYOR RE: A MEMORANDUM OF UNDERSTANDING**

Communication from the Mayor relative to a Memorandum of Understanding with the Latino Leadership Coalition, was received and placed on file

**#133 – MONTHLY FINANCIAL REPORT**

Councillor Eppley introduced the following Order which was adopted.

ORDERED: Monthly Financial Report dated January 31, 2016 be referred to the Committee on Administration and Finance.

**#134 – ORDINANCE TRAFFIC, PARKING TIME LIMITED UNMETERED ZONE CANAL ST.**

Councillor Turiel introduced the following Ordinance which was adopted.

In the year two thousand and sixteen

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 57A, “Parking Time Limited Unmetered Zones” is hereby amended by adding the following:

Canal Street, easterly side, starting at a point of seventy-three (73) feet south of Gardner Street and continuing for a distance of fifty-four (54) feet in a southerly direction in front of \$75, fifteen (15) minute parking only, tow zone, Monday through Friday 7:00 AM to 5:30 PM

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



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**#135 – (#90, #91) HEARING ON DENIAL OF TAXI OPERATOR LICENSE**

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

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of a hearing on the denial of a taxi operator license for Francisco Gonzalez has considered said matter and would recommend that the license be granted.

**#136 – (#628) ORDINANCE YOUTH COMMISSION**

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 discussing an Ordinance relative to the Youth Commission has considered said matter and would recommend Adoption for first passage.

**#137 - REVIEWING OF FINANCIAL REPORTS**

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

The Committee on Administration and Finance to whom was referred the matter of discussing and reviewing the financial reports that are in committee has considered said matter and would recommend the matters remain in Committee.

**#138 – (#723) ADDING ADDITIONAL COLUMN TO OPERATING BUDGET**

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

The Committee on Administration and Finance to whom was referred the matter of discussing adding an additional column to the operating budget to reflect percent change or dollar variance on individual personnel salary and expense lines has considered said matter and would recommend the matter remain in Committee.

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**#139 - #140 LICENSE APPLICATIONS**

The following license applications were granted.

PUBLIC GUIDES: Alicia Diozzi, 40 English St., Salem  
Samantha St. Germain, 98 Sears Island Dr., Worcester  
Robert Hawkins, 24 Ridgewood Ln., Gardner  
Jeffrey Swartz, 158 Captain Eames Circle, 01721  
Kathleen Ward, 3 Sutton Terr., Salem

TAXI OPERATORS: Felipito Guzman, 6 Grant St., Beverly  
Mauro Fernandez, 78 Palmer St., Salem  
Juan Lopez, 14 Collins St., Peabody  
Jose Lopez, 16 Mason St., Salem  
Jaime Lopez, 12 Rockmere St., Lynn  
Jose Munoz, 16 Cherry St., Salem  
Dana McPhee, 14 South St., Salem  
Donald LaMontagne, 540 Essex St., Beverly

**#141 - #143 LICENSE APPLICATIONS**

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

TAG DAYS: Salem High School Boys Track, 3/12/16  
Salem High School Girls Track, 4/2/16  
Salem High School Boys Lacrosse, 4/24/16 & 5/15/16

**#144 - #145 DRAINLAYER / CONTRACT OPERATOR LICENSES**

The following Drainlayer/Contract Operator licenses were granted.

Phoenix Communications, 25 Bowditch Drive, Shrewsbury  
P.V. Barone Corp., 18 Central St., Winthrop

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**#146 - #148 – CLAIMS**

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

Johanna Erickson, 48 Chester St., Watertown  
Jason Weber, 14 Pickman St., Salem  
Rhoda Sanderson, 12G Pioneer Ter, Salem

**#149 – BONDS**

The following Bond was referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

DRAINLAYER: P.V. Barone Corp., 18 Central St., Winthrop

**(#108) – SECOND PASSAGE ORDINANCE TRAFFIC HANDICAP PARKING BENTLEY STREET**

The matter of second passage of an Ordinance amending Traffic, Chapter 42, Section 50B “Handicap Parking” Repeal Bentley Street was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 10:10 P.M.

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK