

**“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, February 28, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 26, 2019, at 11:17 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

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. Timothy Jenkins, 18 Broad St. – Zoning – Municipal & Religious Overlay District
2. Tyler Terry, 22 School St. – Zoning – Municipal & Religious Overlay District
3. Rosa Ordaz, 13 Forest Ave. – Zoning – Municipal & Religious Overlay District
4. Polly Wilbert, 7 Cedar St. – Zoning – Municipal & Religious Overlay District
5. Lindsay Morsillo, 53 Broad St. – Zoning – Municipal & Religious Overlay District
6. Lorelee Stewart, 7 Barnes Rd. – Zoning – Municipal & Religious Overlay District
7. Jen Lynch, 38 Charles St. – Zoning – Municipal & Religious Overlay District
8. Teasie Riley-Goggin, 9 Wisteria St. – Zoning – Municipal & Religious Overlay District
9. Kristian Hoysradt, 9 Pickering Way – Zoning – Municipal & Religious Overlay District
10. Ellen Simpson, 2 ½ Ropes St. – Zoning – Municipal & Religious Overlay District
11. Ann-Elizabeth Young, 62 Perkins St. – Zoning – Municipal & Religious Overlay District
12. Jeff Cohen, 12 Hancock St. – Zoning – Municipal & Religious Overlay District
13. Josiah Fisk, 358 Essex St. – Zoning – Municipal & Religious Overlay District
14. Cheryl Rafuse, 84 Barstow St. – Zoning – Municipal & Religious Overlay District
15. Michael Cusick, 19 Putnam St. – Zoning – Municipal & Religious Overlay District
16. Jessica Herbert, 70 Webb St. – Zoning – Municipal & Religious Overlay District

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**(#87) – APPOINTMENT OF MIKHAELA ABREU TO THE SALEM YOUTH COMMISSION**

Held from the last meeting, the Mayor's appointment of Mikhaela Abreu, Salem to serve on the Salem Youth Commission with a term to expire on February 14, 2020 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

Councillor Flynn received unanimous consent for suspension of the rules to allow Ms. Abreu to speak.

**(#88) – APPOINTMENT OF TODD WALLER TO THE TRAFFIC AND PARKING COMMISSION**

Held from the last meeting, the Mayor's appointment of Todd Waller of 148 Washington St. Salem to the Traffic and Parking Commission with a term to expire on September 29, 2019, was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

Councillor Madore received unanimous consent for suspension of the rules to allow Mr. Waller to speak.

**(#89) – APPOINTMENT OF KERRY NEENAN TO THE DISABILITIES COMMISSION**

Held from last meeting, the Mayor's appointment of Kerry Neenan of 331 Lafayette St, Salem to serve on the Salem Disabilities Commission with a term to expire on February 14, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

Councillor Turiel received unanimous consent for suspension of the rules to allow Ms. Neenan to speak.

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**(#90) – APPOINTMENT OF JOSH GILLIS TO THE BICYCLING ADVISORY COMMITTEE**

Held from last meeting, the Mayor's appointment of Josh Gillis of 7 Union St, Salem to serve on the Salem Bicycling Advisory Committee with a term to expire on February 14, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

Councillor McCarthy received unanimous consent for suspension of the rules to allow Mr. Gillis to speak.

**#128 - APPOINTMENT OF CHRISTIAN BEDNAR TO THE AFFORDABLE HOUSING TRUST FUND BOARD**

The Mayor's appointment of Christian Bednar of 17 Beacon St., Salem to serve on the Affordable Trust Fund Board with a term to expire on February 28, 2020 was held under the rules.

**#129 – REAPPOINTMENTS OF THE FOLLOWING DEPARTMENT HEADS AND ASSISTANTS**

The Mayor's reappointment of the following Department Heads and Assistants with their terms to expire were confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

<b>Name</b>	<b>Position</b>	<b>Term</b>	<b>Term Expiration</b>
John Doyle	Sealer of Weights & Measures	3 years	January 31, 2022
Kathleen McMahon	City Treasurer	3 years	January 31, 2022
David Knowlton	Director of Public Services	2 years	January 31, 2021
David Kucharsky	Director of Traffic & Parking	2 years	January 31, 2021
Tom Watkins	Purchasing Agent	2 years	January 31, 2021

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**#130 – REAPPOINTMENT OF PAUL DURAND TO THE DESIGN REVIEW BOARD**

The Mayor's reappointment of Paul Durand of 209 Essex St to the Design Review Board with a term to expire March 1, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

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

The Mayor's reappointment of David Pabich, PE, of 8 Harbor View Terrace to the Salem & Beverly Water Supply Board with a term to expire March 1, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

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

The Mayor's reappointment of Mickey Northcutt of 9 Northey St., Salem to the Community Preservation Committee with a term to expire March 1, 2022 was confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

**#133 – REAPPOINTMENTS TO THE CONSERVATION COMMITTEE**

The Mayor's reappointment of the following to serve on the Conservations Commission with their terms to expire as follows were confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

<u>Name</u>	<u>Term to Expire</u>
Dan Ricciarelli, 397 Essex St.	March 1, 2022
Scott Sheehan, 51 Lafayette St.	March 10, 2022

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**#134 – REAPPOINTMENTS TO THE HISTORICAL COMMISSION**

The Mayor's reappointment of the following to serve on the Historical Commission with their terms to expire as follows were confirmed by a roll call vote of 11 yeas, 0 nays and 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

<u>Name</u>	<u>Term to Expire</u>
F. Reed Cutting, 14 Clifton Ave.	March 1, 2021
Rebecca English, 24 Prescott St.	March 1, 2022

**#135- REAPPOINTMENTS TO THE PLANNING BOARD**

The Mayor's reappointment of the following to serve on the Planning Board with a term to expire as follows were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative. Councillor Madore was recorded as absent

Councillor Madore recused herself for this matter. She left the Chambers prior to the vote and returned after the matter concluded.

<u>Name</u>	<u>Term to Expire</u>
Ben Anderson, 10 Adams St	March 1, 2024
Noah Koretz, 10 Woodside St.	March 1, 2024

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**#136 - A HOME RULE PETITION TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

The following Home Rule Petition introduced by the Mayor was adopted by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

That a petition to the General Court, accompanied by a bill for an act concerning the establishment of a means-tested senior citizen property tax exemption in 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 II, 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 ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.**

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

SECTION 1. (a) Notwithstanding any general or special law to the contrary, and subject to sections b to e, inclusive, the city of Salem shall reduce the property taxes due on a qualifying property by the amount equal to fifty percent of the amount of the circuit breaker income tax credit, provided under subsection (k) of section 6 of chapter 62 of the General Laws, that the applicant received in the year prior to the application being filed, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the city of Salem with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. In the event that the dollar cap is reached, a reduction shall be reduced proportionally. The property taxes due on such property shall not be reduced below zero. This reduction shall not be in addition to any exemption allowable under the General Laws. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

(b) Real property shall qualify for the exemption under this act if all of the following criteria are met:

(i) the qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or owned jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

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(iii) the qualifying real property is owned and occupied by the single applicant or by the joint applicants as their domicile;

(iv) the single applicant or at least 1 of the joint applicants has been domiciled and owned a home in the city of Salem for at least the 10 consecutive years preceding the filing of the application for the exemption;

(v) the maximum prior year assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the department of revenue; and

(vi) the board of assessors has approved the application.

(c) A person who seeks to qualify for the exemption under this act shall, before the deadline established by the board of assessors, file an application on a form to be adopted by the board of assessors along with the supporting documentation of the filed income tax return of the applicant showing the circuit breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

(d) No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

(e) The exemption provided for in this act shall begin in fiscal year 2020 and shall expire after 3 years of implementation, provided, however, that the city of Salem may reauthorize the exemption for additional 3-year intervals by a vote of the city council.

SECTION 2. This act shall take effect upon its passage.

**#137 – APPOINTMENT OF DEBORAH GREEL TO THE COMMUNITY PRESERVATION ACT COMMITTEE**

The following Order introduced by Councillor Flynn was confirmed by a roll call vote of vote of 11 yeas, 0 nays, 0 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were all recorded as voting in the affirmative.

ORDERED: That the City Council appoint Deborah Greel to the Community Preservation Act Committee with a term to expire on May 23, 2020 by roll call vote.

Councillor Flynn received unanimous consent for suspension of the rules to allow Ms. Greel to speak.

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**#138 – RAISE THE IRISH FLAG AT RILEY PLAZA**

The following Order introduced by Councillor Flynn was adopted.

ORDERED: That the Director of Park, Recreation and Community Services raise the Irish Flag at Riley Plaza on March 14, 15, 16 & 17<sup>th</sup>, 2019 in honor of St. Patrick's Day.

**#139 – MONTHLY FINANCIAL REPORT DATED JANUARY 31, 2019**

The following Order introduced by Councillor Peterson was adopted.

ORDERED: That the FY2019 Monthly Financial Report dated January 31, 2019 be referred to the Committee on Administration and Finance.

**#140 – DISCUSS FEES AND USAGE POLICIES OF MUNICIPALLY CONTROLLED MEETING SPACES**

The following Order introduced by Councillor Peterson was adopted.

ORDERED: That the Committee for Administration & Finance, Co-posted with the Committee of the Whole, meet to discuss the fees and usage policies of municipally-controlled meeting spaces in Salem, and that the following be invited: The Mayor or her representative; the City Solicitor or her representative; the Director of Parks, Recreation & Community Services; Director of the Salem Public Schools Buildings & Grounds Department; and the Community Art Planner.

**#141 – RESOLUTION FOR NELSON "SPARKY" NERSASIAN**

The following Resolution introduced by Councillor Peterson was adopted.

RESOLUTION:

WHEREAS: Nelson "Sparky" Nersasian served his country with honor, courage, and sacrifice as a U. S. Coast Guard gunner on the U.S.S Leopold (DE-319); and

WHEREAS: He was one of 28 survivors of a crew of 199 when the ship was sunk in action in the North Atlantic on the 9<sup>th</sup> of March, 1944 in what amounted to the worst combat loss in US Coast Guard history; and

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WHEREAS: Saturday, March 9<sup>th</sup>, 2019 is the 75<sup>th</sup> anniversary of the torpedoing and sinking of the USS Leopold, after which he and his fellow crew members spent many hours in the cold water of the Atlantic before being rescued; and

WHEREAS: On his return to Salem after the war he became a beloved fixture in Tully Square as the proprietor of Nelson's Spa and a friend, confidant, and campaign manager for former City Councillor and State Representative J. Michael Ruane; and

WHEREAS: He was born, raised and lived in Ward 3 in Salem, and that the story of his experiences aboard the USS Leopold were captured and preserved in the book "Never to Return" by co-authors Randall Peffer and Sparky's brother, Col. Robert Nersasian, also of Salem; and

WHEREAS: He was posthumously awarded the Purple Heart at a ceremony on Winter Island in 2011, for his courageous service to our country;

NOW THEREFORE, BE IT RESOLVED: That the City of Salem recognizes and honors Mr. Nersasian's military service as well that of his fellow crew members, who gave their lives in service;

AND BE IT FURTHER RESOLVED: That this resolution be made a matter of record of these proceedings, and that a suitable copy along with a City Seal be presented to his family, in his memory and with gratitude from the City of Salem in recognition of his remarkable military service to our country.

Councillor McCarthy received unanimous consent for suspension of the rules to allow Mr. Bob Nersasian, brother of Nelson, to speak.

**#142 (#120-#121) – GRANTING CERTAIN LICENSES**

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

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

TAG DAYS:                               SHS Boys and Girls Track 3/30/2019 & 4/20/2019  
   SHS Girls Soccer 9/14/2019, 9/28/2019 & 10/26/2019

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**#143 - (#618 of 2018) – ZONING ORDINANCE RELATIVE TO MUNICIPAL AND RELIGIOUS OVERLAY DISTRICT**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of the Zoning Ordinance relative to Municipal and Religious Overlay District has considered said matter and would recommend that a positive recommendation to the full council to adopt for first passage as amended by roll call vote. It was voted to accept the report.

Councillor Turiel made a motion to accept all the amendments/edits made on the new document submitted by the City Planner as a whole. It was so voted.

Councillor Turiel made a motion to amend section 8.7.9 Parking and Loading by deleting in the first paragraph the first sentence the words after “for existing buildings”. It was so voted.

Councillor Sargent made a motion to amend section 8.7.8 Affordability by replacing “a minimum of ten (10%) percent” to “twenty (20%)” by roll call vote. The matter failed by a roll call vote of 5 yeas, 6 nays and 0 absent. Councillors Sargent, Milo, Flynn, Dominguez and Dibble were recorded in the affirmative and Councillors Turiel, Peterson, McCarthy, Madore, Gerard and Furey were recorded as voting it the negative. The matter does not carry.

Councillor Sargent made a motion to amend section 8.7.8 Affordability by replacing “does not exceed 80% of the area median income” with “does not exceed 60% of the area median income” by roll call vote. The motion passed by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Sargent, Milo, Madore, Gerard, Flynn, Dominguez and Dibble were recorded in the affirmative and Councillors Turiel, Peterson, McCarthy, and Furey were recorded in the negative. The matter carries.

Councillor Sargent made a motion to amend the ordinance to add language to Section 8.78 “that these units shall be assigned to Salem residents first who sign up on a list for affordable housing” by roll call vote. The matter failed by a roll call vote of 1 yeas, 10 nays, 0 absent. Councillor Sargent was recorded in the affirmative and Councillors Turiel, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Flynn, Dominguez and Dibble were recorded as voting it the negative. The matter does not carry.

Councillor McCarthy made a motion to adopt for first passage as amended by roll call vote. The matter failed by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Turiel, Peterson, McCarthy, Madore, Gerard, Furey and Dominguez were recorded as voting in the affirmative. Councillors Sargent, Milo, Flynn and Dibble were recorded as voting in the negative. (A 2/3 vote is required for Zoning)

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Councillor Sargent's motion for immediate reconsideration in hopes it does not prevail was granted. Notice of Intent for Reconsideration submitted after the meeting on February 28, 2019 by Councillor Gerard.

**#144 – (#100) – MGL CH. 59, SEC. 5, CLAUSE 41C TO REDUCE THE AGE OF ELIGIBILITY AND INCREASE THE REAL ESTATE EXEMPTION**

Councillor Peterson offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole.

The Committee on Administration and Finance co-posted with the Committee of the Whole. to whom was referred the matter to reduce qualifying age from 70 to 65 and adjust the maximum asset limit for married couples per MGL CH 59, Sec 5 Clause 41C has considered said matter and would recommend adoption. It was voted to accept the report and adopt the recommendation.

**#145 – MAYOR'S SALARY SURVEY SUBMITTED BY THE HUMAN RESOURCES DIRECTOR**

The communication from the Human Resources Director submitting a Mayoral Salary Survey of surrounding Cities and Towns has been referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

**#146 – REQUEST FROM NORTH SHORE PRIDE TO SELL AND CONSUME BEER AND LIQUOR ON THE SALEM COMMON**

A request from North Shore Pride to have, sell and consume beer and liquor on the Salem Common on June 22, 2019 (this is the day of The Pride Parade) was granted.

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The following license applications were granted.

PUBLIC GUIDES	Thomas Vallor 4 Lyme St. #3, Salem Kenneth Glover 20 Essex St., Beverly Kalif Melanson 32 Mt. Washington Ave., Malden
TAXI CAB/LIMO	Salem Taxi 30 Church St., Salem (5 Taxi Cabs, 5 Limos) Witch City Taxi 92 Jackson St., Salem (10 Taxi Cabs)
TAXI OPERATORS	Wade Durkee 116 Lafayette St #319, Salem Franklin Medina Sr. 31 Beach Rd. Apt.B2, Lynn Juan Vargas 98 Cottage St. Apt. 3, Lynn Victoriano Ozoria 9 Prince St., Salem Nolberto Pacheco 55 Coolidge Rd, Danvers Camilo Divanne 5 Hancock St, Peabody Santo Ozoria 9 Prince St. Pl., Salem Robinson Vago Gutierrez 19 Ward St. Apt. 32, Salem Leandro Aristy Zedeno 78 Tremont St., Salem Francisco Genao Gonzalez 56 River St., Beverly Delvin Hidalgo 200 Locust St. #605, Lynn Khris Lara 159 Boston St., Salem Marcos Rosario 12 Mason St. #1, Salem

**#150 – DRAINLAYER / CONTRACT OPERATOR LICENSES**

The Following Drainlayer/Contract Operator License Applications were granted.

Raffaele Construction 21 Elm Pl., Swampscott  
R. Dilisio Co., Inc 113 Fayette St., Lynn  
Bartlett & Steadman Co., Inc R 67 Village St., Marblehead  
Phoenix Communications 25 Bowditch Dr., Shrewsbury

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**#151 - #159 - CLAIMS**

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

John Hayes 13 Hancock St., Salem (Car 1)  
John Hayes 13 Hancock St., Salem (Car 2)  
Paul Adario 24 Whalers Ln., Salem  
Vanessa Kinney 400 Humphrey St., Swampscott  
David Helfman 28 Packards Rd Unit 532 Waterville Valley NH  
Rebecca O'Loughlin 209 North St., Salem  
Joseph Malionek 12 Cloutman St., Salem  
Jennifer Salsich 10 Eden St., Salem  
Claire Helfman 1 Brackett Pl., Marblehead

On the motion of Councillor Furey the meeting adjourned at 10:05 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK