

JULY 18, 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@saalem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, July 18, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on July 16, 2019, at 10:27 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors Gerard and Councillor Milo were recorded with an excused absent.
Councillor Flynn arrived at 7:07 P.M.

Council President Dibble presided.

Councillor Sargent 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. Emily Udy – 8 Buffum St. and representative for Historic Salem – Zoning Ordinance
2. Jeff Cohen – 12 Hancock St. – Zoning Ordinance
3. Paige Curtin – 90C Wharf St. – Zoning Ordinance
4. Stevie Brandenburg – 84 Barstow St. – Zoning Ordinance
5. Jen Lynch – 38 Charles St. – LWV Rep. - Zoning Ordinance
6. David Rowand – 109 Columbus Ave. = Tree Commission Appts.
7. Kate Abarbanel – 21 Mason St., - Zoning Ordinance

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#456 (#437) – NATIONAL GRID TO INSTALL CONDUIT ON BRIGGS STREET

Appearing in favor was Sibhita Mahbier-Sheehy, a representative from National Grid appeared in favor of this conduit. She stated it would provide primary service to 94 Washington Sq. (former Knight of Columbus).

No one appeared in opposition.

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

Councillor Madore moved that this Order be granted with conditions that Spire Investments shall notify the ward councilor at a minimum of 48 hours in advance via phone or email on any ground work associated with the Conduit and second, that National Grid shall notify its client Spire Investments at a minimum of 48 hours in advance of scheduled work to allow the client to notify the Ward Councillor. It was so voted.

(#412) – APPOINTMENT OF MAUREEN MCKINNON TO THE COMMISSION ON DISABILITIES

Held from the last meeting, the Mayor's appointment of Maureen McKinnon 93 Canal St #1 (Replacing David Martel) as a member to the Commission on Disabilities with a term to expire June 27, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Councillor Turiel requested and received unanimous consent for suspension of the rules to allow Maureen McKinnon to speak.

(#413) – APPOINTMENT OF MALISSA VIEIRA TO THE CONSERVATION COMMISSION

Held from the last meeting, the Mayor's appointment of Malissa Vieira 41 ½ Harbor St #3 (Replacing Gail Kubik) as a member to the Conservation Commission with a term to expire November 15, 2021 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. (She was unable to attend this meeting.) Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

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(#414) – APPOINTMENT OF PAUL VICCICA TO THE ZONING BOARD OF APPEALS

Held from the last meeting, the Mayor's appointment of Paul Viccica 35 Broad St, (Replacing Patrick Shea) to serve as a full member of the City of Salem Zoning Board of Appeals with a term to expire May 1, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Councillor Peterson requested and received unanimous consent for suspension of the rules to allow Paul Viccica to speak.

Councillor Furey moved that a City Seal and Letter of Thanks be sent to Patrick Shea. It was so voted.

#457 - APPOINTMENT OF PAUL L'HEUREUX TO THE TREE COMMISSION

The Mayor's appointment of Paul L'Heureux to serve on the Salem Tree Commission with a term to expire on July 18, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Councillor Turiel requested and received unanimous consent for suspension of the rules to allow to Paul L'Heureux speak.

#458 - APPOINTMENT OF RACHEL MCCARTER TO THE TREE COMMISSION

The Mayor's appointment of Rachel McCarter to serve on the Salem Tree Commission with a term to expire on July 18, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Councillor Turiel requested and received unanimous consent for suspension of the rules to allow Rachel McCarter to speak.

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#459 - APPOINTMENT OF CHARLOTTE ENFIELD TO THE TREE COMMISSION

The Mayor's appointment of Charlotte Enfield to serve on the Salem Tree Commission with a term to expire on July 18, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Councillor Turiel requested and received unanimous consent for suspension of the rules to allow Charlotte Enfield to speak.

#460 – APPOINTMENT OF REHANA YUSIF TO THE YOUTH COMMISSION

The Mayor's appointment of Rehana Yusif 260 Washington St. #37 Adult member to the Youth Commission (replacing Michael Quigley) with a term to expire on June 23, 2022 was held under the rules.

#461 – REAPPOINTMENT OF DATANIS ELIAS TO THE BOARD OF HEALTH

The Mayor's reappointment of Datanis Elias 71 Harbor St to the Salem Board of Health with a term to expire on July 21, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

#462 – REAPPOINTMENT OF JOHN ANDREWS TO THE PUBLIC ART COMMISSION

The Mayor's reappointment of John Andrews 9 English St #1 to the Salem Public Art Commission with a term to expire on July 20, 2021 was confirmed by a roll call vote of 9 yeas, 0 nays, 2 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

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#463 – APPROPRIATION OF \$529,040.72 FROM FREE CASH TO CAPITAL IMPROVEMENT FUND

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

ORDERED: That the sum of Five Hundred Twenty-Nine Thousand and Forty Dollars and Seventy-Two Cents (\$529,040.72) is hereby appropriated from General Fund Balance Reserved for Free Cash to the following special revenue fund. This transfer is requested in accordance with the recommendation of Her Honor the Mayor.

Fund: Capital Improvement Fund 2000 Amount: \$529,040.72

#464 – APPROPRIATION OF \$265,648.00 FOR RETIREMENT BUYBACK FOR SCHOOL EMPLOYEES

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

ORDERED: That the sum of Two Hundred Sixty-Five Thousand Six Hundred And Forty-Eight Dollars and Zero Cents (\$265,648.00) in the "Retirement Stabilization Fund- Vacation/Sick Leave Buyback" Account to be expended for the FY2020 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Name</u>	<u>Department</u>	<u>Amount</u>
Catherine Marquardt	School	\$16,358.80
Nancy Antrim	School	\$34,080.00
Susan Marsh	School	\$17,582.40
Bonnie Muse	School	\$33,854.40
Donna Pelletier	School	\$16,877.60
Joyce Parent	School	\$36,839.20
Linda Connell	School	\$34,764.80
Janet Harrison	School	\$19,485.60
Donna Silvio	School	\$31,254.40
Gail Kucker	School	<u>\$24,550.80</u>
	TOTAL	\$265,648.00

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#465 – APPROPRIATION OF \$42,408.50 FOR RETIREMENT BUYBACK FOR FIRE DEPT. EMPLOYEE

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

Councillor Flynn recused himself for this entire matter.

ORDERED: That the sum of Forty-Two Thousand Four Hundred Eight Dollars and Fifty Cents (\$42,408.50) in the "Retirement Stabilization Fund- Vacation/Sick Leave Buyback" Account to be expended for the FY2020 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Name</u>	<u>Department</u>	<u>Amount</u>
Martin Butler	Fire Dept.	<u>\$42,408.50</u>
	TOTAL	\$42,408.50

#466 – APPROPRIATION OF \$30,000.00 FROM RECEIPTS RESERVED TO PUBLIC SERVICES BURIAL ACCOUNT

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

ORDERED: That the sum of Thirty Thousand (\$30,000.00) is hereby appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account in accordance with the recommendation of Her Honor the Mayor.

<u>From</u>	<u>To</u>	<u>Amount</u>
R/Res Sale of Lots	DPS Burial	\$20,000.00
R/Res Sale of Vaults	DPS Burial	<u>\$10,000.00</u>
	TOTAL	\$30,000.00

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#467 – APPROPRIATION OF \$2,300.24 FOR RETIREMENT BUYBACK FOR DPS EMPLOYEE

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

ORDERED: That the sum of Two Thousand Three Hundred Dollars and Twenty-Four Cents (\$2,300.24) in the "Retirement Stabilization Fund- Vacation/Sick Leave Buyback" Account to be expended for the FY2020 contractual buybacks listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Name</u>	<u>Department</u>	<u>Amount</u>
Louis Levesque	Dept. of Public Services	<u>\$2,300.24</u>

#468 – DONATION FROM TROPICAL PRODUCTS TO POLICE DONATION FUND – NATIONAL NIGHT OUT

The following Order introduced by the Mayor was adopted.

ORDERED: To accept the donation of Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00) from Tropical Products, Inc. These funds will be deposited into the Police Donation Fund to be used for National Night Out, in accordance with the recommendation of Her Honor the Mayor.

#469 – DONATION FROM FOOTPRINT TO THE K9 DONATION FUND

The following Order introduced by the Mayor was adopted.

ORDERED: To accept the donation of Two Thousand Dollars and Zero Cents (\$2,000.00) from Footprint Power Salem Harbor Development LP. These funds will be deposited into the K-9 Donation Fund to be used for the care and supplies of three (3) K9 Dogs, in accordance with the recommendation of Her Honor the Mayor.

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#470 – HRP TO CONVERT LIQUOR LICENSE TO ALL ALCOHOLIC BEVERAGES FOR BLUE FEZ, 118 WASHINGTON ST.

The following Order for a Home Rule Petition submitted by the Mayor was adopted by roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

ORDERED: That a petition to the General Court, accompanied by a bill authorizing the City of Salem to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcohol to be drunk on the premises 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 intent of this home rule petition:

AN ACT AUTHORIZING THE CITY OF SALEM TO CONVERT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES TO A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Salem may convert the annual license for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138, originally issued to Polonia Restaurant Group pursuant to section 7 of chapter 149 of the acts of 2011 and currently issued to Blue Fez Inc. d/b/a Blue Fez at 118 Washington street, Unit C, to an annual license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 to Blue Fez Inc. d/b/a Blue Fez at 118 Washington street, Unit C. The license converted pursuant to this section shall be subject to all of said chapter 138, except said section. 17.

(b) The licensing authority shall not approve the transfer of the license converted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant for the license files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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(c) If the license converted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 2. (a) The city of Salem shall charge a fee for the conversion to a license for the sale of all alcoholic beverages to be drunk on the premises pursuant to this act that shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into an arrangement with the licensee which would enable the fee to be divided into multiple payments or prorated over multiple periods of time. If the city elects to accept prorated payments over time from the licensee, the option shall be made available, upon request, to all qualified applicants for licensure.

(b) Any fee collected by the city of Salem for a license converted or granted pursuant to this act that is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be deposited into an economic development account which has been established by the city of Salem and expended by it in a manner consistent with the purposes of the account.

SECTION 3. This act shall take effect upon its passage.

#471 – HOUSING DEVELOPMENT INCENTIVE PROGRAM PLAN AMENDMENT

The following order introduced by the Mayor was referred to the Committee on Community and Economic Development co-posted with Committee of the Whole to hold a public hearing.

ORDERED: In accordance with 760 CMR 66.08, the Mayor, on behalf of the City of Salem, is hereby authorized to submit to the Massachusetts Department of Housing and Community Development (DHCD) an amendment to the existing Downtown Salem Housing Development (DH) Zone and Housing Development Incentive Program Plan originally approved by DHCD in 2017 and amended in 2018. The HD Zone shall be expanded to include all parcels in the City.

CITY OF SALEM, MASSACHUSETTS HOUSING DEVELOPMENT INCENTIVE PROGRAM HDIP ZONE AMENDMENT PROPOSAL

The City would like to expand and rename the existing Downtown Salem HD Zone. Below is a memo summarizing the change in accordance to 760 CMR 66.08.

1. Detailed description of each proposed change

In accordance with 760 CMR 66.08, the City of Salem would like to expand and rename its existing Downtown Salem HD Zone approved by DHCD in 2017 and amended in 2019. The expansion would include all parcels within the City of Salem and the would be renamed, "Salem HD Zone."

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2. The purpose of the change – i.e., the reason why each change is needed

The need for multifamily housing extends beyond the current HD Zone. New requests are being made as developers explore opportunities to produce more housing. The expansion of the HD Zone will increase market rate residential development in the city on sites suitable for mixed-use, multifamily development by providing an additional financing tool to overcome development challenges, as well as increase the feasibility of market rate housing projects. Expanding the zone to include all parcels in the city does not necessarily guarantee that all housing projects will participate in the HDIP but provides a tool for development should developers want to collaborate with the City and DHCD.

The objective of the HD Plan and the amendment to expand the zone is to foster appropriately scaled residential development throughout the city. The proposed expansion is consistent with objectives in the *Salem Housing Needs and Demand Analysis* and will assist in meeting projected housing needs. The SHNADA opens by noting, “Creating homes for the next generation of workers while also addressing the complex needs of an aging and increasingly diverse population is one of those challenges (SHNADA Introduction, p. 7).”

The cost of redevelopment in Salem is high considering prior uses that frequently have environmental issues, sites with challenging elevations or ledge, and significant wetland areas. The expansion of the HD Zone would afford developers an additional incentive to overcome high redevelopment costs.

3. The effect of each change on individual HD Projects

This proposal will not have an effect on the parcels currently in Salem’s HD Zone. The only approved HD project is 65 Washington Street. The project is progressing in large part because of the City’s initial adoption of the HD Plan and Zone. Other projects are in the conceptual or pre-development phase and are contemplating utilizing the HDIP.

4. Pertinent revisions of the original Application for approval of the HD Zone designation or HD Zone Plan, or to the HD Tax Increment Exemption Agreement, to reflect the changes

The City is not proposing any amendments to the HD Zone Plan that would affect the existing HD Tax Increment Exemption Agreement. The timelines for the implementation of the HD Zone Plan and the duration of the HD Zone Plan as laid out in the City’s current approved plan will remain unchanged.

5. A statement of whether the Municipality considers the amendment to be material or nonmaterial

The City of Salem considers the proposed amendment to be material.

6. Evidence of a public hearing, as appropriate, including a copy of hearing notices and minutes

The Department of Planning and Community Development intends to submit the amendment plan to the City Council in July 2019. The City Council will then hold a public hearing. A copy of the hearing notice and minutes will be provided to DHCD. DHCD has already advised of this proposed amendment.

7. Certification by the Town or City Clerk of local approval pursuant to 760 CMR 66.08 (3)

The City will provide DHCD with a certification from the City Clerk once the amendment plan has been approved by the City Council.

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#472 – VALET PARKING TRIAL FOR STELLA’S RESTAURANT SUBJECT TO APPROVAL OF THE SALEM TRAFFIC AND PARKING COMMISSION

The following order introduced by the Mayor was granted subject to the approval of the Salem Traffic and Parking Commission.

ORDERED: The Salem City Council hereby authorizes, subject to the approval of the Salem Traffic and Parking Commission, the use by Stella’s Restaurant and Wine Bar of two metered parking spaces at 94 Lafayette Street on a temporary, trial basis for a period not to exceed four months. The spaces may be used by Stella’s on Friday and Saturday evenings from 4 to 11 pm for valet services. In addition, the valet, operated and paid for by Stella’s, may also utilize spaces set aside at Riley Plaza for the City’s trial valet service on Washington Street.

(#422) – TRAFFIC ORDINANCE AMENDNING CH. 42 SEC. 10 – ONE WAY STREETS, BEAVER STREET

Councillor Flynn moved to take from the table the traffic ordinance below. It was so voted.

Councillor Turiel, on behalf of the Ward 6 Councillor, would to hold this matter until the Special Meeting on August 1, 2019 or refer to Committee. Neither option was voted on.

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

ORDINANCE: In the year Two Thousand and Nineteen

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 10 – “One-way Streets”

By repealing the following: Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street, thence easterly to the easterly end of the property line of No. 17 Beaver Street.

And retaining the following: Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street thence easterly to Grove Street. (1/8/78 DPW 5-1498)

SECTION 2. Amending Chapter 42 Section 51 – “Parking Prohibited on Certain Streets”

By repealing the following: Beaver Street – Parking prohibited on certain streets southerly side.

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And replacing it with the following: Beaver Street – Parking prohibited on certain streets southerly side, from Safford Street extending easterly to a point approximately 70 ft from the intersection with Grove Street.

SECTION 3. This ordinance shall take effect as provided by City Charter

#473 – 90 DAY TRIAL – TRAFFIC CH. 42, SEC. 50A HANDICAP PARKING, #280 WASHINGTON STREET

The following Order introduced by Councillor Turiel was adopted.

ORDERED: That a trial period of up to ninety (90) days on the following traffic recommendation: Chapter 42, Section 50A, “Handicapped Parking Zones”, Washington Street, in front of #280, for a distance of twenty (20) feet “Handicapped Parking Zones”

#474 – 90 DAY TRIAL – TRAFFIC CH. 42, SEC. 74 GENERAL TOWING #156 LAFAYETTE STREET - DOCTOR’S OFFICE ONLY – MON.- FRI. 8 AM TO 5 PM

The following Order introduced by Councillor Turiel was adopted.

ORDERED: That a trial period of up to ninety (90) days on the following traffic recommendation: Chapter 42, Section 74, “General Towing Zone”, 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”.

#475 – 90 DAY TRIAL – TRAFFIC CH. 42, SEC. 74 GENERAL TOWING #249 LAFAYETTE STREET - DOCTOR’S OFFICE ONLY – MON. – FRI. 8 AM TO 6 PM

The following Order introduced by Councillor Turiel was adopted.

ORDERED: That a trial period of up to ninety (90) days on the following traffic recommendation: Chapter 42, Section 74, “General Towing Zone”, 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”.

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#476 – 90 DAY TRIAL – TRAFFIC CH. 42, SEC. 50A - HANDICAP PARKING, #46 PEABODY ST.

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That a trial period of up to ninety (90) days on the following traffic recommendation: Chapter 42, Section 50A, "Handicapped Parking Zones", Peabody Street, in front of #46, for a distance of twenty (20) feet "Handicapped Parking Zones"

#477 – 90 DAY TRIAL – TRAFFIC CH. 42, SEC. 50A - HANDICAP PARKING, #38 PEABODY ST.

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That a trial period of up to ninety (90) days on the following traffic recommendation: Chapter 42, Section 50A, "Handicapped Parking Zones", Peabody Street, in front of #38, for a distance of twenty (20) feet "Handicapped Parking Zones"

#478 (#451) – 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 such matter and has recommended the following license be granted

TAG DAYS: MCJROTC 8/17, 9/15, 9/29, 10/13, 10/20 & 10/27/2019

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#479 (#306 & #307) – GRANTING CERTAIN LICENSES – PUBLIC GUIDE - THOMAS VALLOR

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 such matter and has recommended that the Public Guide License for Thomas Vallor be granted with the following conditions:

License Conditions Agreement

If the City Council votes to issue me a new tour guide license, I, Thomas Vallor agree to the following conditions:

1. I will refrain from any actions which seek to cause harm to an individual and/or his or her business should the individual provide a negative or inaccurate review of my tour(s) online or elsewhere;
2. I will observe all City ordinances and rules and regulations governing the operation of tours within the City, including, but not limited to, compliance with Sec. 40-30 of the City Ordinance which prohibits the following:
 - Conducting a tour that does not conclude prior to 10:00 p.m. daily; except prior to 11:00 p.m. on weekends (Friday and Saturday) and on October 31;
 - Conducting a tour in a public cemetery after dusk;
 - Conducting a tour that blocks the entrance of a business, obstructs pedestrian access on a sidewalk, or leads a tour across or into a street open to vehicular traffic on a route other than a designated crosswalk;
 - Conducting a tour on private property without permission of the owner;
 - Placing a sales booth on public property unless such public guide or business owner owns or leases a storefront and the licensing board has authorized such a sales booth;
 - Violating chapter 22 of the city ordinance relative to noise;
 - Conducting a tour exceeding the tour participant limit and/or security/staff oversight requirements as such may be established for public safety purposes by the chief of police;
 - Utilizing a voice amplification device on Brown Street, Howard Street, Brown Street Court, Kimball Court or Higginson Square;
 - Utilizing candles or any other item with a flame on a tour; or
 - Conducting a tour on the grounds of 33 Proctor Street.
3. I will follow the rules governing the Witch Trials Memorial and refrain from standing on the Memorial benches or walls, and will be mindful of my group blocking the paths and/or limiting access to the Memorial by others.

I understand that a failure to observe these conditions may result in a finding of good cause for the revocation of my license and/or denial of any renewal.

7/12/19
Date


Thomas Vallor

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#480 (#368) – ORDINANCE AMENDING SOLID WASTE MANAGEMENT TRASH FEES

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

Councillors Sargent and Dominguez recused themselves for the entire matter.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of amending an Ordinance relative to solid waste management (trash fees) has considered such matter and has recommended adoption for first passage. Councillor Flynn was recorded as opposed.

#481 – ACCEPT MGL CH. 44 SEC. 53F ½ TO ESTABLISH AN ENTERPRISE FUND FOR CABLE TELEVISION

The Following Order introduced by the City Solicitor was adopted by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

Ordered: That the City of Salem hereby accepts, effective Fiscal Year 2020, Massachusetts General Law Chapter 44, Section, 53F ½ for the purpose of establishing an enterprise fund to account for monies received and spent for cable television public, educational and governmental (PEG) access facilities and operations

#482 – HOME RULE PETITION FOR SALEM SCHOLARSHIP AND EDUCATION COMMITTEE TO PROVIDE SCHOLARSHIPS FROM FUNDS SET ASIDE FOR EDUCATIONAL PURPOSES

The following Order for a Home Rule Petition introduced by the Mayor's Chief of Staff was adopted by a roll call vote of 9 yeas, 0 nays, 2 absent, under suspension of the rule. Councillors Turiel, Sargent, Peterson, McCarthy, Madore, Furey, Flynn, Dominguez, and Dibble were all recorded in the affirmative. Councillors Milo and Gerard were recorded as absent.

ORDERED: That a petition to the General Court, accompanied by a bill authorizing the Salem Scholarship and Education Committee to provide scholarships from funds collected for educational purposes 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

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amendments by the Senate or House of Representatives which conform to intent of this home rule petition:

AN ACT AUTHORIZING THE SALEM SCHOLARSHIP AND EDUCATION COMMITTEE TO PROVIDE SCHOLARSHIPS FROM FUNDS SET ASIDE FOR EDUCATIONAL PURPOSES

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

SECTION 1. Notwithstanding Chapter 194 of the Acts of 1986, Section 3C of Massachusetts General Law Chapter 60, or any other law to the contrary, the City of Salem Scholarship and Education Committee may provide educational financial aid to deserving Salem residents from educational funds collected, pursuant to Section 3C of Chapter 60, for the purpose of supplementing educational funding and adult literacy programs.

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

#483 – PETITION FROM COMCAST TO INSTALL A CONDUIT ON ESSEX ST.

A hearing was ordered for September 12, 2019 on the petition from Comcast to install a conduit on Essex St.

#484 – BLOCK PARTY – BROAD STREET

A request from the residents of Broad St. between Flint and Dalton Parkway to hold a Block party August 18, 2019. From 3:00 P.M. to 7:00 P.M. with no rain date was granted with the condition that the can set up 1 hour before and break down one hour after (time 2pm-8pm).

#485 - BLOCK PARTY – BOTTS COURT

A request from the Residents of Botts Ct. hold a block party on July 21, 2019 from 4:00 P.M. to 7:00 P.M. with no rain date was granted.

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#486 – PUBLIC GUIDES

The Following License Applications were granted.

PUBLIC GUIDES: Jessica November 14 Cambridge St Unit R Salem
 Robin Glynn 96 Lane Rd Chester NH
 Danielle Klier 1 Patriot LN Salem
 Josephine Gravalles 182 Lafayette St Salem
 Christine O'Donnell 32 Huntoon St Boston
 Sarah Black 8 Cross St #2 Salem

#487 – TAG DAY LICENSE APPLICATIONS

The Following License Applications was granted.

TAG DAYS: SHS Girls Basketball 12/7/2019 & 1/4/2020

#488 - DRAINLAYER/CONTRACT OPERATOR LICENSE APPLICATIONS

The Following Drainlayer/Contract Operator License Applications were granted.

Pitt Pipeline Co. Inc. 25 Sullivan Rd., Billerica
 Nardone Inc. 45 Outlook Rd., Wakefield

#489 - #496 – CLAIMS

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

Kevin Hyde 43 Dow St., Salem
 Andrew Moskevich 48 Boylston St #213, Boston
 Jeanette Torion 30 Clark St., Salem
 Sedineia Paradela 50 Warren St. #117, Peabody
 Kellianne MacMillan 10 Perk St., Salem NH
 Robert McLaughlin 53 Bridge St., Salem
 Lynn Murray 21 Williams St., Salem
 Jonangel Franco 10 Simon St., Beverly

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#497 - #498 – BONDS

The Following Bonds were referred to the Committee on Ordinances, Licenses & Legal Affairs and returned approved.

DRAINLAYER: Pitt Pipeline 25 Sullivan Rd., Billerica
Nardone Inc., 45 Outlook Rd., Wakefield

#499 – RECONSIDERATION TO REFER THE ZONING ORDINANCE RELATIVE TO MUNICIPAL AND RELIGIOUS REUSE AS A SPECIAL PERMIT TO THE COMMITTEE ON ORDINANCES, LICENSES AND LEGAL AFFAIRS CO-POSTED WITH THE COMMITTEE OF THE WHOLE

On Councillor Dibbles's notice of reconsideration of the following, Councillor Turiel made a motion to lay on the table until our special meeting on August 1, 2019. It was so voted.

(Motion for reconsideration by RCV passed at the June 27, 2019 by a Roll Call Vote of 7 yeas, 3 nays and 1 absent)

Motion to refer the Zoning Ordinance to amend a Zoning Ordinance relative to Municipal and Religious Reuse as a Special Permit in certain zoning districts be referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

A Yea vote would send the Zoning Ordinance to Committee

A Nay vote would not send the Zoning Ordinance to Committee

(#423) – SECOND PASSAGE OF A TRAFFIC ORDINANCE CH. 42, SEC. 11 – BUS STOPS, LAFAYETTE ST.

The matter of a second passage of an ordinance relative to traffic Ch. 42, Sec. 11, Bus Stops was then taken up.

The Ordinance was adopted for second and final passage.

Ordinance: In the year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic,

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

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SECTION 1. Amending Chapter 42 Section 11 – “Bus Stops”

By adding the following:

Lafayette Street – BUS STOPS – easterly side, for a distance of fifty-four (54) feet beginning at the driveway of 287 Lafayette Street in a northerly direction.

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

(424A) - SECOND PASSAGE OF A TRAFFIC ORDINANCE, CH. 42, SEC. 54A – RESERVED PARKING - HOLYOKE SQUARE

The matter of a second passage of an ordinance relative to traffic Ch. 42, Sec. 54A - Reserved Parking, Holyoke Square, was then taken up.

The Ordinance was adopted for second and final passage.

SECOND PASSAGE OF AN ORDINANCE: 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 54A – “Reserved Parking, Holyoke Square”

Be amended by repealing the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 13 parking spaces along the Holyoke Square side of so much of the public ways known as Norman Street and Holyoke Square as about Holyoke's property at Holyoke Square.

A violation of this Ordinance shall be considered a violation of a restricted parking area.

And replacing it with the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. (NKA CDX Analytics, LLC) during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 6 parking spaces along the Holyoke Square side of so much of the public way known as Norman Street which are identified as spaces numbered 1, 2, 3, 4, 5 and

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6 on the Easement Plan of land for Holyoke Square recorded at Plan Book 372, Plan No. 64 in the Southern Essex Registry of Deeds.

A violation of this Ordinance shall be considered a violation of a restricted parking area.

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

On the motion of Councillor Furey the meeting adjourned at 8:30 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK