

**APRIL 25, 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, April 25, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 23, 2019, at 9:44 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. Tim Jenkins, 18 Broad St., Salem – Salem Historical Commission Appointments

### **(#218) – APPOINTMENT OF STACEY NORKUN TO THE HISTORICAL COMMISSION**

Held from the last meeting, the Mayor’s appointment of Stacey Norkun 53 Summer St to serve on the Salem Historical Commission with a term to expire on April 11, 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 in the affirmative.

Councillor Sargent asked a question on the 2 openings on the commission and making sure that we are filling those 2 openings and not replacing Jessica Herbert or Laurie Bellin. Councillor Milo stated that the letter said filling vacant seat so supporting this appointment assuming those two are still on the commission. Councillor Furey assumes the chair. Councillor Dibble confirming all positions on the commission were full. Two present members resigned and this appointment is replacing Joanne

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

McCrea. Councillor Dibble made a motion to send a letter of thanks and City Seal to Joanne McCrea. It was so voted.

Councillor Madore requested and received unanimous consent for suspension of the rules to allow Ms. Norkun to speak.

**(#219) – APPOINTMENT OF AMY STEWART TO THE SCHOLARSHIP & EDUCATION COMMITTEE**

Held from the last meeting, the Mayor's appointment of Amy Stewart 3A Willow Ave to serve on the Scholarship and Education Committee with a term to expire on April 11, 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 in the affirmative.

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

**(#220) – APPOINTMENT OF JENNIFER ACALPINE TO THE SCHOLARSHIP & EDUCATION COMMITTEE**

Held from the last meeting, the Mayor's appointment of Jennifer McAlpine 35 Washington Sq. to serve on the Scholarship and Education Committee with a term to expire on April 11, 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 in the affirmative.

Councillor Madore requested and received unanimous consent for suspension of the rules to allow Ms. McAlpine to speak.

**(#221) – APPOINTMENT OF ROSA ORDAZ AS AN ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS**

Held from the last meeting, the Mayor's appointment of Rosa Ordaz 13 Forest Ave. to serve as an Alternate member on the Zoning Board of Appeals with a term to expire on April 11, 2021 was held under the rules until the next meeting on May 9, 2019

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**(#222) – APPOINTMENT OF ERIN SCHAEFER TO THE HISTORICAL COMMISSION**

Held from the last meeting, the Mayor's appointment of Erin Schaefer 22 Warren St. #1. to serve on the Salem Historical Commission with a term to expire on April 11, 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 in the affirmative. Ms. Schaefer was unable to attend due to a work conflict.

Councillor Furey motioned that a letter of thanks and a City Seal be sent to Jane Turiel. It was so voted.

Councillor Dibble motioned that a letter of thanks and a City Seal be sent to Kathryn Harper. It was so voted.

**#252 – REAPPOINTMENT OF PATRICK SHEA TO THE ZONING BOARD OF APPEALS**

The Mayor's reappointment of Patrick Shea of 31 Highland St. to serve on the Zoning Board of Appeals with a term to expire May 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 in the affirmative.

**#253 – REAPPOINTMENT OF ROBERT LUTTS TO THE SALEM CONTRIBUTORY RETIREMENT BOARD**

The Mayor's reappointment of Robert Lutts of 92 Orne St. to serve on the Salem Contributory Retirement Board with a term to expire April 25, 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 in the affirmative.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#254 – REAPPOINTMENTS OF CONSTABLES**

The Mayor’s reappointment of the following to serve as Constables with their following terms to expire were received and placed on file

Name and Address:

Term to Expire On:

John Ray, 8 Amanda Way, Salem  
Brian Davis 21 Oakhurst Ave., Ipswich  
Mark Finer 8 MacArthur Blvd., Danvers

April 1, 2022  
February 23, 2022  
March 8, 2022

**#255 – APPROPRIATION FROM UNEMPLOYMENT TO VARIOUS HR ACCOUNTS**

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

ORDERED: That the sum of Twenty Thousand Dollars (\$20,000.00) is hereby transferred as listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Transfer From</u>	<u>Account</u>	<u>Transfer To</u>	<u>Account</u>	<u>Amount</u>
Unemployment	19131-5173	HR Office Supplies	11522-5421	\$ 50.00
Unemployment	19131-5173	HR Cont. Services	11522-5320	\$3,000.00
Unemployment	19131-5173	HR Advertising	11522-5306	\$ 200.00
Unemployment	19131-5173	HR Purchase of Serv	11522-5300	\$ 750.00
Unemployment	19131-5173	Workers Comp	11522-5300	<u>\$16,000.00</u>
<b>TOTAL</b>				\$20,000.00

**#256 – CONSERVATION RESTRICTION AGREEMENT AT 15 WARD STREET**

The following order introduced by the Mayor was adopted 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 in the affirmative.

ORDERED: That the City Council hereby approves and accepts the Conservation Restriction Agreement for the Conservation of the Recreational Resource at 15 Ward Street, Salem, MA and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 31-33

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

Councillor McCarthy requested and received unanimous consent for suspension of the rules to allow Jane Guy or Tom Daniel from Planning to address the Council.

Jane Guy explained, since CPA money was given to a non-city property the city is asking for a restriction that will guarantee that this park will remain in perpetuity.

**#257 – PRESERVATION RESTRICTION AGREEMENT FOR 211 BRIDGE STREET**

The following order introduced by the Mayor was adopted 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 in the affirmative.

ORDERED: That the City Council hereby approves and accepts the Preservation Restriction Agreement for the preservation of the historic resource at 211 Bridge Street, Salem, MA and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

Councillor McCarthy requested and received unanimous consent for suspension of the rules to allow Jane Guy or Tom Daniel from Planning to address the Council.

Jane Guy explained again that since this is a non-city property the city is requesting a preservation restriction which will be recorded at the registry of deeds.

**#258 – PORTRAITS IN THE CITY COUNCIL CHAMBERS**

The following Order introduced by Councillor Furey was adopted

ORDERED: That the Committee on Government Services co-posted with the Committee of the Whole meet to discuss rotating the portraits in the City Council Chambers, with additional portraits to reflect our heritage and history into the twenty-first century. And that the following be invited: City Solicitor, Public Arts Planner, Public Arts Commission Chairperson, Local Museums and non-profit private art businesses, City Clerk, Jim McAllister, Salem Historian, Nelson Dianne, Salem Historian, Bonnie Hurd, Local Author, Deb Greel, Arts and Culture, Cheryl LaPointe, former City Clerk and Rosemary O'Conner, Ward Six Neighborhood Association.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#259 – MEET WITH SALEM UNITED TO DISCUSS PICNIC AT SALEM WILLOWS**

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That the Committee on Community and Economic Development schedule a meeting to discuss the matters brought forth by Salem United. And that the following be invited: Salem United, Mayor or her representative, City Solicitor, Director of Parks and Recreation, Police Chief, Ward One Councillor and the Chair of the Park and Rec. Commission.

**#260 - (#249 - #250) – 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 the following be granted

Tag Days: SHS Marching Band December 14, 2019

Sea Worms: Timothy Lynch 28 Anawan Ave., Saugus  
Paul Lynch 28 Anawan Ave., Saugus

**#261 – (#227) – APPROPRIATION FOR \$40,000.00 FROM FREE CASH TO PLANNING – CONTRACTED SERVICES**

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

The Administration and Finance Co-Posted with the Committee of the Whole to whom was referred the matter of \$40,000.00 appropriation from free cash to Planning Contracted Services has considered said matter and would recommend approval.

Councillor Peterson requested and received unanimous consent for suspension of the rules to allow Jane Guy from Planning to address the Council.

Jane Guy explained this was relative to the 5-year Consolidated Plan, which was a very extensive project and that it was very important to hire an impartial facilitator/consultant.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#262 – (#229) – APPROPRIATION OF \$35,723.00 FROM FREE CAS FOR FOREST RIVER POOL AND BATHHOUSE**

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

The Administration and Finance Co-Posted with the Committee of the Whole to whom was referred the matter of \$35,723.00 appropriation from free cash for Forest River Pool and Bathhouse has considered said matter and would recommend approval.

**#263 – (#174) – IPSWICH RIVER WATERSHED – NET ZERO WATER USE POLICY**

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

The Community and Economic Development Co-Posted with the Committee of the Whole to whom was referred the matter of meeting with the Ipswich River Watershed Association to discuss their net zero water use policy and any other water use policy that may affect the City of Salem has considered said matter and would recommend that the matter remain in Committee.

Councillor Peterson stated she brought this up to the SERC Committee. Councillor Sargent stated that a constituent brought this to him. It is to use the same amount of water no matter what we build in the future our amount used and taken from the Ipswich River should remain the same.

Councillor McCarthy stated that we should all conserve water, but from December to April Salem stockpile water and we don't draw down the water in the Summer. Salem and Beverly have never had a ban. We take and store when going into the ocean. There was a great plan put in place years ago. We protect that resource. Does not want any misconception out there it's because Salem and Beverly are drawing off the River.

Councillor Turiel noted that since power plant no longer using water, it's a plus for us.

Councillor Dibble explained that it's important to recognize that Salem did a tremendous amount of planning. Our water is in good shape.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#264 – CONVEYANCE OF 5 BROAD STREET TO 5 BROAD STREET, LLC FOR \$1.35 MILLION**

The following Order submitted from Tom Daniel, SRA Executive Director, was adopted 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 in the affirmative.

ORDERED: The Mayor is hereby authorized to execute all necessary documents to convey a 21,148 +/- square foot parcel of land and building thereon known as 5 Broad Street, Salem, MA and shown as Lot B-1 on the attached plan entitled "Plan of Land in Salem, MA" dated 12/8/10, recorded in the Southern Essex Registry of Deeds in Plan Book 466, Page 57 and declared surplus property by the City Council on March 17, 2009 to 5 Broad Street, LLC, for the sum of \$1,350,000.00 (one million three hundred fifty thousand dollars and no cents).

Councillor McCarthy requested and received unanimous consent for suspension of the rules to allow Tom Daniel to address the Council.

Tom Daniel explained that the Salem Redevelopment Authority actin on behalf of the City received 3 proposals on the RFP. None of the 3 respondents matched the purchase price. The SRA went through the process and continued discussion with the those that did not meet the minimum purchase price and how the SRA could work with them to meet the minimum and come back to them.

One respondent came back asking to increase the number of units from 12 to 16. Will apply for HDIP and come back to Council for approval. Also asked to receive CPA funding to restore the cupola (\$100-\$150K).

Tom Daniel asked the Council to allow the Mayor to proceed.

Councillor Milo asked about the one affordable unit. Do we normally round up or down?

Tom Daniel replied that 10% with 80% area median income. Silent in terms of rounding. 1.6 units practice is to round up but not a hard and set rule on this. The Housing Workshop brought up a negotiable point about fractional payment.

Councillor Flynn asked if we met the minimum purchase price.

Tom Daniel answered yes. The \$1.35 Million was the minimum price. The Council declared this property surplus and that the sales of the building will go towards the Community Life Center to decrease the payment. Another value will be the taxes it will be generating. They may also apply for a Tax Increment Finance Agreement. Since there is no clear path to permitting the SRA is making the recommendation to the Council to continue with this process.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

Councillor Turiel stated this is just short term to get the building sold. We won't close until some type of zoning passes. Currently still not allowed there.

Councillor Gerard asked until we have that zoning then the building will still sit vacant.

Tom Daniel replied yes.

**#265 – COMMUNITY PRESERVATION FY2020 BUDGET**

The following Order introduced by Jane A. Guy, Assistant Community Development Director, submitting the budget to the City Council for the FY2020 Community Preservation Act funds was adopted.

ORDERED: That Eight Hundred and Eight Thousand, Eight Hundred and Eighty-Two Dollars (\$808,882.00) is hereby appropriated to the CPA Funds for FY 2020 to the accounts listed below in accordance with the recommendation of Her Honor the Mayor.

<u>Fund</u>	<u>Description</u>	<u>Org/Obj</u>	<u>Amount</u>
2001	CPA - General Admin – Expenses	200119-5713	\$ 36,944.00
2001	CPA – General Admin – Stipends	200119-5190	\$ 3,500.00
2001	CPA – General Admin – Reserves	200119-5000	\$525,771.00
2002	CPA – Open Space – Reserves	200219-5000	\$ 80,889.00
2003	CPA – Historical Pres. – Reserves	200319-5000	\$ 80,889.00
2004	CPA – Community Housing – Reserves	200419-5000	<u>\$ 80,889.00</u>
<b>TOTAL</b>			<b>\$808,882.00</b>

Councillor Peterson requested and received unanimous consent for suspension of the rules to allow Jane Guy to address the Council.

Jane Guy explained that this was just procedural to submit the budget and then in the next couple of weeks projects will come in. Ten percent is held if no projects.

Councillor Madore asked what the Expenses covered. Jane replied some of the expenses are for the CPA Association they are a member of, Jane's stipend and Advertisement. On June 30<sup>th</sup> balance carries over into the fund balance.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**(#242) – MULTI-FAITH FESTIVAL TO BE HELD ON JULY 4, 2019**

Held from the last meeting a request from the Multi Faith Festival to hold their festival and use of city streets running between #1-#13 Hawthorne Blvd. on July 4, 2019 was granted.

**(#244) – BLOCK PARTY SALEM STREET**

Held from the last meeting a request from Residents of Salem St. to hold a block party July 6, 2019 from 7:00 A.M. – 11:00 P.M. was granted with conditions that the set up may start at 7:00 a.m., but the event cannot start until 10:00 A.M. – Noon. The ending time of the block party will be 9:00 P.m. and then the breakdown shall be done by 10 P.M. and the street will be re-opened.

**#266-#268 - THE FOLLOWING LICENSE APPLICATIONS**

The Following License Applications were granted.

LIMOUSINE	Americab Taxi 92 Jackson St., (3 Limo) Witch City Taxi 92 Jackson St., (1 Limo)
PUBLIC GUIDES:	Anastasia Shiyanova 148 North St., Salem Jeffrey Howard 14 Proctor St., Gloucester Marc Vincent Delaney 10 Ocean Ave., Salem Nathan Neihardt-King 221 Lafayette St., Salem Elizabeth Blake 25 Baker St., Malden Sarah Michaud 13 Becket St., Salem
VEHICLE FOR HIRE OPERATORS ONLY	Roger Fruggiero 11 Berrywood Ln., Salem Jeffrey Howard 14 Proctor St., Gloucester

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#269 - PETITION FROM NATIONAL GRID & VERIZON TO INSTALL 1 JO POLE ON CANAL ST.**

A hearing was ordered for May 9, 2019 on the petition from National Grid and Verizon to install 1 JO Pole on Canal Street.

**#270 - PETITION FROM NATIONAL GRID TO INSTALL A CONDUIT ON CANAL ST.**

A hearing was ordered for May 9, 2019 on the petition from National Grid to install a conduit on Canal Street.

**#271 – SALEM MAIN STREETS ARTS FESTIVAL**

A request from Salem Main Streets to close down Front St. on Saturday and Sunday, June 8 & 9, 2019 to hold the Salem Arts Festival from 10:00 A.M. to 7:00 P.M. was granted.

**#272 – WREATHS ACROSS AMERICA CARNIVAL**

A request from Wreaths Across America to hold a Carnival June 6- 9, 2019 at Salem Willows with the times from 6PM – 10PM on June 6<sup>th</sup> and June 7<sup>th</sup>, 1PM - 10PM on June 8<sup>th</sup> and 1PM – 6PM on June 9<sup>TH</sup> was granted.

Councillor Dominguez made a motion to waive the fee. Seconded by Councillor Flynn it was so voted.

Councillor Furey assumes the Chair.

Councillor Dibble requested and received unanimous consent to allow for Mr. Lovely and Larry Cushing to address the Council.

Mark Lovely and Larry Cushing thanked the Council.

Councillor moved that a city seal and letter of thanks be sent to Mark Lovely. It was so voted.

**APRIL 25, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**#273 - DRAINLAYERS/CONTRACT OPERATORS**

The Following Drainlayer/Contract Operator License Applications were granted.

Unlimited Removal & Demolition Inc., Marblehead  
A-Rooterman Peabody

**#274 – DRAINLAYER BOND**

The Following Bond was referred to the Committee on Ordinances, Licenses & Legal Affairs & Returned Approved.

DRAINLAYER: Unlimited Removal & Demolition Inc., Marblehead

On the motion of Councillor Furey the meeting adjourned at 8:34 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK