

**JANUARY 24, 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@salem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, January 24, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on January 22, 2019, at 9:06 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. Tyler Terry, 22 School St., Salem – Land in Dispute and Committee of the Whole Rules
2. James Saucedo, 165 Cambridge Park, Cambridge – Resolution Rent Arrearage

**#49 – (#29) – POLE LOCATION ON HARBOR STREET**

A hearing was held on the Order of National Grid and Verizon to install a jointly owned pole on Harbor St. Appearing in favor was John Jankowski from National Grid. There was no one opposes. The hearing was closed. Councillor McCarthy moved that the permit be granted with the following conditions 1.) The sidewalk at this location is concrete, so when the new pole is installed, the entire concrete panel that is impacted, from the curb at the street, to the back of sidewalk shall be replaced. Cutting the concrete sidewalk for just the new pole will not be allowed; and 2.) The Salem DPS Water/Sewer Division should be contacted directly at 978-744-3302 for water, sewer and drain locations in the vicinity of the new pole. It was so voted.

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**#50 – APPOINTMENT OF CHARITY LEZAMA TO THE SALEM HOUSING AUTHORITY BOARD**

The Mayor's appointment of Charity Lezama 24 Howard St., #2., Salem to serve on the Housing Authority Board with a term to expire on September 13, 2023, was held under the rules

**#51 – RE-APPOINTMENT OF MICHAEL WILLIAMSON TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Michael Williamson of 13 Beckford St. Salem to the Bicycling Advisory Committee with a term to expire on February 11, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#52 – RE-APPOINTMENT OF JOSEPH O'NEIL TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Joseph O'Neil of 3 ½ Essex St. Salem to the Bicycling Advisory Committee with a term to expire on February 11, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#53 – RE-APPOINTMENT OF MICHAEL JAROS TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Michael Jaros of 20 Fowler St. Salem to the Bicycling Advisory Committee with a term to expire on February 11, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#54 – RE-APPOINTMENT OF RICHARD FRANK TO THE BICYCLING ADVISORY COMMITTEE**

The Mayor's reappointment of Richard Frank of 20 Central St #206 Salem to the Bicycling Advisory Committee with a term to expire on February 11, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#55 – RE-APPOINTMENT OF RICHARD JAGOLTA TO THE BOARD OF ASSESSORS**

The Mayor's reappointment of Richard Jagolta of 41 Chestnut St to the Salem Board of Assessors with a term to expire on February 1, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

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**#56 – RE- APPOINTMENT OF RONALD HARRIS TO THE CEMETERY COMMISSION**

The Mayor's reappointment of Ronald Harris of 5 Riverway Rd. to the Salem Cemetery Commission with a term to expire on February 11, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#57 – RE- APPOINTMENT OF PATRICIA DONAHUE TO THE CEMETERY COMMISSION**

The Mayor's reappointment of Patricia Donahue of 12 Dearborn Lane to the Salem Cemetery Commission with a term to expire on February 1, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#58 – RE- APPOINTMENT OF MARY ANN SILVA TO THE CEMETERY COMMISSION**

The Mayor's reappointment of Mary Anne Silva of 17 Sumner Rd. to the Salem Cemetery Commission with a term to expire on February 1, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#59 – RE- APPOINTMENT OF DONNA CLIFFORD TO THE COUNCIL ON AGING**

The Mayor's reappointment of Donna Clifford of 26 Gables Circle. to the Salem Council on Aging with a term to expire on February 1, 2022, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#60 – RE- APPOINTMENT OF MIKHAELA ABREU TO THE SALEM YOUTH COMMISSION**

The Mayor's reappointment of Mikhaela Abreu to the Salem Youth Commission with a term to expire on January 25, 2020, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent.

**#61 – DONATION FROM MACK PARK ASSOC. TO THE POLICE K-9 FUND**

The following Order introduced by the Mayor was adopted.

ORDERED: To accept the donation from the Mack Park Association totaling One Thousand Two Hundred and Ninety Dollars (\$1,290.00) to be deposited into the K-9 Donation Fund

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**#62 – ORDINANCE AMENDING MOORING PERMITS**

The following Ordinance introduced by the Mayor was adopted for first passage. Councillor Flynn was recorded as opposed.

In the year Two Thousand and Nineteen

An Ordinance to Amend an Ordinance relative to mooring permits.

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

**Section 1.** Chapter 10 is hereby amended by striking the third sentence of Section 10-24(d) in its entirety and replacing it with the following:

“Renewal applications received or postmarked after April 15 shall result in a late fee of \$30.00 being assessed.”

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

**#63 – MONTHLY FINANCIAL REPORT DATED DECEMBER 31, 2018**

The following Order introduced by Councillor Peterson was adopted.

ORDERED: That the Fiscal Year Monthly Financial Report dated, December 31, 2018 be referred to the Committee on Administration and Finance

**#64 – YEAR-TO-DATE- FINANCIAL REPORT FOR OCT., NOV. & DEC., 2018**

The following Order introduced by Councillor Peterson was adopted.

ORDERED: That the Fiscal Year-to-Date Budget Report dated, October, November and December, 2018 be referred to the Committee on Administration and Finance

**#65 – CREATION OF AN ORDINANCE RELATIVE TO THE TREATMENT AND RIGHTS OF DOMESTICATED ANIMALS IN SALEM**

The following Order introduced by Councillor Gerard was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to discuss the creation of an Ordinance relative to the treatment and rights of domesticated animals in Salem.

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**#66 – RESOLUTION – VERONICA MALIONEK’S 100<sup>TH</sup> BIRTHDAY**

The Following Resolution introduced by Councillor Furey was adopted

RESOLUTION:

- WHEREAS: Veronica Malionek is celebrating her 100<sup>th</sup> Birthday, today, January 24, 2019; and
- WHEREAS: She was born in Chelsea, Massachusetts and has been a resident of Salem for over 60 years; and
- WHEREAS: Veronica is one of six children, she is a loving sister to Catherine, Joe, Henry, Chester and Steve; and
- WHEREAS: She became the wife of the late Stanley Malionek and this marriage was blessed with two sons, Tony and Steve and in addition to being a loving mother she is also a doting Aunt to numerous nieces and nephews; and
- WHEREAS: In addition to her duties as wife, mother, sister and aunt, she worked for Daniel Lowe’s in Salem and has been an active member in the Polish Legion of American Veterans Ladies Auxiliary, the Holy Rosary Sodality at St. John’s Church, and as a Poll Worker for the City of Salem; and
- NOW THEREFORE, BE IT RESOLVED: That the Salem City Council wishes Veronica Malionek a very Happy 100<sup>th</sup> Birthday; and
- 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 Veronica Malionek at her birthday celebration this weekend where she will be honored by her Friends and Family

**#67 – USE AND MAINTENANCE OF BATHROOM FACILITIES**

The following Order introduced by Councillor Furey was adopted.

ORDERED: That the Committee on Public Health, Safety and the Environment co-posted with the Committee of the Whole meet to discuss bathroom facilities by private owners, non-profits and the city itself for the overall use and maintenance all year round for tourists, employees and the general public. And that the following be invited: Mayor or Rep., Board of Health Representative, Marketing and Tourism, MBTA, National Park Service, Chamber of Commerce, Park Department, Salem Redevelopment Authority

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**#68 – UPDATE ON LAND IN DISPUTE ON FRANKLIN STREET**

The following Order introduced by Councillor Gerard was adopted.

ORDERED: Request that the City Solicitor provide the City Council with an update on the Land in Dispute on Franklin Street.

**#69 – RESOLUTION – RESTORE STATE’S RENT ARREARAGE ASSISTANCE PROGRAM**

The following Resolution introduced by Councillor Peterson was adopted.

RESOLUTION:

WHEREAS, a Massachusetts household would need to earn an hourly wage of \$28.64, or work 95 hours per week at the state’s \$12 per hour minimum wage, in order to afford rent on a modest 2-bedroom home; and

WHEREAS, there are 299,505 extremely low income (ELI) renter households in Massachusetts that earn at or below 30% of Area Median Income (AMI), or \$28,923 annually; and

WHEREAS, there are only 46 rental homes affordable and available for every 100 ELI renter households across the Commonwealth; and

WHEREAS, 60% of ELI renter households are severely cost burdened, spending more than half their incomes on monthly rent; and

WHEREAS, households experiencing a severe housing cost burden are 50% more likely than those not experiencing a cost burden to face an eviction due to nonpayment of rent; and

WHEREAS, for the lowest income households, eviction often leads directly to the experience of homelessness; and

WHEREAS, 20,068 Massachusetts residents experienced homelessness on any given night in 2018; and

WHEREAS, the most effective solution for preventing eviction and homelessness is to help at-risk households remain stably housed; and

WHEREAS, the Massachusetts Department of Transitional Assistance (DTA) operated a successful rent arrearage program until 2003 that provided low income families with cash assistance to pay back rent, helping 96% of those who received assistance remain in their homes and avoid becoming homeless;

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NOW THEREFORE BE IT RESOLVED, by the Council of the City of Salem that the City of Salem endorses the RAAP Campaign to restore the statewide rent arrearage assistance program and prevent homelessness; and

BE IT FURTHER RESOLVED that the City of Salem joins with the Massachusetts Coalition for the Homeless in urging State Senator Joan Lovely, State Representative Paul Tucker, and all members of the 191st General Court of the Commonwealth of Massachusetts to cosponsor House Docket 2395, introduced by Representative Marjorie Decker of Cambridge, and actively work to advance the bill to through the legislative process.

**#70 – VETERAN’S SQUARE NAMED AFTER US ARMY LT. RICHARD J. GRAY**

The following Order introduced by Councillor Flynn was adopted.

ORDERED: That the corner of Lafayette Street and Raymond Road be named Gray Square in honor of US Army Lt. Richard J. Gray.

**#71 – CITY’S PRACTICE REGARDING POSTING OF SIGNS AND TOWING OF VEHICLES**

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs meet and discuss the City’s practices around posting and towing and the Police Chief or her representative, Ray Jodoin from DPS and the City Solicitor be invited.

**#72 – TRAFFIC ORDINANCE – HANDICAP PARKING AT #73 GROVE STREET**

The following 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. Chapter 42, Section 50B “Handicap Parking, Limited Time”

Grove Street, beginning approximately 20 feet east-southeast from the corner where Grove Street turns southwest in front of #73 Grove St., running for a distance of forty (40) feet, 2 spaces

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

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**#73 – TRAFFIC ORDINANCE – HANDICAP PARKING AT #70 HATHORNE STREET**

The following Ordinance introduced by Councillor Dominguez was adopted for first passage.

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. Chapter 42 Section 50B “Handicap Parking Limited Time”  
Hathorne Street, in front of #70 for a distance of twenty feet, Handicap Parking Tow Zone

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

**#74 – TAG DAY APPLICATION FOR S.H.S. SWIMMING AND DIVING TEAM**

The following Order introduced by Councillor McCarthy was adopted.

ORDERED: That the attached Tag Day license application for Salem High School Swimming & Diving Team dated January 26 & 27, 2019 be granted

**#75 - (#36-41) – 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 license be granted.

SEAWORM: Tomo Shiraishi, 104 Wharf St., Salem

SECOND HAND VALUABLES: Boston Street Resale, 134 ½ Boston St, Salem

TAG DAYS: Salem Youth Football & Cheering 10/12/19 & 10/19/19  
Salem Little League 6/1/19, 6/15/19 & 7/13/19  
SHS Band Winter Colorguard 2/2/2019  
SHS Band Wind Ensemble 6/2/2019

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**#76 (#23) – COMPENSATION FOR THE MAYOR**

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

The Committee on Administration and Finance Co-posted with the Committee of the Whole to whom was referred the matter of Compensation for the Mayor has considered said matter and would recommend that no action be taken at this time and that an updated salary survey of area Mayor's and Town Managers be conducted by Human Resources for consideration by the Committee.

**#77 - #79 THE FOLLOWING LICENSE APPLICATIONS**

The Following License Applications were granted

LIMOUSINE:	Conga Transportation, 320 Lafayette St., Salem	(1 Limo)
	Boston Limo Ride 3 Barnes Ave., Salem	(1 Limo)

PUBLIC GUIDES	Melissa Nierman, 26 R Chestnut St., Salem
	Robert Anthony 27 Charter St., Apt 902 Salem
	Robert Lease 12 Mount Vernon St., Salem
	Laura Dandaneau 21 Andrew St. #1, Salem
	Christine Gandolfi-Piper 40 Aborn St., Peabody
	Brian McCarron 14 Lyman St., Beverly
	Brenda Canady 19 Center St., Danvers, MA
	Janet Daugherty 26 Quartermaster Row, S. Yarmouth

TAXI OPERATORS	Joan Reynaldo Moya 38 Prince St., Salem
	Clint Desa 21 Roslyn St., Apt 2, Salem
	Jose Lopez 16 Mason St. Apt 2, Salem
	Ana Iris Espaillat 296 Washington St. Apt 4, Salem
	Bienvenido Vicioso-Gil 52 Dow St. Apt 41, Salem
	Welkins Vicioso 52 Dow St. Apt 43, Salem
	Reynaldo Martinez 34 Hollingsworth St., Lynn
	Anthony Garcia 81 Salem Rd. Unit 53, Billerica
	Johnny Fabian 52 Ward St. Apt 1-2, Salem
	Lao Rosario 71 Palmer St. Apt 1, Salem
	Driss Eljadid 31 Barnes Ave., Salem
	Ramon Guzman 20 S. Elm At. Apt 1, Salem
	Oscar Garcia 39 Endicott St. Apt 7, Salem
	Christopher Vazquez Matos 248 Lafayette St. Apt 7, Salem
	Dorian Conga 18 Bickford Ave., Revere

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**#80 - #83 - THE FOLLOWING LICENSE APPLICATIONS:**

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

SECOND HAND VALUABLES:                      Witch City Consignment 301 Essex St, Salem

TAG DAYS:                                      Salem VFW 5/24/2019 – 5/27/2019; 11/8/2019 – 11/11/2019  
Disables American Veterans 5/17/ – 5/19/2019; 11/1/2019 – 11/3/2019  
Salem Veterans Council 7/1/2019 – 7/4/2019

**#84 - DRAINLAYER/CONTRACT OPERATOR LICENSE APPLICATIONS**

The Following Drainlayer/Contract Operator License Application were granted.

Caruso Corp. 320Charger St., Revere  
Peterson Construction 210 Broadway, Lynn  
DiBiase Corporation 749 Lowell St., Lynnfield  
McGrath Enterprises 28 Oakville St., Lynn

**#85 - #86 – CLAIMS**

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

Raila Sciolette 133 Atlantic Ave., Marblehead  
Verizon PO Box 60770 Oklahoma City, OK

**(#16) – SECOND PASSAGE – ORDINANCE AMENDING PLASTIC BAGS**

The matter of second and final passage of an Ordinance Amending an Ordinance relative to 14 – Use of Disposable Bags at Retail Business Establishments was then taken up. The Ordinance as follows was adopted

In the Year Two Thousand and Nineteen

An Ordinance amending an ordinance relative to enforcement of Ch. 14, Article VII. – Use of Disposable Plastic Bags at Retail Business Establishments.

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

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Section 1. Chapter 14 is hereby amended by striking the last sentence of Section 14-503 in its entirety and replacing it with the following:

“This article may be enforced by any police officer, enforcement officer or agent of the board of health, licensing department or the City Engineer or his or her designees.”

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

**(#18) - SECOND PASSAGE ORDINANCE AMENDING TRAFFIC CH. 42, SEC. 57A, PAKING TIME LIMITED, UNMETERED ZONE, GROVE STREET**

The matter of second and final passage of an Ordinance Amending an Ordinance relative to Traffic Ch. 42, Sec. 57A – Grove Street was then taken up. The Ordinance as follows was adopted.

In the Year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic Chapter 42, Section 57A, “Parking Time limited, Unmetered Zones

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

Section 1. Grove Street, beginning 266’ South of RR Crossing and running 70’ SSE, three parking space in front of the building known as 28 Goodhue Street (the parking spaces are actually on Grove St.), 15-minute time-limited parking between the hours of 7:00 A.M. and 9:00 P.M.

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

**(#21) – AMENDING COUNCIL RULES AND ORDERS SEC. 30A – COMMITTEE OF THE WHOLE**

The Second Reading of an Order to amend the Rules and Orders of the City Council by adding Section 30A – Committee of the Whole – “The Committee of the Whole shall consist of all members of the Council, and be chaired by the President or their designee, and shall meet separately when required to address matters before it” was defeated by a roll call vote of 6 yeas, 5 nays and 0 absent (a 2/3 vote required for adoption). Councillors Turiel, Peterson, McCarthy, Madore, Gerard and Furey were recorded as voting in the affirmative and Councillors Sargent, Milo, Flynn, Dominguez and Dibble were recorded as voting in the negative. The matter did not carry. Councillor Sargent moved immediate reconsideration in hopes it would not prevail. Reconsideration was denied.

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**(#22) – AMENDING COUNCIL RULES AND ORDERS SEC. 22 – NUMBERING OF SEATS**

The Second Reading of an Order to amend the Rules and Orders of the City Council by repealing and replacing Section 22 with the following was adopted by a unanimous roll call vote of 11 yeas, 0 nays, and 0 absent. (2/3 vote was required)

Section 22 - Numbering members' seats; determining seats; changing seat

Shall be deleted in its entirety and replaced with the following:

The seats of the members of the Council shall be numbered from one upwards, beginning at the left of the President's chair, and be determined the President at the beginning of each Council year, and no member shall change his/her seat but by permission of the President

On the motion of Councillor Furey the meeting adjourned at 9:00 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK