

SEPTEMBER 12, 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, September 12, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 10, 2019, at 8:31 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present. Councillor Flynn arrived two minutes after the meeting started. Council President stated he was absent and didn't acknowledge his arrival until the end of the meeting.

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.

Councillor Dibble recognized the boy scout troop in attendance.

The rules were suspended to allow the Mayor and the new Interim Supt. of Schools Kathy Smith to address the Council. Supt. Smith introduced herself.

PUBLIC TESTIMONY

1. Amanda Mikik, 9 Hodges Ct., Italian Flag for Columbus Day
2. Flora Tonthat, 30 Northey St., Municipal and Religious Zoning Ordinance
3. Lorelee Steward, 7 Barnes Rd., Re-Zoning Map Ordinance
4. Emily Udy, 8 Buffum St., Municipal and Religious Zoning Ordinance
5. Tim Jenkins, 18 Broad St., Municipal and Religious Zoning Ordinance
6. Paige Curtin, 90C Wharf St., Italian Flag for Columbus Day
7. Kathryn Abarbanel, 21 Mason St., Italian Flag for Columbus Day
8. Mark Pattison, 2 Beaver St., One Way Traffic, Beaver St.
9. Jeff Cohen, 12 Hancock St., Italian Flag for Columbus Day
10. Fawaz Abusharkh, 4 Harrison Rd., Municipal and Religious Zoning Ordinance

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#501- (#566 OF 2018 & #438 OF 2019) – AT&T TO INSTALL TELECOMMUNICATION ON LIBERTY HILL AVE.

Councillor Gerard moved to hold the hearing open until October 10, 2019 so the new abutters can be properly notified and Councillor Gerard will not be available for the September 26, 2019, Council Meeting. It was so voted.

#502 – (#483) – COMCAST TO INSTALL A CONDUIT ON ESSEX STREET

A hearing was held on the matter of an Order from Comcast to install a conduit on Essex Street. Appearing in favor was Dave Flewelling a representative from Comcast. No one appeared opposed.

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

Councillor Madore moved that the Order be granted. It was so voted.

(#460) – APPOINTMENT OF REHANA YUSIF TO THE YOUTH COMMISSION

Held from the last meeting, 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. Councillor Turiel suspended rule 29A since the appointee was not in the Chambers to confirm by roll call vote. Councillor McCarthy seconded the motion. Rehana Yusif was confirmed by 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 in the affirmative.

#503 – APPOINTMENT OF ALEXANDRA MARANTO TO THE BICYCLING ADVISORY COMMITTEE

The Mayor's appointment of Alexandra Maranto of 3 Lemon St Ct #2 to serve on the Salem Bicycling Advisory Committee with a term to expire on September 12, 2022 was held under the rules until the next meeting

#504 – APPOINTMENT OF JOHN WATHNE TO THE BICYCLING ADVISORY COMMITTEE

The Mayor's appointment of John Wathne 34 Board St to serve on the Salem Bicycling Advisory Committee with a term to expire on September 12, 2022 was held under the rules until the next meeting.

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#505 – APPOINTMENT OF MATT CARUSO TO THE BICYCLING ADVISORY COMMITTEE

The Mayor's appointment of Matt Caruso 1 Carol Way #301 to serve on the Salem Bicycling Advisory Committee (replacing Richard Frank) with a term to expire on February 11, 2022 was held under the rules until the next meeting.

#506 – REAPPOINTMENT OF CYNTHIA NINA-SOTO TO THE SCHOLARSHIP & EDUCATION COMMITTEE

The Mayor's reappointment of Cynthia Nina-Soto of 6 Laurent Rd to the Salem Scholarship and Education Committee with a term to expire on September 12, 2022 was confirmed by 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 in the affirmative.

#507 – REAPPOINTMENT OF GAIL KUBIK TO THE SALEM SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE

The Mayor's reappointment Gail Kubik of 14 Cross St #1B to the Salem Sustainability, Energy and Resiliency Committee with a term to expire on September 12, 2022, was confirmed by 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 in the affirmative.

#508 – REAPPOINTMENT OF ASSISTANT BUILDING INSPECTORS

The Mayor's reappointment of Stravroula Meimeteas-Orfanos and Stephen Cummings as Assistant Building Inspectors with their term to expire on September 14, 2021 were confirmed by 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 in the affirmative.

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#509 – APPROPRIATION OF \$356,839.65 FOR RETIREMENT VACATION SICK LEAVE BUYBACK – POLICE AND ENGINEERING EMPLOYEES

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

ORDERED: That the sum of Three Hundred and Fifty-six Thousand Eight Hundred and Thirty-Nine Dollars and Sixty-five Cents (\$356,839.65) be approved within 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>
John Anderson	Police	\$34,280.00
Thomas Brennan	Police	\$44,570.24
Robert Carter	Police	\$46,354.22
Nancy O'Donnell	Police	\$43,151.68
Robert Phelan	Police	\$44,192.72
Conrad Prosniewski	Police	\$61,572.80
Lawrence Puleo	Police	\$33,592.00
Timothy Salvo	Police	\$41,720.40
Julie Rose	Engineering	\$ 7,405.59
	TOTAL	\$356,839.65

#510 – APPROPRIATION OF \$350,000.00 FOR GALLOWS HILL PARK RENOVATIONS

The following order recommended by the Mayor was adopted under suspension of the rules. This appropriation was requested because the bids came in higher than the grant for further remediation.

ORDERED: That the sum of Three Hundred and Fifty Thousand Dollars (\$350,000.00) is hereby appropriated within the “Capital Outlay Fund 2000” to be expended by the Planning Department for Gallows Hill Park Renovation Project in accordance with the recommendation of Her Honor the Mayor.

#511 – APPROPRIATION OF \$200,000.00 TO RESURFACE THE TENNIS COURTS AT SHS

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

ORDERED: That the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) is hereby appropriated within the “Capital Outlay Fund 2000” to be expended by the Park and Recreation Department for Salem High School tennis court resurfacing in accordance with the recommendation of Her Honor the Mayor.

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#512 – NAMING OF 289 DERBY ST. TO THE CHARLOTTE FORTEN PARK & ACCEPT DONATIONS

The following order recommended by the Mayor was adopted as amended by 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 in the affirmative.

ORDERED: The Salem City Council hereby declares that Lot 1, comprising 21,053+/- S.F. of land shown on a Plan entitled “Plan of Land in Salem, 289 Derby Street, Property of City of Salem; 285 Derby Street, Property of South Harbor Holdings, LLC, Scale 1”=20’, March 15, 2018, North Shore Survey Corp., 14 Brown Street, Salem, MA,” is hereafter to be known as the Charlotte Forten Park in recognition of her tireless advocacy for the end of slavery, equality for women and people of color, and education for all. As an abolitionist, educator, poet, translator, and women’s rights advocate, her life embodied activism and social justice.

Be it further Ordered that a donation fund be established by the City Treasurer to be administered by the City’s Public Art Commission to fund the construction and installation at the park of a sculpture, statue or other art piece to honor Charlotte Forten.

Councillor Dibble made a motion to add to the end of the last line “and subsequent park maintenance and improvements. Councillor Dominguez seconded the motion. It was so voted.

The Order as amended:

ORDERED: The Salem City Council hereby declares that Lot 1, comprising 21,053+/- S.F. of land shown on a Plan entitled “Plan of Land in Salem, 289 Derby Street, Property of City of Salem; 285 Derby Street, Property of South Harbor Holdings, LLC, Scale 1”=20’, March 15, 2018, North Shore Survey Corp., 14 Brown Street, Salem, MA,” is hereafter to be known as the Charlotte Forten Park in recognition of her tireless advocacy for the end of slavery, equality for women and people of color, and education for all. As an abolitionist, educator, poet, translator, and women’s rights advocate, her life embodied activism and social justice.

Be it further Ordered that a donation fund be established by the City Treasurer to be administered by the City’s Public Art Commission to fund the construction and installation at the park of a sculpture, statue or other art piece to honor Charlotte Forten, and subsequent park maintenance and improvements.

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#513 – RESOLUTION TO RECOGNIZE WORLD DUCHENNE AWARENESS DAY

The following resolution introduced by the Mayor was adopted.

A RESOLUTION TO RECOGNIZE WORLD DUCHENNE AWARENESS DAY

WHEREAS Duchenne muscular dystrophy (Duchenne) is the most common fatal genetic disorder diagnosed in childhood, affecting approximately one in every 5,000 live male births each year; and

WHEREAS the Duchene gene is found on the X-chromosome, it primarily affects boys; however, it occurs across all races and cultures; and

WHEREAS Duchenne results in progressive loss of strength and is caused by a mutation in the gene that encodes for dystrophin. Because dystrophin is absent, the muscle cells are easily damaged. The progressive muscle weakness leads to serious medical problems, particularly issues relating to the heart and lungs. People with Duchenne typically live into their late twenties; and

WHEREAS Duchenne can be passed from parent to child, but approximately 35% of cases occur because of a random spontaneous mutation. In other words, it can affect anyone. Although there are medical treatments that may help slow its progression, there is currently no cure for Duchenne; and

WHEREAS because it is a rare disease, one of our greatest tools in the fight to end Duchenne is raising awareness; and

WHEREAS: on September 7, 2019 the fifth World Duchenne Awareness Day will take place and Duchenne organizations around the world will raise awareness for all people living with Duchenne muscular dystrophy;

THEREFORE we, the Mayor and City Council of the City of Salem, Massachusetts do hereby recognize September 7, 2019 as World Duchenne Awareness Day and encourage the residents of Salem to increase their awareness and understanding of Duchenne muscular dystrophy.

#514 – RAISING OF THE ITALIAN FLAG

The following Order introduced by Councillor Flynn was adopted as amended. Councillors Madore, Furey and Gerard were recorded as opposed.

ORDERED: That the Director of Parks, Recreation and Community Service raise the Italian Flag at Riley Plaza on October 14, 2019, in honor of Columbus Day.

After much discussion of who can raise the flag and that Christopher Columbus should not be honored or his name association with Italian Americans the following amendments were made:

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Councillor Turiel made a motion to change the date to October 1, 2019. Seconded by Councillor Flynn. It was so voted. And Councillor Milo made a motion to change Columbus Day to Italian American Heritage and Culture Month. Seconded by Councillor McCarthy. It was so voted.

Order as amended:

ORDERED: That the Director of Parks, Recreation and Community Service raise the Italian Flag at Riley Plaza on October 1, 2019, in honor of Italian American Heritage and Culture Month.

#515 – NAMING OF INTERSECTION OF HANSON AND SOUTH ST. KOEN SQUARE

The following Order introduced by Councillor Flynn was adopted.

ORDERED: That the intersection of Hanson Street and South Street in Ward 4 be named Koen Square, endorsed by the Salem Fire Chief and Fire Department. James J. Koen, Jr. was appointed to the Salem Fire Department on February 3, 1963 and Firefighter Koen sacrificed his life in the line of duty on February 23, 1981. Firefighter Koen also served honorably in the US Navy during the Korean Conflict from 1955-1959.

#516 – DISCUSS SALEM'S HISTORIC DISTRICTS AND RECENT RENOVATIONS

The following Order introduced by Councillor Milo was adopted. Councillor Madore asked that the Bridge Street Neck Association also be invited.

ORDERED: That members of the City of Salem Historical Commission and Historic Salem Inc. be invited to a meeting of the Ordinances, Licenses and Legal Affairs Committee to discuss the boundaries of Salem's historic districts. Additional discussion will include the recent renovations to several homes on Bridge Street that eliminated key historical features and how best to prevent similar losses in the future. And that the Bridge Street Neck Association also be invited.

#517 – NEW DRAINAGE PIPE AT FOOTPRINT

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 a brand-new drainage pipe versus an older city owned pipe at Footprint. Footprint has stated in writing that they would replace the older city pipe for a newer one.

And be it further Ordered that the following be invited: Mayor or her Representative, City Solicitor, Director of Public Service, Representative from Footprint, City Planner and a representative from the Planning Department.

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#518 – FY2019 YEAR-TO-DATE FINANCIAL REPORT FOR APRIL, MAY & JUNE, 2019

The Following Order introduced by Councillor Peterson was adopted.

ORDERED: That the FY19 Year-to-Date Financial Report for the months of April, May and June, 2019 be referred to the Committee on Administration and Finance.

#519 – FY2019 MONTHLY FINANCIAL REPORT FOR JUNE 30, 2019

The Following Order introduced by Councillor Peterson was adopted.

ORDERED: That the FY19 Monthly Financial Report dated June 30, 2019 be referred to the Committee on Administration and Finance.

#520 – TAG DAY APPLICATION FOR SHS BOYS BASKETBALL TEAM

The Following Order introduced by Councillor McCarthy was granted.

ORDERED: That the Tag Day License Application for Salem High School Boys Basketball Team dated 9/22/19, 10/6/19, 12/8/19, 1/11/20 & 1/25/20 be granted.

#521 – INVITATION TO INTERIM SUPERINTENDENT SMITH TO ADDRESS THE COUNCIL

The Following Order introduced Councillor Dibble was adopted as amended. Councilor Dibble amended the date to be for our November meeting and that the school Committee also be invited.

ORDERED: That the new Interim School Superintendent Kathleen Smith be invited to our City Council Meeting on October 10, 2019 at 7:00 P.M. to provide an update on the Salem Public Schools to the City Council.

Order as Amended:

ORDERED: That the new Interim School Superintendent Kathleen Smith and the School Committee be invited to our City Council Meeting to be held in November at 7:00 P.M. to provide an update on the Salem Public Schools to the City Council.

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#522 – TRAFFIC ORDINANCE – HANDICAP PARKING – ESSEX STREET

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

ORDINANCE: Amending Traffic, Ch. 42 Sec. 50B, "Handicapped Zones, Limited Time", Essex Street, one Handicap Parking Space to be added in front of #315, beginning four (4) feet East of the driveway at #315 Essex Street running east for twenty (20) feet.

#523 - TRAFFIC ORDINANCE – HANDICAP PARKING – BOSTON STREET

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

ORDINANCE: Amending Traffic, Ch. 42 Sec. 50B, "Handicapped Zones, Limited Time", Boston Street, one Handicap Parking Space to be added in front of #156, beginning four (4) feet East of the driveway at #156 Boston Street running east for twenty (20) feet.

#524- RESIDENTS OF CERTAIN ADDRESSES TO PURCHASE RESERVED SPOTS IN GARAGES FOR THE MONTH OF OCTOBER

The following Order introduced by Councillor Madore was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

Councillor Madore asked for this to be sent to committee. She stated this was a pilot program from last year. These residents have to pay for passes but doesn't guarantee them a spot. This allows them to pay \$115.00 for a reserved spot on the roof during October. The feedback was that the residents did not feel safe walking the stairs or taking the elevator at night.

Ordered: That residents at the following addresses required to purchase parking passes at either the Museum Place Garage or South Harbor Garage shall be able to purchase a pass for \$115 for the month of October in the Museum Place Garage and that up to one-hundred and seventy-six (176) parking spaces will be sectioned off on the roof as reserved spaces for these passholders.

1. 7 Crombie Street (Bluestone Condominiums)
2. 11 Church Street (Essex Condominiums)
3. 281 Essex Street (Latitude Condominiums)
4. 51 Lafayette Street (Derby Lofts)
5. 50 St. Peter Street (Iron Bar Condominiums)
6. Townhouse Square Condos
7. 141 Washington Street

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#525 – MBTA STATION AND CHURCH STREET WEST LOT FREE TO SALEM RESIDENTS FOR WEEKENDS IN OCTOBER

The Following Order introduced by Councillor Madore was adopted.

Councillor Gerard would like to see more enforcement regarding out of state plates parking in the MBTA lot.

ORDERED: The City of Salem lot at the MBTA Station and the Church Street West lot shall be made available for use by Salem residents at no cost for weekends in October.

#526 – SALEM YOUTH ORGANIZATIONS TO USE UNIVERSAL STEEL LOT FOR FUNDRAISING

The Following Order introduced by Councillor Madore was adopted.

Councillor Sargent asked that Salem Golf and Salem High School Basketball be added to the list.

Ordered: That the Salem youth organizations (e.g. Salem High School Music Boosters, Salem High School Football Boosters, Salem High School Drama Club and Salem Youth Football and Salem High Basketball, and Golf and others), are hereby authorized to staff the parking lot at 297 Bridge Street and collect a parking fee of \$20.00 per day on the following designated weekend and holiday dates:

- a) October 5, 6
- b) October 12, 13, 14
- c) October 19, 20
- d) October 26, 27
- e) October 31

Organizations interested in staffing the lot are to schedule dates through the City of Salem's Traffic and Parking Department. The Director of Traffic and Parking shall create a process for fairly selecting dates for the groups requesting to use the lot as a fundraiser.

#527 – TEMPORARY RESIDENT STICKER PARKING STREETS DURING OCTOBER

The Following Order introduced by Councillor Sargent was adopted as amended and referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to discuss additional streets and guest passes.

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ORDERED: That the following streets be given temporary status as "Parking Prohibitions Towing Zones, Resident Sticker" parking from October 1 through October 31, 2019 to allow parking enforcement staff and police officers to enforce during the month of October.

1. Broad Street
2. Downing Street
3. Endicott Street
4. Hathorne Street
5. Margin Street
6. Mt. Vernon Street
7. Prescott Street
8. Summer Street, from Margin Street to Endicott Street
9. Winthrop Street
10. Phelps Street
11. Ward Street
12. Becket Avenue
13. Fort Avenue, from Webb Street to 39 Fort Avenue
14. Bridge Street, from Howard Street to Webb Street
15. Hathorne Place
16. Hathorne Crescent
17. Lemon Street Court
18. Smith Street
19. Woodbury Court
20. Derby Street, from Webb Street to Fort Avenue
21. Vale Street
22. Stearns Place
23. Fowler Street
24. North Pine Street
25. South Pine Street
26. Flint Street, from Bridge Street to Federal Street
27. Flint Street, from Essex Street to Dalton Parkway
28. Orne Square
29. Pickering Street
30. Pond Street
31. Porter Street
32. Porter Street Court
33. Cherry Street
34. Florence Street
35. Cedar Street
36. Cedar Street Court
37. Cypress Street
38. Lyme Street
39. Cabot Street, from Cedar Street to Hancock Street
40. Fairfield Street
41. Gardner Street

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42. Harbor Street
43. Salem Street, from Harbor Street to Leavitt Street
44. Dow Street
45. Park Street
46. Prince Street
47. Palmer Street
48. Harrison Avenue
49. Naumkeag Street
50. Congress Street, from Harbor Street to Leavitt Street
51. Lynch Street
52. Perkins Street
53. Pingree Street
54. Leavitt Street
55. Chase Street

Be it further ordered that the fine for violating Ch. 42, Sec. 17A – Schedule of Fines during the month of October shall be \$50 Monday – Sunday and that fine will cover all parking violations for Parking Prohibitions Towing Zone (Resident Sticker Parking – Ch. 42 Sec. 75) for either year-round or temporary streets.

Councillor Sargent amended that Margin Street to be West Side Only. Councillor Turiel amended that Gardner Street be from Lafayette Street to Cabot Street and Councillor Gerard amended to add Northey Street to the list. It was so voted. Councillor McCarthy moved to adopt as amended and refer to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to discuss additional streets and guest passes. It was so voted.

Order as Amended:

ORDERED: That the following streets be given temporary status as “Parking Prohibitions Towing Zones, Resident Sticker” parking from October 1 through October 31, 2019 to allow parking enforcement staff and police officers to enforce during the month of October.

1. Broad Street
2. Downing Street
3. Endicott Street
4. Hathorne Street
5. Margin Street – West Side Only
6. Mt. Vernon Street
7. Prescott Street
8. Summer Street, from Margin Street to Endicott Street
9. Winthrop Street
10. Phelps Street
11. Ward Street
12. Becket Avenue
13. Fort Avenue, from Webb Street to 39 Fort Avenue

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14. Bridge Street, from Howard Street to Webb Street
15. Hathorne Place
16. Hathorne Crescent
17. Lemon Street Court
18. Smith Street
19. Woodbury Court
20. Derby Street, from Webb Street to Fort Avenue
21. Vale Street
22. Stearns Place
23. Fowler Street
24. North Pine Street
25. South Pine Street
26. Flint Street, from Bridge Street to Federal Street
27. Flint Street, from Essex Street to Dalton Parkway
28. Orne Square
29. Pickering Street
30. Pond Street
31. Porter Street
32. Porter Street Court
33. Cherry Street
34. Florence Street
35. Cedar Street
36. Cedar Street Court
37. Cypress Street
38. Lyme Street
39. Cabot Street, from Cedar Street to Hancock Street
40. Fairfield Street
41. Gardner Street – from Lafayette Street to Cabot Street
42. Harbor Street
43. Salem Street, from Harbor Street to Leavitt Street
44. Dow Street
45. Park Street
46. Prince Street
47. Palmer Street
48. Harrison Avenue
49. Naumkeag Street
50. Congress Street, from Harbor Street to Leavitt Street
51. Lynch Street
52. Perkins Street
53. Pingree Street
54. Leavitt Street
55. Chase Street
56. Northey Street

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Be it further ordered that the fine for violating Ch. 42, Sec. 17A – Schedule of Fines during the month of October shall be \$50 Monday – Sunday and that fine will cover all parking violations for Parking Prohibitions Towing Zone (Resident Sticker Parking – Ch. 42 Sec. 75) for either year-round or temporary streets.

#528 – EMERGENCY PASSES FOR THE MONTH OF OCTOBER

The Order introduced by Councillor Sargent was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

ORDERED: That up to fifty (50) parking passes shall be issued by the Director of Traffic and Parking to residents who demonstrate an emergency need for access to resident only parking in the month of October but live on a street that is not limited to resident parking, either annually or only in October.

#529 – AMENDING TRAFFIC ORDINANCE – CH. 42 SEC. 74 GENERAL PROHIBITION TOWING ZONES – CHARTER STREET – REPEAL AND REPLACE

The ordinance introduced by Councillor McCarthy was adopted for first passage.

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 74 – General Prohibition Towing Zones by repealing the following:

Charter Street in its entirety both sides. “No Parking, Two Zone” (Not to include “Service Zone” used by funeral home)

And replacing it with the following:

Charter Street, both sides, from the intersection with Central Street, for a distance of 700 feet.

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

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#530 – AMENDING TRAFFIC ORDINANCE HANDICAP PARKING MOFFAT ROAD

Councillor Furey assumes Chair.

The Ordinance introduced by Councillor Dibble was adopted for first passage.

ORDINANCE: Amending Traffic, Ch. 42 Sec. 50B, “Handicapped Zones, Limited Time”, Moffatt Road, one Handicap Parking Space to be added in front of #17 Moffat Road.

Councillor Dibble assumes chair.

#531 - AMENDING TRAFFIC ORDINANCE HANDICAP PARKING – REPEAL CONANT STREET

The Ordinance introduced by Councillor Madore was adopted for first passage.

ORDINANCE: Amending Traffic, Ch. 42 Sec. 50B, “Handicapped Zones, Limited Time”, by repealing Conant Street - Handicap Space on the Even Side, starting at a point 25 feet from Bridge Street and continuing for a distance of twenty feet.

#532 – AMENDING TRAFFIC CH. 42 SEC. 75 - RESIDENT STICKER PARKING PROGRAM

The following Ordinance introduced by Councillor Madore was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

ORDINANCE: Amending Traffic, Ch. 42, Sec. 75 “Parking Prohibitions towing zone (resident sticker).

In the year Two Thousand and Nineteen

An Ordinance

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

Section 1. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by repealing the following:

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth unless said vehicles bear a clearly visible resident parking sticker or visitor parking permit issued and displayed on said vehicles as hereinafter provided or unless said vehicles bear a handicapped license plate issued by the Registrar of Motor Vehicles pursuant to Massachusetts General Laws Chapter 90 Section 2.

And replacing it with:

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No person shall stand or park or allow, permit or suffer any vehicle registered in their name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth unless said vehicles bear a clearly visible resident parking sticker or visitor parking permit issued and displayed on said vehicles as hereinafter provided or unless said vehicles bear a handicapped license plate issued by the Registrar of Motor Vehicles pursuant to Massachusetts General Laws Chapter 90 Section 2.

Section 2. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by adding the following before “Procedures for Obtaining Stickers”:

Procedures for Designating or Modifying a Street within a Resident Parking Zone

The Traffic and Parking Commission shall adopt policies for designating and modifying resident sticker parking zones. These shall include accepting petitions from residents and in coordination with the Ward Councillor, making recommendations to the City Council for approval.

Section 3. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by adding the following at the end of the first paragraph of Subsection A “Eligibility”:

No more than two Resident Parking Stickers shall be issued per dwelling unit, as defined in Section 10 of the City’s Zoning Ordinance.

Section 4. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by repealing the following:

Eligibility of Salem State College Students Living Off Campus: A resident sticker parking permit shall be issued to a Salem State College student living off campus with proof of a residential lease and/or utility bill in the student's name for a residence in one of the zones aforementioned and street hereinafter mentioned, College issued enrollment verification and vehicle registration, regardless of where the vehicle is registered.

And replacing it with:

Eligibility of College and University Students Living Off Campus and other Temporary Residents: A resident sticker parking permit shall be issued to a College or University student living off campus with proof of a residential lease and/or utility bill in the student's name for a residence in one of the zones aforementioned and street hereinafter mentioned, College issued enrollment verification and vehicle registration, regardless of where the vehicle is registered. A resident sticker parking permit shall be issued to an individual residing in Salem temporarily with proof of a residential lease and/or utility bill in the individual’s name for a residence in one of the zones aforementioned and street hereinafter mentioned, driver’s license, and vehicle registration, regardless of where the vehicle is registered. No more than two Resident Parking Stickers shall be issued per dwelling unit, as defined in Section 10 of the City’s Zoning Ordinance.

Section 5. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by repealing the following:

B. How and where to obtain stickers: The City Collector of the City of Salem shall be in charge of issuing stickers to residents upon verification of residence, domicile and registration. The City's Police and Parking Department shall be responsible for enforcement of the ordinance. The Police Chief or his designee, or the City Collector, may alter the requirements for obtaining a resident sticker in limited circumstances, and upon consultation with the Ward Councilor. Renewal of resident sticker parking permits shall be on a rolling basis by zone and staggered throughout the year, as determined by the City Collector.

And replacing it with:

B. How and where to obtain stickers: The City Collector of the City of Salem shall be in charge of issuing stickers upon verification of residence, domicile and registration. The City's Police Department and Traffic and Parking Department shall be responsible for enforcement of the ordinance. The Police Chief or their designee, or the Director of Traffic and Parking, may

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alter the requirements for obtaining a resident sticker in limited circumstances, and upon consultation with the Ward Councillor. Renewal of resident sticker parking permits shall be on a rolling basis by zone and staggered throughout the year, as determined by the City Collector.

Section 6. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by repealing the following:

C. Visitor parking permits: The City Collector shall also be in charge of issuing two portable visitor Parking Permits per household excluding College Student Resident Parking Permit holders as defined in sub-section A above that shall be used for visitors of the residents of the area. Proof of residency is required as in Sub-Section B above. At the discretion of the City Collector, visitor parking permits may either be issued in hand or mailed to a resident parking permit holder. Visitor Permits will not be replaced if lost. The Visitor Permits are to be used **ONLY** while visitors are actually visiting the household to which the permits are issued. Visitor permits shall carry the address of the household to which they were issued, and shall be valid only within the immediate area of the address so stated on the permit, and for a period of time not longer than 14 consecutive days for any one visitor. Any abuse in the use of a Visitor Permit will result in the revocation of the Permit. The Visitor Permits are to be displayed on the front dashboard, above the steering wheel, and must be fully readable from the exterior of the vehicle. The Visitor Permits must be returned to the resident at the conclusion of the visit.

And replacing it with:

C. Visitor parking permits: The City Collector shall also be in charge of issuing no more than two portable visitor Parking Permits per dwelling unit, as defined in Section 10 of the City's Zoning Ordinance, excluding College and University Student Resident Parking Permit holders and Temporary Resident Parking Permit Holders as defined in sub-section A above that shall be used for visitors of the residents of the area. Proof of residency is required as in Sub-Section B above. At the discretion of the City Collector, visitor parking permits may either be issued in hand or mailed to a resident parking permit holder. Visitor Permits will not be replaced if lost. The Visitor Permits are to be used **ONLY** while visitors are actually visiting the dwelling unit to which the permits are issued. Visitor permits shall carry the address of the dwelling unit to which they were issued, and shall be valid only within the immediate area of the address so stated on the permit, and for a period of time not longer than 14 consecutive days for any one visitor. Any abuse in the use of a Visitor Permit will result in the revocation of the Permit. The Visitor Permits are to be displayed on the front dashboard, above the steering wheel, and must be fully readable from the exterior of the vehicle. The Visitor Permits must be returned to the resident at the conclusion of the visit.

(9/20/93) (2/5/09)

Section 7. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by repealing the following

Fees for Salem State College Students Living Off Campus with non-Salem vehicle registration: The fee for each Resident Parking Sticker issued to a Salem State College student living off campus and eligible for such a Permit shall be \$10.00 and shall be valid for a period of one year, provided that the owner of the vehicle continues to be domiciled within the zone indicated on the resident parking permit. In the event the owner of the vehicle is domiciled outside the zone indicated, the resident parking permit shall be considered null and void. No Visitor Parking Permits shall be issued.

And replacing it with:

Fees for College and University Students Living Off Campus and other Temporary Residents with non-Salem vehicle registration: The fee for each Resident Parking Sticker issued to a College or University student living off campus or other Temporary Resident and eligible for such a Permit shall be \$10.00 and shall be valid for a period of one year, provided that the owner of the vehicle continues to be domiciled within the zone indicated on the resident parking permit. In the event the owner of the vehicle is domiciled outside the zone indicated, the resident parking permit shall be considered null and void. No Visitor Parking Permits shall be issued.

Section 8. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended in Subsection E “Miscellaneous” by replacing the word “looses” with “loses.”

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Section 9. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended in Subsection E “Miscellaneous” by replacing the word “his” with “their.”

Section 10. Section 75 – Parking Prohibitions Towing Zone (Resident Sticker) of Article V-A be amended by adding the following:

Essex Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone C-Color Green – From a point beginning fifty feet east of Orange Street to Carlton Street, 7:00am to 9:30am, but no visitor passes shall be issued.

Derby Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone A-Color Blue – From India Street to Webb Street, 6:00pm to 8:00am, but no visitor passes shall be issued.

Derby Street – Parking Prohibitions Towing Zone (Resident Sticker) – Zone A-Color Blue – From #66 to #159 be included to obtain resident sticker parking permits, but no visitor passes shall be issued.

Blaney Street Lot – Parking Prohibitions Towing Zone (Resident Sticker) – Zone A-Color Blue – The municipal parking lot located at the southwestern side of the southern extent of Blaney Street, 6:00pm to 8:00am.

#533 – (#487) – TAG DAYS

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

#534 – ZONING ORDINANCE AMENDMENT RELATIVE TO MUNICIPAL AND RELIGIOUS REUSE BY SPECIAL PERMIT

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.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of amending a Zoning Ordinance relative to Municipal and Religious Reuse by special permit has considered such matter and has recommended the zoning ordinance be adopted as amended for Second and Final Passage by a roll call vote of 9 yeas, 2 nays and 0 absent. Councillors Turiel, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Dominguez and Dibble were all recorded in the affirmative. Councillors Sargent and Flynn were recorded in the negative.

A motion for Immediate Reconsideration in the hopes it does not prevail was denied.

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Under discussion, Councillor Dominguez stated that he would like to see more affordability. We should be more aggressive. He sees many families including Latino families leaving the city. The cannot afford to live in Salem anymore. Councillor Dominguez made a motion to change 80% to 60%. Seconded by Councillor Flynn.

Councillor McCarthy reminded the Councillors that our City Solicitor cautioned us if this was to be challenged; it would not stand up. Advised not to change the number or percent.

After further discussion of affordable housing, the projects that will be built at the Church properties and the additional zoning ordinances to come, Councillor Dominguez withdrew his motion.

#535 – ORDINANCE AMENDING CH. 4. SEC. 56 – POLITICAL SIGNS

The following ordinance introduced by the City Clerk relative to Political Signs was adopted for first passage and referred to the Committee on Government Services co-posted with the Committee of the Whole for further review and discussion.

An Ordinance to amend an ordinance relative to political signs.

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

Section I. Chapter 4 is hereby amended by deleting Sec. 4-56 – Political Signs its entirety and replacing it with the following, effective January 1, 2020:

“Sec. 4-56. - Political signs.

- (a) Generally. All signs associated with a political campaign shall be exempted from this article, provided that they are of a temporary nature and placed and removed as set forth in this section.
- (b) Political sign defined. A political sign is a sign designed, used or intended to induce voters to vote for either the passage or defeat of a measure appearing on the ballot of any election, or for either the election or defeat of a candidate for nomination or election to any public office in any election, and includes without limitation banners and campaign signs.
- (c) Time limitation. Political signs may be displayed in connection with an election beginning no earlier than sixty days prior to the primary or preliminary election and continuing up to ten days after the date of the election. If election signs pertain not only to a primary or preliminary election but also to a succeeding general election, they may be displayed until the general election and shall be removed within ten days after the date of the general election.
- (d) Size Limitation. Political signs shall be no larger than 32 square feet in area or 4' X 8'.
- (e) Placement on private property - No person shall erect or display, or cause or authorize any person to erect or display, any election sign on any property not owned or controlled by such person, unless authorized to do so by the owner or other person in control of such property. Signs on private property within 150' of an entrance to a polling location may not be erected or displayed on election days.
- (f) Placement on berm and tree lawns. Signs may not be placed on the berm or grassy area in front of a property if such property is not privately owned. If placement of a political sign is challenged, the City Clerk shall consult with the Building Inspector and Assessor to determine if a challenged sign is

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properly placed on private property. Any unauthorized sign may be removed by the Building Inspector or Department of Public Services.

- (g) Prohibited on public property. No person shall erect or display, or cause or authorize any person to affix, erect, display, place or post any political sign on any public property or utility pole or within a public right-of-way, on traffic signs, signals, or devices including directional signs, advisory signs, regulation signs and traffic-signalized intersections, or where signs may be obstructed from the driver's view. Political signs on public property may be removed without notice by the Building Inspector or the Department of Public Services.
- (h) Traffic hazard. No political sign shall be placed in a manner that would obstruct visibility to pedestrian or vehicular traffic or which shall constitute a traffic hazard in the discretion of the Chief of Police or their subordinate officers, or the Building Inspector.
- (i) Political Sign Prohibition on Election Day. No signs, roof racks, banners, bumper stickers, and other campaign material may be displayed or placed within 150' of the entrance to a polling location on any election day. A Police Officer, Building Inspector or Director of Public Services may remove any political signs within the 150' foot zone.
- (j) Penalty for non-removal. If notified in writing by the City Clerk, the candidate or committee involved in the placement of political signs may be held responsible for the removal of signs necessary to fulfill requirements of this section. Failure to do so within the time allotted by the Clerk, which shall be no less than three days, shall result in a penalty of not more than \$10.00 per day per sign with a maximum penalty of not more than \$100.00 per sign."

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

#536 – REMOVE ROBINSON ROAD FROM THE LIST OF ACCEPTED STREETS.

The following communication from City Solicitor Rennard to take the proper steps to remove Robinson Road from the list of accepted streets was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Comm. of the Whole to hold a Public Hearing

#537 – (#370 and #371) – COMMUNICATION FROM THE PLANNING BOARD RELATIVE TO TWO ZONING ORDINANCE AMENDMENTS FOR ACCESSORY DWELLING UNITS.

The following communication from the Planning Board relative to two (2) Zoning Ordinance Amendments for Accessory Living Units was received and filed.

Councillor McCarthy moved that the two (2) Zoning Ordinance Amendments be referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to further review the Planning Board's recommendations.

Report of the Planning Board to City Council Re: Proposed Accessory Dwelling Unit Ordinance Zoning Amendments

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Dear Ms. Simons:

At its meeting on September 5, 2019 the Planning Board discussed two (2) Zoning Ordinance amendments for accessory living units that were referred from the August 15th joint public hearing with the City Council. The Planning Board voted nine (9) in favor (Ben Anderson, Bill Griset, Carole Hamilton, Noah Koretz, DJ Napolitano, Kirt Rieder, Helen Sides, Matt Smith, Matt Veno) and none (0) opposed to recommend that the City Council approve the enclosed two (2) Zoning amendments with modifications.

If you have any questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Sincerely,
Mason Wells, Staff Planner

[BELOW ARE THE TWO ZONING ORDINACE AMENDMENTS WITH MODIFICATIONS]

#370 - First Zoning Ordinance with modifications (none)

An Ordinance to amend an ordinance relative to accessory living areas.

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

Section 1. Section 3.1 Table of Principal and Accessory Use Regulations of the City of Salem Zoning Ordinance is hereby amended by allowing an accessory living area use in the RC, R1, R2 and R3 zoning districts:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Accessory Living Area	Y	Y	Y	Y	N	N	N	N	N	N	-

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

#371 - Second Zoning Ordinance with modifications

An Ordinance to amend an ordinance relative to accessory living uses.

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

Section 1. Chapter 3.0 Use Regulation is hereby amended by deleting Section 3.2.8 Accessory Living Areas in its entirety and replacing it with the following:

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“3.2.8 Accessory Living Areas. Accessory Living Areas shall be allowed as provided set forth in this section.

1. Purpose.

- ~~A. To provide homeowners with a means of obtaining companionship, security, and services, thereby enabling them to remain in their homes and neighborhoods they might otherwise be forced to leave.~~
- ~~B. A.~~ Add ~~moderately-priced~~ rental units to the housing stock to meet the needs of smaller households and make housing units available to ~~moderate income~~ households who might otherwise have difficulty finding housing.
- ~~B.~~ B. To encourage the ~~economic and energy~~ efficient use of the city's housing supply while preserving the character of the city's neighborhoods.
- ~~C.~~ C. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.
- ~~D.~~ D. To permit the owner of an existing, or a proposed, detached dwelling to construct one additional dwelling unit. Such a use is incidental and subordinate to the principal dwelling.
- E. To Increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

2. Procedure.

- A. The Building Inspector shall administer and enforce the provisions of this section unless a Special Permit is required then the Zoning Board of Appeals will be the Special Permit Granting Authority.
- B. When a waiver is required, a Building Permit shall not be issued until a Special Permit has been granted and duly recorded.

3. Application

- A. The Application for the Special Permit and/or Building Permit, if required, shall:
 - ~~a. Include a statement of the fact basis upon which the aforesaid purpose has been fulfilled.~~
 - ~~b.~~ a. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed ~~to the applicant.~~
 - ~~c.~~ b. Include a floor plan of the accessory living area, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the accessory living area.
- ~~B. The Application for the Building Permit shall:~~
 - ~~a. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed to the applicant.~~
 - ~~b. Include a floor plan of the accessory living area, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the accessory living area.~~

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4. Requirements.

- A. The minimum parking required for the principal dwelling pursuant to Section 5.1 of this ordinance shall not count as off-street parking for the accessory living area. The accessory living area shall have ~~a~~ one (1) dedicated off-street parking space unless otherwise waived pursuant to Section 5 of this ordinance.
- B. There shall not be a net loss in the caliper of private trees on the lot in which the accessory living area will be located unless otherwise waived pursuant to Section 5 of this ordinance.
- C. The accessory living area shall not contain in excess of 800 square feet of habitable space, unless otherwise waived pursuant to Section 5 of this ordinance.
- D. No more than one (1) accessory living area shall be located upon a single lot.
- E. At least one (1) owner of the residence in which the accessory living area is created shall reside in one (1) of the dwelling units as a principal place of residence at the time of issuance of Certificate of Occupancy and a minimum of two years thereafter and each subsequent owner is required to inhabit one (1) dwelling unit for a minimum of two years after the date of sale.~~permit issuance and a minimum of two years thereafter.~~
- F. Electricity, water and gas shall be provided by a single service to both the accessory living area and the principal dwelling.
- G. The accessory living area may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory living area shall remain in common or single ownership and shall not be severed in ownership.
- H. Entry shall be located through existing entry or on the back or side of the main dwelling.~~No separate entry to the accessory living area shall be permitted unless from existing entries, from within the main dwelling, from the back or from the side of the main dwelling.~~
- I. The accessory living area shall not contain more than two (2) bedrooms.
- J. The accessory living area shall be clearly subordinate in use, size and design to the principal dwelling.
- K. The accessory living area must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- L. There shall be no occupancy of the accessory living area until the Building Inspector has issued a certificate of occupancy that the principal dwelling and accessory living area shall be in compliance with all applicable health and building codes.
- M. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by the ordinance section 3.2.8 and/or special permit conditions has not been fulfilled.
- N. By filing the Application for a Special Permit or ~~a~~ Building Permit for an accessory living area, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section and conditions imposed upon the grant of the Special Permit.
- O. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory living unit.
- P. The accessory living unit shall obtain certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.

- 5. Special Permit. Upon the request of the Applicant, the Zoning Board of Appeals may grant a Special Permit pursuant to Section 9.4 to waive the following requirements in the interests of design flexibility and overall project

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quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the accessory living area ordinance.

- A. Notwithstanding anything to the contrary herein, the minimum required amount of parking may be waived if the Zoning Board of Appeals finds it is impractical to meet the parking standards and that such waivers are appropriate by reason that it will not result in or worsen parking problems in or in proximity to the Project, and upon demonstration to the reasonable satisfaction of the Zoning Board of Appeals that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
 - a. The availability of surplus off-street parking in the vicinity of the use being served
 - b. The proximity to public transportation;
 - c. The availability of public or commercial parking facilities in the vicinity of the accessory living area;
 - d. The impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
 - e. Such other factors as may be considered by the Zoning Board of Appeals.
- B. The Zoning Board of Appeals may grant a waiver to allow a net loss in the caliper of trees on the lot in which the accessory living area will be located taking into consideration the species of the tree, health of the tree, whether a replacement tree will be planted on another property or if a contribution to a tree replacement fund will be provided.
- C. The Zoning Board of Appeals may grant a waiver to allow the accessory living area to exceed 800 square feet of habitable space, taking into consideration peculiarities of the layout of the primary dwelling.

6. Termination.

- A. The accessory living unit use shall terminate immediately upon any violation of any term or condition of this ordinance or of the Special Permit that the owner fails to cure, upon two (2) weeks written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- B. Duty of Owner Upon Termination include:
 - a. The owner shall discontinue the use of the accessory living area as a separate dwelling unit.
 - b. The kitchen facilities of the accessory living area shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.
 - c. Any additional exterior entrance constructed to provide access to the accessory living area shall be permanently closed, unless the Building Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.

- 7. Severability. All the clauses of this ordinance are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.”

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

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**#538 – PETITION FROM KR STARR REALTY TO RE-ZONE PROPERTY AT 355 & 373
HIGHLAND AVE. AND 2,3, 5, 6 & 10 CEDAR RD TO MULTI-FAMILY – R-3**

The Proposed Zoning Ordinance Amendment Map Change submitted by K R Starr Realty Holding LLC, owner of the real property situated at 355 and 373 Highland Avenue and 2, 3, 5, 6 and 10 Cedar Road (descriptive plot plan included) to amend the City of Salem Zoning Map to rezone the property from Business Highway (B2) and Business Park Development (BPD) districts to the Residential Multi-Family (R3) District was referred to the Planning Board to hold a Joint Public Hearing

#539 – REQUEST FROM HOUSE OF SEVEN GABLES TO CLOSE THE END OF TURNER ST.

A request from The House of Seven Gables to close the end of Turner St. to hold their annual fundraiser, Taste of the Gables on September 15, 2019. From 4:00 P.M. to 8:00 P.M. with no rain date was granted.

#540 – BLOCK PARTY – ROOSEVELT ROAD

A request from the Residents of Roosevelt Rd. hold a block party on September 21, 2019 from 2:30 P.M. to 8:00 P.M. with a rain date of September 28, 2019 was granted.

#541 – ROAD RACE – B&S FITNESS – THE WICKED HALF MARATHON

A request from B & S Fitness to hold a Road Race the Wicked Half Marathon on September 21, 2019 from 7:00 A.M. to 12:00 P.M. was granted with conditions that B&S follow all ordinances relative to noise and amplification and that the prescribed route as approved by the police department be adhered to.

#542 - #545 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES:

Kevin Blanchette 111 Foster St #417, Peabody
 Lauren White 111 Foster St #417, Peabody
 Gabriel McSherry 9 Pine St. Melrose
 Derek Mattuchio 25 Heritage Ln., Wakefield
 Mollie Stewart 1 Gerrish Pl. #2, Salem
 Elisabeth DiCicco 40 Revere St #6, Boston
 Amelia Zurcher 499 Boston Rd #5212, Billerica
 Allan Dorrington 64 Porter Terr., Lowell

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Erin Shine 8A Bates St., Devens
 Amanda Rivera-Dixey 19 Pleasant St. #3, Salem
 Lara Jay Fury 126 Federal St. #1, Salem
 Alexa Henkelman 23 Oliver St., Salem
 Adam Louis Deleon 24 Chrescent Dr., Salem
 Jeremy Murphy 12 Michigan Ave., Apt 2 Lynn
 Derek Jon Thomas 48 St Peter St U11, Salem
 Jennifer Emerson 12 Hawthorne Blvd., Salem
 Vanessa Riutta 4 First St #8004, Salem
 Zachary Reardon 239 Humphrey St., Marblehead
 Anne Harrington 6 Steele St., Stoneham
 Olivia Giroux-Galpin 15 Orne St #A, North Attleboro
 Robert Booth Jr. 239 Humphrey St, Marblehead
 Stephanie Clements 43 Central St., Beverly

TAXI CAB/LIMOS:

Salem Taxi (1 Livery) 30 Federal St., Salem

TAXI OPERATORS:

Amauris Gomez-Diaz 10 First St #104S, Salem
 Eliezer Antonio Polanco 46 Ward St #2, Salem
 Anderson Bueno-Nunez 27 Albion St, Salem
 Genarina Corsino Veyas 11 Prince St Pl., Salem
 Jean Tony Timolien 42 Highland Ave, Salem
 Rommer Perez 58 Palmer St #4, Salem

**VEHICAL FOR HIRE
 OPERATORS ONLY:**

Maryann Garnham 7 March St Ct., Salem
 Charlotte Breckenridge 205 Highland Ave, Salem
 Ramon Guzman 20 South Elm St #1, Lynn
 Karen Horgan 21 Gregg St., Beverly

#546 – TAXI OPERATOR LICENSE REVOKED

The communication from LT David Tucker – Police Traffic to Revoke a Taxi Operator License for Luis Pena-Terrero was granted and received and filed.

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#547 - #549 – LICENSE APPLICATIONS

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

TAG DAYS: SHS Boys Baseball 3/28/20, 4/18/20 & 5/2/20

JUNK DEALER: 15 Robinson Rd., LLC 15 Robinson Rd., Salem

SECOND HAND VALUABLE: ECOatm 450 Highland Ave (inside Walmart) Salem

#550 – DRAINLAYER/CONTRACT OPERATOR LICENSE APPLICATIONS

The Following Drainlayer/Contract Operator License Applications were granted.

The Warren Co. 18 Lovell Rd., Lynnfield
 Fragale Building Corp. 3 Craig Rd., Acton
 Agganis Construction Inc. 394 Lincoln Ave., Saugus
 W.L. French Excavating Corp. 14 Sterling Rd., Billerica

#551 - # 569 – CLAIMS

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

Robert Dunham (Olive Holdings R/T) 63 ½ Jefferson Ave., Salem
 Emilia Lazea 186 Lafayette St., Salem
 Alex Ingemi (Village Tavern) 168 Essex St., Salem
 Mary Pelletier 7 Brooks St., Salem
 Virginia Bursey 21 McGrath Hwy. Quincy
 Michael Sullivan 187 North St., Salem
 Marissa Sweazy 24 Chandler Rd., Salem
 Sean Epsimos (car 1) 29 Basse Cir #1, Lynn
 Sean Epsimos (car 2) 29 Basse Cir #1, Lynn
 Jessica Haberman 36 English St., Salem
 Steven Crowell 36 Broadstreet Ave., Danvers
 Keon Barnes 8 Sayward St., Dorchester
 Dana Stanley 2 Shillaber St., Salem
 Bedow Elsadig 12 Pope St #B614, Salem
 Benjamin Blieden 40 Hanson St., Salem
 Robert Scholten 255 Lafayette St., Salem
 Robert Guerriero 254 Essex St., Salem
 Alfred Spiller 1Salem St., Swampscott
 Nate Lincoff 18 Whalers Lane, Salem

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#570 - #571 – BONDS

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

DRAINLAYER: Fragale Building Corp. 3 Craig Road, Acton
 Agganis Construction 394 Lincoln Ave., Saugus

(#368) – ORDINANCE AMENDING SOLID WASTE MANAGEMENT

The second passage of the following ordinance amendment was adopted for second and final passage.

ORDINANCE: To amend an Ordinance relative to Solid Waste Management

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

Section 1.

1) Chapter 36, Section 36-6 Collection fee for certain residences is hereby amended by deleting the fee of "\$18.00" as it appears in paragraph (a) and replacing it with the fee of "\$19.50" and further amending this paragraph (a) by deleting the fee of "\$120.00" and replacing it with a fee of "\$125.00".

2) Chapter 36, Section 36-8 Collection Fee for certain commercial establishments is hereby amended by deleting the fee of "\$26.50" and replacing it with the fee of "\$28.50".

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

(#422) – TRAFFIC ORDINANCE AMENDING BEAVER STREET – ONE WAY

The second passage of the following ordinance amendment was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

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"

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CITY COUNCIL
REGULAR MEETING

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. 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

On the motion of Councillor Furey the meeting adjourned at 10:35 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK