



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

April 27, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, the following member of the Parks and Recreation Commission.

First Name	Last Name	Address	Term	Term Expiration
Amy	Everitt	14 Columbus Avenue	5 years	4/27/2022

I enthusiastically recommend confirmation of her reappointment to the Salem Parks and Recreation Commission and ask that you join me in thanking her for her continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in blue ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

April 27, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The attached Ordinance amends the existing regulations regarding Salem Common by separating the list of prohibited activities into its own section, separate from the "Use Policy." In addition, it adds to that list of prohibited activities a prohibition on smoking within 50 feet of the playground, basketball court, and the bandstand. I recommend adoption of this Ordinance and welcome any questions you may have regarding it.

Sincerely,

A handwritten signature in blue ink, reading "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year two thousand and seventeen

An Ordinance to amend an Ordinance relative to use of Salem Common

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

Section 1. Article III – Common Use Policy of Chapter 26 – Parks and Recreation is hereby amended by:

- a) deleting the title of Article III, “Salem Common Use Policy”, and replacing it with “Salem Common”;
- b) Inserting a new division title, “Division 1. Use Policy”, immediately following the Article III title;
- c) Deleting Sec. 26-72 - Prohibited Activities in its entirety;
- d) Re-numbering Sec. 26-73 through Sec. 26-75 as Sec. 26-72 through Sec. 26-74;
- e) Inserting the following new division immediately following the new Sec. 26-74:

“Division 2. Prohibited Activities; permitted and non-permitted events

Sec. 26-75. - Prohibited activities.

The following activities are strictly prohibited on the Salem Common:

- (1) Destruction, defacement, removal, or disturbance of any sign, equipment, monument, marker, planting, bandstand or arch.
- (3) Distribution or display of commercial advertising, soliciting of business, or any other commercial transactions, except in connection with a permitted event.
- (4) Operation of devices in violation of Chapter 22, Noise Ordinance.
- (5) Disorderly conduct.
- (6) Use of metal-detecting devices.
- (7) Non-permitted vehicles.

- (8) The driving or parking of vehicles within the inside perimeter (track) of the common.
- (9) Mechanical rides or amusements, including carnivals and circuses.
- (10) Digging or disturbing the soil.
- (11) Drinking alcoholic beverages, except in connection with a permitted event.
- (12) Playing basketball between 10:00 p.m. and 8:00 a.m.
- (13) Climbing on trees and fences.
- (14) Using grills or making fires, except in connection with a permitted event.
- (15) Loitering, as defined in subsection 24-12(a), on the common grounds between 10:00 p.m. and 5:00 a.m.
- (16) Smoking tobacco or any other substance within fifty (50) feet of the perimeter of any play structure, basketball court and bandstand. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar or pipe, or other object used for a similar purpose, giving off or containing any substance giving off smoke.

Sec. 26-76. Penalties and Enforcement.

Whoever violates any provision of this article shall be subject to a fine of \$25.00 for the first offense and \$50.00 for any subsequent offense. The Police and Health Department officials shall enforce this Division. The Superintendent of Parks and Recreation may also revoke any permit issued by the park and recreation commission following a violation of this Article.

Sec. 26-77—26-99. - Reserved."

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

ARTICLE III. - SALEM COMMON ~~USE POLICY~~

Division 1. Use Policy

Sec. 26-66. - Purpose and goals.

- (a) The Salem Common is for the use and enjoyment of the citizens of the city and its visitors. Activities on the common should not interfere or disturb the peace and enjoyment of all the citizens of the city.
- (b) The goals of this policy are to:
 - (1) Protect the common from adverse wear and tear.
 - (2) Maintain handicapped accessibility.
 - (3) Promote the following:
 - a. Activities which are open to the public for public enjoyment.
 - b. Passive recreation.
 - c. Activities which develop public awareness and maintenance of the common.
- (c) No activities which will cause damage to the Salem Common will be allowed under any circumstances.
- (d) The park and recreation commission shall have sole authority over administering this article and issuing permits for the use of the Salem Common. The police department and the superintendent of parks/recreation and community service director shall have the authority to enforce this article. Under the provisions of this article, the Salem Park and Recreation Commission is hereby designated as the permit agent for the city council. Nothing in this article shall be construed as transferring the statutory jurisdiction of the Salem Common from the Salem City Council to the Salem Park and Recreation Commission.

Sec. 26-67. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Audio devices means any radio, television set, musical instrument, amplifiers, or other device that produces noise.

City event means any event, so long as it is entirely not-for-profit, that is funded, sponsored or organized by the city, its departments, boards or committees.

Disorderly conduct means any action intended to cause inconvenience, annoyance, or alarm, or which recklessly creates a risk thereof; fighting, threatening or violent behavior; unreasonable noise; abusive language directed toward any person present; wrestling in the vicinity of others; throwing breakable objects; throwing stones; or spitting.

Special event means any activity engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers.

Wet turf means any natural condition that would make the common vulnerable to excessive damage by heavy rains, drought conditions, snow and ice, etc.

Cross reference— Definitions generally, § 1-2.

Sec. 26-68. - Permit required.

The purpose for requiring permits for any activity is to promote the use of the common in a manner consistent with its nature and history, to protect the common from harm, to ensure adequate notice of the event so that arrangements may be made to protect public health and safety, and to minimize interference with the public event.

The park and recreation commission shall have sole authority to issue permits for activities on the common, require a separate permit for each activity taking place during a specific event, and delegate its permit granting authority to the superintendent of parks/recreation and community service director for certain limited size events, as it deems appropriate.

Sec. 26-69. - Permit process.

- (a) Applications for permits to conduct activities on Salem Common shall be filed in the office of the department of park, recreation and community service, no later than four weeks prior to the requested date. The park and recreation commission may, at its discretion, consider late applications.
- (b) Permit applications shall include the following:
 - i. Name, address and phone number of responsible contact;
 - ii. Date and time of event;
 - iv. Expected number of participants, spectators and vehicles;
 - v. Duration of event;
 - vi. Statement of equipment and facilities to be used;
 - vii. Section of common to be used;
 - viii. Completed "Checklist for the Use of the Salem Common".
 - ix. List of vehicles to be used at event.
- (c) The required fee for use of the common shall accompany the submission of the application to the department of park, recreation and community service for park and recreation commission action. The park, recreation and community service shall not accept any application that is not accompanied by the required fee.
- (d) The park and recreation commission shall review the application, and may request input from the ward councilor, park and recreation superintendent, police department, and any other city agency that it deems appropriate. The responsible party must keep the permit, which must be available for inspection upon request. The responsible party may be required, as a condition of issuing the permit, to pay for detail police officers if such are deemed necessary for public safety.
- (e) The park and recreation commission shall have full authority to set conditions and restrictions to the permit being issued.
- (f) Liability insurance may be required for any event. The amount of insurance shall be determined by the park and recreation commission.
- (g) A permit shall be revoked if the permit holder engages in prohibited activities or activities not contained within the issued permit.
- (h) Any vehicle entering the common must be permitted. Two forms of permits, different in color, shall be issued: those permitted to remain on the Common and those allowed only load and unload. The permit must be visibly displayed at all times on the front windshield. Vehicles limited to loading and unloading are permitted to remain on the common for no more than 30 minutes. All vehicle permits must include a map indicating where vehicles are permitted to drive on the common.
- (i) The park and recreation commission or the superintendent of park/recreation and community service director may alter a request by setting reasonable conditions and restrictions as to duration and area occupied as may be necessary for the protection of the care and public use thereof.

Sec. 26-70. - Grounds for denial of permit application.

The park and recreation commission shall take the following items into consideration when reviewing any application to use the Salem Common and shall deny the issuance of a permit when any one or more of the following apply:

- (1) A prior application to use the common on the date requested has been approved by the park and recreation commission.
- (2) The event presents a clear and present danger to the public health, safety, and welfare of the city residents as a whole.
- (3) The event is of such nature or duration that it cannot reasonably be accommodated in the area applied for, and the event may cause a negative impact on city resources or public safety.
- (4) The event will, in the opinion of the park and recreation commission, cause unacceptable interference with the use of the common by the general public.
- (5) The event is requested for a date that conflicts with official city celebrations.
- (6) The event is more appropriately held at other city facilities.
- (7) There is a strong possibility that the event will cause damage to the common or its equipment.
- (8) Wet turf conditions may supersede the use of a granted permit, at the discretion of the superintendent of parks/recreation and community service director, to protect the condition of the common.

Sec. 26-71. - Site preparation; removal of items following event.

No person, group, or organization permitted by the park and recreation commission to hold an event on the Salem Common shall set up the common more than 24 hours in advance of the scheduled event. Additionally, the removal of all event items, such as tables, tents, etc., shall be no later than 24 hours following the close of the permitted event.

~~Sec. 26-72. - Prohibited activities.~~

~~The park and recreation commission strictly prohibits the following activities on the Salem Common; any violation shall cause the immediate revocation of any permit issued by the park and recreation commission:~~

- ~~(1) Any group activity which, in the opinion of the park and recreation commission, is causing harm to the common.~~
- ~~(2) Possession, destruction, injury, defacement, removal, or disturbance of any sign, equipment, monument, marker, planting, bandstand, or arch.~~
- ~~(3) Distribution or display of commercial advertising, soliciting of business, or any other commercial transactions, except in connection with a permitted event.~~
- ~~(4) Unreasonably loud operation of audio devices.~~
- ~~(5) Disorderly conduct.~~
- ~~(6) Use of metal detecting devices.~~
- ~~(7) Nonpermitted vehicles.~~
- ~~(8) The driving or parking of vehicles within the inside perimeter (track) of the common.~~
- ~~(9) Mechanical rides or amusements, including carnivals and circuses.~~
- ~~(10) Digging or disturbing the soil.~~
- ~~(11) Drinking alcoholic beverages, unless authorized by the city council.~~

~~(12) Playing basketball between 10:00 p.m. and 8:00 a.m.~~

~~(13) Climbing on trees and fences.~~

~~(14) Using grills or making fires.~~

~~(15) Loitering, as defined in subsection 24-12(a), on the common grounds between 10:00 p.m. and 5:00 a.m.~~

Sec. 26-723. - Use fees, purpose.

- (a) The park and recreation commission shall charge a private function use fee in accordance with the fee schedule established in this section. Fees shall be charged on a per-day basis. In addition, fees shall be charged for the setup and breakdown days involved in the event. Fees charged are for the sole purpose of providing funding to maintain and repair the landscape of the Salem Common for the benefit of all city residents.
- (b) All fees received by the department of park, recreation and community service shall be deposited into a special account titled "Salem Common Receipts Reserved for Appropriation". Said receipts shall be appropriated solely for the care and maintenance of the Salem Common. Said receipts may be expended by the superintendent of parks/recreation and community service director.
- (c) The schedule of private function use fees shall be as follows:

FEE SCHEDULE

	Event	Residents	Nonresidents
(1)	Wedding	\$100.00	\$200.00
(2)	Road race	75.00	100.00
(3)	Vigil	75.00	125.00
(4)	Nonprofit	100.00	150.00
(5)	Ceremony (service, mass, celebration of any denomination)	50.00	100.00
	Nonceremonial event (fundraiser, social gathers [gatherings], not involving a celebration of faith)	50.00	100.00
(6)	Concert (excl. summer concert series)	75.00	125.00
(7)	Bike race	200.00	250.00
(8)	Craft fair	200.00	250.00
(9)	Community event (commercial)	250.00	500.00

(10)	City event	0.00	0.00
(11)	Vendor	25.00	25.00
(12)	Trash Removal—All events, if required by superintendent/director	TBD	TBD

(d) *Overtime fees.* The superintendent of parks/recreation and community service director will make the decision on the number of city workers required per event.

Deposit: The department of park, recreation and community service will hold a \$250.00 damage deposit until inspection of the common following event. Additional charges may be accessed if further damage is found.

Trash: All trash must be placed in plastic bags and placed in receptacle for the city to pick up.

Violations: Any violation of these regulations will result in the immediate termination of the permit, and the event shall immediately cease and leave the common. No refund of deposit shall be granted.

Sec. 26-734. - Cancellation of event, refund of fees.

Fees paid pursuant to this article shall not be refundable when the event is canceled by the petitioner, for any reason. Fees shall not be refundable when the permit issued has been revoked for noncompliance with permit conditions.

Sec. 26-754. - Posted regulations; signage.

At the discretion of the park and recreation commission, regulations may be posted at the common so that police officers take notice of prohibited activities.

Division 2. Prohibited Activities; permitted and non-permitted events

Sec. 26-75. - Prohibited activities.

The following activities are strictly prohibited on the Salem Common:

- (1) Destruction, defacement, removal, or disturbance of any sign, equipment, monument, marker, planting, bandstand or arch.
- (3) Distribution or display of commercial advertising, soliciting of business, or any other commercial transactions, except in connection with a permitted event.
- (4) Operation of devices in violation of Chapter 22, Noise Ordinance.
- (5) Disorderly conduct.
- (6) Use of metal-detecting devices.
- (7) Non-permitted vehicles.
- (8) The driving or parking of vehicles within the inside perimeter (track) of the common.
- (9) Mechanical rides or amusements, including carnivals and circuses.
- (10) Digging or disturbing the soil.
- (11) Drinking alcoholic beverages, except in connection with a permitted event.

- (12) Playing basketball between 10:00 p.m. and 8:00 a.m.
- (13) Climbing on trees and fences.
- (14) Using grills or making fires, except in connection with a permitted event.
- (15) Loitering, as defined in subsection 24-12(a), on the common grounds between 10:00 p.m. and 5:00 a.m.
- (16) Smoking tobacco or any other substance within fifty (50) feet of any play structure, basketball court and bandstand. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar or pipe, or other object used for a similar purpose, giving off or containing any substance giving off smoke.

Sec. 26-76. Penalties and Enforcement.

Whoever violates any provision of this article shall be subject to a fine of \$25.00 for the first offense and \$50.00 for any subsequent offense. The Police and Health Department officials shall enforce this Division. The Superintendent of Parks and Recreation may also revoke any permit issued by the park and recreation commission following a violation of this Article.

Formatted: Indent: First line: 0"

Sec. 26-77—26-99. - Reserved.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

April 27, 2017

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Seven Thousand Eight Hundred and Forty-One Dollars and Twenty Cents (\$17,841.20) from the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to fund the retirement buyback costs to be expended for the following employee listed below.

NAME	DEPARTMENT	AMOUNT
Susan Ellis	School	\$17,841.20

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

April 27, 2017

Ordered:

That the sum of Seventeen Thousand Eight Hundred and Forty-One Dollars and Twenty Cents (\$17,841.20) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2017 contractual buyback listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
Susan Ellis	School	17,841.20
		<hr/>
		<hr/>
		17,841.20



KIMBERLEY DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN RESOURCES

CITY OF SALEM, MASSACHUSETTS

HUMAN RESOURCES
120 WASHINGTON STREET
TEL. (978) 745-9595 EXT. 5630
FAX (978) 745-7298

MEMORANDUM

TO: Sarah Stanton, Director of Finance
DATE: April 5, 2017
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former school employee.

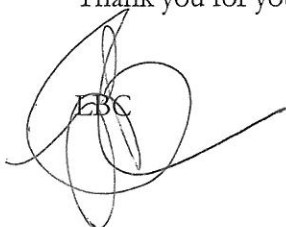
This former employee is contractually entitled to the following amount of sick leave buy-back.

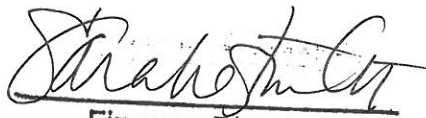
Susan Ellis

40 sick days @ \$446.03 per day	\$17,841.20
Total:	\$17,841.20

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.


LBC


Sarah Stanton
Finance Director

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department School Date 3/31/17

Authorized Signature: [Signature]
Department Head/City or Business Manager/School

NAME: Susan Ellis

CALCULATION

VACATION DAYS # _____ @ \$ _____ = \$ _____

SICK DAYS # 40 @ \$ 446.03 = \$ 17,841.20

PRO-RATED STIPENDS # _____ @ \$ _____ = \$ _____

OTHER # _____ @ \$ _____ = \$ _____

Total Amount Due: \$ _____

Please attach corresponding PAF or other backup to this sheet.

Reason: Retirement Severance pay

For Human Resources's Use Only:

- ☐ VACATION DAYS
☐ SICK DAYS
☐ PER ACCRUAL REPORT
☐ OTHER

Org and Object: _____ - _____

Recommendation:

☐ Approved

H R Director/City or Superintendent/Schools



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

April 27, 2017

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am writing to request an opportunity to offer a brief update to the public and yourselves at your next regular meeting regarding the status of the Mayor Jean Levesque Community Life Center. I look forward to sharing an update with you about this long-awaited and important project, and taking your questions regarding it.

Very truly yours,

A handwritten signature in blue ink, reading "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem