

CITY OF SALEM**OCTOBER 8, 2015****REGULAR MEETING OF THE CITY COUNCIL**

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A Regular Meeting of the City Council held in the Council Chamber on Thursday, October 8, 2015 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 1, 2015 at 3:14 P.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Sargent presided.

Councillor Turiel moved to dispense with the reading of the record of the previous meeting. It was so voted.

President Sargent requested that everyone please rise to recite the Pledge of Allegiance.

PUBLIC TESTIMONY

1. Tim Jenkins – 18 Broad Street – 37 Parking spaces at 50 St. Peter Street (old Salem Jail)
2. Criag Fields – Representative for Verizon on behalf of the workers – Resolution Fios
3. Teasie Riley-Goggin – 9 Wisteria Street – 37 Parking spaces at 50 St. Peter Street
4. Jim Kearney – 1 ½ Cambridge Street – 37 parking spaces at 50 St. Peter Street

#592 – HEARING ON PETITION FROM COMCAST FOR CONDUIT ON WASHINGTON STREET

A hearing was held on the Order from Comcast to install a conduit on Washington Street.

Appearing in favor was Tim Broderick, representative for Comcast. He stated this work was necessary to provide services to 148 Washington Street.

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There was no one appearing in opposition.

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

Councillor Famico moved for approval. It was so voted.

Councillor Famico put condition that the area be repaved and let the hotel know of the process.

Councillor Eppley stated that there be a condition that no work is done during the month of October.

#593 – CONSTABLE

The Mayor’s appointment of Brady Campusano to serve as a Constable with the term to expire on September 25, 2016, was received and placed on file.

#594 – CONSTABLE

The Mayor’s appointment of Luis Alexander Polanco to serve as a Constable with the term to expire on September 4, 2016, was received and placed on file.

#595 – AMORTIZATION SCHEDULE TO COVER FY2016 SNOW & ICE DEFICIT

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

ORDERED: That the amortization schedule below totaling One Million, Three Hundred and Twenty Two Thousand, Five Hundred and Twenty Eight Dollars (\$1,322,528.00) be approved to cover the balance of the FY2015 Snow and Ice deficit per Chapter 10, Section 58 of the Acts of 2015.

One Million (\$1,000,000.00) may be appropriated from “Free Cash” to cover the remaining balance of the FY2015 snow and ice deficit when FY2016 tax rate is set and free cash has been certified by DOR. We request this in accordance with the recommendation of Her Honor the Mayor.

FY2017 Amount to Amortize	\$661,264
FY2018 Amount to Amortize	\$661,264
	<hr/>
	\$1,322,528

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#596 – APPROPRIATION FROM “CAPITAL OUTLAY-RENOVATION & REPAIR” FOR REPAIR OF PUBLIC WATER FOUNTAINS

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: That the sum of Twenty-Six Thousand, Two Hundred and Forty-Two Dollars (\$26,242.00) is hereby appropriated within the “Capital Outlay – Renovation & Repair” account to be expended for repair of public water fountains by Department of Public Services and Recreation Department in accordance with the recommendation of Her Honor the Mayor.

#597 – APPROPRIATION TO “GOLF COURSE – RENOVATION & REPAIRS”

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: That the total sum of Eight Thousand Seven Hundred and Fifty-eight Dollars (\$8,758.00) is hereby appropriated to the accounts listed below in accordance with the recommendation of Her Honor the Mayor.

#598 – FIRE STATION TO BE NAMED IN HONOR OF THE LATE COUNCILLOR JOSEPH A. O’KEEFE SR.

Held from the last meeting Mayor submitting an Order to name the Fire Station at 64 Loring Avenue in honor of the late Councillor Joseph A. O’Keefe, Sr., was adopted.

#599 – ACCEPT TWO PARCELS OF LAND WITHIN THE WITCH HILL SUBDIVISION

The following Order recommended by the Mayor, was Adopted by roll call vote of 10 yeas, 0 nays, 0 absent. Councillors Turiel, Siegel, Milo, McCarthy, Legault, Gerard, Furey, Famico, Eppley and Sargent were recorded as voting in the affirmative.

ORDERED: That the City Council approves the acceptance of two parcels of land in the Witch Hill Subdivision identified as 44 Dell Street (Assessors Lot 09-0258) and 1 Nurse Way (Assessors Lot 14-0030) for the purpose of park and recreation.

Be it further Ordered, that the Mayor is authorized to accept on behalf of the City of Salem and the Park and Recreation Commission, the following two parcels of land:

44 Dell Street (Assessor Lot 09-0258) and 1 Nurse Way (Assessor Lot 14-0030)

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#599 – RESOLUTION FOR SISTER CITY TOWN OF VAUX-SUR-SURE, BELGIUM

The following Resolution recommended by the Mayor was Adopted.

RESOLVED

A RESOLUTION DESIGNATING VAUX-SUR-SURE AS A SISTER CITY

WHEREAS: between December 23 and December 25, 1944, the Belgian town of Vaux-sur-Sure was subject to some of the most brutal engagements of the Battle of the Bulge; and

WHEREAS: on December 23, 1944, the 8th Tank Battalion of the 4th Armored Division of the U.S. Third Army entered the town in the village of Chaumont; and

WHEREAS: the liberation of Vaux-sur-Sure and the rest of Bastogne was realized on December 26, 1944 when the 4th Armored Division broke through the German encirclement in the village of Assenois, also in Vaux-sur-Sure;

WHEREAS: Brigadier General Albin F. Irzyk, a son of Salem, commanded the 8th Tank Battalion that helped liberate Vaux-sur-Sure and all of the Belgian Ardennes from German occupation; and

WHEREAS: on September 12, 2009, the town of Vaux-sur-Sure named a square in Chaumont in General Irzyk's honor; and

WHEREAS: in 1999 the City of Salem named a park and playground in this City in honor of General Irzyk; and

WHEREAS: This City's name is derived from an ancient word for peace; and

WHEREAS: A Sister City relationship between Vaux-sur-Sure and Salem will further enshrine the historic friendship between two free and democratic communities;

NOW, THEREFORE, BE IT RESOLVED

1. That the people of Salem do once again extend a hand in alliance across the Atlantic Ocean to the people of Vaux-sur-Sure; and
2. That the City of Salem does hereby designate the Town of Vaux-sur-Sure, Belgium, to be a Sister City; and
3. That the City of Salem shall endeavor to create new ways to demonstrate this unique and special relationship, including cultural exchanges, information exchanges, and more.

That the City of Salem designate the Town of Vaux-sur-sure, Belgium to be a sister city.

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#600 – PARKING TRIAL NO PARKING LORING AVENUE AT COLLEGE DRIVE

The following Order recommended by the Mayor was adopted.

ORDERED: The following sections of Loring Avenue shall prohibit vehicular parking for a trial period of 90 days starting November 1, 2015.

Loring Avenue southerly side, starting at College Drive and running in a northeasterly direction for a distance of forty (40) feet. No Parking, Tow Zone

Loring Avenue southerly side, starting at College Drive and running in a southwesterly direction for a distance of one hundred (100) feet. No Parking, Tow Zone

#601 – REQUEST TO HOLD AN EXECUTIVE SESSION

A request by the Mayor on hold an executive session to review and discuss indicative/non-executable prices for electrical supply under the new Salem PowerChoice Municipal Electrical Aggregation Program was received and place on file.

#602 – AUTHORIZE CITY OF SALEM TO AGGREGATE THE ELECTRICAL LOAD PER MG. CHAPTER 164 SEC. 134

The following Order recommended by the Mayor was adopted.

ORDERED: The Salem City Council, with the approval of the Mayor, hereby authorizes the City of Salem to aggregate the electrical load of interested electricity consumers within the city pursuant to M.G.L. Chapter 164, Section 134

#603 – ORDINANCE TRAFFIC HANDICAP PARKING BEAVER STREET

Councillor Gerard introduced the following Ordinance, which was adopted for first passage.

In the year two thousand and Fifteen

An Ordinance to amend an Ordinance relative to Traffic

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

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Section 1. Chapter 42, Section 50B, "Handicap Parking, Limited Time" is hereby amended by adding the following:

Beaver Street, in front of #14, for a distance of twenty (20) feet, "Handicap Parking, Tow Zone"

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

#604 – ORDINANCE TRAFFIC HANDICAP PARKING CABOT STREET

Councillor Turiel introduced the following Ordinance, which was adopted for first passage.

In the year two thousand and Fifteen

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 "Handicapped Zones, Limited Time" is hereby amended by adding the following:

Cabot Street, easterly side, starting at a point sixty-two (62) feet north of Fairfield Street and continuing for twenty (20) feet in a northerly direction. "Handicapped Parking only, Tow Zone"

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

#605 – RESOLUTION – VERIZON EXPANSION OF FIOS NETWORK

Councillor Sargent introduced the following Resolution, which was adopted.

RESOLUTION:

WHEREAS: Access to reliable, high-speed Internet technology is essential to supporting Salem's economic growth and enhancing the lives of its residents; and

WHEREAS: Fiber optic technology is the most reliable and efficient way to transmit data to businesses and residences and would allow Salem to stay competitive in the business, education, science and technology sectors; and

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WHEREAS: Verizon has focused its expansion of the FiOS network in affluent communities surrounding Salem and across Massachusetts leaving the residents of Salem's neighborhoods and Salem's businesses unable to access the same state-of-the-art services; and

WHEREAS: This practice has deepened the digital divide and has increased the disparity in access to intellectual capital and economic opportunity; and

WHEREAS: Competition from fiber optic technology could drive down the cost for consumers and boost the speed of other Internet connectivity options; and

WHEREAS: Deregulation and monopoly control have let to a significant downgrading in traditional landline service in recent years; and

WHEREAS: State utilities regulators have enabled this problem by surrendering effective service quality regulation under the theory that "market competition" would produce the best results; and

WHEREAS: So-called market competition has resulted in less competition, higher prices and lower quality service and residents in localities where FiOS is not available are forced to pay monopoly prices for an inferior product; and

WHEREAS: High-speed internet has gone from being a luxury item to a basic necessity in the past two decades as Verizon and other telecom giants have continued to abandon the traditional copper network;

THEREFORE BE IT RESOLVED: That the Salem City Council strongly urges the utility regulators of Massachusetts to insist that high speed Internet and cable services be included among providers' "basic services" and work to ensure that Salem residents have access to the newest and most efficient telecommunications technology available.

#606 – COUNCIL MEETINGS FOR NOVEMBER AND DECEMBER

Councillor Turiel introduced the following Order, which was adopted.

ORDERED: That the regular meetings of the City Council be held on Thursday, November 12, 2015 and Thursday, December 3, 2015.

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#607 – ELECTION ORDER

Councillor Furey introduced the following Order, which was adopted by roll call vote of 10 yeas, 0 nays, 0 absent. Councillor Turiel, Siegel, Milo, McCarthy, Legault, Gerard, Furey, Famico, Eppley and Sargent were recorded as voting in the affirmative. There was no one voting in the negative.

ORDERED: That the City Election be held on Tuesday, November 3, 2015 for the offices of Councillor-At-Large, Councillors for Wards 1, 2, 3, 4, 5, 6 & 7 and School Committee.

#608 – RESOLUTION HONORING DOLORES JORDAN

Councillor McCarthy introduced the following resolution, which was adopted.

RESOLUTION:

- WHEREAS: Dolores Jordan is approaching her 87th year and on the occasion of S.A.F.E. (Salem Alliance for the Environment) is honoring her leadership, membership, and participation in environmental advocacy, historic preservation advocacy, and community activism making Salem a better place for all of its people.
- WHEREAS: Dolores Jordan has served this Community well in many ways for many years; as an environmental advocate she has been a board member of SAFE from 2005 to the present, and is involved in Salem Sound Coastwatch, Friends of Salem Woods, Clean Water Action, Healthlink, Wenham Lake Watershed Association, Conservation Law Foundation, Greenpeace, MASS PIRG, Sierra Club and many others; and
- WHEREAS: Dolores Jordan has also been a Historic Preservation Activist. She was the founder of Concerned Citizens of Derby Street which later became Historic Derby Street Neighborhood Association, and she was the leader in the effort to have Derby Street designated as the second Historic District in Salem in 1974. She was the Chair of Derby Day for Centennial Celebration with the National Park Service and leader of the Friends of Salem Maritime, a local volunteer organization that worked with the Park Service to restore the tower of Derby Light and then relight the beacon.
- WHEREAS: She is the recipient of the Hawthorne Historic Preservation Award for her work in preserving the Derby Street Neighborhood. She is also a recipient of a commendation from the National Trust for Historic Preservation. She is the founder and leader of "Salem Sets Sail" an educational program for youths at the National Maritime Park.
- WHEREAS: As a Community Activist and Volunteer she is a member of the Salem Beautification Committee, Peabody Essex Museum, Salem State Explorers, Salem High School Reunion Chair, Boston University Class President for 12 years, and an Advocate for the Community Preservation Act. She was the chair of the fundraising effort to send youth members of St. John's Polish Parish in Salem to Rome to meet Pope John Paul II. She also lead Salem support for Greenpeace in its 2010 "Roll Against Coal".
- WHEREAS: Dolores Jordan is being honored for her lifetime of outstanding work in this City. Her dedicated interest and devotion has been unsurpassed and her long and productive lifetime, has demonstrated in

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countless ways her dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Salem, on behalf of all it's citizens present to Dolores Jordan a suitable copy of this resolution along with the City Seal.

AND BE IT FURTHER RESOLVED: that this resolution be entered into the record of these proceedings.

#609 – (#21) COMMITTEE REPORT ORDINANCE AMENDING CITY COUNCIL COMPENSATION

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and 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 and Legal Affairs co-posted with the Committee of the Whole to whom was referred an Ordinance Amending an Ordinance relative to the City Council Compensation has considered said matter and would recommend that the attached Ordinance be adopted for first passage.

#610 – (#466) COMMITTEE REPORT ADDING STREETS TO CH. 42, SEC. 75 FOR OCTOBER

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred an Ordinance Amending a Traffic Ordinance relative to Resident Sticker Parking (Ch. 42 Sec. 75) by adding a list of streets restricting parking to residents only from October 1st to November 1st has considered said matter and would recommend that the matter remain in Committee.

#611 – (#467) COMMITTEE REPORT AMENDING TRAFFIC ORDINANCE RELATIVE TO FINES FOR OCTOBER

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred an Ordinance Amending a Traffic Ordinance relative to the Schedule of Fines (Ch. 42 Sec. 17A) during the Month of October has considered said matter and would recommend adoption for first passage.

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#612 – (517) COMMITTEE REPORT CONSTRUCTING 37 OFF STREET PARKING SPACES AT THE CORNER OF BRIDGE AND ST. PETER STREET

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred an Order authorizing the Mayor to construct 37 off street parking spaces adjacent to 50 St. Peter Street. It was voted to accept the report.

Councillor Siegel amended to remove contingency about restaurant. Adopted.

Councillor Famico amended to remove last three lines and end with Conservation Commission. Remove the word public after 17 spaces. Adopted

Councillor Legault amended to remove after 50 St. Peter Street “with an agreement that the lot is landscaped and maintained”. Adopted

Adopted as amended as follows: (Councillor McCarthy recorded as opposed)

That the Mayor be authorized to establish and construct up to but not to exceed seventeen (17) spaces of public off-street parking spaces adjacent to Bridge St. at 50 St. Peter St. At no point shall an exit release onto Sgt. Ayube Bypass Road. This authorization is pending approval of the Design Review Board, Salem Redevelopment Authority, Planning Board and Conservation Commission.

#613 – (#518) COMMITTEE REPORT GEORGE SANSOUCY SPECIAL MUNICIPAL EMPLOYEE

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation by roll call vote of 10 yeas, 0 nays, 0 absent. Councillor Turiel, Siegel, Milo, McCarthy, Legault, Gerard, Furey, Famico, Eppley and Sargent were recorded as voting in the affirmative. There was no one voting in the negative.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred designating George Sansoucy, an Outside Expert Appraiser as a Special Municipal Employee as defined in MGL Ch. 268 has considered said matter and would recommend approval by roll call vote.

#614 – (#548 - #549) COMMITTEE REPORT HEARING REQUEST

Councillor Siegel offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

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The Committee on Ordinances, Licenses and Legal Affairs to whom was referred a hearing request from Jorge Elias regarding the denial of his Limo License has considered said matter and would recommend that his license be denied.

#615 – BLOCK PARTY

A request from residents of River Street to hold a Block party at the intersection of Beckford St. and Federal St. (Beckford Square Area) on Sunday, October 11, 2015 from 4:00 P.M. to 7:00 P.M. with a rain date of Sunday, October 18, 2015, was granted.

#616 – LICENSE APPLICATIONS

The following license applications were referred to the Committee on Ordinances, Licenses and Legal Affairs

Tag Day: Marine JROTC, December 11, 2015, January 2, 2016 & February 13, 2016

#617 - #618 CLAIMS

The following claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

CLAIMS Alicia Soares, 77 Collins St., Lynn
 Brendan Sheehan, 13 Bow St., Salem

#619 - #620 BONDS

The following bonds were referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

CONSTABLE: Brady Campusano, 120 Haverhill St., Lawrence
 Luis Alexander Polanco, 15 Hancock St., Lawrence

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#621 – REAPPOINTMENT OF CITY CLERK CHERYL A. LAPOINTE

The reappointment of Cheryl A. LaPointe as City Clerk, with a term to expire November 9, 2018.

Councillor Siegel moved that the confirmation of Cheryl A. LaPointe be confirmed by a roll call vote.

Appointment was confirmed by roll call vote of 10 yeas, 0 nays, 0 absent. Councillor Turiel, Siegel, Milo, McCarthy, Legault, Gerard, Furey, Famico, Epley and Sargent were recorded as voting in the affirmative. There was no one voting in the negative.

A motion for immediate reconsideration in the hopes it would not prevail was denied.

(#572) – SECOND PASSAGE ORDINANCE TRAFFIC HANDICAP PARKING REPEAL SALEM STREET

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 50B Repeal “Handicap Parking, Limited Time” Salem Street westerly side twenty feet south of Dow Street in a southerly direction was then taken up. It was adopted for second and final passage.

(#573) – SECOND PASSAGE ORDINANCE AMENDING TRAFFIC HANDICAP PARKING DOW STREET

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 50B “Handicap Parking, Limited Time” Dow Street was then taken up. It was adopted for second and final passage.

(#575) - SECOND PASSAGE ORDINANCE TRAFFIC REPEAL HANDICAP PARKING SALEM STREET BEHIND SALTONSTALL SCHOOL

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 50B Repeal “Handicap Parking, Limited Time” Salem Street beginning at the entrance of the student drop off behind Saltonstall School was then taken up. It was adopted for second and final passage.

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(#576) - SECOND PASSAGE ORDINANCE TRAFFIC HANDICAP PARKING NORTH STREET

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 50B "Handicap Parking Limited Time" North Street was then taken up. It was adopted for second and final passage.

(#577) – SECOND PASSAGE ORDINANCE TRAFFIC SPEED ZONE REGULATIONS

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 88 "Speed Zone Regulations" Lee Street was then taken up. It was adopted for second and final passage.

On the motion of Councillor Furey the meeting adjourned at 9:25 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK