

CITY OF SALEM

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

“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 Cheryl LaPointe at 978-619-5610 or clapointe@saalem.com.

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

All Councillors were present

Council President Sargent presided.

Councillor Siegel 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. Melissa Wilson – 1 Turner St. Unit 1 – Lafayette Street & Loring Avenue appropriation for bike lane project
2. Alexa Ogno – 180A Federal Street – Lafayette Street & Loring Avenue appropriation for bike lane project
3. Gory Kinley – 46 Chestnut Street – Lafayette Street & Loring Avenue appropriation for bike lane project
4. Jim Kearney – 1 ½ Cambridge Street – matter brought forward re: Universal Steel
5. John Carr – 7 River Street – Universal Steel
6. Geoff Millar – 18 Forest Avenue – Lafayette Street & Loring Avenue appropriation for bike lane project
7. Louis Sirianni – 6 Botts Court – Universal Steel / FW Webb project

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#706 – HEARING ON PETITION OF NATIONAL GRID FOR CONDUITS ON BRIDGE STREET AND PLANTERS STREET

A hearing was held on the petition of National Grid to install conduits on Bridge/Planters Street.

Appearing in favor was Sabitah Mahabier-Sheehy representative of National Grid. She stated these conduits were needed to provided services to Planter Street.

There was no one appearing opposed.

Councillor Famico asked when will the work be complete.

The representative of National Grid responded it is almost done.

Councillor Famico said she would like to speak to Mr. Knowlton city engineer to know how could the work almost be done.

The hearing was closed

Councillor Famico moved the petition be granted. It was so voted.

#707 – APPOINTMENT OF ANDREA COHEN TO SALEM DISABILITIES COMMISSION

The Mayor's appointment of Andrea Cohen to serve as a member of the Salem Disabilities Commission with a term to expire on December 3, 2018, was held until the next meeting under the rules.

#708 – APPOINTMENT OF STEVEN DWYER TO SALEM DISABILITIES COMMISSION

The Mayor's appointment. of Steven Dwyer to serve as a member of the Salem Disabilities Commission with a term to expire on December 3, 2018, was held until the next meeting under the rules.

#709 – APPOINTMENT OF LISA LYONS TO THE BEAUTIFICATION COMMITTEE

The Mayor's reappointment of Lisa Lyons to serve as a member of the Beautification Committee with a term to expire on January 10, 2019, was held until the next meeting under the rules.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#710 – REAPPOINTMENT OF LAURENCE SPANG TO THE HISTORICAL COMMISSION

The Mayor's reappointment of Laurence Spang to serve as a member of the Historical Commission with a term to expire on January 10, 2019, was confirmed by a 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.

#711 – REAPPOINTMENT OF CRAIG THOMAS TO RENEWABLE ENERGY TASK FORCE

The Mayor's reappointment of Craig Thomas to serve as a member of the Renewable Energy Task Force with a term to expire on December 3, 2018, was confirmed by a 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.

#712 – APPOINTMENT OF RICHARD LOBSITZ TO THE BOARD OF COMMISSIONERS TRUST FUNDS

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A)

The Mayor submitting appointment of Richard Lobsitz to serve as a member of the Board of Commissioners of Trust Funds with a term to expire on April 1, 2023, was held until the next meeting under the rules.

#713 – APPROPRIATION TO GOLF COURSE – EQUIPMENT ACCOUNT

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

ORDERED: That the sum of Forty-Three Thousand Dollars (\$43,000.00) is hereby appropriated from the "Receipts Reserved – Golf Course" account to the "Golf Course – Equipment" account in accordance with the recommendation of Her Honor the Mayor.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#714 – APPROPRIATION FOR THE LAFAYETTE STREET BIKE LANE PROJECT

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

ORDERED: That the sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from “Capital Outlay – Renovation & Repair” account to be expended for Lafayette Street Bike Lane Project by the Engineering Department in accordance with the recommendation of Her Honor the Mayor.

#715 – APPROPRIATION TO BE EXPENDED TO COVER MEDICAL LINE IN THE POLICE DEPARTMENT

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

ORDERED: That the sum of Thirty-five Thousand Dollars (\$35,000.00) is hereby appropriated from the “Fund Balance – Free Cash” account to be expended to cover medical line item costs relating to Officers Injured on Duty in accordance with the recommendation of Her Honor the Mayor.

#716 – APPROPRIATION TO BE EXPENDED FOR WOOD CHIPS / MULCH OMMUNICATIONS FROM THE MAYOR

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

ORDERED: That the sum of Nineteen Thousand and One Hundred and Twenty-Five Thousand Dollars (\$19,125.00) is hereby appropriated from the “Capital Outlay – Renovations & Repairs” account to be expended to purchase safety surface (wood chips/mulch) to replenish 13 City Playgrounds in accordance with the recommendation of Her Honor the Mayor.

#717 – APPOPRIATION FOR UPGRADES TO INTERSECTION AT LORING AVENUE & LAFAYETTE STREET

Received after the deadline of Tuesday noon.

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A), it was so voted.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

The following Order recommended by the Mayor was referred to the Committee on Government Services co-posted with Committee of the Whole by a roll call vote of 6 yeas, 4 nays, 0 absent. Councillors Siegel, Milo, Furey, Famico, Eppley and Sargent were recorded as voting in the affirmative. Councillors Turiel, McCarthy, Legault and Gerard were recorded as voting in the negative.

ORDERED: That the sum of One Hundred ninety thousand and one hundred dollars (\$190,100.00) is hereby appropriated within the "Capital Outlay – Renovation and Repair" account to be expended to address the intersection of Loring Avenue and Lafayette Street in accordance with the recommendation of her Honor the Mayor.

#718 - APPROPRIATION FOR UPGRADES TO INTERSECTION AT LORING AVENUE & LAFAYETTE STREET

Received after the deadline of Tuesday noon.

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A), it was so voted.

The following Order recommended by the Mayor was referred to the Committee on Government Services co-posted with Committee of the Whole. Councillor Legault was recorded as opposed.

ORDERED: That the sum of One Hundred ninety thousand and one hundred dollars (\$190,100.00) is hereby appropriated within the "Capital Outlay – Renovation and Repair" account to be expended to address the intersection of Loring Avenue and Lafayette Street in accordance with the recommendation of her Honor the Mayor.

#719 – APPROPRIATION TO BE EXPENDED TO SEND OFFICERS TO THE ACADEMY

Received after the deadline of Tuesday noon.

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A), it was so voted.

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

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

ORDERED: That the sum of One Hundred and Thirty-One Thousand Dollars (\$131,000.00) is hereby appropriated from the "Fund Balance – Free Cash" account to be expended to send six police officers to the Boston Police Academy with the recommendation of Her Honor the Mayor.

#720 – APPROPRIATION TO PURCHASE THREE NEW VEHICLES FOR THE DPW**Received after the deadline of Tuesday noon.**

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A), it was so voted.

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

ORDERED: That the sum of One Hundred and Thirty Thousand Dollars (\$130,000.00) is hereby appropriated from the "Capital Outlay Renovation and Repair" account to purchase three new vehicles for the Department of Public Works in accordance with the recommendation of Her Honor the Mayor.

#721 – APPROPRIATION TO BE EXPENDED TO ADDRESS REPAIRS TO CITYWIDE SIDEWALKS**Received after the deadline of Tuesday noon.**

Councillor Turiel Moved suspension of the rules to allow the matter to come before Council due to the late file (Rule Sec. 28A), it was so voted.

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

ORDERED: That the sum of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated from the "Capital Outlay – Renovation & Repairs" account to be expended to address citywide sidewalk repairs and tree stump removal requests in accordance with the recommendation of Her Honor the Mayor.

#722 – FINANCIAL REPORT

Councillor Turiel introduced the following Order which was adopted.

ORDERED: that the monthly financial report dated October 31, 2015 be referred to the Committee on Administration and Finance.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#723 – AD AN ADDITIONAL COLUMN TO OPERATING BUDGET BOOK

Councillor Siegel introduced the following Order which was adopted.

ORDERED: That the Committee on Administration and Finance meet with the Finance Director to discuss adding an additional column to the Operating Budget Book to reflect the percent change or dollar variance on individual personnel salaries and expense lines and that the matter be carried over into 2016.

#724 – CREATE RULES AND REGULATIONS FOR STEEL ROLL UP SECURITY DOORS, GRATES & SHUTTERS

Councillor Sargent introduced the following Order which was adopted.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs meet to make rules and regulations up to and including prohibiting the use of steel roll up security doors, grates and shutters. And that rule 31B be suspended to carry the matter into the year 2016.

#725 – (#698 - #701) GRANTING LICENSES

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 the matter of a granting certain licenses has considered said matter and would recommend the following licenses be granted

- JUNK DEALER: Newark Recycled Fibers, North Shore Recycling, 53 Jefferson Ave., Salem
- SEAWORMS: Timothy Lynch, 28 Anawan Ave., Saugus
Paul Lynch, 28 Anawan Ave., Saugus
- SECOND HAND VALUABLE Glass And Etc., 180 Essex St., Salem
Jacqueline A. Satin (Antiques Gallery) 69 Wharf St., Salem
Tobie’s Jewelry, 142 Washington St., Salem
Game Zone, 270 Essex St., Salem
Once and Again, 45 Bridge St., Salem
Olde Naumkeag Antiques, 1 Hawthorne Blvd., Salem
- TAG DAY: S.H.S. Boys Basketball, 12/13/15, 1/10/16, 1/24/16 & 2/6/16

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#726 – (#169) PLACING LIMIT ON NUMBER OF TAXI CAB LICENSES

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 the matter of placing a limit on the number of taxi cab licenses has considered said matter and would recommend that the matter remain in committee and be carried over into the next year

#727 – SUSPEND RULE 31B FOR COMMITTEE MATTERS

Councillor Siegel 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 and Legal Affairs to whom was referred matters in Committee has considered said matter and would recommend that Rule 31B is suspended and the enclosed matters be brought forward into 2016

#728 – (#662) APPROPRIATION FOR BIKE LANE PROJECT

Councillor Turiel offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred the matter of a \$25,000.00 appropriation within the “Capital Outlay Renovation & Repair” account to be expended for the Lafayette Street Bike Lane Project has considered said matter and would recommend that the matter be discharged with no recommendation. The appropriation was adopted.

#729 – SUSPEND RULE 31B FOR COMMITTEE MATTERS

Councillor Turiel offered the following report for the Committee on Administration and Finance. It was voted to accept the report and adopt the recommendation.

The Committee on Administration and Finance to whom was referred matters in Committee has considered said matter and would recommend that Rule 31B is suspended and the enclosed matters be brought forward into 2016

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#730 – (#536) PLANS TO REPAIR GAS LEAKS IN THE CITY

Councillor Eppley offered the following report for the Committee on Public Health, Safety & Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of discussing a plan to repair 92 gas leaks in the City has considered said matter and would recommend that the matter remain in Committee and be carried over into the next year.

#731 - SUSPEND RULE 31B FOR COMMITTEE MATTERS

Councillor Eppley offered the following report for the Committee on Public Health, Safety and Environment. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment to whom was referred matters in Committee has considered said matter and would recommend that Rule 31B is suspended and the enclosed matter be brought forward into 2016.

#732 - SUSPEND RULE 31B FOR COMMITTEE MATTERS

Councillor McCarthy offered the following report for the Committee on Government Services. It was voted to accept the report and adopt the recommendation.

The Committee on Government Services to whom was referred matters in Committee has considered said matter and would recommend that Rule 31B is suspended and the enclosed matters be brought forward into 2016.

#733 – SUSPEND RULE 31B FOR COMMITTEE MATTERS

Councillor Sargent offered the following report for the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee of the Whole to whom was referred matters in Committee has considered said matter and would recommend that Rule 31B is suspended and the enclosed matters be brought forward into 2016.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#734 – PETITION FOR CONDUIT ON LAFAYETTE AND NEW DERBY STREETS

A hearing was ordered for January 14, 2016 on the petition from Extenet Systems to install a conduit on Lafayette St./New Derby Street and construct and maintain telecommunications wires and appurtenances, including fiber optic cable, a remote node and pole top antennas to one existing pole located in, across and over the same public ways.

#735 – PETITION TO INSTALL POLE BETWEEN FORRESTER AND EMERTON STREETS

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to install a pole between Forrester Street and Emerton Street.

#736 – PETITION TO INSTALL POLE BETWEEN LYNCH AND PERKINS STREETS

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to install a pole between Lynch Street and Perkins Street.

#737 – PETITION TO INSTALL A POLE BETWEEN ESSEX AND BECKET STREETS

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to install a pole between Essex Street and Becket Street.

#738 – PETITION TO ATTACH EQUIPMENT TO EXISTING POLE

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to attach equipment to existing pole on Summer Street and Route 114.

#739 – PETITION TO ATTACH EQUIPMENT TO EXISTING POLE

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to attach equipment to existing pole between Pond Street and Washington Street.

#740 – PETITION TO ATTACH EQUIPMENT TO EXISTING POLE

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to attach equipment to existing pole between Highland Ave. and Clark Street.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#741 – PETITION TO ATTACH EQUIPMENT TO EXISTING POLE

A hearing was ordered for January 14, 2016 on the petition from MOBILITIE, LLC to attach equipment to existing pole between Pickering Way and Congress Street.

#742 – ROAD RACE WICKED FROSTY FOUR

A request from T.R. Ramsdell / Wicked Running Club to hold a road race (Wicked Frosty Four) and use of city streets on January 1, 2016, was granted with the condition that the organizers contact the neighborhood groups and no race if there is a snow emergency and police department declares it is not safe.

#743 – ROAD RACE BLACK CAT 10 & 20 MILER

A request from B&S Fitness to hold a race (Black Cat 10 & 20 miler) and use of city streets on March 12, 2016, was granted and that B&S explore new routes for next year and the race organizers contact the neighborhood groups.

#744 – HAWC WALK

A request from HAWC to hold its annual walk and use of city streets on April 24, 2016, was granted with the condition that the race organizers contact the neighborhood groups.

#745 – ALLOW WORK HOURS ON SUNDAYS

A request from Antonio Mitre, Project Director, Iberdrola Energy Projects, Inc. (EPC Contractor for the new Salem Harbor Energy Center Construction) to allow work hours to include occasional Sundays from 7:00 A.M. to 5:00 P.M. Current work hours are 6:00 A.M. to 5:00 P.M. five to six days per week and occasional major concrete pours have started as early as 2:00 A.M. and 4:00 A.M. Some operations starting at the end of 2016 will require multiple shifts as contemplated in the Construction Management Plan, was granted with the following amendment and conditions: amended Sundays 8:00 AM to 5:00 PM, conditions: notify the Building Inspector a week in advance, any complaints will be grounds for revocation, work on Sundays should not be more than two Sundays a month and finally this will be reviewed in January.

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#746 – LICENSE APPLICATIONS

The following license applications were granted.

PUBLIC GUIDES:	Michael Metzger, 634 Woodlands Way, Abington Susan Metzger, 25 Shepard St., Marblehead Abigail Russell, 37 Forest St., Wakefield Rory O’Brien, 1 Courageous Court, Salem William Sano, 35 Daniels St., Salem
----------------	--

#747 - #749 LICENSE APPLICATIONS

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

SEAWORMS:	Jose Machado, 138 Lynnfield St., Peabody Eduardo C. Santos, 4 Collins St., Peabody Tomo Shiraishi, 58 Everett St., E. Boston
SECOND HAND CLOTHING:	Re-Find, 244 Essex St., Salem Re-Find, 72 Washington St., Salem
SECOND HAND VALUABLE:	RJ Coins and Jewelry, LLC., 68 Wharf St., Salem

#750 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The following Drainlayer/Contract Operator licenses were granted.

Dilulis Brothers Construction Co., 31 Collins St. Terrace, Lynn
 JJ O’Brien & Sons, Inc. 5 Fern St., Waltham
 James W. Flett Co., Inc., 800 Pleasant St., Belmont
 N. Granes & Sons, Inc., 59 Jefferson Ave., Salem
 Spencer Contracting, 350 Main St., Boxford
 Village Construction Co, 57 Wharf St., Salem
 WL French Excavating Corp., 3 Survey Circle, N. Billerica

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

#751 - #753 CLAIMS

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

Cynthia Johnson, 13 River St., Salem
Jill El-Ashkar, 212 Canal St., Salem
Ryan Blaney, 39 Main St., Salisbury

(#679) – SECOND PASSAGE ORDINANCE RESIDENT STICKER PARKING GIFFORD COURT

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 75 Resident Sticker Parking Gifford Court, was then taken up. It was adopted for second and final passage.

(#680) – SECOND PASSAGE ORDINANCE TOW ZONE GIFFORD COURT

The matter of second passage of an Ordinance amending Traffic Ch. 42, Sec. 74 “General Prohibitions Towing Zone” Gifford Court, southerly side, was then taken up. It was adopted for second and final passage.

(#681) – SECOND PASSAGE ORDINANCE HANDICAP PARKING NORMAN STREET

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

(#682) – SECOND PASSAGE ORDINANCE HANDICAP PARKING REPEAL CABOT STREET

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

CITY OF SALEM

DECEMBER 3, 2015

REGULAR MEETING OF THE CITY COUNCIL

(#686) – SECOND PASSAGE ORDINANCE HANDICAP PARKING PHELPS STREET

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

On the motion of Councillor Furey the meeting adjourned at 10:05 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK