

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee on Community and Economic Development

met in the Council Chamber on Thursday, June 7, 2012 at 6:30 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on

Monday, June 4, 2012 at 11:36AM.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: Councillor Carr ~~_____~~

Councillor Ryan Presiding.

SUBJECT(S)

#308 - Petition from Arthur King regarding the leasing of City owned land.

- Mike O'Brien, attorney for Arthur King spoke about the issue with Richards Rd being leased/licensed to a resident on 5 Well St
- Attorney Beth Renaud spoke about the issue
- Councillor Sosnowski asks questions about the issue
- Arthur King spoke about his issue and the garden in the street
- Councillor Segel wants the City to determine the street location
- Councillor Sargent wants the road repaired
- Councillor Frevey asks City Solicitor difference between lease + lease
- Councillor Sosnowski ~~City Solicitor~~ mentioned to have City Solicitor determine boundaries, lease + deed garden, have 5 Well St. pay to restore St. 2nd by C. T. W. ~~keep in Council Approval~~

#339 - Discuss creating an Ordinance for limits on density variances.

- Councillor Sosnowski explained his order and why he brought it into Council.
- Councillor Sargent talked about PUD's

Councillor Prevoy talked about what happens now in front of the ZBA / Planning Board.

Jim Treadwell, 36 Felt St., asked that we bring the boards in front of the Council Committee

Councillor Sosnowski stated Mr. Treadwell is a Certified Planner and asked him questions regarding some Japan Projects

Councillor Ryan made statements regarding the powers of the Salem Planning Board and that they need to "flex their muscles"

Councillor Sargent explained BPD is zoned business and the politician needs to apply for a pub.

Councillor Sosnowski wants to know what the Council is going to do.

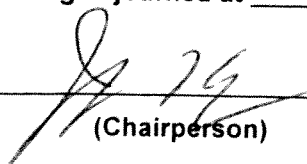
Councillor Ryan read an email from Ed Masaty, former member of ZBA

Councillor Sargent spoke about the email and variations

* Councillor Sosnowski motioned to keep in Committee and setup another meeting to invite the Planning Board, Zoning Board, City Planner, City Solicitor, Ed Masaty, Jim Treadwell, and any interested parties
2nd by Councillor Prevoy

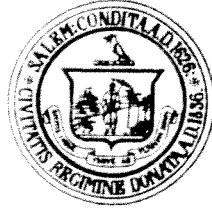
On the motion of C. Sosnowski

the meeting adjourned at 7:40 P.M.


(Chairperson)

City of Salem, Massachusetts
Office of the City Clerk

Cheryl A. LaPointe
City Clerk



2012 JUN -4 A 11:36
Room 1
City Hall

FILE #
CITY CLERK, SALEM, MASS.

MEETING NOTICE

"Know Your Rights Under the Open Meeting Law, M.G.L. c.39 §23B, and City Ordinance Sections 2-2028 through 2-2033."

June 4, 2012

Dear Councillor:

There will be a Meeting of the City Council Committee on Community and Economic Development to be held in the City Council Chambers on Thursday, June 7, 2012 at 6:30 P.M. for the purpose of taking up a petition from Arthur King regarding the leasing of City property and to discuss creating an ordinance for limits on density variances.

Very truly yours,

CHERYL A. LAPOINTE
CITY CLERK

ATTEST:

This notice posted on Official Bulletin Board
City Hall Salem, Mass. on June 4, 2012
11:36 AM in accordance with Chap. 39 Sec.
23A & 23B of M.G.L.

LICENSE

This agreement is made this day between the City of Salem, a municipal corporation located in Essex County, Massachusetts with a mailing address of 93 Washington Street, in said Salem ("Salem") and George Alemnji, owner of 5 Wall St., Salem, MA ("Licensee").

WHEREAS, Licensee and its tenants have maintained and planted a garden, including vegetables, on a portion of city land for many years and wish to continue to use this land during 2011;

WHEREAS, the Licensee does not claim any right to the land as show in Exhibit 1 and maintains that this land belongs to the city of Salem;

WHEREAS, the city of Salem does not have any current purpose for this land;

NOW THEREFORE, in consideration of One and 00/100 (\$1.00) Dollar to be paid at the time the license is executed, and other good and valuable consideration paid to each other, the receipt and sufficiency of which is hereby severally acknowledged.

IT IS AGREED THAT:

1. Salem hereby licenses and authorizes Licensee for a period of six months commencing June 15, 2011 to use the land adjacent to 5 Wall Street, and as shown on the attached Exhibit 1, for the limited purpose of planting and maintaining a vegetable and flower garden.
2. Licensee hereby releases and discharges Salem from any and all liability that may occur as a result of injuries or damage to persons or property on said land. Licensee is encouraged to extend home owner's insurance to cover the land.
3. Licensee shall be responsible for removing all plant material at the end of the license period and returning the land back to its prior condition.
4. Salem may, during the license period, require the Licensee to remove any vegetation, with 30 days notice to Licensee.

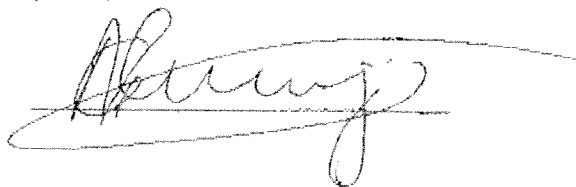
Signed and sealed this 30 of June, 2011.

CITY OF SALEM

Licensor


Kimberley L. Driscoll, Mayor

Licensee



Parcel Map with Aerial Photo

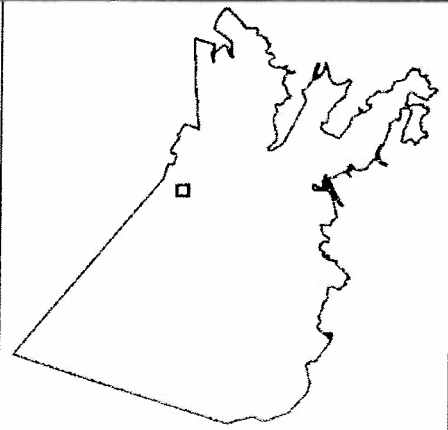


Map of the City of Salem, MA
 Parcel Map with Aerial Photo
 Map Date: 6/11/2012

**NBQ!GP S!SFGFSFODF!P OMZ
 OP U!B!MFHBM EP DVN FOU**

This map is for informational purposes only. It is not intended to be used for legal purposes. The City of Salem, MA is not responsible for any errors or omissions on this map. The City of Salem, MA is not responsible for any damages or losses resulting from the use of this map.

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978-745-5078

#308

TO WHOM IT MAY CONCERN

SALEM COUNCIL

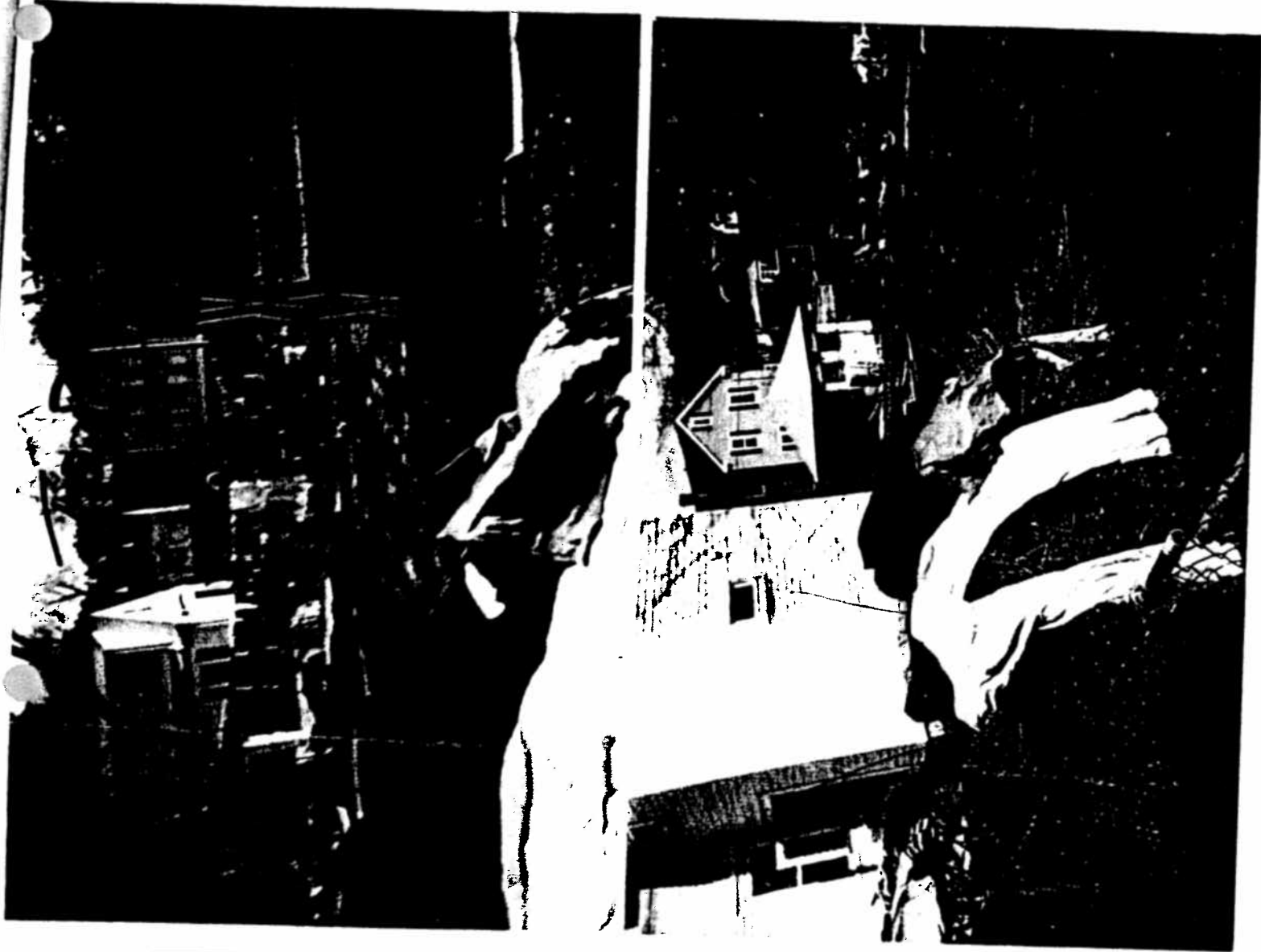
SALEM CITY COUNCILOR RYAN

I Arthur Xing Living at 7 Wall St
For 50 YEARS, working for The City of
Salem for 37 years am writing to the
members of The Council to Complain about
The mayor giving The Tenants + Landlord
at 5 Wall St who Does not Live Here permission to dig
up Richards Road to me for a garden in 20
had my House for Sale + Had it Sold
Till they seen the mess Lost 2 Buyers
Plus Shipped Furniture as I had a purchase
+ sale agreement and had to Rent a
Pod AT \$2286.94 To Deliver it Back to mass
They STARTED digging it up ^{again} March 2012
Called Jen at Mayors office she Referred me TO
Jason Silver who STALLED me Till some one
Told Him I WAS going TO The Council ON
APRIL 12TH/2012 THAT DAY Jason Called
me + TOLD me they gave them A LEASE 204
TOLD Him IT'S A STREET ILLEGAL) PAID A
LAWYER TO CHECK AT REGISTRY OF DEED +
CHECK CITY BY LAW THAT STATES IT IS ILLEGAL
AS COUNCIL HAS TO VOTE ON ANY LEASE OR SALE
AS SHE MY SEND ORDER TO COUNCIL TO HAVE
them lease PART OF ROAD TO GROW A GARDEN
IF POSSIBLE WOULD LIKE TO SPEAK OUT TO ...

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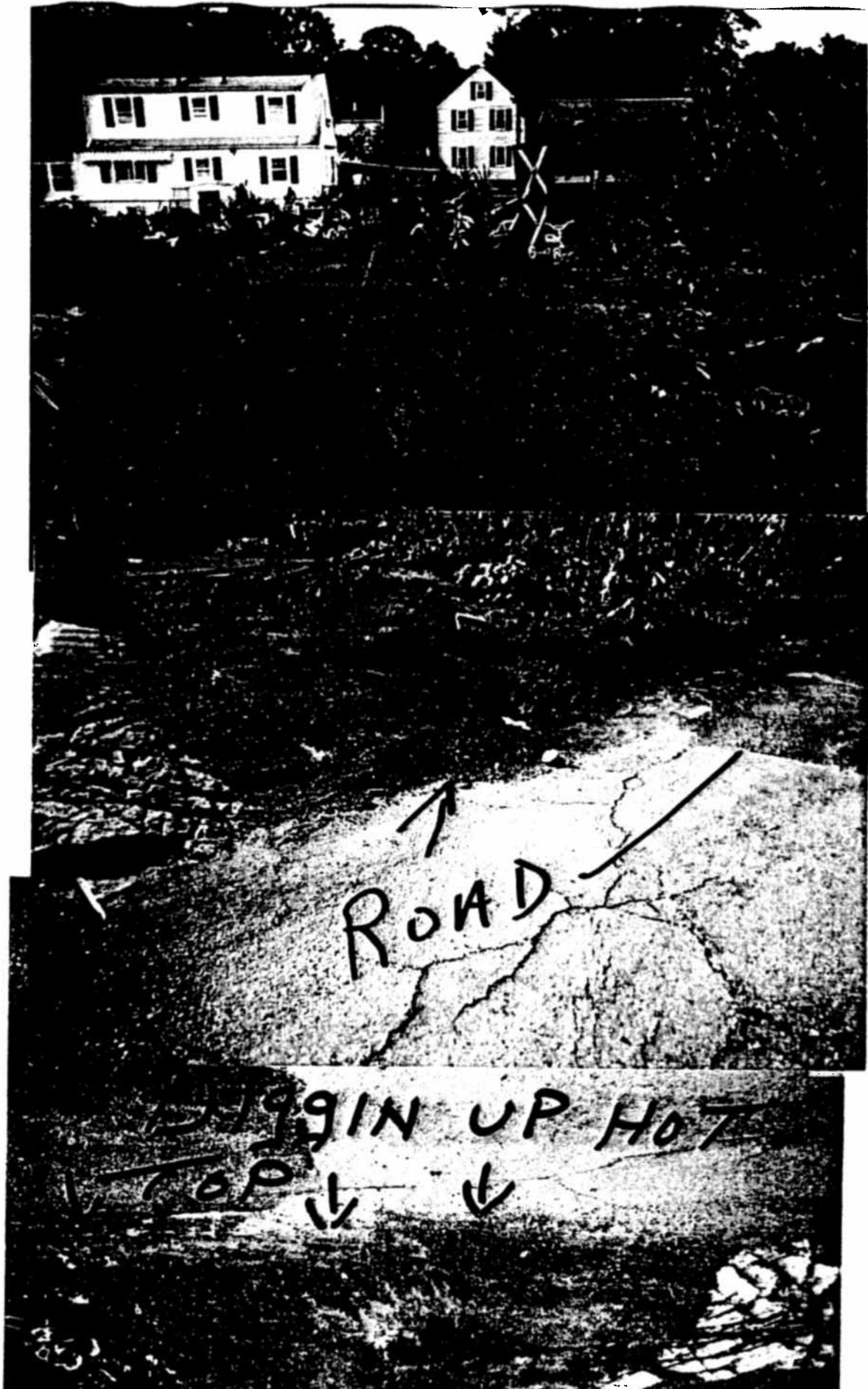


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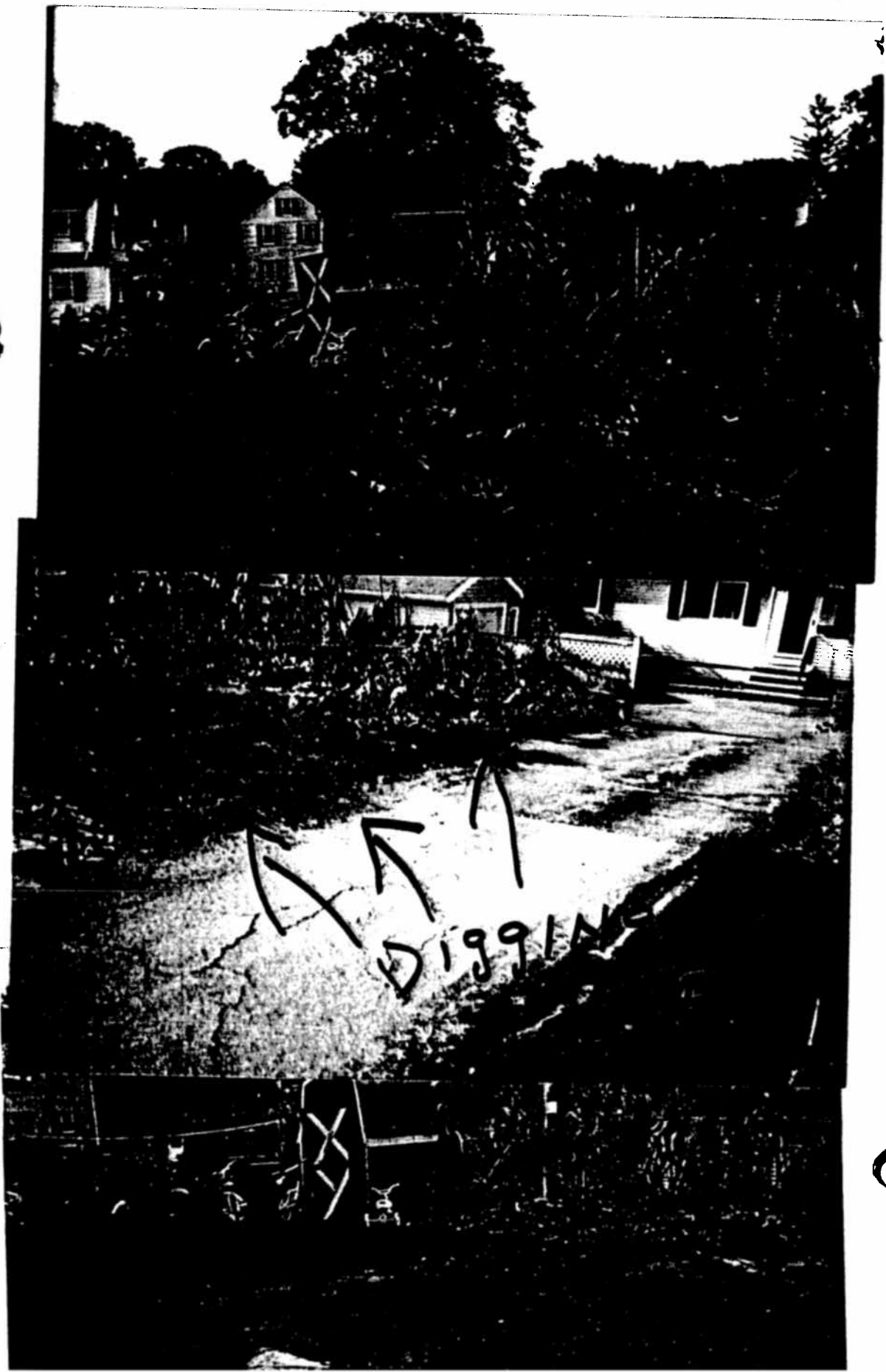
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THIS IS A CITY ROAD



RICHARDS RD

cil. Thereupon, the clerk shall notify the members in the manner set forth in the rules and orders of the city council. (Code 1952, Ch. 2, § 42)

Sec. 2-126. Place of meetings.

All regular meetings of the city council shall be held in the city council chamber. Subcommittee meetings may be held in either the city council chamber or subcommittee anteroom. (Code 1952, Ch. 2, § 42; Ord. of 6-9-88, § 2)

Sec. 2-127. Authority to have officers appear and give information.

Every city officer shall, when requested by the city council, appear before the council at any meeting thereof, and furnish such information as may be desired by the council relative to any matter concerning their department which is being considered by the council. (Code 1952, Ch. 2, § 40)


Sec. 2-128. Fixing compensation of city officers and employees.

Unless otherwise provided by law, this Code, or any other ordinance, the compensation of all city officers and employees shall be determined by the city council. (Code 1952, Ch. 2, § 41)

Sec 2-277
~~Sec. 2-129. Sale or lease of land.~~

The city council may convey or lease real estate only by a vote of two-thirds (2/3) of all its members. Any subsequent amendment of this section shall require a two-thirds (2/3) vote of all the members of the city council. (Ord. of 11-14-85, § 1)

Secs. 2-130—2-134. Reserved.



June 29, 2011

Dear Mr. King,

Here is the signed contact to purchase. Please keep this for your files. The home inspection will be on **Friday July 8 at 8:30am**. I know that this is early but it was the only time that the buyer could get someone to come out and do it.

I have indicated that the sale price of the home will not be negotiable after home inspection. Also, let them know that the second floor refrigerator will be going with you.

I will be away from July 2 to July 4. If you have any questions or concerns please don't hesitate to call me.

Best, Linda Broughton-Reilly

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Mr. Arthur King (SELLER)
7 Wall Street
Salem, MA 01970

FROM: Daniel Balbo (BUYER)

SUBJECT: TERMINATION OF CONTRACT TO PURCHASE--7 WALL ST SALEM, MA 01970

Based upon a Contract to Purchase for the above property which was executed by the BUYER on June 26, 2011 and accepted by the SELLER on June 28, 2011; and further which "INSPECTION: BUYER(S)' ELECTION TO TERMINATE" (paragraph #5) was modified (thru July 18, 2011) by a "Extension of Contingencies" executed by the SELLER on July 11, 2011 and by the BUYER on July 12, 2011.

Now, based upon the right to terminate as detailed in the above paragraph, the BUYER was dissatisfied with the results of the Inspection(s) and hereby gives the required Notice of Termination to the SELLER and LISTING BROKER; wishing to release each other from all liability under the Contract and with all Deposits being returned to the BUYER.

Daniel Balbo

Arthur King

3

py

March 17, 2010

Salem City Council
Council of the Whole
City Hall
Salem, MA 01970

To the Salem City Council:

I, John Butler, residing at 21 Butler Street, Salem MA, former Councillor of Ward 4 do hereby state and certify to the following facts regarding properties located at Wall Street and Richards Road.

In 1965 the owner, Arthur King, of 7 Wall Street personally paid to have his property located at 7 Wall Street, Richards Road (which was a non-excepted street at the time) and the side of 5 Wall Street ~~hot-topped~~ hot-topped to keep the dust down as he had a child who had medical issues regarding dust. He has taken care of this stretch of land since 1965.

I know that Mr. King personally paid for the paving as I was the Councillor of Ward 4 at the time and a person in the Ward called me to find out if the City or Mr. King paid to have these properties hot-topped. I looked into the matter and found out that Mr. King paid for said paving.

John J. Butler
John Butler 978-744-2044



TRANSACTION SUMMARY

Customer ID 102373355
Name King, Arthur F
Address 7 Wall St
Salem, MA 01970

Credit card 4XXXXXXXXXXXX3151
Expires 09/14
Auto Pay Yes
02/02/12 825.30 charged
02/07/12 1,459.60 charged

Scheduled moves
No scheduled moves at this time

Qty	Terms	Description	Amount	Tax	Total
1	Monthly recurring	Contents Protection \$ 10,000	49.95	0.00	99.95
1	One time charge	Contents Protection Transit Fee	50.00	0.00	0.00
1	Monthly recurring	Contents Protection \$ 10,000	49.95	0.00	49.95
1	Monthly recurring	Monthly rental of 16' container #1	199.99	25.68	420.67
1	One time charge	Local Handling Fee #1	195.00	0.00	0.00
1,312	Per mile	Transportation mileage of 16' container #1	112.00	82.00	1,459.60
1,312	One time charge	Fuel Subsidy #1	65.60	0.00	0.00
1	One time charge	Delivery to 01970 #1	42.24	0.00	42.24
1	Monthly recurring	Monthly rental of 16' container #1	199.99	12.50	212.49
TOTAL CHARGES					2,284.90

Tenant acknowledges that it is the Tenant's sole responsibility to insure the contents stored in a container and agrees that unless Tenant contracts with Lessor to assume liability of damage, will either secure insurance that the Tenant deems adequate from a third party carrier of Tenant's choosing or, alternatively, accept full responsibility for all losses.

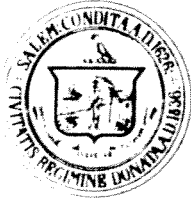
This Transaction Summary is hereby incorporated into and made a part of the Rental Agreement between Tenant and Lessor

Arthur F King
Tenant's signature

3/24/2012
Date

* SHOULD YOUR DESTINATION LOCATION CHANGE, THESE PRICES ARE SUBJECT TO CHANGE

#337



CITY OF SALEM

In City Council, May 24, 2012

Ordered:

That the Committee on Community and Economic Development co-posted with the Committee of the Whole meet to discuss creating a city ordinance that limits the variances issued by the Zoning Board of Appeals on density variances to no more than 120% of the original zoning laws.

In City Council May 24, 2012
Adopted as amended

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK